

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

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

The preamble and the adopted 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 adopted and are authorized for filing with the Office of the Secretary of State.

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:

mark a. mark
Director, Design Division

Recommended by:

m. w. Behrens
Executive Director

110343 DEC 15 05

Minute Number Date Passed

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts
3 amendments to §15.122 concerning design considerations. The
4 amendments to §15.122 are adopted without changes to the
5 proposed text as published in the October 14, 2005 issue of the
6 *Texas Register* (30 TexReg 6686) and will not be republished.

7

8 EXPLANATION OF ADOPTED AMENDMENTS

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

17

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

25

1 To comply with House Bill 2702, 79th Legislature, Regular
2 Session, 2005, §15.122 is amended to address the addition of
3 aesthetic characteristics among those design factors considered
4 by the department during transportation project development.
5 The inclusion of input from each affected local community, with
6 respect to the aesthetic character of the project, is also
7 added. Transportation projects that involve the rehabilitation
8 or resurfacing of a bridge or highway are excluded from these
9 additional design considerations.

10

11 COMMENTS

12 No comments on the proposed amendments were received.

13

14 STATUTORY AUTHORITY

15 The amendments are adopted under Transportation Code, §201.101,
16 which provides the Texas Transportation Commission with the
17 authority to establish rules for the conduct of the work of the
18 department.

19

20 CROSS REFERENCE TO STATUTE

21 Transportation Code, §201.614.

1 SUBCHAPTER J. DESIGN CONSIDERATIONS

2 §15.122. Design Considerations. The factors as provided in
3 paragraph (1) of this section will be considered when
4 transportation projects are developed in order to provide
5 transportation systems and alternatives that are comfortable,
6 safe, durable, cost-effective, accessible, environmentally
7 sensitive, aesthetically pleasing, and that consider other
8 transportation modes.

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

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

13 (B) the durability of the project;

14 (C) the economy of maintenance of the project;

15 (D) the impact of the project on:

16 (i) the natural and artificial environment;

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

19 (iii) preservation efforts; and

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

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

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

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

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

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

1 reasonably long life and will require reasonable upkeep to
2 preserve its originally intended service life.

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

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

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