

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

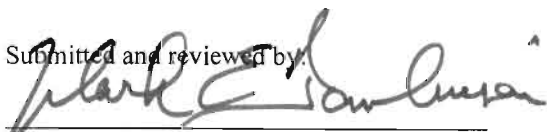
The Texas Transportation Commission (commission) finds it necessary to adopt new §26.56 relating to Internal Ethics and Compliance Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted new section, 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 new §26.56 is adopted and is authorized for filing with the Office of the Secretary of State.

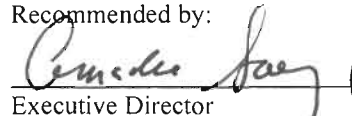
The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director, Texas Turnpike Authority Division

Recommended by:



Executive Director

112192 MAR 25 10

Minute
Number

Date
Passed

1 Adoption Preamble

2 The Texas Department of Transportation (department) adopts new
3 §26.56, concerning a required internal ethics and compliance
4 program. New §26.56 is adopted without changes to the proposed
5 text as published in the January 1, 2010 issue of the *Texas*
6 *Register* (35 TexReg 55) and will not be republished.

7

8 EXPLANATION OF ADOPTED NEW SECTION

9 To maintain and build on the department's commitment to
10 integrity and ethical behavior, the Texas Transportation
11 Commission (commission) ordered the department to develop an
12 internal compliance program designed to promote an
13 organizational culture that encourages ethical conduct and a
14 commitment to compliance with the law and departmental policies.
15 The new section expands the use of that concept to require
16 regional mobility authorities (RMA) to have and enforce
17 compliance with an internal ethics and compliance program. The
18 purpose of the changes is to curtail fraudulent and illegal
19 activity by persons who receive financial assistance from or
20 through the department.

21

22 New §26.56, Internal Ethics and Compliance Program, requires an
23 RMA to adopt, and enforce compliance with, an internal ethics
24 and compliance program that satisfies the requirements of 43 TAC
25 §1.8, Internal Ethics and Compliance Program.

1

2 COMMENTS

3 No comments on the proposed new section were received.

4

5 STATUTORY AUTHORITY

6 The new section is adopted under Transportation Code, §201.101,
7 which provides the commission with the authority to establish
8 rules for the conduct of the work of the department, and more
9 specifically, Transportation Code, §370.038, which provides the
10 commission with the authority to establish rules for minimum
11 audit and reporting requirements and standards of RMAs and
12 minimum ethical standards for RMA directors and employees.

13

14 CROSS REFERENCE TO STATUTE

15 Transportation Code, Chapter 370, Subchapter B.

1 SUBCHAPTER F. MISCELLANEOUS OPERATION PROVISIONS

2 §26.56. Required Internal Ethics and Compliance Program.

3 (a) An RMA shall adopt an internal compliance and ethics
4 program that satisfies the requirements of §1.8 of this title
5 (relating to Internal Ethics and Compliance Program).

6 (b) An RMA must finally adopt a program described by
7 subsection (a) of this section before the later of:

8 (1) April 1, 2011; or

9 (2) the first anniversary of the date on which the RMA is
10 created.

11 (c) An RMA shall enforce compliance with its internal
12 compliance and ethics program.