

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §24.13 relating to corridor planning and development, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repeal, 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 repeal of §24.13 is proposed for adoption and is 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, Texas Turnpike Authority Division

Recommended by:



Executive Director

**112042 NOV 19 09**

Minute  
Number

Date  
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes the  
3 repeal of §24.13, concerning corridor planning and development.  
4 Section 24.13 was previously proposed for amendment in the  
5 October 9, 2009 issue of the *Texas Register* (34 TexReg 6311) and  
6 that proposal is withdrawn by separate action.

7

8 EXPLANATION OF PROPOSED REPEAL

9 At the Texas Transportation Commission (commission) meeting in  
10 October 2009 the commission proposed amendments to §15.9,  
11 Corridor Advisory Committees, and new §15.10, Corridor Segment  
12 Advisory Committees. The amendments to §15.9 change the rules  
13 governing corridor advisory committees to extend the sunset date  
14 for those committees. New §15.10 authorizes the creation of  
15 corridor segment advisory committees that would, along with  
16 corridor advisory committees, assist the department in the  
17 planning and development of major corridors in the state,  
18 including I-35 and I-69. The primary duties of a corridor  
19 segment advisory committee are to provide input, advice, and  
20 recommendations to the commission, the department, and corridor  
21 advisory committees on transportation improvements to be made in  
22 the segment of the corridor for which the committee was created,  
23 and on other segment level planning, development, and financing  
24 matters as requested by the department.

25

1 On October 7, 2009, officials of the department announced that,  
2 in response to citizen comments received during the  
3 environmental review of Trans-Texas Corridor-35 (TTC-35), the  
4 department had recommended the No Action Alternative on the  
5 TTC-35 environmental study to the Federal Highway Administration  
6 (FHWA). That recommendation effectively ended efforts to  
7 develop TTC-35 through the Trans-Texas Corridor concept.

8  
9 The repeal of §24.13, Corridor Planning and Development, removes  
10 the rules relating to the planning and development of the  
11 Trans-Texas Corridor, including rules for establishing the  
12 Trans-Texas Corridor segment advisory committees, because they  
13 are no longer necessary. The segment advisory committees for  
14 the I-35 corridor and other elements of the Trans-Texas Corridor  
15 will be replaced by advisory committees established under 43 TAC  
16 §15.9, Corridor Advisory Committees, and 43 TAC §15.10, Corridor  
17 Segment Advisory Committees.

18

19 FISCAL NOTE

20 James Bass, Chief Financial Officer, has determined that for  
21 each of the first five years the repeals as proposed are in  
22 effect, there will be no fiscal implications for state or local  
23 governments as a result of enforcing or administering the  
24 repeals.

25

1 Mark Tomlinson, Director, Texas Turnpike Authority Division, has  
2 certified that there will be no significant impact on local  
3 economies or overall employment as a result of enforcing or  
4 administering the repeals.

5

6 PUBLIC BENEFIT AND COST

7 Mr. Tomlinson has also determined that for each year of the  
8 first five years the section is in effect, the public benefit  
9 anticipated as a result of enforcing or administering the repeal  
10 will be consistency and clarity of department rules. There are  
11 no anticipated economic costs for persons required to comply  
12 with the section as proposed. There will be no adverse economic  
13 effect on small businesses.

14

15 SUBMITTAL OF COMMENTS

16 Written comments on the proposed repeal of §24.13 may be  
17 submitted to Mark Tomlinson, Director, Texas Turnpike Authority  
18 Division, Texas Department of Transportation, 125 East 11th  
19 Street, Austin, Texas 78701-2483. The deadline for receipt of  
20 comments is 5:00 p.m. on January 4, 2010.

21

22 STATUTORY AUTHORITY

23 The repeal is proposed under Transportation Code, §201.101,  
24 which provides the Texas Transportation Commission with the  
25 authority to establish rules for the conduct of the work of the

1 department, and more specifically, Transportation Code,  
2 §227.002, which provides the commission with the authority to  
3 adopt rules as necessary or convenient to implement and  
4 administer Transportation Code, Chapter 227.

5

6 CROSS REFERENCE TO STATUTE

7 Transportation Code, Chapter 227.

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, each of whom:

18 (i) will represent, and be appointed by the governing  
19 body of, a port, chamber of commerce, economic development  
20 council or corporation, or other organization that has an  
21 interest in transportation, within whose service area all or  
22 part of a proposed segment or facility may be located and that  
23 is designated by the commission to appoint a member of the

1 committee; or

2 (ii) is an individual who resides or has a business in  
3 the area in which the segment or facility may be located, has an  
4 interest in transportation, and is appointed to the committee by  
5 the commission.

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

1 financing options.

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

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

8 (B) decide whether or not the proposed segment or  
9 facility is to be constructed.

10 (5) Additional requirements. A corridor segment  
11 committee is subject to the requirements for committee  
12 operations and procedures applicable to a statutory advisory  
13 committee under §1.82 of this title (relating to Statutory  
14 Advisory Committee Operations and Procedures), unless in  
15 conflict with the requirements of this section.

16 (6) Confidential information. The department may require  
17 members of a corridor segment committee created under this  
18 section to sign agreements to maintain the confidentiality of  
19 and not disclose information provided to a committee that is  
20 confidential by law or that is not subject to disclosure,  
21 inspection, or copying under the Texas public information law,  
22 Government Code, Chapter 552.