

TEXAS TRANSPORTATION COMMISSION

MINUTE ORDER

ALL Counties

ALL Districts

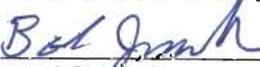
The Texas Transportation Commission (commission) finds it necessary to adopt new §1.86, Corridor Advisory Committees, and new §1.87, Corridor Segment Advisory Committees and repeal of §15.9, Corridor Advisory Committees, and §15.10, Corridor Segment Advisory Committees relating to advisory committees to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted repeals and new sections, attached to this minute order as Exhibits A - D, 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 new §§1.86 and 1.87 and the repeal of §§15.9 and 15.10 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:

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

Recommended by:

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

**112382 AUG 26 10**

Minute Number      Date Passed

Adoption Preamble

The Texas Department of Transportation (department) adopts new §1.86, Corridor Advisory Committees, and §1.87, Corridor Segment Advisory Committees, concerning transportation planning. The new sections are adopted in association with the repeal of 43 TAC §§15.9 and 15.10. New §1.86 and §1.87 are adopted without changes to the proposed text as published in the June 11, 2010 issue of the *Texas Register* (35 TexReg 4970) and will not be republished.

EXPLANATION OF ADOPTED NEW SECTIONS

Title 43 TAC §15.9, Corridor Advisory Committees, was adopted in December, 2007 to provide the commission with the authority to create advisory committees to assist the department in the transportation planning process for transportation corridors in the state. Section 15.10, Corridor Segment Advisory Committees, was adopted in December, 2009 to provide the commission with similar authority for advisory committees for corridor segments. The purpose of such an advisory committee would be to facilitate and achieve support and consensus from affected communities, governmental entities, and other interested parties in the planning of transportation improvements in the corridor or corridor segment for which it is created and in the establishment of development plans for that corridor or segment.

1 Both §15.9 and §15.10 relate to the transportation planning  
2 process and initially were placed in 43 TAC Chapter 15,  
3 Subchapter A, Transportation Planning. On July 30, 2009, the  
4 Texas Transportation Commission (commission) created the  
5 Transportation Planning and Project Development Rulemaking  
6 Advisory Committee (rules advisory committee) to address some of  
7 the recommendations made by the legislature in the department's  
8 sunset bill that was considered in the 2009 legislative session.  
9 The rules advisory committee considered drafts of revisions of  
10 the commission's rules relating to the department's  
11 transportation planning and programming process and in May, 2010  
12 voted to recommend a draft for commission adoption. Under the  
13 revision, 43 TAC Chapter 15, Subchapters A and D will be  
14 repealed and most of their substance will be revised and placed  
15 in a new chapter which will provide the transportation planning  
16 and programming rules. As a part of the repeal of 43 TAC  
17 Chapter 15, Subchapter A, the commission adopts the repeal of  
18 §§15.9 and 15.10 and simultaneously adopts them, without  
19 substantive revision, as new §§1.86 and 1.87 in 43 TAC Chapter  
20 1, Subchapter F, Advisory Committees rather than place them in  
21 the new chapter.

22  
23 The repeal of §§15.9 and 15.10, coupled with the associated  
24 adoption of new §§1.86 and 1.87, will not change the substance  
25 of the existing rules of the commission, other than to renumber

1 §§15.9 and 15.10 as §§1.86 and 1.87. The placement of those  
2 rules in 43 TAC Chapter 1, Subchapter F will allow the grouping  
3 of rules that relate to the organization and duties of all  
4 advisory committees of the commission and department into that  
5 subchapter.

6

7 COMMENTS

8 No comments on the proposed new sections were received.

9

10 STATUTORY AUTHORITY

11 The new sections are adopted under Transportation Code,  
12 §201.101, which provides the commission with the authority to  
13 establish rules for the conduct of the work of the department,  
14 and more specifically, Transportation Code, §201.117, which  
15 provides the commission with the authority to establish, as it  
16 considers necessary, advisory committees on any of the matters  
17 under its jurisdiction, Transportation Code, §227.002, which  
18 provides the commission with the authority to adopt rules as  
19 necessary or convenient to implement and administer  
20 Transportation Code, Chapter 227, and Government Code, Chapter  
21 2110, which requires a state agency establishing an advisory  
22 committee to by rule state the purpose and tasks of the  
23 committee and describe the manner in which the committee will  
24 report to the agency.

25

- 1 CROSS REFERENCE TO STATUTE
- 2 Transportation Code, Chapters 201 and 227, and Government Code,
- 3 Chapter 2110.

1                   SUBCHAPTER A.   TRANSPORTATION PLANNING

2   §1.86. Corridor Advisory Committees.

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

20           (b) Membership.   An advisory committee may be composed of  
21 members of the following groups as deemed appropriate by the  
22 commission: affected property owners and owners of business  
23 establishments; technical experts; representatives of local

1 governmental entities; members of the general public; economic  
2 development officials; chambers of commerce officials; members  
3 of the environmental community; department staff; and  
4 professional consultants representing the department.

5 (c) Duties. An advisory committee shall report to the  
6 executive director its advice and recommendations on  
7 transportation improvements to be made in the corridor for which  
8 it is created, including facilities to be included in a  
9 development plan for that corridor and upgrades and other  
10 improvements to be made to existing facilities located in that  
11 corridor, and on other corridor level planning and development  
12 matters as requested by the department. The corridor advisory  
13 committee may also provide information to, coordinate with, or  
14 request information relating to the planning and development of  
15 a segment of the corridor from a corridor segment advisory  
16 committee established under §1.87 of this subchapter (relating  
17 to Corridor Segment Advisory Committees). In developing advice  
18 and recommendations, an advisory committee will evaluate  
19 economic, political, societal, and demographic population trends  
20 affecting transportation, and will consider existing facilities,  
21 upgrades to existing facilities, new or planned facilities,  
22 multimodal solutions, and available 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 subchapter (relating to Department  
4 Advisory Committees).

5 (e) Duration. An advisory committee created under this  
6 section is abolished December 31, 2011, unless the commission  
7 amends its rules to provide for a different date.

8

9 §1.87. Corridor Segment Advisory Committees.

10 (a) Purpose. The commission by order will create a  
11 corridor segment advisory committee to assist the department in  
12 the transportation planning process for the Interstate Highway  
13 35 corridor and in the corridor planned as part of Interstate  
14 Highway 69 and may create an advisory committee for any other  
15 corridor. The purpose of an advisory committee is to facilitate  
16 and achieve support and consensus from affected communities,  
17 governmental entities, and other interested parties in the  
18 planning of transportation improvements in the segment of a  
19 corridor for which it is created and in the establishment of  
20 development plans for that segment. An advisory committee's  
21 advice and recommendations will provide the department with an  
22 enhanced understanding of public, business, and private concerns  
23 about the segment for which it is created, facilitating the

1 department's communications and project development objectives  
2 and resulting in greater cooperation between the department and  
3 all affected parties during project planning and development.

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

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

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

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

17 (4) additional members, each of whom:

18 (A) 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 may be located and that is designated  
23 by the commission to appoint a member of the committee; or

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

5 (c) Duties. An advisory committee shall report to the  
6 executive director its advice and recommendations on  
7 transportation improvements to be made in the segment of a  
8 corridor for which it is created, including facilities to be  
9 included in a development plan for that segment and upgrades and  
10 other improvements to be made to existing facilities located in  
11 that segment, and other segment level planning, development, and  
12 financing matters as requested by the department. A corridor  
13 segment advisory committee may provide information to,  
14 coordinate with, or request information from a corridor advisory  
15 committee created under §1.86 of this subchapter (relating to  
16 Corridor Advisory Committees). In developing advice and  
17 recommendations, a corridor segment advisory committee will  
18 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. A corridor segment advisory

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

5 (e) Duration. A corridor segment advisory committee may be  
6 abolished at any time by the commission, but in no event may a  
7 committee continue beyond completion of the segment for which  
8 the committee is created. Except as otherwise specified in this  
9 paragraph, a committee created under this section is abolished  
10 December 31, 2011, unless the commission amends its rules to  
11 provide for a different date.

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts the  
3 repeal of §15.9 and §15.10, concerning Corridor Advisory  
4 Committees and Corridor Segment Advisory Committees. The repeal  
5 of §§15.9 and 15.10 are adopted in association with the adoption  
6 of new 43 TAC §§1.86 and 1.87. The repeals of §15.9 and §15.10  
7 are adopted without changes to the proposed text as published in  
8 the June 11, 2010 issue of the *Texas Register* (35 TexReg 4975)  
9 and will not be republished.

10

11 EXPLANATION OF ADOPTED REPEALS

12 Title 43 TAC §15.9, Corridor Advisory Committees, was adopted in  
13 December, 2007 to provide the commission with the authority to  
14 create advisory committees to assist the department in the  
15 transportation planning process for transportation corridors in  
16 the state. Section 15.10, Corridor Segment Advisory Committees,  
17 was adopted in December, 2009 to provide the commission with  
18 similar authority for advisory committees for corridor segments.  
19 The purpose of such an advisory committee would be to facilitate  
20 and achieve support and consensus from affected communities,  
21 governmental entities, and other interested parties in the  
22 planning of transportation improvements in the corridor or  
23 corridor segment for which it is created and in the  
24 establishment of development plans for that corridor or segment.

25

26 Both §§15.9 and 15.10 relate to the transportation planning

1 process and initially were placed in 43 TAC Chapter 15,  
2 Subchapter A, Transportation Planning. On July 30, 2009, the  
3 Texas Transportation Commission (commission) created the  
4 Transportation Planning and Project Development Rulemaking  
5 Advisory Committee (rules advisory committee) to address some of  
6 the recommendations made by the legislature in the department's  
7 sunset bill that was considered in the 2009 legislative session.  
8 The rules advisory committee considered drafts of revisions of  
9 the commission's rules relating to the department's  
10 transportation planning and programming process and in May, 2010  
11 voted to recommend a draft for commission adoption. Under the  
12 revision, 43 TAC Chapter 15, Subchapters A and D will be  
13 repealed and most of their substance will be revised and placed  
14 in a new chapter which will provide the transportation planning  
15 and programming rules. As a part of the repeal of 43 TAC  
16 Chapter 15, Subchapter A, the commission is repealing §§15.9 and  
17 15.10 and simultaneously adopting them, without substantive  
18 revision, as new §1.86 and §1.87 in 43 TAC Chapter 1, Subchapter  
19 F, Advisory Committees rather than place them in the new  
20 chapter.

21  
22 The repeal of §15.9 and §15.10, coupled with the associated  
23 adoption of §1.86 and §1.87, will not change the substance of  
24 the existing rules of the commission, other than to renumber  
25 §15.9 and §15.10 as §1.86 and §1.87. The placement of those  
26 rules in 43 TAC Chapter 1, Subchapter F will allow the grouping

1 of rules that relate to the organization and duties of all  
2 advisory committees of the commission and department into that  
3 subchapter.

4

5 COMMENTS

6 No comments on the proposed repeals were received.

7

8 STATUTORY AUTHORITY

9 The repeals are adopted under Transportation Code, §201.101,  
10 which provides the Texas Transportation Commission with the  
11 authority to establish rules for the conduct of the work of the  
12 department, and more specifically, Transportation Code,  
13 §201.117, which provides the commission with the authority to  
14 establish, as it considers necessary, advisory committees on any  
15 of the matters under its jurisdiction, Transportation Code,  
16 §227.002, which provides the commission with the authority to  
17 adopt rules as necessary or convenient to implement and  
18 administer Transportation Code, Chapter 227, and Government  
19 Code, Chapter 2110, which requires a state agency establishing  
20 an advisory committee to by rule state the purpose and tasks of  
21 the committee and describe the manner in which the committee  
22 will report to the agency.

23

24 CROSS REFERENCE TO STATUTE

25 Transportation Code, Chapters 201 and 227, and Government Code,  
26 Chapter 2110.

1 SUBCHAPTER A. TRANSPORTATION PLANNING

2 §15.9. Corridor Advisory Committees.

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

21 (b) Membership. An advisory committee may be composed of  
22 members of the following groups as deemed appropriate by the  
23 commission: affected property owners and owners of business

1 establishments; technical experts; representatives of local  
2 governmental entities; members of the general public; economic  
3 development officials; chambers of commerce officials; members  
4 of the environmental community; department staff; and  
5 professional consultants representing the department.

6 (c) Duties. An advisory committee shall report to the  
7 executive director its advice and recommendations on  
8 transportation improvements to be made in the corridor for which  
9 it is created, including facilities to be included in a  
10 development plan for that corridor, facilities to be included in  
11 a development plan for an element of the Trans-Texas Corridor,  
12 and upgrades and other improvements to be made to existing  
13 facilities located in that corridor, and on other corridor level  
14 planning and development matters as requested by the department.  
15 The corridor advisory committee may also provide information to,  
16 coordinate with, or request information relating to the planning  
17 and development of a segment of the corridor from a corridor  
18 segment advisory committee established under §15.10 of this  
19 subchapter (relating to Corridor Segment Advisory Committees).  
20 In developing advice and recommendations, an advisory committee  
21 will evaluate economic, political, societal, and demographic  
22 population trends affecting transportation, and will consider  
23 existing facilities, upgrades to existing facilities, new or

1 planned facilities, multimodal solutions, and available  
2 financing options.

3 (d) Additional requirements. An advisory committee is  
4 subject to the requirements for operating procedures and  
5 reimbursement of expenses applicable to a department advisory  
6 committee under §1.85 of this title (relating to Department  
7 Advisory Committees).

8 (e) Duration. An advisory committee created under this  
9 section is abolished December 31, 2011, unless the commission  
10 amends its rules to provide for a different date.

11

12 §15.10. Corridor Segment Advisory Committees.

13 (a) Purpose. The commission by order will create a  
14 corridor segment advisory committee to assist the department in  
15 the transportation planning process for the Interstate Highway  
16 35 corridor and in the corridor planned as part of Interstate  
17 Highway 69 (including TTC-69), and may create an advisory  
18 committee for any other corridor. The purpose of an advisory  
19 committee is to facilitate and achieve support and consensus  
20 from affected communities, governmental entities, and other  
21 interested parties in the planning of transportation  
22 improvements in the segment of a corridor for which it is  
23 created and in the establishment of development plans for that

1 segment. An advisory committee's advice and recommendations  
2 will provide the department with an enhanced understanding of  
3 public, business, and private concerns about the segment for  
4 which it is created, facilitating the department's  
5 communications and project development objectives and resulting  
6 in greater cooperation between the department and all affected  
7 parties during project planning and development.

8 (b) Membership. A corridor segment advisory committee  
9 consists of the following members:

10 (1) one member appointed by the county judge of each  
11 county in which the proposed segment may be located,  
12 representing the general public within the county;

13 (2) one member appointed by each metropolitan planning  
14 organization within whose boundaries all or part of the proposed  
15 segment may be located, representing the general public within  
16 the metropolitan planning organization;

17 (3) additional members representing the general public  
18 within cities designated by the commission, in which all or part  
19 of a proposed segment may be located, each of whom will be  
20 appointed by the mayor of a designated city; and

21 (4) additional members, each of whom:

22 (A) will represent, and be appointed by the governing  
23 body of, a port, chamber of commerce, economic development

1 council or corporation, or other organization that has an  
2 interest in transportation, within whose service area all or  
3 part of a proposed segment may be located and that is designated  
4 by the commission to appoint a member of the committee; or

5 (B) is an individual who resides or has a business in  
6 the area in which the segment may be located, has an interest in  
7 transportation, and is appointed to the committee by the  
8 commission.

9 (c) Duties. An advisory committee shall report to the  
10 executive director its advice and recommendations on  
11 transportation improvements to be made in the segment of a  
12 corridor for which it is created, including facilities to be  
13 included in a development plan for that segment, facilities to  
14 be included in a development plan for a segment of the Trans-  
15 Texas Corridor, and upgrades and other improvements to be made  
16 to existing facilities located in that segment, and other  
17 segment level planning, development, and financing matters as  
18 requested by the department. A corridor segment advisory  
19 committee may provide information to, coordinate with, or  
20 request information from a corridor advisory committee created  
21 under §15.9 of this subchapter (relating to Corridor Advisory  
22 Committees). In developing advice and recommendations, a  
23 corridor segment advisory committee will evaluate economic,

1 political, societal, and demographic population trends affecting  
2 transportation, and will consider existing facilities, upgrades  
3 to existing facilities, new or planned facilities, multimodal  
4 solutions, and available financing options.

5 (d) Additional requirements. A corridor segment advisory  
6 committee is subject to the requirements for operating  
7 procedures applicable to a department advisory committee under  
8 §1.85 of this title (relating to Department Advisory  
9 Committees).

10 (e) Duration. A corridor segment advisory committee may be  
11 abolished at any time by the commission, but in no event may a  
12 committee continue beyond completion of the segment for which  
13 the committee is created. Except as otherwise specified in this  
14 paragraph, a committee created under this section is abolished  
15 December 31, 2011, unless the commission amends its rules to  
16 provide for a different date.