

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §1.85, relating to department advisory committees, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, 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 amendments to §1.85 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

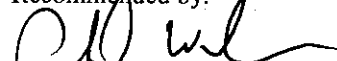
The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director of Planning

Recommended by:



Executive Director

113434 JAN 31 13

Minute
Number

Date
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes
3 amendments to §1.85 concerning department advisory committees.

4

5 EXPLANATION OF PROPOSED AMENDMENTS

6 The proposed amendment creates a freight advisory committee that
7 provides advice and recommendations to the department regarding
8 freight transportation matters and assists in identifying
9 potential freight transportation facilities. The purpose of the
10 proposed amendment is to implement §1117 of Moving Ahead for
11 Progress in the 21st Century, which directs the United States
12 Secretary of Transportation to encourage state departments of
13 transportation to establish freight advisory committees to
14 facilitate effective planning for freight transportation.

15

16 New §1.85(a)(5) creates the Freight Advisory Committee.

17

18 Section 1.85(a)(5)(A) describes the purpose of the committee,
19 which is to serve as a forum for discussion regarding
20 transportation decisions affecting freight mobility and promote
21 the sharing of information between public and private
22 stakeholders on freight issues.

23

24 Section 1.85(a)(5)(B) describes the duties of the committee,
25 which are to: 1) provide advice regarding freight-related

1 priorities, issues, projects, and funding needs; 2) make
2 recommendations regarding the creation of statewide freight
3 transportation policies and performance measures; 3) make
4 recommendations regarding the development of a comprehensive and
5 multimodal statewide freight transportation plan; and 4)
6 communicate and coordinate regional priorities with other
7 organizations as requested by the department.

8

9 Section 1.85(a)(5)(C) provides for the manner of reporting and
10 directs the committee to report its advice and recommendations
11 to the executive director or designee, as well as to report to
12 the commission when requested to do so.

13

14 FISCAL NOTE

15 James Bass, Chief Financial Officer, has determined that for
16 each of the first five years in which the amendments as proposed
17 are in effect, there will be no fiscal implications for state or
18 local governments as a result of enforcing or administering the
19 amendments.

20

21 Marc Williams, Director of Planning, has certified that there
22 will be no significant impact on local economies or overall
23 employment as a result of enforcing or administering the
24 amendments.

25

1 PUBLIC BENEFIT AND COST

2 Mr. Williams has also determined that for each year of the first
3 five years in which the sections are in effect, the public
4 benefit anticipated as a result of enforcing or administering
5 the amendments will be better preparing the department for
6 freight transportation challenges that it is likely to face over
7 the coming years. There are no anticipated economic costs for
8 persons required to comply with the sections as proposed. There
9 will be no adverse economic effect on small businesses.

10

11 SUBMITTAL OF COMMENTS

12 Written comments on the proposed amendments to §1.85 may be
13 submitted to Robin Carter, Office of General Counsel, Texas
14 Department of Transportation, 125 East 11th Street, Austin,
15 Texas 78701-2483 or to RuleComments@txdot.gov with the subject
16 line "1.85." The deadline for receipt of comments is 5:00 p.m.
17 on March 18, 2013. In accordance with Transportation Code,
18 §201.811(a)(5), a person who submits comments must disclose, in
19 writing with the comments, whether the person does business with
20 the department, may benefit monetarily from the proposed
21 amendments, or is an employee of the department.

22

23 STATUTORY AUTHORITY

24 The amendments are proposed under Transportation Code, §201.101,
25 which provides the Texas Transportation Commission (commission)

1 with the authority to establish rules for the conduct of the
2 work of the department, and more specifically, Transportation
3 Code, §201.117, which provides that the commission may
4 establish, as it considers necessary, advisory committees on any
5 of the matters under its jurisdiction.

6

7 CROSS REFERENCE TO STATUTE

8 Moving Ahead for Progress in the 21st Century, §1117.

SUBCHAPTER F. ADVISORY COMMITTEES

§1.85. Department Advisory Committees.

(a) Creation.

(1) - (4) (No change.)

(5) Freight Advisory Committee.

(A) Purpose. The purpose of the Freight Advisory Committee is to serve as a forum for discussion regarding transportation decisions affecting freight mobility and promote the sharing of information between the private and public sectors on freight issues. The committee's advice and recommendations will provide the department with a broad perspective regarding freight transportation matters and assist in identifying potential freight transportation facilities that are critical to the state's economic growth and global competitiveness.

(B) Duties. The committee shall:

(i) provide advice regarding freight-related priorities, issues, projects and funding needs;

(ii) make recommendations regarding the creation of statewide freight transportation policies and performance measures;

(iii) make recommendations regarding the development of a comprehensive and multimodal statewide freight

1 transportation plan; and

2 (iv) communicate and coordinate regional priorities

3 with other organizations as requested by the department.

4 (C) Manner of reporting. The committee shall report

5 its advice and recommendations to the executive director or a

6 department employee designated by the executive director and

7 shall make reports to the commission as requested.

8 (b) Operating procedures.

9 (1) Membership. Except as otherwise specified in this
10 section, an advisory committee shall be composed of not more
11 than 24 members to be appointed by the office or official to
12 whom the committee is to report. When applicable to the purpose
13 and duties of the committee, the membership shall provide a
14 balanced representation between:

15 (A) industries or occupations regulated or directly
16 affected by the department; and

17 (B) consumers of services provided either by the
18 department or by industries or occupations regulated by the
19 department.

20 (2) Meetings.

21 (A) An advisory committee shall meet once a calendar
22 year and at such other times as requested by the office to which
23 it reports.

1 (B) A majority of the membership of an advisory
2 committee constitutes a quorum. A committee may take formal
3 action only by majority vote of its membership.

4 (3) Officers. Each committee shall elect a chair and
5 vice-chair by majority vote of the members of the committee.

6 (c) Duration. Except as otherwise specified in this
7 section, a committee created under this section is abolished
8 December 31, 2013, unless the commission amends its rules to
9 provide for a different date.

10 (d) Reimbursement. The department may, if authorized by
11 law and the executive director, reimburse a member of a
12 committee for reasonable and necessary travel expenses. Current
13 rules and laws governing reimbursement of expenses for state
14 employees shall govern reimbursement of expenses for advisory
15 committee members.