

Notice of Opportunity to Comment
Transportation Planning and Project Development Program Rules
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The Texas Department of Transportation (department) is soliciting comments for potential revisions to department rules including, but not limited to, Title 43 Texas Administrative Code Chapter 15, Subchapter A, Transportation Planning.

Prior to the 81st Legislature, Regular Session, 2009, the Sunset Advisory Commission made several recommendations for legislation that would require the department to redevelop and regularly update the statewide transportation plan to establish a transparent, well-defined, and understandable system of project programming. The recommendations of the Sunset Advisory Commission report were incorporated into the transportation planning article of the department's sunset bill. Although the sunset bill was not enacted, the concepts expressed in the Conference Committee Report for HB 300 provide a basis for revisions to the department's existing transportation planning and project development program.

The development of planning guidelines, selection of projects, establishment of program funding categories, and creation of formulas for the allocation of transportation funds are of the utmost importance to the entire state and the department desires that its partners in transportation, as well as the general public, participate in those processes. The information gathered from the comments will be used to assist the department in developing proposed rules to establish a comprehensive transportation planning and project development program that includes the following:

1. a long-range plan which will provide: (i) specific, long term transportation goals for the state and measurable targets for each goal, (ii) identification of priority corridors, projects, or areas of the state that are of particular concern, and (iii) a participation plan for obtaining input on the goals and priorities from other entities and the general public;
2. a mid-range planning program covering approximately 10 years for which the Texas Transportation Commission (commission) (i) specifies criteria for selection of projects, (ii) defines program funding categories, and (iii) defines each phase of a major transportation project, including planning, design, and construction;
3. a short-range work plan covering approximately 4 years that contains project schedules with funding for each phase, a right of way acquisition plan, letting plan, and summary of progress;
4. consistent planning and programming requirements for metropolitan planning organizations;
5. criteria for selection by the department and each metropolitan planning organization of projects to be included in the statewide transportation plan, based on the commission's transportation goals and measurable targets for each goal;
6. criteria for designating a project as a statewide connectivity project with benchmarks for evaluating the progress of a statewide connectivity project and time lines for implementation;
7. an extended cash flow forecast that includes near-term, mid-term, and long-term periods for each method and category of funding;
8. funding formulas for all types of transportation projects;
9. formulas for the allocation of funds to each metropolitan planning organization that take into consideration performance measures and include several criteria, such as lane miles, level of congestion, percentage of population below federal poverty level, census population, safety, total vehicle miles traveled, and truck vehicle miles traveled;

10. a procedure that allows the department and metropolitan planning organizations to move projects forward or delay projects if more or less funds than expected are available; and
11. regular reporting requirements that are clear and understandable.

The department is seeking both general ideas and specific language suggestions. Comments on specific text changes should include the appropriate citations to sections, subsections, paragraphs, etc. of existing rules for proper reference. A current version of Title 43, Texas Administrative Code, Chapter 15, Subchapter A, Transportation Planning, is available online at: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=43&pt=1&ch=15&sch=A&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=43&pt=1&ch=15&sch=A&rl=Y)

The department will accept only written comments and they should be addressed to Bob Jackson, General Counsel, 125 East 11th Street, Austin, Texas 78701, or via email to rcarter@dot.state.tx.us. The deadline for receipt of comments is 5:00 p.m. August 10, 2009. The department will not respond individually to comments received pursuant to this notice. When proposed rules have been drafted and prior to any formal action by the commission, the department will publish another notice containing a copy of the draft rules and request for comments.