

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §15.2, relating to definitions, new §15.9, relating to corridor advisory committees, and new §24.13, relating to corridor planning and development, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments and new sections, attached to this minute order as Exhibits A - D, 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 §15.2 and new §15.9 and §24.13 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:

Recommended by:

Director, Texas Turnpike Authority
Division

Executive Director

Minute Number Date Passed

Adoption Preamble

The Texas Department of Transportation (department) adopts amendments to §15.2, concerning definitions, and new §15.9, concerning corridor advisory committees. The amendments to §15.2 are adopted with changes to the proposed text as published in the October 12, 2007 issue of the *Texas Register* (32 TexReg 7243). New §15.9 is adopted without changes to the proposed text as published in the October 12, 2007 issue of the *Texas Register* (32 TexReg 7243) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS AND NEW SECTION

Transportation Code, Chapter 227 authorizes the department to plan and construct a new set of intermodal transportation facilities, known as the Trans-Texas Corridor, which will integrate highway, rail, and utility components.

Transportation Code, §227.012 requires the Texas Transportation Commission (commission) to consider the criteria prescribed in that section when selecting a route for a segment of the Trans-Texas Corridor. Transportation Code, §227.013 provides that before the designation of a route for a segment of the Trans-Texas Corridor, the department shall hold at least one public hearing in each county through which the segment may pass.

The department is currently engaged in the planning and

1 environmental review of elements of the Trans-Texas Corridor and
2 is establishing development plans for those elements that will
3 define facilities to be developed as part of that element. The
4 department is also currently engaged in the planning and
5 environmental review of facilities that serve a connectivity or
6 financing purpose to an element of the Trans-Texas Corridor and
7 that may become all or part of a segment of the Trans-Texas
8 Corridor. The scope of work under the comprehensive development
9 agreement for the Oklahoma to Mexico/Gulf Coast element of the
10 Trans-Texas Corridor (TTC-35) provides for the developer to work
11 with the department to prepare a master development plan that
12 will identify facilities that may be developed as part of the
13 project. The department intends to establish a similar scope of
14 work for the development of the corridor planned as part of
15 Interstate Highway 69 (TTC-69).

16
17 However, focusing only on what can be viewed as one piece of the
18 puzzle, in this case the development of the Trans-Texas
19 Corridor, will not fully provide the transportation solutions
20 needed to remedy critically important mobility needs in the
21 state. At the July 26, 2007 and August 23, 2007 meetings of the
22 Texas Transportation Commission, the commission requested that
23 rules be drafted that would authorize the creation of committees
24 to assist the department in the planning and development of
25 major corridors in the state, including the designation of

1 routes for and construction of segments of the Trans-Texas
2 Corridor. For example, a committee could be created to assist
3 the department in the planning and development of the "35
4 corridor", which includes I-35 and TTC-35.

5
6 Transportation Code, §201.601 and 23 U.S.C. §135 require the
7 department to develop a statewide transportation plan and
8 transportation improvement program that encompasses all modes of
9 transportation. Transportation Code, §201.601, 23 U.S.C. §135,
10 and other law requires the department to seek opinions and
11 assistance from other state agencies, political subdivisions,
12 and other interested parties concerning the transportation plan
13 and transportation improvement program.

14
15 Transportation Code, §227.002 authorizes the department to
16 establish procedures necessary or convenient to implement and
17 administer Transportation Code, Chapter 227. Transportation
18 Code, §227.013 requires the department to provide for public
19 participation and obtain public input in the designation of a
20 route for a segment of the Trans-Texas Corridor. Transportation
21 Code, §227.032 requires the department to consider advice
22 solicited from county commissioners courts, governing bodies of
23 municipalities, and metropolitan planning organizations in the
24 connection of a segment of the Trans-Texas Corridor to
25 significant farm-to-market and ranch-to-market roads and major

1 county and city arterials.

2

3 Amendments to §15.2, Definitions, change the definition of
4 corridor to clarify that a corridor may include rail and utility
5 route alignments and provide for the movement of people and
6 goods, to clarify that mobility projects include the
7 construction of facilities on a new location as well as adding
8 lanes to an existing facility, and to add the definition of
9 Trans-Texas Corridor for the purposes of §15.9.

10

11 New §15.9, Corridor Advisory Committees, provides that the
12 commission by order will create advisory committees to assist
13 the department in the transportation planning process for the
14 Interstate Highway 35 corridor (including TTC-35) and in the
15 corridor planned as part of Interstate Highway 69 (including
16 TTC-69) and may create an advisory committee for any other
17 corridor, including an element of the Trans-Texas Corridor.

18

19 The purpose of an advisory committee is to facilitate and
20 achieve support and consensus from affected communities,
21 governmental entities, and other interested parties in the
22 planning of transportation improvements in the corridor for
23 which it is created and in the establishment of development
24 plans for that corridor. An advisory committee's advice and
25 recommendations will provide the department with an enhanced

1 understanding of public, business, and private concerns about
2 the corridor for which it is created, facilitating the
3 department's communications and project development objectives
4 and resulting in greater cooperation between the department and
5 all affected parties during project planning and development.

6
7 New §15.9 prescribes the membership and duties of a corridor
8 advisory committee. An advisory committee shall report to the
9 executive director its advice and recommendations on
10 transportation improvements to be made in the corridor for which
11 it is created, including facilities to be included in a
12 development plan for that corridor, facilities to be included in
13 a development plan for an element of the Trans-Texas Corridor,
14 and upgrades and other improvements to be made to existing
15 facilities located in that corridor, and on other corridor level
16 planning and development matters as requested by the department.
17 In developing advice and recommendations, an advisory committee
18 will evaluate economic, political, societal, and demographic
19 population trends affecting transportation and will consider
20 existing facilities, upgrades to existing facilities, new or
21 planned facilities, multimodal solutions, and available
22 financing options.

23
24 New §15.9 provides that an advisory committee is subject to the
25 requirements for operating procedures and reimbursement of

1 expenses applicable to a department advisory committee under 43
2 TAC §1.85 and prescribes a sunset date of December 31, 2009 for
3 an advisory committee.

4

5 COMMENTS

6 Comments on the proposed amendments and new section were
7 received from one individual. The commenter indicated that his
8 comments were not specific comments to any proposed rule being
9 considered by the commission, but instead were general
10 philosophical comments to try and avoid problems his committee
11 encountered.

12

13 The commenter first indicated that the idea of separating the
14 corridor advisors is an excellent concept. Those members of his
15 committee from locations along I-35 never fully appreciated the
16 specific concerns of the I-69 members, and this new concept will
17 help to alleviate those difficulties.

18

19 Comment: The commenter's chief philosophical concern is that
20 getting this needed local input may cause a further dilution of
21 seeing the bigger picture of how all modes of transportation in
22 Texas need to interact, instead of looking at local project
23 impacts. Committee members that are selected need to be able to
24 offer ideas on how to solve statewide transportation issues.

25

1 Response: The new committee structure provided in §15.9 and new
2 §24.13, authorizing the creation of corridor segment committees,
3 along with the Trans-Texas Corridor advisory committee
4 established under 43 TAC §1.85, will better address and
5 distinguish between corridor-wide issues and local issues and
6 concerns. The new committee structure, particularly the
7 corridor segment committees, is intended to provide a means for
8 obtaining input on local issues. The corridor advisory
9 committees will need to provide advice and recommendations on
10 corridor-level planning and development matters, and the
11 department agrees that persons who are selected as committee
12 members need to be able to carry out those responsibilities. No
13 change to the rule has been made as a result of this comment.

14
15 Comment: The commenter's other concern is that the original
16 concept of the Trans-Texas Corridor was to be multimodal (i.e.,
17 highways, rail, and utilities). The rail and utility components
18 are extremely critical to Texas' transportation future, and
19 their unique problems with grade and alignment do not always gel
20 with the engineering designs of tollways. The commenter asks
21 whether it would be possible to amend the rule to provide an
22 additional separate advisory committee to study and recommend
23 rail and another to recommend utilities.

24
25 Response: The department is statutorily required to develop a

1 statewide transportation plan and transportation improvement
2 program that encompasses all modes of transportation.
3 Consistent with that requirement, Transportation Code, Chapter
4 227 authorizes the development of corridors that include
5 facilities of different modes, such as highways, rail, and
6 utilities. An advisory committee may be established under §15.9
7 for the purpose of providing advice and recommendations on
8 transportation improvements to be made in the corridor for which
9 it is created and is required to consider multimodal solutions.
10 No change to the rule has been made as a result of this comment.

11
12 In addition, the department revised §15.2 to clarify the meaning
13 of terms used in 43 TAC Chapter 15, Subchapter A.

14
15 STATUTORY AUTHORITY

16 The amendments and new section are adopted under Transportation
17 Code, §201.101, which provides the commission with the authority
18 to establish rules for the conduct of the work of the
19 department, Transportation Code, §227.002, which provides the
20 commission with the authority to adopt rules as necessary or
21 convenient to implement and administer Transportation Code,
22 Chapter 227, and Government Code, Chapter 2110, which requires a
23 state agency establishing an advisory committee to by rule state
24 the purpose and tasks of the committee and describe the manner
25 in which the committee will report to the agency.

- 1
- 2 CROSS REFERENCE TO STATUTE
- 3 Transportation Code, Chapter 227, and Government Code, Chapter
- 4 2110.

1 SUBCHAPTER A. TRANSPORTATION PLANNING

2 §15.2. Definitions. The following words and terms, when used
3 in this subchapter, shall have the following meanings, unless
4 the context clearly indicates otherwise.

5 (1) Clean Air Act Amendments of 1990 (CAAA)--Amendments
6 to the Clean Air Act of 1970 (CAA) (42 U.S.C. §7401 et seq.),
7 including procedures that apply to all transportation plans,
8 programs, and projects as they relate to air quality.

9 (2) Commission--The Texas Transportation Commission.

10 (3) Conformity--Clean Air Act requirements that
11 transportation plans and transportation improvement programs in
12 nonattainment or maintenance areas meet the intent of the Texas
13 State Implementation Plan (SIP) and the U.S. Environmental
14 Protection Agency (EPA) conformity regulations contained in 40
15 C.F.R. Part 51. Emissions caused by transportation plans and
16 programs in these areas must not exceed the level of motor
17 vehicle emissions allowed in Texas' SIP and the EPA regulations.

18 (4) Corridor--A broad geographical band with no
19 predefined size or scale that follows a general directional
20 flow, providing for the movement of people and goods and
21 connecting major sources of trips. It involves a nominally
22 linear transportation service area that may contain a number of
23 streets, highways, rail, utility, and transit route alignments.

1 (5) Department--The Texas Department of Transportation.

2 (6) District--One of the 25 geographical areas, managed
3 by a district engineer, in which the department conducts its
4 primary work activities.

5 (7) Environmental Protection Agency (EPA)--The federal
6 agency primarily responsible for environmental protection,
7 including air quality as it relates to this subchapter.

8 (8) Executive director--The executive director of the
9 Texas Department of Transportation or his or her designee.

10 (9) Federal discretionary program--Special set-aside
11 funds to be included as line item discretionary projects
12 designated by the United States Congress.

13 (10) Federal Highway Administration (FHWA)--The federal
14 agency primarily responsible for highway transportation.

15 (11) Federal Transit Administration (FTA)--The federal
16 agency primarily responsible for public mass transportation.

17 (12) Governor--The governor of the State of Texas or his
18 or her designee.

19 (13) Major revision--An amendment to the Statewide
20 Transportation Improvement Program involving a reallocation of
21 funds between two or more districts or two or more metropolitan
22 planning organizations or a metropolitan planning organization
23 and a district.

1 (14) Metropolitan planning organization (MPO)--The forum
2 for cooperative transportation decision making for the
3 metropolitan planning area. The MPO is also the organization
4 that is responsible for carrying out the transportation planning
5 process for the metropolitan area.

6 (15) Metropolitan planning organization policy board--The
7 forum and committee structure (e.g., Regional Transportation
8 Council, Steering Committee, Policy Advisory Committee)
9 established under Section 134 of Title 23, U.S. Code, Section
10 5303 of Title 49, U.S. Code, and the Governor's Designation
11 Agreement as the group responsible for giving an MPO overall
12 transportation policy guidance.

13 (16) Mobility projects--Transportation projects that add
14 additional mainlanes to an existing facility or construct lanes
15 on a new location and which have a length of at least one mile.

16 (17) Rural transportation improvement program--A staged,
17 multiyear, intermodal program of transportation projects which
18 is developed by the department, in consultation with local
19 officials, for areas of the state outside of the metropolitan
20 planning area boundaries. The rural TIP includes a financially
21 constrained plan that demonstrates how the program can be
22 implemented.

23 (18) Subarea--An area with no predefined size or scale

1 that focuses on a non-linear part of a metropolitan area, such
2 as an activity center or other geographic portion of a region.

3 (19) Surface Transportation Program (STP)--The block
4 grant type program established by 23 U.S.C. §133.

5 (20) Texas Commission on Environmental Quality (TCEQ)--
6 The state agency responsible for coordination of natural
7 resources and air quality for the state, including development
8 of the State Implementation Plan.

9 (21) Transportation control measure (TCM)--Any measure
10 used for the purpose of reducing emissions or concentrations of
11 air pollutants from transportation sources by reducing vehicle
12 use or changing traffic flow or congestion conditions.

13 (22) Trans-Texas Corridor--Has the meaning provided in
14 §24.11 of this title (relating to Comprehensive Development
15 Agreements).

16 (23) [~~+22~~] Unified Planning Work Program (UPWP)--The
17 governing planning document, prepared by an MPO on an annual
18 basis, which identifies the transportation planning work to be
19 undertaken within the metropolitan planning area.

20
21 §15.9. Corridor Advisory Committees.

22 (a) Purpose. The commission by order will create advisory
23 committees to assist the department in the transportation

1 planning process for the Interstate Highway 35 corridor
2 (including TTC-35) and in the corridor planned as part of
3 Interstate Highway 69 (including TTC-69), and may create an
4 advisory committee for any other corridor, including an element
5 of the Trans-Texas Corridor. The purpose of an advisory
6 committee is to facilitate and achieve support and consensus
7 from affected communities, governmental entities, and other
8 interested parties in the planning of transportation
9 improvements in the corridor for which it is created and in the
10 establishment of development plans for that corridor. An
11 advisory committee's advice and recommendations will provide the
12 department with an enhanced understanding of public, business,
13 and private concerns about the corridor for which it is created,
14 facilitating the department's communications and project
15 development objectives and resulting in greater cooperation
16 between the department and all affected parties during project
17 planning and development.

18 (b) Membership. An advisory committee may be composed of
19 members of the following groups as deemed appropriate by the
20 commission: affected property owners and owners of business
21 establishments; technical experts; representatives of local
22 governmental entities; members of the general public; economic
23 development officials; chambers of commerce officials; members

1 of the environmental community; department staff; and
2 professional consultants representing the department.

3 (c) Duties. An advisory committee shall report to the
4 executive director its advice and recommendations on
5 transportation improvements to be made in the corridor for which
6 it is created, including facilities to be included in a
7 development plan for that corridor, facilities to be included in
8 a development plan for an element of the Trans-Texas Corridor,
9 and upgrades and other improvements to be made to existing
10 facilities located in that corridor, and on other corridor level
11 planning and development matters as requested by the department.
12 The corridor advisory committee may also provide information to,
13 coordinate with, or request information relating to the planning
14 and development of an element of the Trans-Texas Corridor from a
15 corridor segment committee established under §24.13 of this
16 title (relating to Corridor Planning and Development). In
17 developing advice and recommendations, an advisory committee
18 will evaluate economic, political, societal, and demographic
19 population trends affecting transportation, and will consider
20 existing facilities, upgrades to existing facilities, new or
21 planned facilities, multimodal solutions, and available
22 financing options.

23 (d) Additional requirements. An advisory committee is

1 subject to the requirements for operating procedures and
2 reimbursement of expenses applicable to a department advisory
3 committee under §1.85 of this title (relating to Department
4 Advisory Committees).

5 (e) Duration. An advisory committee created under this
6 section is abolished December 31, 2009, unless the commission
7 amends its rules to provide for a different date.

1 department is also currently engaged in the planning and
2 environmental review of facilities that serve a connectivity or
3 financing purpose to an element of the Trans-Texas Corridor and
4 that may become all or part of a segment of the Trans-Texas
5 Corridor. The scope of work under the comprehensive development
6 agreement for the Oklahoma to Mexico/Gulf Coast element of the
7 Trans-Texas Corridor (TTC-35) provides for the developer to work
8 with the department to prepare a master development plan that
9 will identify facilities that may be developed as part of the
10 project. The department intends to establish a similar scope of
11 work for the development of the corridor planned as part of
12 Interstate Highway 69 (TTC-69).

13
14 However, focusing only on what can be viewed as one piece of the
15 puzzle, in this case the development of the Trans-Texas
16 Corridor, will not fully provide the transportation solutions
17 needed to remedy critically important mobility needs in the
18 state. At the July 26, 2007 and August 23, 2007 meetings of the
19 Texas Transportation Commission (commission), the commission
20 requested that rules be drafted that would authorize the
21 creation of committees to assist the department in the planning
22 and development of major corridors in the state, including the
23 designation of routes for and construction of segments of the
24 Trans-Texas Corridor. For example, a committee could be created
25 to assist the department in the planning and development of the

1 "35 corridor", which includes I-35 and TTC-35.

2

3 Transportation Code, §201.601 and 23 U.S.C. §135 require the
4 department to develop a statewide transportation plan and
5 transportation improvement program that encompasses all modes of
6 transportation. Transportation Code, §201.601, 23 U.S.C. §135,
7 and other law requires the department to seek opinions and
8 assistance from other state agencies, political subdivisions,
9 and other interested parties concerning the transportation plan
10 and transportation improvement program.

11

12 Transportation Code, §227.002 authorizes the department to
13 establish procedures necessary or convenient to implement and
14 administer Transportation Code, Chapter 227. Transportation
15 Code, §227.013 requires the department to provide for public
16 participation and obtain public input in the designation of a
17 route for a segment of the Trans-Texas Corridor. Transportation
18 Code, §227.032 requires the department to consider advice
19 solicited from county commissioners courts, governing bodies of
20 municipalities, and metropolitan planning organizations in the
21 connection of a segment of the Trans-Texas Corridor to
22 significant farm-to-market and ranch-to-market roads and major
23 county and city arterials.

24

25 New §24.13, Corridor Planning and Development, implements the

1 requirements of Transportation Code, §§227.012-227.013 by
2 prescribing criteria for the designation of a route for a
3 segment of the Trans-Texas Corridor, and provides for the
4 creation of corridor segment committees to assist the department
5 in the planning and development of segments of the Trans-Texas
6 Corridor and facilities that may become all or part of a segment
7 of the Trans-Texas Corridor.

8
9 The new committee structure provided in §24.13 and new §15.9,
10 authorizing the creation of corridor advisory committees, along
11 with the Trans-Texas Corridor advisory committee established
12 under 43 TAC §1.85, will better address and distinguish between
13 corridor-wide issues and local issues and concerns, and will
14 provide strong local and regional influence in the designation
15 of a route for a segment of the Trans-Texas Corridor, and in the
16 decision whether or not to construct a proposed segment of the
17 Trans-Texas Corridor or a facility that may become all or part
18 of a segment of the Trans-Texas Corridor.

19
20 New §24.13(a), Definitions, defines words and terms used in the
21 new section.

22
23 New §24.13(b), Route designation, prescribes the criteria and
24 information that the commission will consider when designating a
25 route for a segment of the Trans-Texas Corridor. The commission

1 will consider the criteria provided by Transportation Code,
2 §227.012, comments at a public hearing held as required by
3 Transportation Code, §227.013, and the advice and
4 recommendations of a corridor segment committee created under
5 §24.13(c).

6
7 New §24.13(c), Corridor segment committees, provides that the
8 commission by order will create a corridor segment committee
9 before initiating the environmental review process for the
10 construction of a proposed segment of the Trans-Texas Corridor
11 or, if a tiered environmental review process is used, before the
12 start of the Tier Two review. A corridor segment committee will
13 be created for a proposed segment of the Trans-Texas Corridor
14 and for a facility that serves a connectivity or financing
15 purpose to an element of the Trans-Texas Corridor and that may
16 become a segment of the Trans-Texas Corridor.

17
18 New §24.13(c)(1) describes the purpose of a corridor segment
19 committee, which is to provide input, advice, and
20 recommendations to the commission and the department regarding
21 the designation of a route for the segment of the Trans-Texas
22 Corridor for which the committee was created and regarding the
23 construction of the proposed segment of the Trans-Texas Corridor
24 or a facility that may become all or part of a segment of the
25 Trans-Texas Corridor.

1
2 New §24.13(c)(2) prescribes the membership of a corridor segment
3 committee. Members of a committee will be appointed by
4 counties, metropolitan planning organizations, and other
5 entities designated by the commission within whose boundaries or
6 service area all or part of a proposed segment or facility is
7 located. Having members appointed by those entities will ensure
8 that a committee represents the interests of local and regional
9 groups that have an interest in where a segment or facility is
10 located and whether it will be constructed.

11
12 New §24.13(c)(3) prescribes the duties of a corridor segment
13 committee. As part of the public involvement process, the
14 department shall request the input of a corridor segment
15 committee during the environmental review of a segment or
16 facility proposed to be constructed. In conjunction with a
17 hearing held under Transportation Code, §227.013, the department
18 will request the input of a corridor segment committee on the
19 designation of a route for a proposed segment. A corridor
20 segment committee shall report to the executive director its
21 advice and recommendations on the route of the proposed segment,
22 whether to construct the proposed segment or facility, and other
23 segment level planning, development, and financing matters as
24 requested by the department.

25

1 To ensure that there is local and regional involvement in
2 transportation decision making and to ensure that local and
3 regional groups that have an interest in where a segment or
4 facility is located and whether it will be constructed are
5 adequately represented, new §24.13(c)(4) provides that the
6 commission shall consider and give great weight to the
7 recommendations of a corridor segment committee before the
8 commission may designate the route of the proposed segment or
9 decide whether or not the proposed segment or facility is to be
10 constructed.

11
12 New §24.13(c)(5) provides that a corridor segment committee is
13 subject to the requirements for committee operations and
14 procedures applicable to a statutory advisory committee under 43
15 TAC §1.82, unless a requirement is in conflict with the
16 requirements of §24.13, in which case §24.13 controls. Among
17 other things, this makes corridor segment committees subject to
18 open meetings, open records, and conflict of interest
19 requirements applicable to the commission and the department.

20
21 To ensure that confidential information is protected as required
22 by law, new §24.13(c)(6) provides that the department may
23 require members of a corridor segment committee to sign
24 agreements to maintain the confidentiality of and not disclose
25 information provided to a committee that is confidential by law

1 or that is not subject to disclosure, inspection, or copying
2 under the Texas public information law, Government Code, Chapter
3 552.

4

5 COMMENTS

6 Comments on the new section were received from one individual.
7 The commenter indicated that his comments were not specific
8 comments to any proposed rule being considered by the
9 commission, but instead were general philosophical comments to
10 try and avoid problems his committee encountered.

11

12 The commenter first indicated that the idea of separating the
13 corridor advisors is an excellent concept. Those members of his
14 committee from locations along I-35 never fully appreciated the
15 specific concerns of the I-69 members, and this new concept will
16 help to alleviate those difficulties.

17

18 Comment: The commenter's chief philosophical concern is that
19 getting this needed local input may cause a further dilution of
20 seeing the bigger picture of how all modes of transportation in
21 Texas need to interact, instead of looking at local project
22 impacts. Committee members that are selected need to be able to
23 offer ideas on how to solve statewide transportation issues.

24

25 Response: The new committee structure provided in §24.13 and

1 new §15.9, authorizing the creation of corridor advisory
2 committees, along with the Trans-Texas Corridor advisory
3 committee established under 43 TAC §1.85, will better address
4 and distinguish between corridor-wide issues and local issues
5 and concerns. The new committee structure, particularly the
6 corridor segment committees, is intended to provide a means for
7 obtaining input on local issues. The corridor advisory
8 committees will need to provide advice and recommendations on
9 corridor-level planning and development matters, and the
10 department agrees that persons who are selected as committee
11 members need to be able to carry out those responsibilities. No
12 change to the rule has been made as a result of this comment.

13
14 Comment: The commenter's other concern is that the original
15 concept of the Trans-Texas Corridor was to be multimodal (i.e.,
16 highways, rail, and utilities). The rail and utility components
17 are extremely critical to Texas' transportation future, and
18 their unique problems with grade and alignment do not always gel
19 with the engineering designs of tollways. The commenter asks
20 whether it would be possible to amend the rule to provide an
21 additional separate advisory committee to study and recommend
22 rail and another to recommend utilities.

23
24 Response: The department is statutorily required to develop a
25 statewide transportation plan and transportation improvement

1 program that encompasses all modes of transportation.
2 Consistent with that requirement, Transportation Code, Chapter
3 227 authorizes the development of corridors that include
4 facilities of different modes, such as highways, rail, and
5 utilities. An advisory committee may be established under §15.9
6 for the purpose of providing advice and recommendations on
7 transportation improvements to be made in the corridor for which
8 it is created, and is required to consider multimodal solutions.
9 No change to the rule has been made as a result of this comment.

10

11 STATUTORY AUTHORITY

12 The new section is adopted under Transportation Code, §201.101,
13 which provides the commission with the authority to establish
14 rules for the conduct of the work of the department,
15 Transportation Code, §227.002, which provides the commission
16 with the authority to adopt rules as necessary or convenient to
17 implement and administer Transportation Code, Chapter 227, and
18 Government Code, Chapter 2110, which requires a state agency
19 establishing an advisory committee to by rule state the purpose
20 and tasks of the committee and describe the manner in which the
21 committee will report to the agency.

22

23 CROSS REFERENCE TO STATUTE

24 Transportation Code, Chapter 227, and Government Code, Chapter
25 2110.

1 SUBCHAPTER B. DEVELOPMENT OF FACILITIES

2 §24.13. Corridor Planning and Development.

3 (a) Definitions. The following words and terms, when used
4 in this section, shall have the following meanings, unless the
5 context clearly indicates otherwise.

6 (1) Commission--The Texas Transportation Commission.

7 (2) Department--The Texas Department of Transportation.

8 (3) Executive director--The executive director of the
9 department or the executive director's designee.

10 (4) Trans-Texas Corridor--Has the meaning provided in
11 §24.11 of this subchapter (relating to Comprehensive Development
12 Agreements).

13 (b) Route designation. The commission will consider the
14 following when designating a route for a segment of the Trans-
15 Texas Corridor:

16 (1) the criteria provided by Transportation Code,
17 §227.012, including:

18 (A) current and projected traffic patterns;

19 (B) the safety of motorists;

20 (C) potential risks to persons from spills or accidents
21 of any kind;

22 (D) environmental effects, including the effect on air
23 quality;

- 1 (E) current and projected economic development;
- 2 (F) the current and projected need for additional
- 3 transportation options; and
- 4 (G) system connectivity;

5 (2) comments submitted at a public hearing held in each
6 county through which the segment may pass, as required by
7 Transportation Code, §227.013; and

8 (3) the advice and recommendations of a corridor segment
9 committee created under subsection (c) of this section.

10 (c) Corridor segment committees.

11 (1) Purpose. The commission by order will create a
12 corridor segment committee before initiating the environmental
13 review process for the construction of a proposed segment of the
14 Trans-Texas Corridor or, if a tiered environmental review
15 process is used, before the start of the Tier Two review. A
16 corridor segment committee shall be created for a proposed
17 segment of the Trans-Texas Corridor and for a facility that
18 serves a connectivity or financing purpose to an element of the
19 Trans-Texas Corridor and that may become a segment of the Trans-
20 Texas Corridor. The purpose of a corridor segment committee is
21 to provide input, advice, and recommendations to the commission
22 and the department regarding the designation of a route for the
23 segment of the Trans-Texas Corridor for which the committee was

1 created, and regarding the construction of the proposed segment
2 of the Trans-Texas Corridor or a facility that may become all or
3 part of a segment of the Trans-Texas Corridor.

4 (2) Membership. A corridor segment committee consists of
5 the following members:

6 (A) one member appointed by the county judge of each
7 county in which the proposed segment or facility may be located,
8 representing the general public within the county;

9 (B) one member appointed by each metropolitan planning
10 organization within whose boundaries all or part of the proposed
11 segment or facility may be located, representing the general
12 public within the metropolitan planning organization;

13 (C) additional members representing the general public
14 within cities designated by the commission, in which all or part
15 of a proposed segment or facility may be located, each of whom
16 will be appointed by the mayor of a designated city; and

17 (D) additional members representing the ports, chambers
18 of commerce, or economic development councils and corporations
19 designated by the commission, within whose service area all or
20 part of a proposed segment or facility may be located, each of
21 whom will be appointed by the governing body of a designated
22 entity.

23 (3) Duties. As part of the public involvement process,

1 the department shall request the input of a corridor segment
2 committee during the environmental review of a segment or
3 facility proposed to be constructed. In conjunction with a
4 hearing held under Transportation Code, §227.013, the department
5 will request the input of a corridor segment committee on the
6 designation of a route for a proposed segment. A corridor
7 segment committee shall report to the executive director its
8 advice and recommendations on the route of the proposed segment,
9 whether to construct the proposed segment or facility, and other
10 segment level planning, development, and financing matters as
11 requested by the department. A corridor segment committee may
12 provide information to, coordinate with, or request information
13 from a corridor advisory committee created under §15.9 of this
14 title (relating to Corridor Advisory Committees). In developing
15 advice and recommendations, a corridor segment committee will
16 consider existing facilities, upgrades to existing facilities,
17 new or planned facilities, multimodal solutions, and available
18 financing options.

19 (4) Commission action. The commission shall consider and
20 give great weight to the recommendations of a corridor segment
21 committee created for a proposed segment of the Trans-Texas
22 Corridor or a facility that may become a segment of the Trans-
23 Texas Corridor before the commission may:

1 (A) designate the route of the proposed segment; or

2 (B) decide whether or not the proposed segment or

3 facility is to be constructed.

4 (5) Additional requirements. A corridor segment

5 committee is subject to the requirements for committee

6 operations and procedures applicable to a statutory advisory

7 committee under §1.82 of this title (relating to Statutory

8 Advisory Committee Operations and Procedures), unless in

9 conflict with the requirements of this section.

10 (6) Confidential information. The department may require

11 members of a corridor segment committee created under this

12 section to sign agreements to maintain the confidentiality of

13 and not disclose information provided to a committee that is

14 confidential by law or that is not subject to disclosure,

15 inspection, or copying under the Texas public information law,

16 Government Code, Chapter 552.