

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt 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 adopted 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 adopted and is authorized for filing with the Office of the Secretary of State.

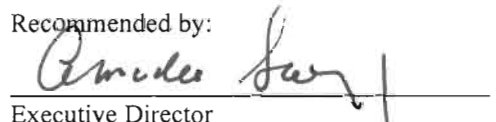
The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director, Texas Turnpike Authority Division

Recommended by:



Executive Director

112191 MAR 25 10

Minute
Number

Date
Passed

Adoption Preamble

The Texas Department of Transportation (department) adopts the repeal of §24.13, concerning corridor planning and development. Section 24.13 was previously proposed for amendment in the September 11, 2009 issue of the *Texas Register* (34 TexReg 6311) and that proposal was withdrawn by separate action. The repeal of §24.13 is adopted without changes to the proposed text as published in the December 4, 2009 edition of the *Texas Register* (34 TexReg 8660) and will not be republished.

EXPLANATION OF ADOPTED REPEAL

At the Texas Transportation Commission (commission) meeting in October 2009 the commission proposed amendments to §15.9, Corridor Advisory Committees, and new §15.10, Corridor Segment Advisory Committees. The amendments to §15.9 change the rules governing corridor advisory committees to extend the sunset date for those committees. New §15.10 authorizes the creation of corridor segment advisory committees that would, along with corridor advisory committees, assist the department in the planning and development of major corridors in the state, including I-35 and I-69. The primary duties of a corridor segment advisory committee are to provide input, advice, and recommendations to the commission, the department, and corridor advisory committees on transportation improvements to be made in the segment of the corridor for which the committee was created,

1 and on other segment level planning, development, and financing
2 matters as requested by the department.

3

4 On October 7, 2009, officials of the department announced that,
5 in response to citizen comments received during the
6 environmental review of Trans-Texas Corridor-35 (TTC-35), the
7 department had recommended to the Federal Highway Administration
8 the No Action Alternative on the TTC-35 environmental study.

9 That recommendation effectively ended efforts to develop TTC-35
10 through the Trans-Texas Corridor concept.

11

12 The repeal of §24.13, Corridor Planning and Development, removes
13 the rules relating to the planning and development of the
14 Trans-Texas Corridor, including rules for establishing the
15 Trans-Texas Corridor segment advisory committees, because they
16 are no longer necessary. The segment advisory committees for
17 the I-35 corridor and other elements of the Trans-Texas Corridor
18 will be replaced by advisory committees established under 43 TAC
19 §15.9, Corridor Advisory Committees, and 43 TAC §15.10, Corridor
20 Segment Advisory Committees.

21

22 COMMENTS

23 No comments on the proposed repeal were received.

24

1 STATUTORY AUTHORITY

2 The repeal is adopted under Transportation Code, §201.101, which
3 provides the commission with the authority to establish rules
4 for the conduct of the work of the department, and more
5 specifically, Transportation Code, §227.002, which provides the
6 commission with the authority to adopt rules as necessary or
7 convenient to implement and administer Transportation Code,
8 Chapter 227.

9

10 CROSS REFERENCE TO STATUTE

11 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.