

**FINAL ADOPTION OF AMENDMENTS TO CHAPTER 1  
CONCERNING PROCEDURE FOR ADOPTING RULES**

**Description**

This minute order adopts amendments to clarify a reference to the Administrative Procedure Act.

**Background**

This rule amendment makes a minor change that needs to be made to correct the reference to the Administrative Procedure Act.

The commission, by Minute Order 111523 dated September 25, 2008, proposed the amendments. No comments were received.

**Criteria**

None.

**Problem/Condition**

None.

**Other Comments**

None.

**Alternate Solutions/Actions**

None.

**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 §1.11 relating to procedure for adoption of rules 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 verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §1.11 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:

\_\_\_\_\_  
General Counsel

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Minute Number      Date Passed

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts  
3 amendments to §1.11, concerning procedure for adoption of rules.  
4 The amendments to §1.11 are adopted without changes to the  
5 proposed text as published in the October 10, 2008 issue of the  
6 *Texas Register* (33 TexReg 8485) and will not be republished.

7

8 EXPLANATION OF ADOPTED AMENDMENTS

9 Government Code, §2001.039 requires a state agency to review  
10 each of its rules every four years or more frequently and, as  
11 the result of the review, to decide whether to readopt, amend,  
12 or repeal the rule. In the course of reviewing the rule  
13 relating to the procedure for the adoption of rules, the  
14 department identified a minor change that needs to be made.

15

16 Amendments to §1.11, Petition, correct the reference to the  
17 Administrative Procedure Act and for convenience provide a  
18 citation to the part of the act that relates to initiating  
19 rulemaking proceedings.

20

21 COMMENTS

22 No comments on the proposed amendments were received.

23

24 STATUTORY AUTHORITY

25 The amendments are adopted under Transportation Code, §201.101,

1 which provides the Texas Transportation Commission with the  
2 authority to establish rules for the conduct of the work of the  
3 department.

4

5 CROSS REFERENCE TO STATUTE

6 Government Code, Chapter 2001, Subchapter B.

1 SUBCHAPTER D. PROCEDURE FOR ADOPTION OF RULES

2 §1.11. Petition. Any interested person may petition the  
3 department requesting the adoption of a rule. Such petition  
4 must be in writing directed to the engineer-director at the  
5 department's headquarters building in Austin and shall contain a  
6 clear and concise statement of the substance of the proposed  
7 rule, together with a brief explanation of the purpose to be  
8 accomplished through such adoption. Within 60 days after  
9 receipt, the department will either deny the petition in  
10 writing, stating its reasons therefor, or will initiate  
11 rulemaking proceedings in accordance with the Administrative  
12 Procedure [~~and Texas Register~~] Act (Government Code, Chapter  
13 2001, Subchapter B).