

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

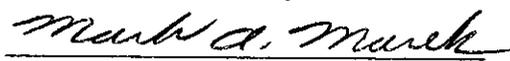
The Texas Transportation Commission (commission) finds it necessary to propose amendments to §15.122, relating to design considerations, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §15.122 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director, Design Division

Recommended by:



Executive Director

110223 SEP 29 05

Minute
Number

Date
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes
3 amendments to §15.122 concerning design considerations.

4

5 EXPLANATION OF PROPOSED AMENDMENTS

6 Transportation Code, Chapter 201.615, requires the department to
7 consider various design factors when developing transportation
8 projects that involve the construction, reconstruction,
9 rehabilitation, or resurfacing of a highway, other than a
10 maintenance resurfacing project. The section describes those
11 design factors that will be considered during the development of
12 transportation projects in which the department has design and
13 construction or funding responsibilities.

14

15 Existing §§15.120-15.122 provide the design factors that the
16 department is required to consider during transportation project
17 development. Section 15.120 describes how these design factors
18 will be considered during the development of transportation
19 projects. Section 15.121 provides the definitions for the
20 subchapter. Section 15.122 provides the current design factors
21 which will be considered by the department.

22

23 To comply with House Bill 2702, 79th Legislature, Regular
24 Session, 2005, §15.122 is amended to address the addition of
25 aesthetic characteristics among those design factors considered

1 by the department during transportation project development.
2 The inclusion of input from each affected local community, with
3 respect to the aesthetic character of the project, is also
4 added. Transportation projects that involve the rehabilitation
5 or resurfacing of a bridge or highway are excluded from these
6 additional design considerations.

7

8 FISCAL NOTE

9 James Bass, Chief Financial Officer, has determined that for
10 each of the first five years the amendments as proposed are in
11 effect, there will be no direct fiscal implications for state or
12 local governments as a result of enforcing or administering the
13 amended section. There are no anticipated economic costs for
14 persons required to comply with the amendments as proposed.

15

16 Mark A. Marek, P.E., Director, Design Division, has certified
17 that there will be no significant impact on local economies or
18 overall employment as a result of enforcing or administering the
19 amended section.

20

21 PUBLIC BENEFIT

22 Mr. Marek has also determined that for each year of the first
23 five years the amendments are in effect, the public benefits
24 anticipated as a result of enforcing or administering the
25 amendments will be the consistent consideration of the aesthetic

1 character of a project. There will be no adverse effect on
2 small businesses.

3

4 SUBMITTAL OF COMMENTS

5 Written comments on the proposed amendments may be submitted to
6 Mark A. Marek, P.E., Director, Design Division, Texas Department
7 of Transportation, 125 East 11th Street, Austin, Texas 78701-
8 2483. The deadline for receipt of comments is 5:00 p.m. on
9 November 14, 2005.

10

11 STATUTORY AUTHORITY

12 The amendments are proposed for adoption under Transportation
13 Code, §201.101, which provides the Texas Transportation
14 Commission with the authority to establish rules for the conduct
15 of the work of the Texas Department of Transportation.

16

17 CROSS REFERENCE TO STATUTE

18 Transportation Code, §201.614.

SUBCHAPTER J. DESIGN CONSIDERATIONS

§15.122. Design Considerations. The factors as provided in paragraph (1) of this section will be considered when transportation projects are developed in order to provide transportation systems and alternatives that are comfortable, safe, durable, cost-effective, accessible, environmentally sensitive, aesthetically pleasing, and that consider other transportation modes.

(1) Factors. The department, through a district, local government or MPO, shall consider the following factors when developing transportation projects:

(A) the extent to which the project promotes safety;

(B) the durability of the project;

(C) the economy of maintenance of the project;

(D) the impact of the project on:

(i) the natural and artificial environment;

(ii) the scenic and aesthetic character of the area in which the project is located;

(iii) preservation efforts; and

(iv) each affected local community and its economy; ~~and~~

(E) the access for other modes of transportation, including those that promote physically active communities;

1 and

2 (F) except for transportation projects that involve the
3 rehabilitation or resurfacing of a bridge or highway, the
4 aesthetic character of the project, including input from each
5 affected local community.

6 (2) Assessment. The factors provided in paragraph (1) of
7 this section will be assessed when developing transportation
8 projects.

9 (A) Safety will be considered throughout the project
10 development process. Each type of project will be evaluated,
11 appropriate engineering studies will be completed, and
12 appropriate design guidelines will be utilized with sound
13 engineering judgment in order to accomplish the purpose of that
14 particular transportation project. Safety is integral to
15 properly engineering each project to address the anticipated
16 needs and conditions.

17 (B) Durability and economy of maintenance will be
18 incorporated into each project as it is developed in order to
19 provide the most cost-effective and reliable products available
20 through engineering study and evaluation. Final selection of
21 products will be based on accepted design practices,
22 specifications, availability of products, testing, and
23 construction industry standards. The appropriate combination of

1 products in each project will provide a project with a
2 reasonably long life and will require reasonable upkeep to
3 preserve its originally intended service life.

4 (C) The factors listed in paragraph (1)(D) of this
5 section are all factors considered in the environmental review
6 and public involvement process as prescribed in Chapter 2,
7 Subchapter C of this title (relating to Environmental Review and
8 Public Involvement for Transportation Projects) that is an
9 integral part of the development of each project.

10 (D) Access for other modes of transportation will be
11 considered during the project development process by developing
12 plans and projects that contain, where appropriate,
13 interconnections with other transportation facilities, including
14 bicycle transportation facilities, pedestrian walkways, and
15 trails.

16 (E) Except for transportation projects that involve the
17 rehabilitation or resurfacing of a bridge or highway, the
18 aesthetic character of the project will be considered during the
19 project development process by developing plans and projects
20 that contain, where appropriate, aesthetic enhancements to the
21 transportation facilities. Input from each affected local
22 community is gathered as part of the public involvement process
23 as prescribed in Chapter 2, Subchapter C of this title (relating

- 1 to Environmental Review and Public Involvement for
- 2 Transportation Projects) that is an integral part of the
- 3 development of each project.