

Appendix I
Witness List

Manuel F. Aguilera, Acting El Paso District Engineer
TxDOT
El Paso, Texas

Captain Gary Albus
Texas Department of Public Safety
Austin, Texas

Jim Allison, General Counsel
County Judges & Commissioners Association of Texas
Austin, Texas

Mayor Kenneth Barr
City of Fort Worth
Fort Worth, Texas

Bill Barton, General Counsel
Texas Railroad Association
Austin, Texas

James Bass, Director
Finance Division, TxDOT
Austin, Texas

Michael Behrens, Executive Director
TxDOT
Austin, Texas

William C. Bennett, Jr., Accessibility Coordinator
City of El Paso
El Paso, Texas

Darrell Borchardt, Research Engineer
Texas Transportation Institute
Houston, Texas

Don Bouvier
Hunt Properties
Dallas, Texas

Dorothy Box, Chair
Older Womens League (OWLS), Dallas Chapter
Dallas, Texas

Commissioner Tim Brown, Bell County
Conference of Urban Counties/
NASCO (North America's Superhighway Coalition)
Belton, Texas

Gary Bushell
Alliance for I-69 Texas
Houston, Texas

Mayor Ray Caballero
City of El Paso
El Paso, Texas

Veronica K. Callaghan
Border Trade Alliance
El Paso, Texas

Gonzalo Camacho
Representing Self
Houston, Texas

Rick Chron
Texas Towing & Storage Association
Plano, Texas

Major Coy Clanton
Texas Department of Public Safety
Austin, Texas

Wendell Cox
Texas Public Policy Foundation
San Antonio, Texas

David Craig, Chairman & CEO
Craig Ranch
McKinney, Texas

Peggy Croslin
Texas Airport Management Association
Austin, Texas

Lieutenant John Denholm
Harris County Sheriff Tommy Thomas
Houston, Texas

Judge Robert Eckels, Harris County
Conference of Urban Counties/TEX-21
Houston, Texas

Stuart Ed, Transit Program Manager
Sun Metro (El Paso Mass Transit)
El Paso, Texas

Mayor Charles Edwards
City of Lakeway
Lakeway, Texas

Lynda Ender, AGE Director
Texas Senior Advocacy Coalition/
Senior Citizens of Greater Dallas
Dallas, Texas

Mayor Elizabeth Flores
City of Laredo
Laredo, Texas

David Fulton, Director
Aviation Division, TxDOT
Austin, Texas

Glenn Gadbois
Just Transportation Alliances
Austin, Texas

Roy Gilyard, Executive Director
El Paso MPO
El Paso, Texas

Councilmember Sandy Greyson, City of Dallas
Vice Chair, Dallas Regional Mobility Coalition
Dallas, Texas

Rene Gonzalez
City of Laredo
Laredo, Texas

Judge Ron Harris, Collin County
Dallas Regional Mobility Coalition
McKinney, Texas

Robert Harrison
Center for Transportation Research
Austin, Texas

Commissioner Jack Hatchell
Collin County
McKinney, Texas

Sergeant Tommy Hearndon
Harris County Sheriff's Office
Houston, Texas

Bob Huitt, Regional General Manager
Koch Performance Roads, Inc.
Austin, Texas

Anthony (Biff) Johnson, City Manager
City of Wylie
Wylie, Texas

Commissioner John Johnson
Texas Transportation Commission
Austin, Texas

Dennis Kerns
Burlington Northern Santa Fe Railway
Austin, Texas

Sergeant CJ Klausner
Truck Enforcement-Houston Police
Houston, Texas

John (Vic) Lattimore Jr.
Texas Aggregate & Concrete Association
McKinney, Texas

David Laney, Attorney
Representing Self
Dallas, Texas

Jeanette Lee
Senior Citizens of Greater Dallas
Dallas, Texas

Judge Kenneth Liggett, Clay County
Cross Plains Rural Transportation Council
Henrietta, Texas

Captain Gary Lindsey
Dallas County Sheriff Jim Bowles
Dallas, Texas

Tim Lomax, Research Engineer
Texas Transportation Institute
College Station, Texas

Paul Mangelsdorf, President
Texas Rail Advocates
Dallas, Texas

David Martin, Division Administrator
Federal Motor Carrier Safety Administration
Austin, Texas

Steve McCullough, City Manager
City of Irving
Irving, Texas

Roberto Moreno
Greater El Paso Chamber of Commerce
El Paso, Texas

Michael Morris, Director of Transportation
North Central Texas Council of Governments
Arlington, Texas

Ann Moy, Women's Issues Specialist
Senior Citizens of Greater Dallas
Dallas, Texas

Commissioner Robert Nichols
Texas Transportation Commission
Austin, Texas

Anne O'Ryan, Public & Government Affairs Manager
AAA of TX
Houston, Texas

Ray Perryman, President
The Perryman Group
Waco, Texas

Laura Pierce, Local Alliances Manager
Just Transportation Alliances
Austin, Texas

John Radovich
Texas Rail Advocates
Dallas, Texas

Tonia Ramirez, Federal Legislative Analyst
TxDOT
Austin, Texas

James Randall, Director
Transportation Planning & Programming Division, TxDOT
Austin, Texas

Curtis (Dan) Reagan, Division Administrator
Federal Highway Administration (Texas)
Austin, Texas

Augustin Redwine
Office of the Comptroller of Public Accounts
Austin, Texas

Eric Reed
VOLAR Center for Independent Living
El Paso, Texas

Luis Rivera, Program Officer
Customs Management Center-U.S. Customs
El Paso, Texas

Anastasia Robson
Representing Self
Cypress, Texas

John Roby, Transportation Manager
Texas Ports Association
Beaumont, Texas

Amadeo Saenz, P.E., Assistant Executive Director
Engineering Operations, TxDOT
Austin, Texas

Robert Salinas, Social Services Administrator
City of El Paso
El Paso, Texas

Leo Samaniego, Sheriff
El Paso County Sheriff's Office
El Paso, Texas

Steven E. Simmons, P.E., Deputy Executive Director
TxDOT
Austin, Texas

David Soileau, Manager
Federal Legislative Affairs, TxDOT
Austin, Texas

Bill Stockton, Associate Director
Texas Transportation Institute
College Station, Texas

Judge John Thompson, Polk County
County Judge & Commissioners Association/
Alliance for I-69/Gulf Coast Strategic Highway
Livingston, Texas

Curtis Toews, Analyst
Legislative Budget Board
Austin, Texas

Carol Tures
El Pasoans Against the Death Penalty
El Paso, Texas

Alan Upchurch
City of Plano
Plano, Texas

Joe Wardy
Miles Group, Inc.
El Paso, Texas

Bill Webb, President
Texas Motor Transportation Association
Austin, Texas

Commissioner Skipper Wheelless, Runnels County
County Judges & Commissioners Association
Ballinger, Texas

Allan Louis Whitesel
National Institute for Public/Private Partnership for
Development
Albuquerque, New Mexico

Commissioner Glen Whitley, Tarrant County
Conference of Urban Counties
Hurst, Texas

Ed Wueste, Assistant Executive Director
Border Trade Transportation, TxDOT
Austin, Texas

Shirley Ybarra, President
The Ybarra Group
Washington, DC

Appendix II
Access Management Charge Letter
From Lt. Governor Ratliff



The Capitol
Austin, Texas 78711-2068
512-463-0001 • Fax: 512-936-6700

BILL RATLIFF
Lieutenant Governor of Texas
President of the Senate

State Senator
District 1

July 18, 2002

Honorable Florence Shapiro, Chairman
Senate State Affairs Committee
P. O. Box 12068
Austin, Texas 78711

Dear Senator Shapiro:

The Texas Department of Transportation published a "Draft Access Management Manual" dated May 30, 2002. I am advised that the comment period for implementation of these new policies expired July 15, 2002.

Furthermore, I am advised that District offices of TxDOT have already begun to require adherence to these published policies prior to their actual adoption by the Commission, which may be as soon as next month.

After reviewing the access policies contained in this publication, I am very concerned that the public repercussions from their implementation may pose serious difficulties for the members of the Texas Senate with their constituents.

This letter will serve to add to your committee's charge the review of these new access policies, the public input into the Commission decisions involved, and the extent of public unrest which will result therefrom.

Since the Commission apparently is pursuing the adoption of this manual on an accelerated schedule, I urge you to pursue this review at the earliest possible time.

Yours very truly,

A handwritten signature in black ink that reads "Bill Ratliff".

William R. Ratliff
Lieutenant Governor

WRR/vf

cc: The Honorable Rick Perry, Governor
The Honorable Pete Laney, Speaker of the House
Members, Texas Department of Transportation
Members, Senate State Affairs Committee



Appendix III
Written Communications from TxDOT
to the Public Regarding Access Management

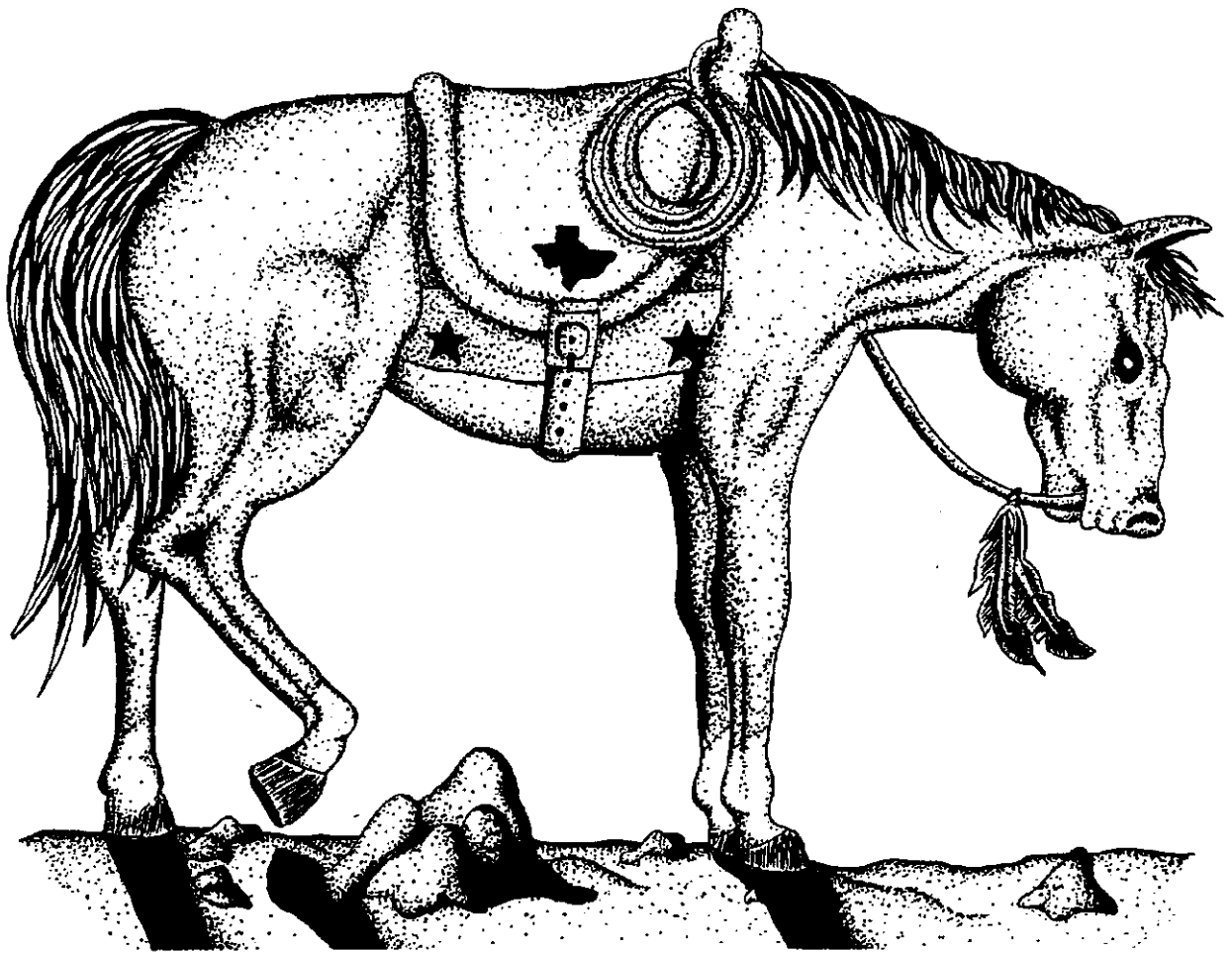
Written Communication From TxDOT

1. Publication in Texas Register
2. List of Outreach Meetings Dates
(Commissioner Nichols visited with each of the organizations to discuss the rules. Mark Marek attended most and made a power point presentation on Access Management)
3. Press Releases for the Access Management Rules Public Hearings
4. Ken Bohuslav was interviewed at the public hearings by the media. Attached is an e-mail indicating Channel 2 in Houston aired the interview.
5. Letters to MPO requesting a peer review of the *Draft Access Management Manual*.

TEXAS REGISTER

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(f) Postponement. The commission may postpone final approval if it finds that the current or projected financial condition of the bank warrants this action.

(g) Contingencies. The commission may make its preliminary or final approval contingent on further actions by the applicant, including upon the applicant making changes in the application, levying taxes, and performing other acts; or maintaining specified certains conditions necessary to assure repayment provide for adequacy of repayments.

(h) Order of approval or disapproval. Approval or disapproval of financial assistance the project, whether preliminary or final, will shall be by written order of the commission ; and will shall include the rationale, findings, and conclusions on which approval or disapproval is based. Approval or disapproval will be in the sole discretion of the commission, and nothing in this subchapter is intended to require approval of any financial assistance.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 31, 2002.

TRD-200203372

Richard D. Monroe
General Counsel

Texas Department of Transportation

Earliest possible date of adoption: July 14, 2002

For further information, please call: (512) 463-8630



CHAPTER 11. DESIGN

The Texas Department of Transportation (department) proposes the repeal of §§11.50-11.53, concerning access driveways to state highways, and simultaneously proposes new §§11.50-11.55, concerning access management.

EXPLANATION OF PROPOSED REPEALS AND NEW SECTIONS

Transportation Code, Chapter 203, provides that the Texas Transportation Commission (commission) may lay out, construct, maintain, and operate a modern state highway system, with emphasis on the construction of controlled access highways. To promote public safety, facilitate the movement of traffic, preserve the public's financial investment in highways, and promote national defense, the commission may convert where necessary an existing street, road, or highway into a controlled access highway in accordance with modern standards of speed and safety.

This chapter also authorizes the commission to designate a state highway as a controlled access highway, deny access to or from a controlled access highway, designate the location, type and extent of access to be permitted to a controlled access highway, and to close a public or private way at or near its intersection with a controlled access highway.

Due to the significant cost associated with the construction and maintenance of highways, it is imperative that they provide maximum traffic handling capacity for as long as practical. Adjacent development and access points along highways contribute to congestion and early deterioration of the operation of the highway, thereby reducing the ability of the state highway system to safely and efficiently move higher volumes of traffic.

In the December 28, 2001 issue of the *Texas Register* (26 TexReg 10816), the department proposed amendments to §15.54. Those amendments proposed limitations on the construction of frontage roads and prohibition on most new access to controlled access corridors. Those amendments are being withdrawn by separate action. The department received numerous comments to the proposed amendments to §15.54 stating that traffic congestion on the state highway system can be best addressed through the adoption of a comprehensive access management policy. The department agrees and therefore proposes new §§11.50-11.55.

Existing §§11.50-11.53 provide the current regulations for access driveways to state highways. Section 11.50 includes definitions for public, commercial, and private access driveways. Section 11.51 outlines the safety and operational basis for determining access driveways locations and the purpose they serve. Section 11.52 outlines the responsibilities for construction and maintenance of access driveways. Section 11.53 describes the conditions under which these rules apply. These sections are all proposed for repeal and will be replaced by language in new §§11.50-11.55.

New §11.50 defines terms used in this subchapter.

New §11.51 provides that the subchapter applies to new approaches or driveways and those that are reconstructed as part of a department project.

New §11.52 describes the process for determining where access may be permitted on a new location facility. Unless the commission determines otherwise, all new location facilities such as freeways, relief routes, loops, and major urban roadways will be designated as controlled access facilities pursuant to Transportation Code, Chapter 203, as a method of preserving mobility and safety on these new facilities. To maximize mobility and safety both on and off the state highway system, the department will work cooperatively with local governments and property owners to determine the location and type of access to the proposed facility that may be permitted, provided access is in conformance with the department's Access Management Manual. The Access Management Manual is available from the department for reference.

After the department has established a proposed access management plan for the facility, the commission will review the plan and determine whether to approve the location and type of access proposed. To ensure consistency with the Access Management Manual, access points approved by the commission under this section will be specifically described by a metes and bounds property description. To aid the project development process, subsequent to the release to begin right of way acquisition, local governments or individuals desiring access not in conformance with the approved access management plan must request commission approval to acquire the access rights at a specific location in the same manner as required for existing facilities.

New §11.53 describes the process to be followed regarding access to existing facilities. Subsection (a) describes options regarding the right to access a state highway undergoing reconstruction when property owners already possess a right of access. To maximize mobility and safety both on and off the state highway system, the department will work together with local governments and property owners to review existing access points for impacts on mobility, safety, and the efficient operation of the highway facility and reasonable conformance with the Access Management Manual.

Subsection (b) describes the process for obtaining approval of a new access point to an existing facility where the department does not own the access rights. To protect safety and mobility on the state highway system, the department may permit access to the highway based on the impacts on the mobility, safety, and efficient operation of the state highway facility and in accordance with the Access Management Manual and driveway permit procedures adopted by the department.

Subsection (c) describes the process for obtaining approval to purchase a new access point to an existing facility where the department owns the access rights. To maximize mobility and safety both on and off the state highway system, this subsection provides that the department will work cooperatively with the applicable local government and the requestor to determine the location and type of access that may be permitted. To ensure that the proposed access will maximize mobility and safety, the request must include an engineering study, which may include a Traffic Impact Analysis, acceptable to the department that evaluates mobility, safety, and the operational impacts on the state highway facility. Once the department has reached an agreement with the requestor, the commission will determine whether to approve the sale of the department's access rights to the requestor.

New §11.54 describes the construction and maintenance requirements for approved access driveways. Since a commercial or private access driveway benefits primarily the property owner, the permittee is responsible for all costs associated with the construction and maintenance of the driveway. Since public access driveways benefit both the permittee and the traveling public, the department will maintain these facilities within the state highway right of way if they connect to highways that are the maintenance responsibility of the department and provided that the permittee pays for the cost of materials and installation of the driveway.

To ensure the safety of the traveling public and to protect the integrity of the highway facility by providing for proper drainage of storm water in the area, §11.54 provides that access driveways must not alter or impede drainage and that department approval of the drainage structure for the driveway is required.

To minimize impacts on adjacent landowners when access driveways are destroyed or removed as part of highway construction, §11.54 provides that the department, when replacing or reconstructing those impacted driveways, will do so in accordance with the Access Management Manual and to a condition equal to or better than the original driveway.

To ensure the safety of the traveling public and to protect the integrity of the highway facility, §11.54 also requires the holder of a driveway permit to take corrective action when drainage or safety problems occur. Section 11.54 further provides that the department may make the necessary alterations to correct a safety or drainage problem and hold the permittee financially responsible if the permittee fails to correct the problem.

To ensure that the department considers all reasonable alternatives during project development, new §11.55 provides that the department may construct local access roads when necessary to restore circulation, to resolve a landlock condition on a parcel of land, or when the local access roads will otherwise benefit the state highway system. This section provides that commission approval must be obtained prior to the department entering into any agreements to provide local access roads in conjunction with a department project.

FISCAL NOTE

James Bass, Director, Finance Division, has determined that for each of the first five years the repeals and new sections are in effect, there will be no fiscal implications for state or local governments as a result of the repeals or enforcing or administering the new sections. There are no anticipated economic costs for persons required to comply with the sections as proposed.

Ken Bohuslav, P.E., Director, Design Division, has certified that there will be no significant statewide impact on local economies or overall employment as a result of enforcing or administering the repeals or new sections. Any impact on a specific local economy is unknown and would be a matter of conjecture.

PUBLIC BENEFIT

Mr. Bohuslav has also determined that for each year of the first five years the sections are in effect, the public benefits anticipated as a result of enforcing or administering the sections will be to preserve the safety, mobility, and efficient operation of the state highway system. By minimizing the degradation of highway system operations, the department anticipates that fewer additional highways will be needed, thereby saving in future public expenditures for highway construction. In addition, interested parties will find all information related to access to the state highway system conveniently located in Chapter 11. There will be no adverse economic effect statewide on small businesses.

PUBLIC HEARING

Pursuant to the Administrative Procedure Act, Government Code, Chapter 2001, the department will conduct three public hearings to receive comments concerning the proposed rules. Each public hearing will begin at 2:00 p.m. on the following dates and at the following locations:

June 26, 2002: Joe C. Thompson Conference Center Auditorium, Dean Keeton 26th & Red River, Austin, Texas 78705.

July 1, 2002: TxDOT Houston District Office, 7721 Washington Avenue, Houston, Texas 77251.

July 3, 2002: Irving Arts Center, 3333 North MacArthur Boulevard, Irving, Texas 75062.

These public hearings will be conducted in accordance with the procedures specified in 43 TAC §1.5. Those desiring to make official comments or presentations may register starting at 1:30 p.m. Any interested persons may appear and offer comments, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views and identical or similar comments through a representative member when possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc. for proper reference. Any suggestions or requests for alternative language or other revisions to the proposed text should be submitted in written form. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to

contact Randall Dillard, Director, Public Information Office, 125 East 11th Street, Austin, Texas 78701-2483, (512) 463-8588 at least two working days prior to the hearing so that appropriate services can be provided.

SUBMITTAL OF COMMENTS

Written comments on the proposed repeals and new sections may be submitted to Ken Bohuslav, P.E., Director, Design Division, 125 East 11th Street, Austin, Texas 78701-2483. The deadline for receipt of comments is 5:00 p.m. on July 15, 2002.

SUBCHAPTER C. ACCESS DRIVEWAYS TO STATE HIGHWAYS

43 TAC §§11.50 - 11.53

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Transportation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

STATUTORY AUTHORITY

The repeals are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the department.

No statutes, articles, or codes are affected by the proposed repeals.

§11.50. Definitions.

§11.51. Access Driveway Facilities.

§11.52. Access Driveway Facilities Outside the Corporate Limits of Municipalities.

§11.53. Applicability.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 31, 2002.

TRD-200203371

Richard D. Monroe

General Counsel

Texas Department of Transportation

Earliest possible date of adoption: July 14, 2002

For further information, please call: (512) 463-8630

SUBCHAPTER C. ACCESS MANAGEMENT

43 TAC §§11.50 - 11.55

STATUTORY AUTHORITY

The new sections are proposed under Transportation Code, §201.101, which provides the Texas Transportation Commission with the authority to establish rules for the conduct of the work of the department.

No statutes, articles, or codes are affected by the proposed new sections.

§11.50. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Access Management Manual--Guidelines adopted by the department to provide for reasonable access to a state highway facility while ensuring mobility, safety, and the efficient operation of the state highway system.

(2) Commercial access driveway--An entrance to, or exit from, any commercial, business, or similar type establishment.

(3) Commission--The Texas Transportation Commission.

(4) Controlled access facility--A facility designated by the commission under Transportation Code, Chapter 203, where the commission controls the location and type of access. Controlled access facilities include freeways where direct access to the mainlanes is not permitted and highways where limited direct access to the mainlanes may be permitted in accordance with the Access Management Manual.

(5) Department--The Texas Department of Transportation.

(6) Engineering study--An appropriate level of analysis, which may include a Traffic Impact Analysis, that determines the expected impact that permitting access will have on mobility, safety, and the efficient operation of the state highway system, and prepared in accordance with the Access Management Manual.

(7) Freeway--A facility intended to safely and efficiently move large volumes of traffic at high speeds where preference is given to through traffic by providing access to selected public roads only, and by prohibiting crossings at grade and direct private driveway connections to the mainlanes.

(8) Local access management guidelines--Guidelines adopted by a local government that meet or exceed the requirements in the Access Management Manual and provide for reasonable access while ensuring the mobility and safety of roadways within its jurisdiction.

(9) Local access road--A local public street or road, generally one that is parallel to a highway on the state highway system, that provides access for businesses or properties located between the highway and the local access road.

(10) Loop--A fully or partially circumferential route on a new location that is constructed primarily to improve mobility and reduce congestion on existing routes.

(11) Permittee--A property owner or his or her authorized representative who receives a driveway permit from the department to construct or modify an access driveway from the property to a highway under the jurisdiction of the department.

(12) Private access driveway--An entrance to, or exit from, a residential dwelling, farm, or ranch for the exclusive use and benefit of the permittee.

(13) Public access driveway--Any approach from a county or city maintained road or street, or an entrance to, or exit from, a public school, a publicly owned cemetery, or other publicly owned place or building of a like character.

(14) Relief route--A new location highway that is constructed primarily to improve mobility and reduce congestion on an existing route.

(15) Traffic Impact Analysis (TIA)--A traffic engineering study, paid for by the person or entity requesting access, conducted in accordance with the Access Management Manual, and signed, sealed, and dated by an engineer licensed to practice in the State of Texas, that determines the potential traffic impacts of a proposed traffic generator. This study must include, but is not limited to, an estimation of future traffic with and without the proposed generator, analysis of the traffic

impacts including a capacity and operational analysis of both the main roadways and adjacent intersections impacted by the generator, and the recommended roadway and intersection improvements needed to accommodate the expected traffic within logical limits or boundaries.

§11.51. Applicability.

This subchapter applies to all new access driveway facilities constructed on highways under the jurisdiction of the department. It also applies to existing driveways that may be reconstructed as part of a department project.

§11.52. Access to new location facilities.

(a) Intent. The intent of the department when developing new location facilities is to provide for the mobility and safety of the traveling public. All new location facilities such as freeways, relief routes, loops, and major urban roadways will be designated as controlled access facilities pursuant to Transportation Code, Chapter 203, unless the commission determines otherwise. Access to these facilities may be permitted in accordance with the provisions of this section. Typically, rural low-volume roads will not be designated as controlled access facilities.

(b) Determination. Prior to acquiring right of way for a project, the department will work cooperatively with the local government and property owners to determine the location and type of access to the proposed facility that may be permitted. Access must conform to the Access Management Manual. Access may be provided by the inclusion of frontage roads or by other means. Preference will be given to public access and shared use driveways.

(c) Approval. The commission may approve the provision of access on controlled access facilities after considering:

(1) impacts on mobility, safety, and the efficient operation of the state highway facility as determined by an engineering study, which may include Traffic Impact Analysis, acceptable to the department;

(2) conformance of the proposal to local access management guidelines; and

(3) significant prior commitments such as a local transportation plan adopted prior to January 1, 2002 or department release to begin right of way acquisition.

(d) Documentation. Access points on new location controlled access facilities that are approved by the commission under this section must be specifically described by a metes and bounds property description.

(e) Modification. Subsequent to the release to begin right of way acquisition, local governments or individuals desiring access must request commission approval to acquire the access rights at a specific location under the provisions of §11.53 of this subchapter.

§11.53. Access to existing facilities.

(a) Existing driveways. Property owners with right of access to the state highway system prior to a highway reconstruction project will retain access to the facility by either the retention of their existing driveway, the inclusion of frontage roads, or by other means, unless access rights are purchased by the department to resolve a safety, mobility, or operational concern. During project development, the department will work with the local government and property owners to review existing access points for impacts on mobility, safety, and the efficient operation of the highway facility and reasonable conformance to the Access Management Manual.

(b) New driveways to existing facilities where the department does not own the access rights. Access to the state highway system

may be permitted based on the impacts to mobility, safety, and the efficient operation of the state highway facility and in accordance with the Access Management Manual and driveway permit procedures adopted by the department.

(c) New driveways to existing facilities where the department owns the access rights. Requests to purchase the department's access rights will be considered under the provisions of this subsection. Appraisals will be prepared at the sole cost of the requestor.

(1) Determination. When an individual or entity requests access to a controlled access facility, the department will work cooperatively with the applicable local government and the requestor to determine the location and type of access that may be permitted to the facility. The requested access must be in conformance with the Access Management Manual and local access management guidelines. The request must include an engineering study, which may include a Traffic Impact Analysis, acceptable to the department. Access may be provided by the inclusion of frontage roads or by other means.

(2) Approval. Commission approval is required to sell the department's access rights. In determining whether to approve the sale of access rights, the commission will consider the information submitted with the request, including the findings of the engineering study, and significant prior commitments such as a local transportation plan adopted prior to January 1, 2002.

(3) Documentation. When the commission approves a sale of access rights to the owner of property adjoining the facility, the sale will be accomplished under Transportation Code, Chapter 202, Subchapter B. Access points approved by the commission under this paragraph will be specifically described by a metes and bounds property description.

§11.54. Construction and maintenance of approved access driveways.

(a) For commercial and private access driveways, the cost of materials, installation, and maintenance is the responsibility of the permittee.

(b) For public access driveways, the cost of materials and installation is the responsibility of the permittee. The department shall maintain all portions of public access driveways that lie within the state highway right of way and that connect to highways that are the maintenance responsibility of the department.

(c) Access driveways must not alter or impede drainage. When drainage structures are required, size of opening and other design features shall be approved by the department.

(d) Except as provided in §11.53(a) of this subchapter, any existing driveway facility that is destroyed or removed in the construction or reconstruction of a section of highway will be replaced or reconstructed by the department to a design in accordance with the Access Management Manual and to a condition equal to or better than the original driveway.

(e) If drainage or safety problems related to new driveway facilities occur, it is the permittee's responsibility to take corrective action. If drainage or safety problems related to existing commercial or private access driveways occur, it is the permittee's responsibility to take corrective action. If the permittee fails to take corrective action, the department may make the necessary alterations and hold the permittee financially responsible. The department will correct drainage or safety problems related to existing public access driveways.

§11.55. Local access roads.

If local access roads are necessary to restore circulation or to resolve a landlock condition on a parcel of land, or will otherwise benefit the state

highway system, local access roads may be included in a department project on a standard participation basis as established in Appendix A of §15.55 of this title (relating to Construction Cost Participation). Commission approval must be obtained prior to the department entering into any agreements to provide local access roads in conjunction with a department project. Local access roads will not be considered service projects as defined in §15.56 of this title (relating to Local Financing of Highway Improvement Projects on the State Highway System).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 31, 2002.

TRD-200203370

Richard D. Monroe

General Counsel

Texas Department of Transportation

Earliest possible date of adoption: July 14, 2002

For further information, please call: (512) 463-8630



From: Mark Marek
To: Robert Kovar
Date: 7/30/02 7:27AM
Subject: Outreach Meeting Dates

The following are the dates and names of the groups that Commissioner Nichols visited in the access management rules outreach effort.

April 08, 2002 Texas Association of Realtors in Austin
April 17, 2002 San Antonio Mobility Coalition in San Antonio
April 19, 2002 Texas 21 in Midland
April 26, 2002 Houston-Galveston Area Council (MPO) in Houston
May 03, 2002 Dallas Regional Mobility Coalition in Dallas
May 09, 2002 North Central Texas Regional Council (MPO) in Arlington

CC: A. Rory Meza

From: Gabriela Garcia
To: Robert Kovar
Date: 7/29/02 9:33AM
Subject: Fwd: Media advisory

Attached is the news release for the Austin public hearing. It was also posted on the Internet.

June 25, 2002

Public hearing set for highway access management rules

Who, What, When

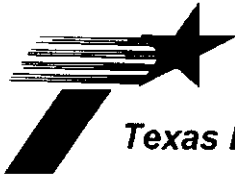
- On Wednesday, June 26, the Texas Department of Transportation will hold a public hearing in Austin on the proposed highway access management rules.
- The hearing will begin at 2 p.m. at the Joe C. Thompson Conference Center, 26th Street and Red River.
- The proposed rules are intended to provide access from highways to adjacent properties while preserving traffic flow and increasing safety on the surrounding road system. The proposed rules would also extend the operational life of the existing road, postpone the need for road widening and support economic development.
- Additional public hearings are scheduled in Houston (July 1) and Irving (July 3).
- Written comments on the proposed rules will be accepted if received by July 15, 2002. Comments should be mailed to: Ken Bohuslav, Director, Design Division, Texas Department of Transportation, 125 E. 11th Street, Austin, TX 78701-2483.

Background

- In January, TxDOT held a series of public hearings to hear comments on proposed rules limiting the construction of frontage roads on future freeways.
- Based on public comment, the Texas Transportation Commission withdrew proposed rules limiting frontage roads and instead is considering proposed rules on highway access management.
- On June 28, 2001, the commission approved a policy to design freeways with limited access without adversely impacting local traffic and space interchanges to preserve the capacity on the main travel lanes.
- On June 28, 2001, commission directed TxDOT to work with local governments to determine how to best maintain local traffic circulation when access is limited.

From: Gabriela Garcia
To: Gary Grose
Date: 6/25/02 8:05AM
Subject: Media advisory

Here's another one for today. - Thanks.



Texas Department of Transportation

news

125 E. 11th Street
Austin, Texas 78701-2483
(512) 463-8588 FAX (512) 463-9896

June 26, 2002

Public hearing set for highway access management rules

Who, What, When

- Today, June 26, the Texas Department of Transportation will hold a public hearing in Austin on the proposed highway access management rules.
- The location of the hearing has been moved to the **LBJ Library Auditorium**, 26th Street and Red River. The hearing will begin at 2 p.m.

- 30 -

For more information, call Gabriela Garcia, TxDOT Public Information Office, (512) 475-2134.

From: Gabriela Garcia
To: Robert Kovar
Date: 7/29/02 9:35AM
Subject: Fwd: access management

Here's the advisory for the Houston hearing.

From: Gabriela Garcia
To: Norm Wigington
Date: 6/28/02 11:52AM
Subject: access management

Please send out the attached media advisory for Monday's public hearing on access management.

Thanks.

June 27, 2002

Public hearing set for highway access management rules

Who, What, When

- On Monday, July 1, the Texas Department of Transportation will hold a public hearing in Houston on the proposed highway access management rules.
- The hearing will begin at 2 p.m. at the TxDOT district office, 7721 Washington Avenue.
- The proposed rules are intended to provide access from highways to adjacent properties while preserving traffic flow and increasing safety on the surrounding road system. The proposed rules would also extend the operational life of the existing road, postpone the need for road widening and support economic development.
- An additional public hearing is also scheduled in Irving (July 3). A hearing was held in Austin earlier this week.
- Written comments on the proposed rules will be accepted if received by July 15, 2002. Comments should be mailed to: Ken Bohuslav, Director, Design Division, Texas Department of Transportation, 125 E. 11th Street, Austin, TX 78701-2483.

Background

- In January, TxDOT held a series of public hearings to hear comments on proposed rules limiting the construction of frontage roads on future freeways.
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- On June 28, 2001, the commission approved a policy to design freeways with limited access without adversely impacting local traffic and space interchanges to preserve the capacity on the main travel lanes.
- On June 28, 2001, commission directed TxDOT to work with local governments to determine how to best maintain local traffic circulation when access is limited.

From: Gabriela Garcia
To: Robert Kovar
Date: 7/29/02 9:36AM
Subject: Fwd: media advisory

Here's the advisory for the Irving hearing.

From: Gabriela Garcia
To: Durien Goode; Mark Ball
Date: 6/28/02 12:25PM
Subject: media advisory

Please distribute the attached media advisory to local media. Thanks.



June 28, 2002

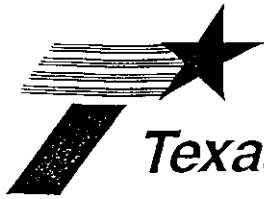
Public hearing set for highway access management rules

Who, What, When

- On Wednesday, July 3, the Texas Department of Transportation will hold a public hearing in Irving on the proposed highway access management rules.
- The hearing will begin at 2 p.m. at the Irving Arts Center, 3333 N. MacArthur Blvd.
- The proposed rules are intended to provide access from highways to adjacent properties while preserving traffic flow and increasing safety on the surrounding road system. The proposed rules would also extend the operational life of the existing road, postpone the need for road widening and support economic development.
- An additional public hearing is also scheduled in Houston (July 1). A hearing was held in Austin earlier this week.
- Written comments on the proposed rules will be accepted if received by July 15, 2002. Comments should be mailed to: Ken Bohuslav, Director, Design Division, Texas Department of Transportation, 125 E. 11th Street, Austin, TX 78701-2483.

Background

- In January, TxDOT held a series of public hearings to hear comments on proposed rules limiting the construction of frontage roads on future freeways.
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- On June 28, 2001, commission directed TxDOT to work with local governments to determine how to best maintain local traffic circulation when access is limited.



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

July 9, 2002

Michael Morris, P.E.
Director of Transportation
North Central Texas Council of Government
P.O. Box 5888
Arlington, TX 76005-5888

Dear Mr. Morris:

As discussed at the Access Management Public Hearing in Irving, a peer review of the Texas Department of Transportation's (TxDOT) *Draft Access Management Manual* by local traffic engineers knowledgeable in this area would be appropriate. We have attached a copy of the manual for your convenience. The manual may also be accessed on TxDOT's website. Please coordinate this review and return any comments by August 15, 2002.

In late August or early September, we propose scheduling a technical work group meeting comprised of your local technical personnel, TxDOT and TxDOT's research/consultant personnel involved in developing the criteria in the draft manual.

If you have any questions, please do not hesitate to contact me at 512/416-2576.

Sincerely,

Ken Bohuslav, P.E.
Director, Design Division

Attachment



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

July 26, 2002

Mr. Michael R. Aulick
Executive Director
Capital Area Metropolitan Planning Organization
P.O. Box 1088 - Annex
Austin, Texas 78767

Dear Mr. Aulick:

As you know, the Texas Department of Transportation (TxDOT) is in the process of developing an access management manual. As you also know, access management can bring significant benefits. Good access management can improve safety, preserve roadway capacity, postpone or prevent costly roadway improvements, decrease travel time and congestion, improve air quality, and maintain travel efficiency and economic prosperity. Good access management is achieved through the coordination and cooperation of the state and the local governments.

We, therefore, believe a peer review of TxDOT's *Draft Access Management Manual* by local government traffic engineers knowledgeable in this area would be beneficial. We have attached a copy of the manual for your convenience. The manual may also be accessed on TxDOT's Web site. We would appreciate your coordinating this review and returning any comments by August 30, 2002.

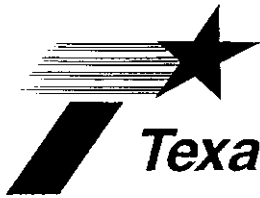
In September, if necessary, we will schedule a technical work group meeting comprised of local technical personnel, TxDOT and TxDOT's research/consultant personnel involved in developing the criteria in the draft manual to discuss the comments.

If you have any questions, please do not hesitate to contact me at (512) 416-2576.

Sincerely,

Ken Bohuslav, P.E.
Director, Design Division

Attachment



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

July 26, 2002

Mr. Alan Clark
Transportation Planning Manager
Houston Galveston Area Council
P.O. Box 22777
Houston, Texas 77227-2777

Dear Mr. Clark:

As you know, the Texas Department of Transportation (TxDOT) is in the process of developing an access management manual. As you also know, access management can bring significant benefits. Good access management can improve safety, preserve roadway capacity, postpone or prevent costly roadway improvements, decrease travel time and congestion, improve air quality, and maintain travel efficiency and economic prosperity. Good access management is achieved through the coordination and cooperation of the state and the local governments.

We, therefore, believe a peer review of TxDOT's *Draft Access Management Manual* by local government traffic engineers knowledgeable in this area would be beneficial. We have attached a copy of the manual for your convenience. The manual may also be accessed on TxDOT's Web site. We would appreciate your coordinating this review and returning any comments by August 30, 2002.

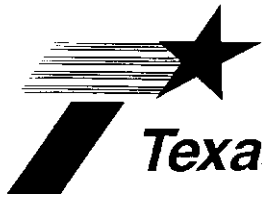
In September, if necessary, we will schedule a technical work group meeting comprised of local technical personnel, TxDOT and TxDOT's research/consultant personnel involved in developing the criteria in the draft manual to discuss the comments.

If you have any questions, please do not hesitate to contact me at (512) 416-2576.

Sincerely,

Ken Bohuslav, P.E.
Director, Design Division

Attachment



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

July 26, 2002

Ms. Joanne Walsh, Administrator
San Antonio-Bexar County
Urban Transportation Study Steering Committee
1021 San Pedro Avenue
San Antonio, Texas 78212

Dear Ms. Walsh:

As you know, the Texas Department of Transportation (TxDOT) is in the process of developing an access management manual. As you also know, access management can bring significant benefits. Good access management can improve safety, preserve roadway capacity, postpone or prevent costly roadway improvements, decrease travel time and congestion, improve air quality, and maintain travel efficiency and economic prosperity. Good access management is achieved through the coordination and cooperation of the state and the local governments.

We, therefore, believe a peer review of TxDOT's *Draft Access Management Manual* by local government traffic engineers knowledgeable in this area would be beneficial. We have attached a copy of the manual for your convenience. The manual may also be accessed on TxDOT's Web site. We would appreciate your coordinating this review and returning any comments by August 30, 2002.

In September, if necessary, we will schedule a technical work group meeting comprised of local technical personnel, TxDOT and TxDOT's research/consultant personnel involved in developing the criteria in the draft manual to discuss the comments.

If you have any questions, please do not hesitate to contact me at (512) 416-2576.

Sincerely,

Ken Bohuslav, P.E.
Director, Design Division

Attachment

Access Management Rules

Background

In December 2001, TxDOT proposed revising the frontage road policy to improve mobility and safety on the state highway system. The department conducted six public meetings across the state to hear public comment. As a result these hearings, TxDOT is recommending withdrawal of the revised frontage road policy suggested last year and is proposing new access management rules.

Access Management Policy

To provide access to land development while simultaneously preserving traffic and increasing safety on the surrounding road system.

Purpose of Access Management Policy

- Improve mobility on state highway corridors
- Increase safety and reduce traffic choke points
- Extend the operational life of the existing road
- Preserve road capacity and postpone the need for roadway widening
- Provide property owners and customers with safe access to and from highways
- Support economic development and community revitalization

Proposed Rules

The proposed rules would apply to both local roadways and private driveways and provide specific requirements for gaining access to state roadways.

Public Hearings

TxDOT will hold a series of public hearings to receive public comment at 2 p.m. on the following dates:

June 26

Austin

Thompson Conference Center
26th Street and Red River

July 1

Houston

TxDOT District Office
7721 Washington Avenue

July 3

Irving

Irving Arts Center
3333 North MacArthur Blvd

Written comments will be accepted if received by July 15, 2002. Comments should be mailed to Ken Bohuslav, Director, Design Division, Texas Department of Transportation, 125 E. 11th Street, Austin, TX 78701-2483.



Access Management Rules

Access to New Roadways

- New freeways, relief routes, loops and major urban thoroughfares will be designated as controlled access highways, limiting the access to and from properties adjacent to the highway.
- Most rural, low-volume roads, such as farm to market roads, will not be designated as controlled access.
- Limited access may be given accordance with an access management plan developed between TxDOT and the local government. The joint plan will be developed early during the project development phase.
- Access may be approved after considering:
 - Impacts on mobility, safety and the efficient operation of the state highway system
 - Results of a traffic impact analysis
 - Significant prior commitments

Access to Existing Roadways

- When expanding existing roadways, property owners currently holding access rights to the highway will retain access in accordance with TxDOT's access management guidelines.
- New requests for access will be reviewed for compatibility with TxDOT's access management guidelines and impacts to the mobility, safety and efficient operation of the system.

The Texas Transportation Commission must approve new requests for access where TxDOT owns the access rights.

PRINCIPLES OF ACCESS MANAGEMENT

Reduce the number of conflict points. Conflict points occur at intersections, or anywhere along a roadway where vehicles cross paths. By reducing the number of conflict points, the potential for crashes is significantly reduced. At a typical four-way intersection, where left turn lanes and cross-street movement is restricted, conflict points can be reduced from 32 to 4.

Separating conflict areas. Because of the high level of activity at intersections and driveways, through traffic needs time to react to the deceleration, acceleration and travel paths of other vehicles. Adequate spacing between intersections allows drivers to react at one intersection at a time without impeding traffic flow further downstream.

Reducing interference with through traffic. Traffic often needs to slow for vehicles exiting, entering, or turning across the roadway. Providing turn lanes or restricting movement allows turning traffic to get out of the way of following through traffic.

Providing adequate on-site circulation and storage. Designing for good internal vehicle circulation in parking areas and on local streets reduces the number of driveways needed to provide access between businesses and the adjacent roadway.

Access Management Rules

Access Management Methods

- **Restrict the number of driveways per lot.** This will reduce interference of vehicles with oncoming traffic and improve traffic flow along the roadway.
- **Locate driveways away from intersections.** Setting driveways away from intersections provides more time and space for vehicles to turn or merge safely across travel lanes.
- **Connect parking lots and consolidate driveways.** Provide internal connections between neighboring properties allowing vehicles to circulate between businesses without having to re-enter the major roadway.
- **Provide residential access through neighborhood streets.** Design subdivisions so that lots along a major roadway have internal access from a residential street as opposed to driveways leading directly onto the major roadway.
- **Increase minimum lot frontage on major roads.** Narrow lots on major roads are a problem because they result in closely spaced driveways. Lots along major roadways should be deeper and wider to allow adequate flexibility in site design and to increase separation of driveways.
- **Encourage internal access.** Access to businesses located in a shopping development but fronting a major roadway should be incorporated into the circulation of the retail center, reducing the number of driveways on a major road.
- **Regulate the location, spacing and design of driveways.** Establishing minimum distance between driveways along major roadways reduces the potential for collisions, encourages sharing driveways and provides more areas for pedestrians and landscaping.



Appendix IV
Written Public Comments
Received by TxDOT
Regarding Access Management

Herbert D. Weitzman
Chairman / CEO

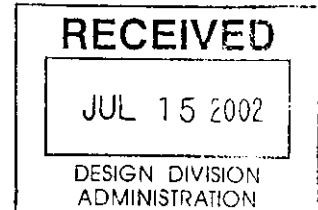
HDW@WeitzmanGroup.com

July 15, 2002

Mr. Kenneth Bohuslav
Director of the Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

via facsimile 512-416-2539

RE: Opposition of Proposed Amendments
Concerning Access Management
43 TAC Sections 11.50 – 11.55



Dear Mr. Bohuslav:

I am writing to express opposition to the implementation of the proposed new rules concerning access management.

The Weitzman Group is the largest retail brokerage company in the state of Texas, representing landowners, developers and retailers, with offices in the major Texas markets, Dallas/Fort Worth, Houston, San Antonio and Austin.

The spacing requirements for median breaks and for curb cuts per the proposed access management standards will inhibit commercial growth along thoroughfares, thereby limiting the development of the commercial tax base which is so important to the new growth cities in urban areas. The development of commercial property provides the taxes for municipalities and school districts to fund the responsibilities due its citizens. TxDOT needs to recognize the vital nature of economic development to local and state tax revenues.

Respectfully, the process to date has not allowed for meaningful input from a broadly representative group of urban cities and counties, along with the development community.

Going forward, access management must defer to established thoroughfare plans put in place in the past by urban cities in conjunction with TxDOT. Urban cities have been monitoring access management for safety, mobility and economic development for decades, and local thoroughfare standards should be both probative on new development and be grandfathered against any future access modifications.

3102 Maple Avenue Suite 350 Dallas, Texas 75201 214.954.0600 fax 214.953.0866

www.WeitzmanGroup.com

The Weitzman Group is the brokerage division of Weitzman Management Corporation, a regional realty corporation which also does business through its management and development division, Cencor Realty Services.

Mr. Kenneth Bohuslav
July 15, 2002
Page Two

I support the recommendations presented by TEX-21 Vice Chair and Harris County Judge Robert Echels to the Senate State Affairs Committee regarding the proposed access management rules and manual, which were echoed in a presentation made by Collin County Judge Ron Harris at the July 3 public hearing on this matter in Irving

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Herb Weitzman" followed by a horizontal flourish.

Herbert D. Weitzman

HDW:pac

c: Senator Florence Shapiro
Judge Ron Harris
David Palmer



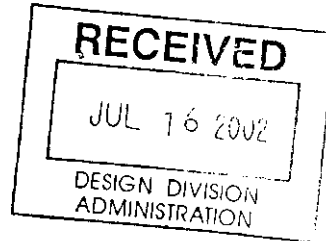
Economic Development

1944 N. Fulton, Wharton, TX 77488 (979) 532-0999 (866) 532-0999

FAX (979) 532-5257 wedco@intertex.net

July 8, 2002

Commissioner John W. Johnson
Texas Transportation Commission
130 East 11th Street
Austin, Texas 78701-2483



RECEIVED

JUL 09 2002

Re: Written comments on the proposed repeals and
new sections of Chapter 11 concerning access management

Dear Commissioner John W. Johnson:

Thank you for holding the July 1, 2002 meeting in Houston for discussion of the Access Management Manual. In short, please let this letter summarize my opinions and suggestions on two aspects of the manual.

In rural communities of Texas, we have a hard time getting any development to occur. It is our understanding that approval of access could possibly occur after 120 days of review by The Texas Department of Transportation. You gentleman know developers are lucky if they get 120 days to perform on an earnest money contract in determining if they use and develop a site. We believe some cities permitting departments allow 30 days for review and if no answer is given, then the plan is automatically approved. It is believed our State Attorney General's Office reviews items in 45 days and if no comments are warranted, then governmental agencies are told they can proceed without an actual opinion from their office. I offer these suggestions, in approaching each of the road access requests:

1. **Make it perfectly clear in the manual which Texas Department of Transportation office will review the access to roads request in each region of Texas and**
2. **upon receipt of the request for access to a road, allow the Texas Department of Transportation a 30-day review to accept or recommend any changes or agree that no comment is an approval for the developer to move forward.**

We can agree that each community will have different needs for access and we believe rural communities can partner with the Texas Department of Transportation when we address the future revenue streams that benefit both of us.

We appreciate your time and consideration on this important matter.

Sincerely,

David L. Schroeder

cc: JR
DES✓

COPIES TO ALL 3
ORIGINAL ADDRESSED TO:

each

WINSTEAD

cc: Ken Bohuslav



July 15, 2002

direct dial: 512.370.2856
dhugin@winstead.com

Via Hand Delivery

Mr. John W. Johnson
Commissioner of Transportation
Texas Transportation Commission
125 E. 11th Street
Austin, Texas 78701-2843

Re: Written Comment as to TxDOT's Proposed Access Management Rules & Draft
Access Management Manual

Dear Commissioner Johnson:

We represent a number of property owners, developers and other clients concerned about both the substance and procedure as to the Texas Department of Transportation's ("TxDOT") proposed Access Management Rules (6/14/02) ("the Proposed Rules") and draft Access Management Manual (5/30/02) ("the Draft Manual"). As invited to by Joanne Wright at the public hearing in Austin on June 26, 2002 you attended as Chairman of the Texas Transportation Commission ("the Commission"), we write to provide written comments as to the Proposed Rules and the Draft Manual.

A point on which parties on all sides of these issues would agree is the Proposed Rules and Draft Manual are unprecedented in the scope of changes both suggest. While the three public hearings the Commission and/or TxDOT held around the state in late June and early July were appreciated, no questions of any witness were permitted except by the panel (and the Austin panel asked none) and no questions were permitted of any panel members. While no one can question the ability of the Commission and/or TxDOT to appropriately make reasonable changes to rules and manuals, the rapid pace of these procedures, and the breadth, scope and variance from past practice of the substance is (if for no other reason than inadequate time and practice for reflection and revision) troubling. While Ken Bohuslav said at the Austin Public Hearing that the proposed changes would be "a work in progress for several years," there is no such clear commitment to flexibility and potential per-project revision in the Proposed Rules and Draft Manual. This is especially important as to projects that have been planned and in which significant funds have been expended in reliance on prior TxDOT access Rules and practices.

Not to belabor the obvious but, if there were no roads whatsoever, there would be no crashes. While the latter is desirable, the former is of course impossible. Similarly, for example, we do not believe that a total denial of new access from "AC 1" designated facilities is desirable or possible. Moreover, generally, it will be extremely difficult if not impossible to retrofit developed areas using many of the guidelines in the Draft Manual. While the Draft Manual

SUITE 800
100 CONGRESS AVENUE
AUSTIN, TEXAS 78701

PH 512.474.4330
FAX 512.370.2850
WINSTEAD.COM

WINSTEAD SECHREST & MINICK
Attorneys and Counselors
A Professional Corporation

Austin, Dallas, Fort Worth,
Houston, Mexico City,
The Woodlands, Washington D.C.

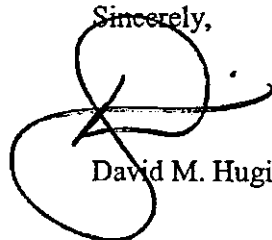
states "[p]re-existing access will be allowed to continue until the property is redeveloped" (page 1-2), the provision sounds more like mere toleration of an allegedly unwise status quo, rather than an acceptance that certain access may have developed for reasons meriting further analysis and study.

Nor should the negative incentives for continued development and redevelopment of property created by the Draft Manual's extinguishing of prior access upon the event of redevelopment be ignored. Indeed, the very same page of the Draft Manual concedes "[i]t is important to realize that access management is not a 'one-size-fits-all' guideline." (page 1-2). We are, however, encouraged by the language at page 4-2 of the Draft Manual that deviations to the access spacing criteria will be considered if operational or safety problems do not result. We hope the same will be true of the fact of access itself.

Any of the arguable total absolutes in the Draft Manual should permit exception. In fact, many of the "rules" already contained within the Draft Manual admit exception. (*See, e.g.*, page 1-5 (permitting consideration of unnamed "similar treatments" if median treatments are not a viable option)). Further, much of the purported factual bases of Draft Manual recommendations are, to be fair, at times overstated. (*See, e.g.*, page 1-4 (implying every driveway creates equivalent potential conflict points); page 2-8 (suggesting access plays no role in economic viability of both specific and not-specific destination businesses); 4-10 (incrementalizing facially inconsistent accident indices data)).

No doubt, the Draft Manual is correct: "[t]here are numerous types of access management treatments that can be implemented on the roads." (page 2-2). To fashion the Draft Manual as a regulation rather than merely a guideline, will do a disservice to the Commission, TxDOT, property owners and developers, and the public at large. The Draft Manual recognizes the worthiness of protecting an investment in streets (page 2-4). We respectfully suggest that as the Commission and/or TxDOT discharge their respective duties, there can never be for a myriad of mutually exclusive situations and circumstances a perfect facility, and investments in streets are not the only things worthy of consideration and protection.

Sincerely,



David M. Hugin

DMH/sp

Wednesday, July 10, 2002

Mr. Ken Bohuslav
Design Division Director
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

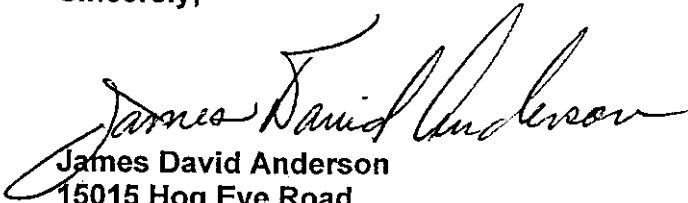
RE: SH-130 Frontage Roads

Dear Sir:

It is my current belief that economic reality has been ignored by the decision to build this highway on the east of Lake Walter E. Long instead of the west side where you would have substantially reduced the miles of travel in this section thereby reducing construction costs and increasing the estimated usage by locals as an alternative to I-35. By constructing the highway too far to the east, combined with the failure of counties to the south of Travis county to secure the funding necessary for the extension to I-10 which, in turn would make it an attractive alternative for the NAFTA trucking from the border, you are substantially increasing the risk that revenues from tolls will be insufficient to amortize the bond debt.

Without the NAFTA traffic for the opening of SH-130, the only alternatives for increasing toll revenue is to either increase the toll rate or to increase the number of people using the toll way. Unless you have plans to restrict access to I-35, the preferred method for getting more people to use the new highway would be to make it more accessible. And, to do this, you need to build more frontage roads rather than fewer frontage roads. To build none at all would once again demonstrate that decisions about this highway are still being made based upon something other than plain common sense.

Sincerely,


James David Anderson
15015 Hog Eye Road
Manor, TX 78653

SOME SUGGESTIONS TO REDUCE CONGESTION ON FREEWAY ACCESS & SERVICE ROADS

Driveway changes :

- (1) - Limit the number of total driveways based on : the amount of service road frontage ; and the size (see below) and type of the proposed driveways
- (2) - Set a minimum width based on some criteria like traffic activity
- (3) - Set minimum driveway radii based on some criteria like driveway width
- (4) - Set some controls on any internal traffic flow barriers {within 40' of the highway line} {in concert with the local City(s), Town(s), Village(s) and any other incorporated communities} that act to restrict and/or bottleneck the flow of traffic thru the driveway(s) which could cause and has caused both traffic backup , congestion and safety hazards on the service roads

Service road changes :

- (5) Provide for and design at least one {if not two} left-turn and right-turn Only lanes (wherever physically possible) at all intersections with heavily traveled major thoroughfares
- (6) Require any large developments like shopping centers, K-Mart, Home Depot , Lowes, etc. with sufficient freeway frontage (400' +){where no substantial elevation difference exists between the site and the service road} to provide {construct to TxDOT stds.} at least 50' to 100' long entrance and exit merge turn lane(s) abutting the existing service road lanes at all main entrances and approaches .

(1) Limit the number of total driveways to : either only one two-way driveway ; or only two one-way driveways per each 150' to 200' [or less for property without 150' to 200'] of service road frontage , but with a minimum clearance of 100' in between each driveway , wherever physically possible . Require that each driveway have a minimum size based on the type of driveway and the total number of internal parking spaces (see below) .

(2) For two-way driveways, require a minimum throat width of : 25' ; 30' ; 35' ; & 40' for developments with respective parking space counts of : 0-50 ; 51-100 ; 101-150 ; & 151+ for basic retail/strip center/shopping center useage and : 0-25 ; 26-50 ; 51-75 ; & 76+ for fast food drive-thoroughs and any other high volume traffic flow business useage at peak traffic flow times on the service roads .

For each angled (30 to 60 degrees[+/-]) {and/or large radius (20' to 40') curved} one-way driveway, require a minimum throat width of : 15' ; 20' ; 25' ; & 30' for developments with respective parking space counts of : 0-50 ; 51-100 ; 101-150 ; & 151+ for basic retail/strip center/shopping center useage and : 0-25 ; 26-50 ; 51-75 ; & 76+ for fast food drive-thoroughs and any other high volume traffic flow business useage at peak traffic flow times on the service roads . These will work best with the following described supplementary entrance and exit merging lanes on the service roads.


(3) For two-way driveways, set the minimum driveway radii at : 25' ; 20' ; 15' ; & 15' respectively for driveway widths of : 25' ; 30' ; 35' ; & 40' and require raised lane markings

minimum marked lane widths of 10' to 11' (at the throat [on the Right-Of-Way {R.O.W.} line]) on all driveway approaches, including one-way driveways.

(4) Set controls on any internal traffic flow barriers {within 40' of the highway {R.O.W.} line} {in concert with the local City(s), Town(s), Village(s) and any other incorporated communities}. These barriers can and do cause restrictions and bottlenecks in the flow of traffic thru the driveway(s) and both onto and off of the service roads.

Where : there are 90 degree parking spaces facing towards or away from the access/service road next to or near the service road driveways ; and the parking lot driveway aisles intersect said service road driveways (@ 90(+/-20) degrees), said parking lot driveway aisles must : (a) be located a minimum of 25' from the Right-Of-Way {R.O.W.} line point of the service road driveways ; and either (b) have a minimum 10' turning radius on the service road driveway side of any physical barrier (with a 10' minimum thickness/width) placed between the nearby parking spaces and the service road driveway or (c) have the service road driveway width be increased by flaring it out (internally) an additional 10' on any side where there is a physical barrier (with a 0'-10' width) placed between the nearby parking spaces and the service road driveway so that all these 100s Of 1000s of long bed {long wheel base} pickups , vans , trucks & buses can both get off of and out into the freeway's access/service roads without having to swing widely (and take up a 15'-20' turning space out of these small constipated driveways) to get back onto the freeway access road .

Thank you for reading my comments and pardon my spelling . I would have sent these in sooner but I didn't hear @ your public comment period until the Fourth when a local TV station did a belated sound bite/filler piece (dead news day) on it being over so soon . I hope that I made it in time and I am going to send a copy of this to the largest local papers suggesting that they : have their readers send them their own suggestions on how to reduce your (& our) service road congestion ; make a small contest out of it ; print all the best suggestions ; and give their authors credit (and maybe also small cash prizes based on their merit) . I was surprised that more news reporting entities didn't get the word out early {and loudly} enough to us on such an important issue facing all Houstonians .

Respectfully yours ,


W. L. (Bill) Crouch
1531 Columbia Street
Hou-Tex 77008

Zcs: Houston Chronicle ; Houston Press ; et al

307 Sunflower Drive
Pflugerville, TX 78660
June 26, 2002

AC 6003 11/11/02
Rules comment
file

Ken Bohuslav, Design Division Director
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

Dear Mr. Bohuslav,

I read in today's Austin American Statesmen about your requesting comments on the new rules for new frontage roads. Unfortunately my schedule does not allow me to attend the public hearing today, but I would like to give you my feedback.

I am not a highway planner. I was born and reared in Texas but spent 16 of my adult years living in the San Francisco Bay Area where frontage roads were either non-existent or a rare exception. **I strongly support having frontage roads.** Having said this, these are my comments:

1. Frontage roads provide a secondary route when freeways/tollways are seriously congested or stopped due to traffic mishaps. When no frontage road exists, the clogged roadway becomes a tourniquet with cars "land locked" with no place to go. Once vehicles are able to exit the roadway, they take to the back streets (often residential) in great numbers, causing serious traffic woes for neighborhoods. When coupled with even fewer entrances to the freeway/tollway, this becomes an even greater traffic volume issue. Frontage roads also provide ready access for emergency vehicles.
2. Frontage roads provide a source for travel related commerce, such as gas stations, eateries and hotel/motels. When you travel roads with no frontage roads, you often have to go greater distances off the main road to find services. As a woman who often travels long distances alone I like to be able to see where I am going to stop, for safety reasons, without having to drive out of the main highway area.
3. Frontage roads can provide "free" short distance roadways for toll roads, such as with Beltway 8 in Houston. The frontage roads also allowed a staged implementation of the entire toll road by allowing the construction of the frontage road in places where the main toll road was years away from construction (e.g. between East I-59 and US 90). This provides adequate roadways until traffic growth dictates the entire project be completed (e.g. delayed use of highway dollars).
4. Regarding limiting the number of entrance points, it is not just the number of entrance points that impacts traffic, but also the way they are designed. Texas has some of the ugliest entry ramps to freeways that I have ever seen. The entry traffic cannot merge at the freeway speed when it has just to navigate a treacherous "S" curve for freeway access. (I-35 has a number of these horrible entrances). This slows highway traffic down and I am sure results in accidents.

Thank you for allowing me to comment on these important issues.

Sincerely,


Sally Gannaway

Jacquelyn Hopkins
6937 Loma Vista Drive
Fort Worth, TX 76133
(817) 263-2562
jacque@imagin.net

July 10, 2002

Mr. Ken Bohuslav
Design Division Director
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

RE: SH 130 Frontage roads

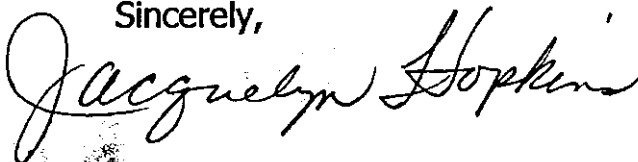
Dear Mr. Bohuslav:

SH 130 will bisect property that I own on Gilbert Lane, Travis County. Unless frontage roads are built so that the remaining pieces of property can be accessed after the highway is built, the state, in effect, makes that remaining property unsaleable due to its inaccessibility.

Since I am only one of many landowners in this position, it might be less costly for the state to make all remaining property accessible via frontage roads rather than being forced to acquire the landlocked properties.

Thank you for your consideration of my views.

Sincerely,



Jacquelyn Hopkins
Landowner

(02105009830000, ABS 60 SUR 40, Buckman O, 12.033 acres)

From: James McCarley <ccu9@airmail.net>
To: Robert Nichols <rnichols@risecom.net>
Date: Fri, May 10, 2002 1:26 PM
Subject: Comments on Proposed Access Management Rules

Thanks again for coming to the DRMC meeting on May 3rd. I think your effort to explain the background and new proposal on access management was well received by the group and audience. Sorry I didn't make the RTC meeting in Arlington on Thursday...I was in Houston with Judge Jackson and Judge Harris meeting on mutual transportation issues with Judge Eckels and the Greater Houston Partnership.

Following are the comments received from DRMC agency members regarding the draft access management rules you provided.

1) As previously mentioned to you, the timeline indicates a proposal to delete the existing 15.54 (d) section dealing with cost participation on frontage roads. In talking with Sallie and Mark it appears any frontage roads will be on a case by case (or project) basis. There is concern from the locals on criteria that may be used by TxDOT or the TTC on if, when, where, who pays on installation of frontage roads, regardless of the access management issue. This situation would probably impact existing roadways in the Dallas area where there are no continuous frontage roads. As development occurs, the local government and/or property owner would probably need frontage roads for access and traffic flow. An example, although there are several in this area, might be IH 635 in the Irving area where no frontage roads now exist but will probably be required for both mobility and access in the future. With the current rules under 15.54 there is at least some basic criteria that is documented for a decision on cost participation rather than simply that the request would be handled on a case by case basis. Thus, the basic question.....could the new draft rules either leave the existing criteria for cost sharing in place or restate similar criteria as part of the new proposal.

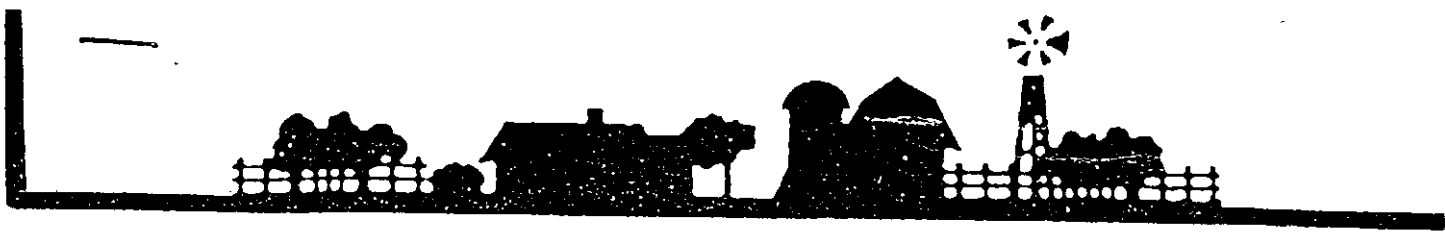
2) On the process to approve access. Your flow chart indicates most access rights will rise to the Commission level. A number of comments indicate the length of time this may take and the subsequent ability of local governments to respond/work with property owners on development/zoning issue. In some rules and agencies, response timelines are required once information/request is submitted. If the agency (TxDOT) fails to respond in xx amount of time, the request is deemed to be approved. Has there been any thought on this type approach or definite response requirements?

3) The most recent comment deals with a concern over requiring a TIA for the entire segment of frontage prior to deciding on access. It seems in most cases there are multiple property owners with separate tracts of land along the roadway. Some of the property owners may not be ready to develop the land, or possibly not want to develop. Additionally, even if there are several pieces ready to develop, property owners may not want to disclose to each other who, or what, is committed to go on a tract. Thus, TIAs may come in at different times for separate tracts. Local governments deal with the issue frequently and allow that process. Usually, under some of the access management policies you mentioned, there is a provision or requirement placed on

the applicable property owner for cross access with adjacent property owners if, and when, development occurs. This reduces the requirement for multiple access points directly to the frontage road. The question, or request, is for some specific language to allow separate parcels to submit TIAs and work with locals and TxDOT. I feel the rules you proposed allow this now, but there is a feeling that it is not clearly stated.

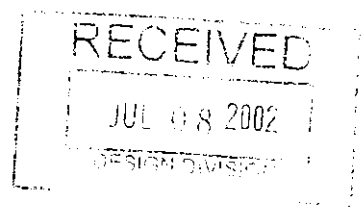
DRMC appreciates the opportunity to comment on the draft rules.

CC: Sallie Burk <SBURK@dot.state.tx.us>, Mark Marek <mmarek@dot.state.tx.us>



170 CR 311
Jarrell Tx 76537
July 1, 2002

Texas Department of Transportation
125 E 11 Street
Austin Tx 78701



Dear Mr. Bohuslav:

We were pleased recently to read in The Austin American-Statesman that The Texas Department of Transportation held a public hearing in regard to some new rules on new frontage roads in our area. We have never seen results of that meeting published, but wanted to address the issue to you anyway.

We, being farmers near the Interstate find it difficult now to get to our fields with large equipment. If the frontage roads were cut or put to one way traffic as some have already been out here north of Georgetown, we would have to travel over two miles to come back around to get to fields just across our back fence on some land we have leased. Then, recently they improved the guard rails of already narrow overpasses, ours being the Exit 271 to a Texaco Truck Stop, which made the overpass even more narrow. It's very dangerous to cross the overpass with a pickup meeting an 18 wheeler, much less with a big tractor and equipment. That bridge has long been in need of being made much wider. We would appreciate if you could check it out.

Please don't do away with more entrances and exits to our frontage roads. We would appreciate some update as to the results of your meetings. We sincerely thank you for your help on the above issues.

Sincerely,

Vic & Mary Schubert

collected during public hearing

- ❖ The proposed policy on access control for State Highways is much more restrictive than the practice we have been using in the past. This is true for almost every other municipality in our area.
- ❖ Currently average median opening spacing on State Highways in DFW area is approximately 500 feet; the new proposed median opening spacing is increased to 2640 feet.
- ❖ Most of undeveloped properties along State Highways will lose accessibility when these properties are developed.
- ❖ Most of properties, developed or undeveloped, along unimproved State Highways will lose accessibilities when the Highways are improved.
- ❖ Most of undeveloped, but already platted, properties along State Highways will not be able to have any access although the plats show accesses for these properties on the Highways.
- ❖ This policy significantly impacts local economic developments along State Highways.
- ❖ This restrictive access policy will significantly delay emergency responding time for fire trucks and ambulances.

City of Allen

Peter Tian

972-727-0175

BAYLOR

U N I V E R S I T Y

July 12, 2002

Dan T. Valahu
Associate Professor of French
Baylor University
Waco, Texas 76798

Mr. Ken Bohuslav, P.E.
Director, Design Division
125 East 11th Street
Austin, Texas 78701-2483

Dear Mr. Bohuslav:

My aim is to express my concerns regarding Interstate 35 entrances and exists.

- (1) The two-way access roads create several points of potential contact between cars: for vehicles coming onto I-35 they are obliged to gain speed and at the same time find the entrance which is not always very clear; moreover, the driver must concentrate on oncoming access-road traffic to make sure that it yields. For exiting vehicles, the driver again faces two points of potential contact with the vehicles going both ways on the access road. The exits from I-35 are clearly marked, in contrast to the entrances, which are poorly marked.
- (2) At night, the entrances to I-35, especially between Waco and Temple, the only area I know well, are poorly marked. At night, it is extremely difficult to find the entrance path to I-35 at some locations. There is no light and the distinction between the gravel or grass and the paved entrance path is often near non-existent. Since I teach French, I am familiar with French highways. At each exit there exists a very tall (5 to 7 feet ?) rounded pyramid that has horizontal blue and white (I believe) fluorescent stripes, that one can not miss. I believe that the same exists at the entrances, though I can not for sure remember.

Thank you very much for this opportunity to express my concerns.

Sincerely,



Dan Valahu, Ph.D.



RECEIVED

JUN 06 2002

K

Judith Zaffirini

DESIGN DIVISION

Committees
Education, Vice Chair
Finance

State Senator, District 21
President Pro Tempore, 1997

Committees
Administration
Redistricting

May 23, 2002

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JUN 04 2002

COMMISSION OFFICE

John W. Johnson, Chair
Texas Transportation Commission
Dewitt C. Greer State Highway Building
125 East 11th Street
Austin, TX 78701-2483

Dear Chair Johnson:

This is to urge you to support the continuation of frontage road construction and to encourage the consideration of the financial impact on local governments when revising current frontage road policy.

Currently the City of Lytle is seeking a frontage road to extend two access roads from Highway 2790 to I-35. According to estimates by the Texas Department of Transportation's San Antonio District office, the cost of these frontage roads would be approximately \$3 million. The City of Lytle, along with many other communities seeking frontage roads, cannot afford the millions of dollars required to build these roads. As indicated by Lytle's situation, a community's specific economic situation and the impact of local costs are important factors to consider when determining frontage road policy.

Your support of the economic development efforts of Texas communities is appreciated greatly. Feel free to contact me or my staff whenever we may be of assistance.

May God bless you.

Very truly yours,

Judith Zaffirini

cc: JUT
LAD - for response -
DES JUTS JG

RECEIVED BY ALL
3 COMMISSIONERS

XC: The Honorable Horace Fincher, mayor, City of Lytle
Ric Williamson, commissioner, Texas Transportation Commission
Robert L. Nichols, commissioner, Texas Transportation Commission

Capital Office: P.O. Box 12068 • Austin, Texas 78711 • 512/463-0121 • Fax 512/475-3738 • TDD 1-800-735-2989

South District Office: P.O. Box 627 • Laredo, Texas 78042-0627 • 956/722-2293 • Fax 956/722-8586

North District Office: 12702 Coepperwein Road #214 • San Antonio, Texas 78233 • 210/657-0095 • Fax 210/657-0262



Judith Zaffirini
 State Senator, District 21
 President Pro Tempore, 1997

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 JUL 22 2002
 DESIGN DIVISION

Committees
 Administration
 Redistricting

Committees
 Education, Vice Chair
 Finance

July 15, 2002

John W. Johnson, Chair
 Texas Transportation Commission
 Dewitt C. Greer State Highway Building
 125 E. 11th Street
 Austin, Texas 78701-2483

RECEIVED 3:

JUL 19 2002

COMMISSION DESIGN

Dear Chair Johnson:

Thank you for responding to my letter regarding the redirection of Texas Department of Transportation's (TxDOT) frontage road policy. More important, thank you for your leadership in deciding that TxDOT will consult local communities when developing access and traffic flow plans.

Many of us believe that revising your frontage road policy may have been detrimental to cities and rural communities.

Your continued support for economic and transportation development is appreciated greatly. Feel free to contact me or my staff whenever we can be of assistance.

May God bless you.

Very truly yours,

Judith Zaffirini
 Judith Zaffirini

CC: JA
 LAO, DES ✓
 FILE: ZAFFIRINI

JZ/cg

XC: Horace Fincher, mayor, City of Lytle
 Elizabeth G. Flores, Mayor, City of Laredo
 Larry Dovalina, Laredo City Manager
 Michael Behrens, executive director, TxDOT



R
file

OFFICE OF THE GOVERNOR

April 22, 2002

RICK PERRY
GOVERNOR

RECEIVED

APR 25 2002

DESIGN DIVISION

Mr. John W. Johnson
Commissioner
Texas Transportation Commission
125 East 11th Street
Austin, Texas 78701-2483

Dear Commissioner Johnson:

In June of 2001, you undertook the difficult but necessary task of developing an access policy for the state highway system. Initially, the process was misunderstood, causing the department and its employees to endure criticism, as there was some anxiety in communities. Many concerned citizens have also contacted my office.

Since August of last year, my staff and I have consistently reassured those concerned of your commitment to a fair and open process for everyone. I have told those concerned that the Texas Department of Transportation (TxDOT) is working toward a consistent policy that balances the economic activity generated by frontage roads with the economic importance of lowering congestion and urban mobile source pollution.

I appreciate the agency's taking additional steps at my request to ensure that the policy reflects the diverse viewpoints found across our state. In this process, you have listened to local communities, interest groups, and members of the legislature. The hard work of the commission and your employees is to be commended.

It is now time to move forward with a comprehensive access management plan to make freeway travel safe, relieve traffic congestion, lower mobile source pollution, prolong the life of our infrastructure, and provide economic opportunity to communities in our state that work with TxDOT.

I am aware that you and the other members of the commission are currently traveling the state to informally discuss changes to the initial proposal. To properly plan and budget for the future, community leaders and interest groups need to know the substance of the rules as soon as possible.

I ask you to adopt a final policy as soon as you and the other members of the commission have finished your informal meetings around the state. I look forward to helping you present the policy as an example of my expectations of state government.

Thank you for your continuing service to the State of Texas.

Sincerely,

Rick Perry
Rick Perry
Governor

*cc: JWB
MWB
DOO - FOR RESP. - J's Sib
DES*

RECEIVED BY ALL
3 COMMISSIONERS

RP:dwp



July 9, 2002

Mr. Jay Nelson, P.E., District Engineer
Texas Department of Transportation
P.O. Box 3067
Dallas, Texas 75221-3067

Mayor
Steve Terrell

Mayor Pro Tem
Kenneth M. Fulk

Councilmembers
Debbie Stout
Ross Obermeyer
Bill Petty
Susan Bartlemay
Jeff McGregor

RE: TxDOT New Policy on Access Controls for State Highways

Dear Mr. Nelson:

We received a letter, dated May 1, 2002, from TXDOT indicating that TXDOT will implement a new policy on access controls for State Highways. It is our understanding that the new policy on access control for State Highways is much more restrictive than the practice we have been using in the past. As you probably recognize, this policy significantly impacts local economic development along State Highways and our ability to respond to emergency situations.

According to the proposed new policy, minimum median opening space on most of State Highways will be two thousand six hundred and forty (2,640) feet and curb cut spacing along these State Highways will be significantly increased. Currently, typical median opening spacing along State Highways in the Dallas-Fort Worth area are between four hundred (400) feet and six hundred feet (600). The median opening spacing would increase from five (5) to six (6) times the existing median opening spacing along State Highways if the new access control policy was used. This new access control policy would potentially bring the following issues:

1. Most of properties along unimproved State Highways would lose access opportunities when the highways become divided roadways. Consequently, land values and development opportunities for these properties will be impacted from losing access opportunities to the State Highways.
2. The proposed policy could create delays for emergency response vehicles, such as police, fire and ambulances, to access to emergency sites from this restrictive access management policy. For instance, State Highway 5 between Exchange Parkway and Stacy Road in our City is approximately a 0.9-mile long section. This section of SH5 has been funded by TEA21 STP-MM funds and we are working on the engineering plans to widen this section of the roadway. If the new policy on access management is implemented on this project, all eight (8) of

Mr. Nelson
July 9, 2002
Page 2

the proposed median openings would be eliminated on this section of State Highway 5. The City has a Fire Station off Exchange Parkway east of SH5. In response to emergency calls on the west side of SH5 between Exchange Parkway and Stacy Road, fire or ambulances vehicles from the Fire Station have to travel the whole section of SH5 between Exchange Parkway and Stacy Road and make a U-turn at Stacy Road to access the properties.

3. We have active land development proposals in our City which the property owner has platted the properties along State Highways and accesses have been shown on the plats. When the property owner has applied for an access permit from TxDOT Area Office, the Area Office has denied some of the proposed accesses. The property owners have been informed by the Area Office that the proposed access management policy is being enforced, although the new policy has not been officially adopted. Once property is platted and sold, it is very difficult to renegotiate access agreements.

We fully understand that there is a balance between access control and capacity of roadways. Too many accesses, both median openings and curb cuts, along roadways will impact efficiency and effectiveness of roadway operations. Too restrictive access controls, on the other hand, will affect serviceability of roadways, especially in urban areas. We respectfully request that TxDOT re-study its proposed access management policy and seek a better balance between capacity and access issues before enforcing the proposed policy in urban areas. Attached for your review is a copy of the City of Allen's access management standards that our community has been using for the last two (2) years.

We very much appreciate the continued support and assistance from your office on transportation related issues throughout our region. Please contact me at (972) 727-0110 if you need any additional information.

Sincerely,



Steve Terrell
Mayor

cc: Michael Morris, Director of Transportation
North Central Texas Council of Governments
Bill Lovil, Area Engineer, TxDOT McKinney Office

Attachments: Letter from TXDOT for comments on proposed access management policy
Current City of Allen access requirements



CITY OF DALLAS

July 15, 2002

Mr. Ken Bohuslav, P.E.
Director, Design Division
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

Dear Mr. Bohuslav:

Thank you for coming to Irving on July 3rd to conduct a public hearing on the new Access Management Rules. I was one of the seventy people that attended that hearing to express our concerns about the direction that the Texas Transportation Commission and Texas Department of Transportation have taken regarding the regulation of access. While I agree that the shift in focus from the recently proposed limitation on frontage roads to an access management approach will be more effective in maintaining mobility and safety along state roadways, the City of Dallas has several significant concerns regarding the proposed Access Management Rules and Manual, and the process that is being used to develop, approve and implement them:

1. There must be an opportunity for local traffic engineers, developers, and transportation policy officials to review and refine the draft Access Management Manual prior to its implementation. Local professionals can bring a wealth of practical experience to the table regarding what will work in a variety of situations. In addition, the Access Management Rules should not go into effect until the Manual has had substantial review and refinement by practicing professionals.
2. Urban and rural areas have substantially different needs and expectations regarding the amount of access that should be provided to adjacent properties. The best access solutions for any given area will not be found in a one-size-fits-all standard. The Access Management Manual needs to provide flexibility that anticipates and responds to different development circumstances.
3. The development of urban projects sometimes takes years to go from concept to completion, and there are many projects currently in some stage of development. There needs to be a grace period for implementation of the Rules and Manual to provide adequate time for impacted parties to adjust their plans. The implementation plan and new rules must be clearly defined so that local governments and the private sector can proceed with planning and design of new projects with the expectation that there will not be any surprises about what type of access will be approved.

Mr. Ken Bohuslav, P.E.
Access Management Rules and Manual
Page 2

4. The standards and approval process for access requests should be designed to provide a timely response by TxDOT. It is imperative that the local TxDOT District be given authority whenever possible to make decisions regarding access.
5. The City of Dallas has already heard from several developers who have delayed or cancelled projects along state facilities because of the strict access standards being proposed and/or the uncertainty about what level of access will be available when they are ready to begin their projects. Based on this anecdotal information, it appears that the Fiscal Note in the Texas Register for Chapter 15 certifying, "that there will be no significant impact on local economies" is not going to be correct.

Please include these written comments in the public record regarding the proposed Access Management Rules and Manual. I look forward to working with you on their further development and refinement. Please contact me if I can be of any assistance in coordinating local review of the proposals.

Sincerely,



John C. Brunk
Assistant Director
Department of Public Works and Transportation

- c: Mr. Robert Nichols, Member, Texas Transportation Commission
Mr. John W. Johnson, Member, Texas Transportation Commission
Mr. Ric Williamson, Member, Texas Transportation Commission
Mr. Michael Behrens, P.E., Executive Director, Texas Department of Transportation
Ms. Jill A. Jordan, Assistant City Manager, City of Dallas
Mr. David C. Dybala, Director, Public Works and Transportation, City of Dallas



(see West?)



RECEIVED

MAY 2 2002

CITY OF DALLAS DESIGN DIVISION

*Mike In
a response
- Mike's signature*

RECEIVED BY

APR 29 2002

April 25, 2002

COMMISSION OFFICE

Mr. Ric Williamson, Commissioner
Texas Transportation Commission
Dewitt Greer Building
125 East 11th Street
Austin, Texas 78701-2483

RECEIVED

MAY 1 2002

OFFICE/EXECUTIVE DIRECTOR

Re: Sale of surplus access rights, IH-20 at Polk Street, Dallas, Tx.

Dear Mr. Williamson:

I am writing you on behalf of Mr. Clyde Hargrove who has attempted for some time now to obtain access rights to your service road on the northeast corner of IH-20 and Polk Street in Dallas. This project, while not providing hundreds of jobs, is important to the development of Southern Dallas and I would encourage you to consider granting this sale based upon the total impact that this project will have to the area.

Mr. Hargrove has obtained a commitment from a major convenience and gasoline facility serving automobiles that would locate on this corner, providing they can obtain access to the IH-20 service road. The property is currently vacant land, returning a minimal amount of revenue to the City. Developed, this property will provide sales tax revenue on an estimated \$1 million and increased ad valorem taxes based upon improvements of over \$1.2 million dollars. In addition, the facility will provide much needed employment opportunities in the City's southern sector.

In of itself, a facility of this nature offers travelers and local residents convenience and employment while providing the City of Dallas with increased tax revenue. However, in the broader sense, activity encourages other development and with the necessary extension of utility lines to the site, an additional 21-acres zoned for retail is made available. Additional retail is needed in the southern sector of Dallas and this will allow TXDOT to assist the City in bringing new revenue producing enterprises and jobs to the area.

**RECEIVED BY ALL
3 COMMISSIONERS**

I believe that Mr. Hargrove's project deserves a favorable recommendation. Please give me a call if I can answer any questions that you may have.

Sincerely,

David Garner

David Garner
Economic Development Executive

c: Chairman John W. Johnson
Commissioner Robert L. Nichols
Clyde L. Hargrove

*Steve / Mike / Armando -
gone back to see
if there are alternatives
to accessing the bridge
to a city st. - would access
be possible?
- M.H. Garner
- perhaps a traffic analysis?*



215 E. McKinney Street Denton, Texas 76201 (940) 349-8314
FAX (940) 349-8596

OFFICE OF THE MAYOR PRO TEM

July 3, 2002

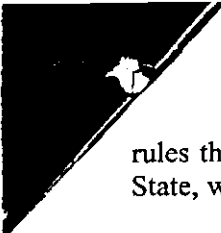
Mr. Robert L. Nichols
Member
Texas Transportation Commission
125 E. 11th Street
Austin, Texas 78701

**RE: City of Denton Comments: TXDOT Access Management Proposed Rules
July 3, 2002 Public Hearing – Irving, Texas**

Dear Mr. Nichols:

On behalf of the Mayor and the Denton City Council, we thank you and the Texas Department of Transportation (TXDOT) for holding a public hearing in North Texas to hear comments regarding access management. The following comments are submitted on behalf of the City of Denton in response to the proposal to repeal Sections 11.50 – 11.53, concerning access driveways to state highways, with a simultaneous proposal to enact new Section 11.50 – 11.53, concerning access management. As a member of the North Central Texas Council of Governments Regional Transportation Council and the Dallas Regional Mobility Coalition, the City of Denton is an interested party supportive of the comments submitted by these entities as well.

In response to significant concerns expressed by interested parties across the State regarding its now-repealed frontage road policy, TXDOT-Austin has published proposed rules intended to establish new access management standards to be applied to **all** state facilities (freeways, loop roads, state and federal highways, farm-to-market roads). This action is intended to replace a prohibition on the construction of frontage roads that was recently repealed. The City of Denton supports the enactment of reasonable access management rules that are properly researched and reviewed. Many cities, Denton included, now impose access management principles based on public safety objectives, and it appears that local regulations are being summarily supplanted by



rules that seem to have had only a minimal level of research and review for application to this State, with no regional or local transportation planning input.

The dramatic increase in scope contained within the proposed access management rules beyond freeway and frontage road access, which was the original rule-making intent, to now affect all State roadways, has raised a great deal of concern in the North Texas region. The fact that the proposed rules have already been implemented in North Texas as “guidelines” prior to adoption has magnified that concern.

The City of Denton would recommend a process by which locally enacted access management regulations can be pre-approved by TXDOT. This alternative is strongly preferred over the TXDOT-administered implementation strategy described in the proposed rules. Municipal subdivision and platting activities would be able to proceed normally if state-recognized local ordinances are implemented as part of a local development review process.

Before the review process for the proposed rules began, TXDOT implemented the draft rules as “guidelines” in April 2002, with significant changes released in a June 2002 second edition. This has adversely affected our largest commercial development project in several years, the Denton Crossing project, a 500,000 square foot retail center that will front Loop 288 in Denton. This development is supported by a City of Denton economic development agreement, and has required the coordination of several related transportation improvements. A tremendous amount of time and monetary investment by the City and the property ownership partnership are now greatly at risk. If TXDOT does not approve the long-developed Denton Crossing access plan, and in a timely fashion, the preliminary plat approved by the City’s Planning & Zoning Commission may be rendered invalid. The willingness of the TXDOT Denton Area and Dallas District offices to provide some flexibility during the access plan review is much appreciated.

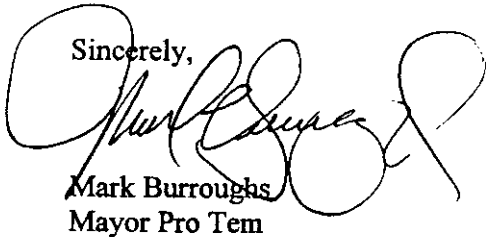
As the review process for the proposed rules continues, please consider the following recommendations provided by the City of Denton:

1. The City of Denton is very supportive of access management rules that will help to protect public safety and preserve roadway capacity for state facilities. Denton is very supportive of regional efforts to solve transportation problems, and has engaged in planning and funding strategies designed to reduce travel demand and support regional partnerships. The current version of the proposed rules should be subjected to statewide technical review prior to initiating the current public review process. Transportation professionals, municipalities, and private developers should have an opportunity to review the driveway, intersection, traffic signal and median spacing standards before the rules are adopted. The Surface Transportation Technical Committee (STTC) of the North Central Texas Council of Governments (NCTCOG) has offered to facilitate review in North Texas, an offer we ask be seriously considered.
2. The proposed rules govern all state facilities, and as such are far broader in application than the frontage road prohibition that was rescinded recently by TXDOT. If appropriate access management rules were enacted for frontage roads first, other types of facilities such as loop roads, farm-to-market roads, or state / federal highways could be addressed

at a later date. We believe that many municipalities are unaware that the scope of the proposed rules includes all state roadways.

3. The proposed rules should be sensitive to the fact that, by state law, cities must process plat applications within 30 days, or the plat is considered approved. Most cities require driveway and access information as part of the preliminary plat submittal. If TXDOT review and approval of access is required for all developments located on state facilities, the project approval schedule will be extended a minimum of 60 to 90 days. This legal conflict must be addressed prior to implementation of these rules.
4. The enactment of the proposed rules should allow municipalities to adopt local ordinances that meet minimum state requirements, thereby delegating the permitting authority for access to state facilities as part of a local development review process. Designating the TXDOT Area Engineer as the person responsible for making each individual access decision is cumbersome, and will divert the Area Engineer's attention away from higher priority tasks that already tax the limits of that office's resources.
5. A transition period should be established for implementation of the proposed rules. The application of the new rules should be fair and consistent to private developers, and should acknowledge existing access management regulations currently imposed by local governments.
6. The proposed rules should provide the flexibility to make site specific decisions based on the conclusions of a traffic impact analysis or other evaluation tool. If and when appeals are submitted to TXDOT, a minimum turnaround time should be established to prevent undue delays in development projects.

Sincerely,



Mark Burroughs
Mayor Pro Tem

C: Mr. John W. Johnson, Commissioner, Texas Transportation Commission
Mr. Ric Williamson, Member, Texas Transportation Commission
Mr. Michael Behrens, P.E., Executive Director, Texas Department of Transportation
Mayor Euline Brock & Denton City Council Members
Denton City Manager Mike Conduff



City of Garland
P.O. Box 469002
Garland, Texas
75046-9002
972-205-2000

GARLAND

Facsimile Transmission

July 12, 2002

Mr. Ken Bohuslav, P.E.
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

Re: Proposed Access Management Policy and Guidelines

Dear Mr. Bohuslav:

Thank you for the opportunity to comment on the proposed Access Management Policy and Guidelines. The City of Garland has a longstanding and active access management program, so I applaud the steps TxDOT is taking to manage access to the state highway system.

Nonetheless, the policies and guidelines as currently proposed cause me a great deal of concern. I do not believe the guidelines provide a practical and effective framework for managing access in the urban environment. I believe that the existing patterns of land ownership and development common in the urban area are not accommodated by the rules and will therefore be detrimental to continued economic development in Texas cities. One of the functions of the state highway system is still to provide access to adjacent property.

Secondly, I believe that the median opening and traffic signal spacing requirements will be counterproductive as they create a proliferation of u-turns and concentrate all movements at just a few traffic signals. I believe that good access management plans that meet the goals of this policy can be developed with median opening and traffic signal spacing that are different from those proposed. Furthermore, strict adherence to the distances in the guidelines may create more problems than they solve.



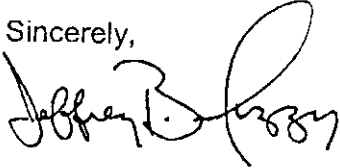
Mr. Ken Bohuslav, P.E.
July 12, 2002
Page 2

Thirdly, I am concerned that any deviation from the guidelines will require submittals to TxDOT divisions in Austin. The pace of the development industry requires prompt responses. I feel that the policies themselves should provide the local district staffs with the flexibility to use their engineering expertise and judgment to work with local communities to develop good access management plans tailored for the specific local circumstances.

Finally, I am concerned about the thresholds that trigger the need for traffic access studies. It appears that almost all developments along the state highway system will require a study. Given that the district staffs are already pressed with their current workload, I am concerned that they will be overwhelmed by the effort required to review and respond to these studies in a timely fashion.

I believe that TxDOT should work with the technical staffs of communities to develop a practical set of access management guidelines that maintains traffic flow without creating a system which creates other traffic flow problems, results in constant conflict, and requires resolution in Austin.

Sincerely,



Jeffrey B. Muzzy
City Manager

JBM:bjr

cc: Mayor and Council
State Senator John Corona
State Representative Joe Driver
State Representative Fred Hill

JUL 12 2002 16:53

214 205 2504

PAGE.03



IRVING

RECEIVED BY

JUL 09 2002

COMMISSION OFFICE

July 3, 2002

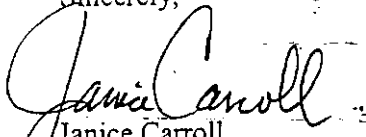
Mr. John W. Johnson
Texas Transportation Commission
125 E. 11th Street
Austin, TX 78701-2483

*Re: Council Resolution 6-20-02-223
Commenting on the Proposed Texas Department of Transportation Access
Management Rules*

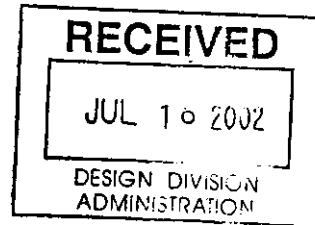
Dear Mr. Johnson

The above referenced resolution was passed and approved by a vote of the City Council on June 20, 2002. A copy of the resolution is attached for your information and file.

Sincerely,


Janice Carroll
City Secretary
CITY OF IRVING

attachment



Hand delivered at the Access Management Public Hearing
on July 3, 2002 at the Irving Arts Center: Irving, Texas

cc: JR
DES ✓
RN
LW
MWB

City Secretary's Office

825 W. Irving Blvd. • Irving, Texas 75060 • 972.721.2493 • 972.721.2384 fax • www.ci.irving.tx.us

CITY OF IRVING

COUNCIL RESOLUTION NO. 6-20-02- 223

WHEREAS, the Texas Department of Transportation (TxDOT) is now proposing both new Access Management Rules and an Access Management Manual; and

WHEREAS, the City of Irving has numerous proposed and existing State highway facilities with property access issues; and

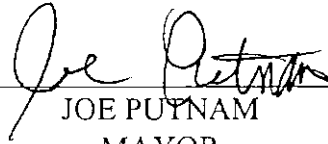
WHEREAS, there is a clear benefit to improving access management policies; and

WHEREAS, elements of the proposed rules and guidelines have potentially negative impacts on the orderly development of the properties adjacent to State highway facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

- SECTION I. THAT the Irving City Council requests the Texas Transportation Commission to delay the consideration of the Access Management Rules until the Access Management Manual has had the full benefit of review by transportation professionals, municipal officials, and interested property owners, and is in final form.
- SECTION II. THAT the Irving City Council requests the Texas Transportation Commission to implement a definite review timeline to ensure development is not limited.
- SECTION III. THAT the Irving City Council requests the Texas Transportation Commission to maintain the maximum level of control at the District and Area Office level.
- SECTION IV. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

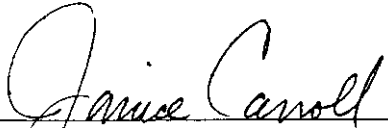
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING,
TEXAS, this 20th day of June, A.D. 2002.



JOE PUTNAM
MAYOR

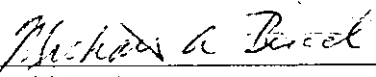


ATTEST:



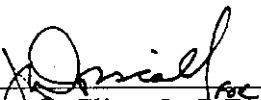
Janice Carroll, CMC
City Secretary

APPROVED AS TO FORM:

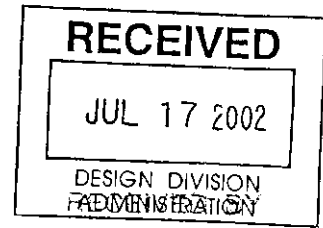


fo- David Caylor
City Attorney

REVIEWED BY:



James C. Cline, Jr. R.E.
Director, Traffic and Transportation



July 8, 2002

JUL 15 2002

COMMISSION OFFICE

The Honorable John W. Johnson, Chairman
Texas Transportation Commission
125 East 11th Street
Austin, Texas 78701-2483

Re: Access Management Rules – Access Management Manual

Dear Chairman Johnson:

The City of Lewisville, at their regular City Council meeting of July 1, 2002, has unanimously approved Resolution No. 2826-07-2002 (R) requesting that the Texas Transportation Commission defer final action on the proposed Access Management Rules until the manual has been finalized.

Additionally the City of Lewisville agrees with the various local governments, the Dallas Regional Mobility Coalition, and other transportation agencies that a task force comprising of Transportation engineers, TxDOT staff, Property owners, etc. be appointed to review the Draft Manual and provide the necessary input to develop a manual that is most agreeable to all parties and still provide the mobility, safety, and efficient operation of the State Highway System.

There are numerous questions left unanswered at this time to address the economic development impacts to local governments, private property owners, and the State of Texas as a whole.

We appreciate the opportunity to offer these comments.

Sincerely,

Claude E. King
City Manager

*cc: JR
DES ✓*

TSK/jbs

Enclosure

c: File

**COPIES TO ALL 3
ORIGINAL ADDRESSED TO:**
each



ADMINISTRATION

1522 TEXAS PARKWAY • P.O. BOX 666 • MISSOURI CITY, TEXAS 77459 • 281-261-4260

July 10, 2002

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

RE: Comments on Proposed Access Management Rules

Dear Mr. Bohuslav:

I am writing with comments on TxDOT's proposed access management rules.

We recognize the important role that the state's highway system plays in moving people and goods. Managing access to transportation facilities is important for dealing with traffic congestion, safety and also for the well-planned development of the region and local communities.

H-GAC's Board of Directors supports TxDOT's decision to withdraw earlier proposed rules restricting frontage road development. We appreciate the Commission's response to public comment and its efforts to respond to local concerns. TxDOT's new access management rules are a more constructive approach to providing access on a case-by-case basis.

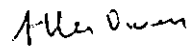
Regarding the rules we have the following specific comments:

1. The proposed rules are based upon a new Access Management Manual under development by the department. It is important for local governments to understand the new access guidelines fully. Therefore, we request that the Commission not adopt these until there has been an opportunity for review and comment on the Manual.
2. We support making future freeways, loops and major urban roadways controlled access facilities. We also support the exception provided for rural low-volume facilities.
3. For new controlled access facilities the proposed rules describe a cooperative process between the department, local governments and property owners to develop to determine the location and type of access permitted. We support that concept.

The proposed rules, (section 11.52 c) also state that approval for access to new controlled access facilities may be granted after considering impacts on mobility, safety and efficient facility operation, based upon an engineering study. It is not clear who is responsible for the engineering study. We request that TxDOT be responsible for these studies as part of the cooperative process for developing an access management plan. We request that this not be a financial responsibility of local governments. However, we do understand that for access to existing controlled access facilities the local government or other requestor is likely to be responsible for engineering studies.

Again, we appreciate the direction TxDOT and the Commission is taking with these new proposed rules and we appreciate the opportunity to comment.

Sincerely,



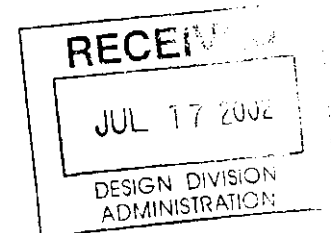
Allen Owen,
Mayor, City of Missouri City

Cc: Texas Transportation Commission



TOM REID
MAYOR

July 15, 2002



Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

RE: Comments on Proposed Access Management Rules

Dear Mr. Bohuslav:

Earlier this year, I wrote to you regarding TxDOT's proposed frontage road policy. I appreciated that the Commission listened to the comments and are now considering other options. I am writing now with comments on TxDOT's proposed access management rules.

The City of Pearland supports TxDOT's decision to withdraw earlier proposed rules restricting frontage road development. We appreciate the Commission's response to public comment and its efforts to respond to local concerns. TxDOT's new access management rules are a more constructive approach to providing access on a case-by-case basis.

Regarding the rules we have the following specific comments.

1. The proposed rules are based upon a new Access Management Manual under development by the department. It is important for local governments to understand the new access guidelines fully. Therefore, we request that the Commission not adopt these until there has been an opportunity for review and comment on the Manual.

Mr. Kenneth Bohuslav

July 15, 2002

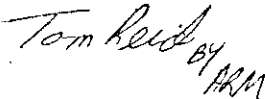
Page 2

2. For new controlled access facilities the proposed rules describe a cooperative process between the department, local governments and property owners to develop and to determine the location and type of access permitted. We support that concept.

The proposed rules, (section 11.52 c) also state that approval for access to new controlled access facilities may be granted after considering impacts on mobility, safety and efficient facility operation, based upon an engineering study. It is not clear who is responsible for the engineering study. We request that TxDOT be responsible for these studies as part of the cooperative process for developing an access management plan. We request that this not be a financial responsibility of local governments. However, we do understand that for access to existing controlled access facilities the local government or other requestor is likely to be responsible for engineering studies.

Again, we appreciate the direction TxDOT and the Commission is taking with these new proposed rules and we appreciate the opportunity to comment.

Best Regards,

A handwritten signature in cursive that reads "Tom Reid" with "BY ARM" written in smaller letters below it.

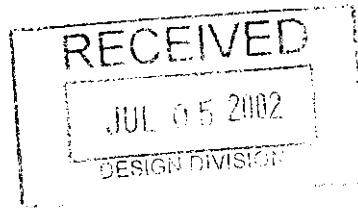
Tom Reid
Mayor

cc: Woody Owens Klaus Seeger Richard Tetens
Larry Marcott Charles Viktorin Bill Eisen
Alan Clark, HGAC



July 1, 2002

The Honorable John W. Johnson, Chairman
The Honorable Robert Nichols, Member
The Honorable Rick Williamson, Member
Texas Transportation Commission
125 East 11th Street
Austin, Texas 78701-2483



City Council
Gary A. Slagel
Mayor
John Murphy
Mayor Pro Tem
Bob Townsend
Tom Rohm
James E. Shepherd
Carol Wilson
Bob Nusser

Bill Keffler
City Manager

Gentlemen:

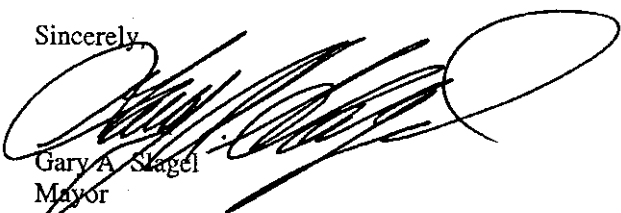
The City of Richardson appreciates action by the Texas Transportation Commission to maintain the use of frontage roads as a vital part of our state's transportation system. We also concur with those that feel that appropriate access management is critical to the proper functioning of frontage roads. Access management should, however, balance the needs of property owners, many of whom have donated right-of-way for frontage roads, with the safety and mobility of the frontage roads.

Current access design standards, developed by TxDOT in the 1950's, are clearly outdated; however, our review of the new access design manual indicates some of the standards are overly restrictive, in particular those relative to increased driveway spacing and the corresponding reduction in the number of permitted drives. We are concerned that these restrictions will overburden the driveways that would be allowed, creating congestion at these locations. These new standards will have a significant impact on future growth and economic development opportunities throughout the state; therefore, we feel cities should be allowed to comment on the new Access Management Policy prior to implementation.

The City of Richardson proposes that TxDOT partner with local officials in developing a set of standards to address the access management needs of frontage roads and other state transportation facilities. We believe that such standards can be created to allow private developments adequate access to frontage roads and state highways while preserving the efficient operation of the roadways in question.

Thank you for your attention to this matter. The City of Richardson stands ready to assist in whatever manner is appropriate in this effort.

Sincerely,


Gary A. Slagel
Mayor

GS/gat

City Council
Bill Keffler, City Manager
Mike Behrens, Executive Director, TxDOT
Ken Bohuslav, P.E., Director of Design Division, TxDOT

P.O. Box 830309
Richardson, TX
75083-0309
972-744-4100
Fax 972-744-5803
<http://www.cor.net>





CITY OF SAN ANTONIO

EDWARD D. GARZA
MAYOR

July 3, 2002

RECEIVED

JUL 15 2002

OFFICE/EXECUTIVE DIRECTOR

Mr. Michael Behrens, PE
Executive Director
Texas Department of Transportation
DeWitt C. Greer State Highway Building
125 East 11th Street
Austin, Texas 78701-2483

Dear Mr. Behrens:

In January of this year the Texas Department of Transportation held a public hearing in San Antonio on the proposed policy regarding the limitation of frontage roads. During that hearing I was pleased to testify in favor of the new policy, citing our local concerns regarding the safety and efficiency of the current system and my belief that the proposed changes would support expanded opportunities for mass transit and clustered economic development. For your reference, I have included a copy of my remarks.

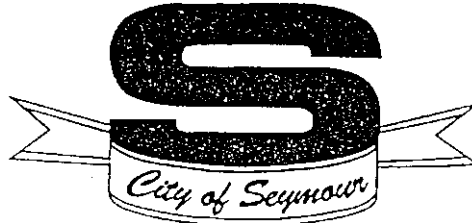
We were also honored to have Commissioner Williamson attend the March meeting of our public-private transportation advocacy partnership, the San Antonio Mobility Coalition. Commissioner Williamson met with us for several hours, responding to questions and detailing how the revised access management approach would address many of the concerns that other speakers had aired during the January hearing. It was readily apparent to all of us at that meeting that the Commission has carefully considered the impacts of the proposed policy and has sought input from various constituencies.

Thank you for your leadership on this issue. As Mayor of the City of San Antonio, I look forward to supporting the implementation of these much-needed changes.

Sincerely,


Edward D. Garza
Mayor

CC: The Honorable John W. Johnson
The Honorable Robert L. Nichols
The Honorable Ric F. Williamson
Kenneth A. Mayfield, Chair, TEX-21



Texas Tradition With Pride

301 N. Washington • P.O. Box 31 • Seymour, Texas 76380 • (940) 889-3148 • Fax (940) 889-8882
www.cityofseymour.org

Friday, May 17, 2002

John W. Johnson, Chair
Texas Department of Transportation Commission
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin TX 78701-2483

RECEIVED BY
MAY 23 2002

COMMISSION OFFICE

Dear Mr. Chairman:

Small towns are disappearing at an astonishing rate in Texas. The oil business is gone. Farming and ranching have become hobbies more than livelihoods. Frontage roads constructed by the Dept. of Transportation are vital to the survival of rural towns. Without frontage roads, and the economic boost they provide, small towns in Texas will continue to disappear. Many thriving small cities have turned into ghost towns when the freeways have bypassed them.

I have information that the Texas Dept. of Transportation will cease to construct frontage roads on freeways that are under construction or in the planning and development stage. The absence of such frontage roads may very well be the "nail in the coffin" for small town America in Texas.

I urge you to use your power and influence to see that frontage roads will be constructed by the Texas Department of Transportation during the building of US 277 on the outskirts of the City of Seymour in Baylor County. Please help keep our heritage alive. If you have any questions regarding the US 277 highway project and its immense importance to the future of the City of Seymour, please contact me at 940.889.3148.

Sincerely,

Bryan Studer
Council Member Place #3
City of Seymour, TX

Julie Ryn, RW
cc: MWB - for
DRAFT RESPONSE
DES
WFS

cc: Governor Rick Perry
State Senator Craig Estes
Texas Representative Rick Hardcastle, Dist. 68
Texas Representative David Counts, Dist. 70

RECEIVED BY ALL
3 COMMISSIONERS



CITY OF SUGAR LAND

CITY MANAGER'S OFFICE

July 12, 2002

Mr. Ken Bohuslav, P.E.
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

RE: Access Management Comments

Dear Mr. Bohuslav:

The City of Sugar Land is pleased to take this opportunity to comment on the Texas Department of Transportation's (TxDOT) proposed rules for Access Management. The City has been aggressive in creating our own design standards with respect to access management and, in turn, we have witnessed great benefits. These standards have enhanced public safety while maintaining a higher level of service of our road network.

The City is greatly encouraged that TxDOT is attempting to initiate access management practices on state routes. Also, I commend your agency on placing a provision in the proposed guidelines that there must be conformance with "local access management guidelines". The Houston District and the City have worked well together in implementing the City's stricter requirements.

Listed below are the City's comments with respect to the proposed rules:

- It is not only imperative to strive for access management for new site development but as well as existing development that may be redeveloped or re-platted in the future. The access rules need to have provisions for (soon to be) existing legal, non-conforming driveways to be reconfigured and/or consolidated to comply with the intent of the guidelines when opportunity presents itself.
- City and County governments should have the opportunity to review and comment on the proposed Access Management Manual. This proposed manual has not been made available for review as of this date.
- There should be a provision that the State will work with local governments in helping to meet the intent of City Council approved Master Thoroughfare Plans with respect to future connections of public streets with State routes. Approved Master Thoroughfare Plans would have gone through the public hearing process as required by state statute; therefore, should be given consideration.

Again, I applaud TxDOT on these efforts to improve public safety and improve traffic progression throughout our great state. Should you have any questions or need more information, please do not hesitate to contact me or Dale Rudick at (281) 275-2780.

Cordially,

Allen Bogard
City Manager

RECEIVED

JUL 15 2002

DESIGN DIVISION
ADMINISTRATION

Our Mission...

*...to be responsible stewards of the public trust,
to strive for excellence in public service, and to
enhance the quality of life for all.*



July 8, 2002

Mr. Ken Bohuslav
Director, Design Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701-2483

RE: Access Management


Dear Mr. Bohuslav:

We appreciate the opportunity to comment on the proposed changes to TxDOT's Access Management policy. The City of Wylie is located in the northeastern portion of Collin County and has experienced a tremendous growth rate over the past few years. Portions of SH 78, FM 544, FM 1378, FM 3412, and FM 2514 are located within the City and while some are currently under construction, over half are in the design or schematic phase. The proposed changes greatly affect the potential for commercial development along these corridors and have a negative financial impact to the existing business owners and the City.

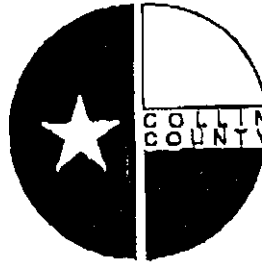
We request the following items be addressed prior to formal adoption of the proposed Access Management Guide Manual:

1. The new Manual not be implemented until formal adoption by the Commission.
2. Cities be allowed to submit their current access management policies to TxDOT for review and approval in lieu of the proposed manual or a committee be formed with TxDOT and local municipal representation from throughout the state to develop a more flexible access management manual.
3. A "grace period" be allowed for existing developments and for proposed developments which are in the design phase.
4. Cities be allowed to work with the local TxDOT area offices to determine the best access management on a case by case basis.
5. Each City be provided the classification of each State roadway within their City limits.

Sincerely,


Mayor John Mondy
City of Wylie





Office of the County Judge

July 10, 2002

Mr. Ken Bohuslav, P.E.
Director Design Division
125 East 11th Street
Austin, Texas 78701-2483

Via Fax (512) 416-2539

*Received by Thomas Bohuslav 7/10/02
Forwarded to Ken Bohuslav @ 416-2599
7/10/02 gfb*

Dear Mr. Bohuslav;

I have previously given public comments for your consideration regarding the Access Management proposal. Please accept the enclosed as additional information, from NAIOP Board of Directors, to be included with the previous submission.

Respectfully,

Ron Harris
County Judge

Cc: Richard I. Mueller, P.E.
Dean International, Inc.
Fax: (214) 750-0124



3301 Matrix Drive • Suite 100 • Richardson, Texas 75082
(972) 699-1700 • Fax (972) 699-1701

June 14, 2002

Via Fax:

972.548.4699

Honorable Ron Harris
County Judge – Collin County
Collin County Courthouse
McKinney, Texas 75069

RE: Proposed Rules for Access Management for
Frontage Roads adjoining State Highways

Dear Judge Harris:

During discussion at a recent meeting of the North Texas National Association of Industrial Properties (NAIOP) Board of Directors grave concern was expressed in regard to the proposed Rule Changes for access to frontage roads on state highways.

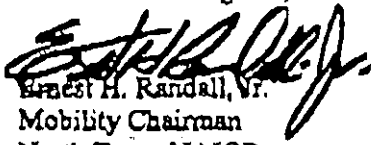
Several months ago NAIOP forwarded a Resolution and Letter to TXDOT concerning the importance of frontage roads in existing development, particularly in suburban cities in the metroplex. It was also made clear that we believe the proper control of access from frontage roads to freeways and curb cuts to adjoining properties are very important. We have preliminary information that leads us to believe that proposed rules governing frontage roads would make it very difficult develop along freeways, and injurious to property owners desiring access to land adjoining the frontage roads.

We would appreciate it if NAIOP was given the opportunity to comment and/or discuss these Rule Changes before they are implemented. We are also concerned about the time factor and approval from TXDOT. It is very important to the development process that a reasonable reply to request for plan approval be within 30-60 days in order for development to proceed or be terminated.

We appreciate the Commission's approval of the continuation of the frontage roads along state highways and controlled access freeways. We believe this is in the best interest of all Texas citizens, to continue development and keep our tax base at a level that will ensure the health of our Texas economy.

Judge Harris, would you please pass along our concerns and include our comments in any meetings or hearings with officials of TXDOT. Please let me know if you have any questions on any of the above.

Best Personal Regards,



Ernest H. Randall, Jr.
Mobility Chairman
North Texas NAIOP

Cc: NAIOP Board of Directors
Judge Lee Jackson - Dallas County Judge
Dallas Area District Engineer - TXDOT
North Texas Council of Governments

CAROLYN BILSKI

County Judge
Austin County Courthouse
One East Main
Bellville, Texas 77418-1598

Telephone (979) 865-5911 extension 101
Fax (979) 865-8786
E-Mail cbilski@austincounty.com

July 8, 2002

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

RE: Comments on Proposed Access Management Rules

Dear Mr. Bohuslav,

I respectfully request your consideration of my comments on TxDOT's proposed access management rules.

I, as well as other local government leaders recognize the important role that the state's highway system plays in moving people and goods. Managing access to transportation facilities is important for dealing with traffic congestion, safety and also for the well-planned development of the region and local communities.

I join Houston-Galveston Area Council's Board of Directors in supporting TxDOT's decision to withdraw earlier proposed rules restricting frontage road development. We appreciate the Commission's response to public comment and its efforts to respond to local concerns. TxDOT's new access management rules are a more constructive approach to providing access on a case-by-case basis.

Regarding the rules we have the following specific comments:

1. The proposed rules are based upon a new Access Management Manual under development by the department. It is important for local governments to understand the new access guidelines fully. Therefore, we request that the Commission not adopt these until there has been an opportunity for review and comment on the Manual.
2. We support making future freeways, loops and major urban roadways controlled access facilities. We also support the exception provided for rural low-volume facilities.

Mr. Kenneth Bohuslav
July 8, 2002
Page 2 of 2

3. For new controlled access facilities the proposed rules describe a cooperative process between the department, local governments and property owners to develop to determine the location and type of access permitted. We support that concept.

The proposed rules, (section 11.52 c) also state that approval for access to new controlled access facilities may be granted after considering impacts on mobility, safety and efficient facility operation, based upon an engineering study. It is not clear who is responsible for the engineering study. We request that TxDOT be responsible for these studies as part of the cooperative process for developing an access management plan. We request that this not be a financial responsibility of local governments. However, we do understand that for access to existing controlled access facilities the local government or other requestor is likely to be responsible for engineering studies.

Thank you for your efforts to serve not only urban, but rural communities and counties in Texas.

Yours in public service,



Carolyn Bilski
County Judge

CB/cn

**DALLAS REGIONAL
MOBILITY COALITION**

7522 Campbell Road
Suite 113-205
Dallas, Texas 75248
972/312-1644
972/312-1645 (FAX)
email ccu9@airmail.net

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Ron Harris, Co-Chairman
Sandy Greyson, Vice-Chair
Grady Smithy, Secretary
Terry Waldrum, Treasurer
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Bruce Beaty
Mark Burroughs
Angie Chen Button
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Jay Nelson
Gary Thomas

Executive Director

James McCarley

David A. Griffin, Associate

June 11, 2002

The Honorable John W. Johnson, Chairman
The Honorable Robert Nichols, Member
The Honorable Ric Williamson, Member
Texas Transportation Commission
Austin, Texas

Gentlemen:

The Dallas Regional Mobility Coalition (DRMC) appreciates action by the Commission to rescind the proposed rules on a new frontage road policy. Our appreciation is also extended to Commission Member Nichols for his dedication of time to explain the proposed access management rules as adopted by the Commission on May 30th.

As requested by Mr. Nichols, DRMC had previously submitted comments and suggestions on the draft access management rules. At the June 7th DRMC Executive Committee meeting, the proposed rules were reviewed again, including discussions on the proposed Access Management Manual that is referenced in the rules.

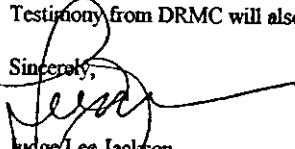
It is our understanding the Access Management Rules (the Rules) will require adherence to the Access Management Manual (the Manual) when TxDOT is reviewing/evaluating roadway design and driveway access from controlled access roadways/frontage roads. Additionally, we recognize the Manual can be changed from time to time without Commission action or public notice. Information provided to DRMC indicates the current Manual has been on the books since the mid 1950s. Elements of the new Manual, especially some of the distance requirements for median access and driveways, are drastically different from standards in use for a number of years.

Therefore, the DRMC Executive Committee, by way of official comment requests:

- 1) The Texas Transportation Commission (TTC) take no final action on the proposed Access Management Rules until the Access Management Manual has been finalized. Local input, from technical and economic development sources, should be considered during development of the Manual. It is imperative for TxDOT to partner with local governments in this decision process due to existing and proposed infrastructure placement such as streets and utilities to serve property owners bringing jobs and revenues into Texas with land development. Final adoption of rules, which reference a manual still under development, does not provide sufficient information on the impact of those rules.
- 2) The TTC include in the final Access Management Rules a reasonable timeline for response by TxDOT to local governments and/or property owners when a request for access is submitted to area/district offices. One of the main 'complaints' at the local and State level involve the amount of time it takes to get an answer on a request or proposal. The earlier DRMC comment suggested that if a decision/response was not provided in a period specified, the request is deemed approved.

Please consider these comments and requests as you move forward on the Access Management Rules. Testimony from DRMC will also be provided at the hearing scheduled for Irving, Texas on July 3rd.

Sincerely,


Judge Lee Jackson
Co-Chairman


Judge Ron Harris
Co-Chairman

Xc: Senator Florence Shapiro, Chair, Senate State Affairs Committee
Representative Clyde Alexander, Chair, House Transportation Committee
Mike Behrens, Executive Director, TxDOT
Ken Bohuslav, Director, TxDOT Design Division



Houston Council of Engineering Companies

Local Chapter of Texas Council of Engineering Companies
2020 North Loop West, Suite 240 • Houston, TX • 77018
Ph. 713-680-1595 • Fx. 713-680-1835 • www.houstoncecc.org

- A & S Engineers, Inc.
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- Amani Engineering, Inc.
- Arcadis G&M, Inc.
- ATSER LLP
- Aviles Engineering Corporation
- Michael Baker, Jr., Inc.
- Binkley & Barfield, Inc.
- Black & Veatch Corporation
- Brewer & Escalante Assc. Inc.
- Brown & Gay Engineers, Inc.
- CDM
- Carter & Burgess, Inc.
- Century Engineering, Inc.
- Chiang, Patel & Yerby, Inc.
- CH2M Hill, Inc.
- Rayburn Cherry Engineers, Inc.
- CivilTech Engineering, Inc.
- Claunch & Miller, Inc.
- CLR/Cobourn Linseisen & Ratcliff
- Cobb, Fendley & Associates, Inc.
- Comb, Jumper & Gardner
- Costello, Inc.
- DMJM+Harris
- Dannenbaum Engineering Corp.
- Dempulos & Ferguson
- Associates, Inc.
- Edminster, Hinshaw, Russell & Associates
- Edwards & Kelcey, Inc.
- EFC, Inc.
- ESPA Corporation
- Fugro South, Inc.
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- Geotest Engineering, Inc.
- Geotrack, Inc.
- Goldston Engineering, Inc.
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- Haff Associates, Inc.
- HBC Engineering, Inc.
- HNTB Corporation
- Huit-Zollars, Inc.
- HVJ Associates, Inc.
- Infrastructure Associates
- Jacobs Civil Inc.
- JNS Consulting Engineers, Inc.
- Jones & Carter, Inc.
- Nathelyne A. Kennedy & Associates
- Klotz Associates, Inc.
- Lockwood, Andrews & Newnam, Inc.
- Lopezgarcia Group
- McDonough Engineering Corp.
- R. G. Miller Engineers, Inc.
- Montgomery & Associates
- Montgomery Watson
- Walter P. Moore & Associates, Inc.
- OTHON, INC.
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- Pate Engineers, Inc.
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- Rabe Kistner Consulting Engineers
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- Reynolds, Smith and Hills, Inc.
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- Sander Engineering Corporation
- Strader Engineering Company
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- SOI Engineering, Inc.
- Wibur Smith Associates, Inc.
- Stanley Engineering Company, Inc.
- Tamborello Engineering Corp.
- Terra Associates, Inc.
- Terpa, Mar, Inc.
- Thompson
- Ultima Wong Engineers, Inc.
- Umo Engineers, Inc.
- USC Engineering Company
- Urrey, Callic & Brannen Inc.
- United Engineers, Inc.
- UTS Corporation
- VanDeWiele Engineering Inc.
- DA Von Engineering, Inc.
- Wash, Foose & Nichols Inc.
- Roy P. Weston, Inc.
- WLB Associates, Inc.
- WP Engineering Consultants, Inc.

July 12, 2002

Mr. Ken Bohuslav, P.E.
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

Re: Comments on the TxDOT Proposed Access Management Rules

Dear Mr. Bohuslav:

On behalf of the Houston Council of Engineering Companies, representing 92 engineering firms in the Houston metropolitan area, we thank you for the opportunity to provide comments on the Texas Department of Transportation (TxDOT) Proposed Rules, CHAPTER 11 – ACCESS MANAGEMENT, SUBCHAPTER C.

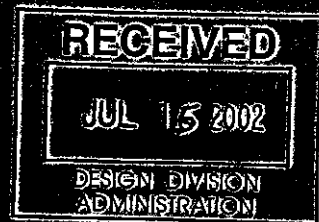
Our comments relate to engineering issues associated with the Proposed Rules in Section 11.53(c). We support the proposal to provide an engineering study for new driveways and the need for a Traffic Impact Analysis, in order to properly determine the impacts on mobility, safety and the efficient operation of the highway facility associated with the new driveway. Therefore, we recommend that the Traffic Impact Analysis *should or shall* be required, rather than *may* be required.

Additionally, the minimum requirements of the engineering study and the Traffic Impact Analysis should be defined within the rules so that an appropriate engineering study is performed to ensure impacts on mobility, safety, the efficient operation of the highway facility and reasonable conformance to the Access Management Manual have been considered.

If you have any questions regarding our comments, please contact me at (713) 680-1595 or via email at Chris@HoustonCEC.org. Again, we appreciate the opportunity to provide input to TxDOT on this matter.

Sincerely,

Christina M. Lindsay
Executive Director





Houston-Galveston Area Council

PO Box 22777 • 3555 Timmons • Houston, Texas 77227-2777 • 713/627-3200

July 10, 2002

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

RE: Comments on Proposed Access Management Rules

Dear Mr. Bohuslav:

I am writing with comments on TxDOT's proposed access management rules.

We recognize the important role that the state's highway system plays in moving people and goods. Managing access to transportation facilities is important for dealing with traffic congestion, safety and also for the well-planned development of the region and local communities.

H-GAC's Board of Directors supports TxDOT's decision to withdraw earlier proposed rules restricting frontage road development. We appreciate the Commission's response to public comment and its efforts to respond to local concerns. TxDOT's new access management rules are a more constructive approach to providing access on a case-by-case basis.

Regarding the rules we have the following specific comments:

1. The proposed rules are based upon a new Access Management Manual under development by the department. It is important for local governments to understand the new access guidelines fully. Therefore, we request that the Commission not adopt these until there has been an opportunity for review and comment on the Manual.
2. We support making future freeways, loops and major urban roadways controlled access facilities. We also support the exception provided for rural low-volume facilities.



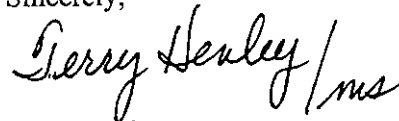
Mr. Kenneth Bohuslav
July 10, 2002
Page 2 of 2

3. For new controlled access facilities the proposed rules describe a cooperative process between the department, local governments and property owners to develop to determine the location and type of access permitted. We support that concept.

The proposed rules, (section 11.52 c) also state that approval for access to new controlled access facilities may be granted after considering impacts on mobility, safety and efficient facility operation, based upon an engineering study. It is not clear who is responsible for the engineering study. We request that TxDOT be responsible for these studies as part of the cooperative process for developing an access management plan. We request that this not be a financial responsibility of local governments. However, we do understand that for access to existing controlled access facilities the local government or other requestor is likely to be responsible for engineering studies.

Again, we appreciate the direction TxDOT and the Commission is taking with these new proposed rules and we appreciate the opportunity to comment.

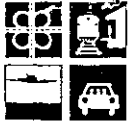
Sincerely,



Terry Henley
Chair, H-GAC
Alderman, City of Meadows Place

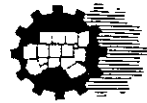
TH/sh

cc Texas Transportation Commission



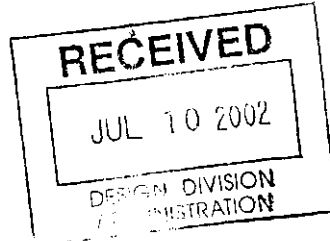
Regional Transportation Council

The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)



July 3, 2002

Mr. Robert Nichols
Member
Texas Transportation Commission
125 E. 11th Street
Austin, Texas 78701



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JUL 09 2002

COMMUNICATIONS OFFICE

Dear Mr. Nichols:

As Chairman of the Regional Transportation Council (RTC), I want to thank you for taking time out from your busy schedule to brief the RTC regarding access management on May 9. We appreciate the Texas Transportation Commission's (TTC) willingness to provide a forum for comments regarding the proposed Frontage Road Policy and the opportunity to review the revised Access Management Rules. We do believe that an access management approach will be a better solution for future transportation planning in Texas. I refer you to our January 15, 2002 testimony regarding access management.

The Regional Transportation Council submits the following five comments in regard to the proposed Access Management Rules and Access Management Manual.

1. We support the proposed Access Management Rules conditioned on an opportunity to refine the draft Access Management Manual. The new Rules should go into effect after review and approval of the Manual.
2. We strongly suggest you permit local traffic engineers, developers, and transportation policy officials to review and refine the draft Access Management Manual previous to its implementation. The Surface Transportation Technical Committee of the Regional Transportation Council has volunteered to coordinate comments in North Central Texas, if requested. This Committee represents cities that have implemented access control for several years and already have access design requirements in their communities. The Access Management Manual needs the refinement of practicing professionals previous to its use.
3. We suggest the Texas Transportation Commission have a grace period for the new Access Management Rules by transitioning the new Access Management Manual over time. This would permit all impacted parties adequate time to implement the new procedures.

COPIES TO ALL 3
ORIGINAL ADDRESSED TO:

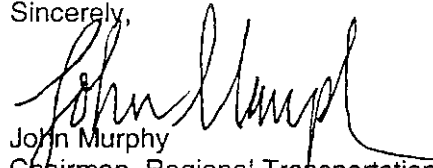
RLN

July 3, 2002

4. We suggest that the new Access Management Manual carefully delineate what is a guideline, suggestion, standard, warrant or requirement. Clear understanding of the Manual is critical and opportunities for some flexibility essential.
5. We suggest the Commission encourage comprehensive access management plans by local governments, developers and the Texas Department of Transportation (TxDOT) in advance of any construction. When this is not feasible and immediate action necessary, timely response by TxDOT to access management proposals is essential.

We look forward to further discussions with the Texas Transportation Commission and Texas Department of Transportation on this important issue and present these comments as part of the public hearing record of July 3, 2002 in Irving, Texas.

Sincerely,



John Murphy
Chairman, Regional Transportation Council
Mayor Pro Tem, City of Richardson

vpj

c: Mr. John W. Johnson, Commissioner, Texas Transportation Commission
Mr. Ric Williamson, Member, Texas Transportation Commission
Mr. Michael Behrens, P.E., Executive Director, Texas Department of Transportation



**Association of
Texas Metropolitan Planning Organizations**

July 10, 2002

Mr. Ken Bohuslav, P.E.
Design Division
125 East 11th Street
Austin, Texas 78701-2483

RE: Access Management Policy

Dear Mr. Bohuslav:

The Texas Association of Metropolitan Planning Organizations (TEMPO) would like to express our support for the efforts by the Texas Department of Transportation (TxDOT) to develop a statewide Access Management Policy. We also want to convey our appreciation to the Texas Transportation Commission and TxDOT staff for listening to the concerns of the citizens, elected officials and business owners of Texas by repealing the proposed Frontage Road Policy.

TEMPO believes that by working together we can address the transportation and economic needs of our state. It is in this spirit of cooperation that we offer the following comments on the proposed Access Management Rules:

1. Local communities, through their MPO or other representative entity, should be involved in determining or at least commenting on the specific requirements in the access management manual (i.e., median spacing, corner clearance, setback distance, driveway clearance, etc.)
2. Local communities, through their MPO or other representative entity, should be involved in determining the appropriate access classification for each state facility within their jurisdiction.
3. The proposed rules should be phased in over a specified time period. This will allow time for determining appropriate access classifications, educating local elected officials, developers, property owners and the

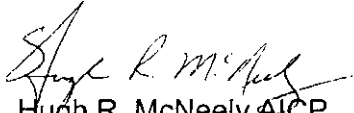
Association of Texas Metropolitan Planning Organizations
P.O. Box 2570, Waco, Texas 76702-2570
(254) 750-5650 (v), (254) 750-1605 (f)

general public, and training of TxDOT, MPO, county and city staff members that will be responsible for access management activities. Furthermore, the proposed rules should be amended to include this implementation schedule due to the fact that upon adoption by the Transportation Commission the proposed rules will be effective immediately.

It is the position of TEMPO that the Transportation Commission should address the previous mentioned recommendations prior to the final adoption of the proposed rules by the Highway Commission.

In conclusion, TEMPO looks forward to working with the Transportation Commission and TxDOT in the implementation of an Access Management Policy and ensuring its uniform application across the state.

Very Respectfully,



Hugh R. McNeely AICP
Chairman and Coordinator, TEMPO
Director, Waco MPO

cc: Texas Transportation Commission
Jim Randall, Director TPP, TxDOT
TEMPO Members

Association of Texas Metropolitan Planning Organizations
P.O. Box 2570, Waco, Texas 76702-2570
(254) 750-5650 (v), (254) 750-1605 (f)



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BRINGING TEXAS THE STATEWIDE TRANSPORTATION SYSTEM IT NEEDS AND DESERVES

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Harris County Judge
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Former Denton Mayor
- WINOY SITTON, VICE CHAIR**
Former Lubbock Mayor

June 19, 2002

Mr. Michael W. Behrens, PE
Executive Director
Texas Department of Transportation
DeWitt C. Greer State Highway Building
125 East 11th St.
Austin, Texas 78701-2483

VIA FAX: 512-305-9567

RECEIVED

JUN 19 2002

OFFICE/EXECUTIVE DIRECTOR

RE: **TEX-21 RESPONSE TO PROPOSED ACCESS MANAGEMENT RULES**

Dear Mr. Behrens:

TEX-21 applauds the effort you and your staff put forth to communicate clearly with us. With that in mind, we would like to inform you of our Executive Committee's response to the TTC's proposed *Access Management Rules and Manual*.

TEX-21 is generally in agreement with the Commission's efforts to produce a comprehensive access management policy. However, having the proposed rules apply to major urban roadways could remove much of the local control or influence currently exercised by cities and counties. In addition, various sections of the draft manual are potentially detrimental to existing developments and property owners' access rights.

Consequently, our Executive Committee recommends that TTC delay the approval and implementation of these proposed rules until the *Manual* is completed. The Executive Committee further recommends that the *Manual* be completed using a formalized consensus review process that incorporates or accommodates the designs and parameters currently in use in cities and counties across the state.

TEX-21 Vice Chair and Harris County Judge Robert Eckels will provide testimony to this general effect at the Texas Senate State Affairs Committee Hearing on June 20th in Austin. Judge Eckels' testimony will also be distributed to all candidates for the Texas House and Senate as part of our packet to inform the candidates of the need for better funding for transportation. **TEX-21** member representatives will also provide comment at the public hearings to be held in Austin, Houston, and Irving.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

Kenneth A. Mayfield
Kenneth A. Mayfield
Chair, **TEX-21**

RECEIVED

JUN 21 2002

DESIGN DIVISION

- Cc: The Honorable John W. Johnson
- The Honorable Robert L. Nichols
- The Honorable Ric F. Williamson

DEAN INTERNATIONAL, INC.
Public Policy Consultants
8080 Park Lane, Suite 600, Dallas, Texas 75231
Phone: 214.750.0123 Fax: 214.750.0124

Airport Properties, LP.

8201 Duval Road, Suite 1837
Austin, TX 78759
Tel (512) 832-8332
Fax (512) 832-4832
info@airport-prop.com

July 15, 2002

VIA FACSIMILE (512) 416 2539

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, Texas 78704

Re: Access Management Policy Proposal

Dear Mr. Bohuslav:

Our Company, Airport Properties, LP, is in the ownership, operation and development of real estate. Currently, we are involved in various aspects of land development impacting our real estate, specifically at Ben White Blvd. (Hwy 71) between Riverside Drive and Hwy 183; our biggest concern to date has been in matters involving roadway access (ways) and circulation at this site. It is in these areas that we have interacted with TxDOT and with regard to various access and related regulations.

We have become aware of proposed changes to the existing regulations and we feel that such proposed rules (and the manner in which they are to be enforced) are going to create a very negative impact on property owners such as us, materially and emotionally. There are a number of items/issues which raise concern, the main one being the implementation of such regulations prior to the formal adoption of any such rules pursuant to mandatory State rule-making procedures. We recognize that public hearings have recently been held to discuss the proposed rules which we find interesting, and without merit, in light of the fact that TxDOT is already enforcing these regulations as if they have already been formally adopted.

Set out below are items of specific concern, and to be addressed accordingly:

1. Any regulations or changes should only be implemented after review and collaboration with all impacted parties, even if it be by including a broad representative group of (potentially) impacted landowners, and other similarly affected entities.
2. TxDOT and the Commission should formalize its rules making process consistent with State Law providing ample time for input by interested and affected parties.
3. TxDOT should coordinate with local and regional entities, including road access management groups and municipalities to allow sufficient consideration of potential impact on landowners and respective mobility issues - which will then undoubtedly affect economic development and transportation issues in various neighborhoods, towns and cities.

TxDOT - access management policy

4. Any regulations enacted should provide reasonable time limitations within which TxDOT staff must respond to applications in order to allow such applicants the ability to move forward with their respective projects in a timely and reasonable manner.
5. Any (and all) regulations should provide sufficient opportunity and if necessary, delegate authority to local or area roadway authorities, municipalities and TxDOT district offices.
6. ***Consideration should be given to protecting the status of projects in process when new regulations are enacted or existing ones modified. Major time and money is invested in real estate based on the information available prior to and when a project is commenced. Credit should be given to any project, which will be materially impacted by any new or changed regulation. In essence, existing or in-process development should be "grandfathered".***
7. All access rights should be allowed to "follow" the land and not be impacted by change in ownership, similar to how most municipalities treat land development regulations. Otherwise, any certainty of valuation and consequently investment in real estate or businesses, which might be potentially impacted by changes in access, will be severely affected.

Please take serious consideration in these concerns. We hope TxDOT and the Commission will recognize the severe negative impact, economic and otherwise, it can have on Tax-paying Property owners (such as us), Tax-paying businesses (such as us), and municipalities throughout Texas if the proposed regulations are allowed to be enacted and enforced without providing ample opportunity for public comment and serious consideration of those comments.

If you have any questions or comments please feel free to contact us.

Respectfully yours,



Zahir Walji,
for Airport Properties, LP. (Tax-Payer)

cc. Brad Greenblum
Rick Hightower

BARSHOP & OLES

C O M P A N Y

VIA REGULAR MAIL

July 12, 2002

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, Texas 78704

RE: Proposed Access Management Policy

Dear Mr. Bohuslav:

This letter is in response to the new Access Management Policy that has been proposed by the Texas Department of Transportation (TxDOT). Our company, Barshop & Oles Company, is involved in commercial development in Austin, San Antonio, and Houston. As the owner, developer, and manager of many commercial properties located on state highways and roads, I understand the importance of an Access Management Policy. However, I must strongly urge you to reconsider the manner in which this particular policy has been implemented.

I urge you to reconsider implementation of these rules until the entire process of public comment and collaboration has been completed. In addition, some consideration has to be given for the rights of property owners who had entitlements in place and projects underway at the time these rules have been proposed.

From a broader policy standpoint, these rules must balance with the interest of property owners and communities in the development of key intersections that are now served by state highways. My company is currently working with TxDOT staff on access to a new shopping center and thus far we have found the proposed policies to be very unreasonable in their application.

TxDOT needs to recognize that although access management and transportation safety are very important, economic development is also a vital factor that must be considered. Please provide for the proper amount and time of public input before these rules are adopted. If you have any questions or need additional information, please do not hesitate to contact me. Thank you for your time and consideration.

Best regards,



Milo Burdette
Vice President for Development
Barshop & Oles Company

MB/mlt

801 CONGRESS AVE., SUITE 300 AUSTIN, TEXAS 78701

512.477.1212 FAX 512.495.9875

F:\Data\Student\Melissa\Milo\Proposed access mgmt policy.doc

WWW.BARSHOP-OLEES.COM

David C. Palmer
Senior Vice President

dpalmer@cencorrealty.com

July 15, 2002

via fax 512-416-2539
and mail

Mr. Kenneth Bohuslav
Director of the Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483



**Re: Opposition of Proposed Amendments
Concerning Access Management 43 TAC
Sections 11.50-11.55**

Dear Mr. Bohuslav:

I am writing to express opposition to the implementation of the proposed new rules concerning access management.

Cencor Realty represents more than 11.5 million square feet of retail shopping centers in the major Texas markets, Dallas/Fort Worth, Houston, San Antonio and Austin. Cencor Realty partnerships are active developers of retail shopping centers in the State's urban markets, having developed more than 9 million square feet of retail shopping centers.

The spacing requirements for median breaks and curb cuts per the proposed access management standards will inhibit commercial growth along thoroughfares, thereby limiting the development of the commercial tax base which is so important to the new growth cities in urban areas. TxDot needs to recognize the vital nature of economic development to local and state tax revenues. The process to date has not allowed for meaningful input from a broadly representation group of urban cities and counties, along with the development community.

We need to establish a statewide taskforce to work on these objectives, which in and of themselves are appropriate, but totally lack local and citizen property owners input and expertise. Cities have been monitoring access management for safety and mobility long before these proposed access management standards were considered the Commission or its staff.

Cities and towns in the State's urban areas have long worked with TxDot and the development community to establish thoroughfare plans, with sufficient specificity to include major thoroughfare designations through arterial streets, but not including curb/median breaks until land use through zoning has been established. Such decisions have been in the past, need to continue to be locally driven and partnered between the municipality, the TxDot district office and the developer.

3102 Maple Avenue Suite 500 Dallas, Texas 75201 214.954.0300 fax 214.953.0860

www.CencorRealty.com

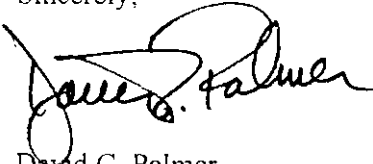
Cencor Realty Services is the management and development division of Weitzman Management Corporation, a regional realty corporation which also does business through its brokerage division, The Weitzman Group.

Mr. Kenneth Bohuslav
July 15, 2002
Page 2 of 2

I support the recommendations presented by Tex-21 Vice Chair and Harris County Judge Robert Echels to the Senate State Affairs Committee regarding the proposed access management rules and manual, and those presented by Collin County Judge Ron Harris at the July 3 public hearing on this matter.

Thank you for your consideration of the comments herein.

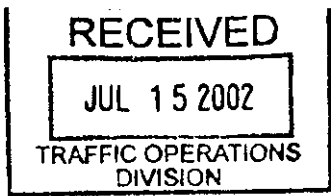
Sincerely,

A handwritten signature in black ink, appearing to read "David C. Palmer". The signature is written in a cursive style with a large, stylized initial "D".

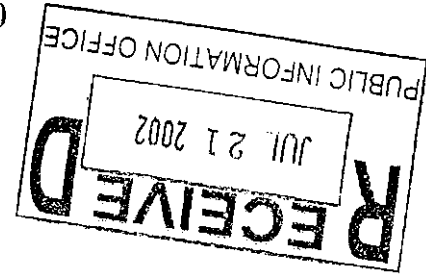
David C. Palmer

cc: The Honorable Ron Harris, Collin County Judge
Herb Weitzman

/bg



Dana Chiodo
1115 San Jacinto, Suite 250
Austin, Texas 78701
512/472-5110



July 12, 2002

Mr. Kenneth Bohuslav
Director of the Design Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701-2483

RE: Opposition to Proposed Amendments to 43 TAC Sections 11.50 -- 11.55 concerning Access Management

I am writing on behalf of the International Council of Shopping Centers (ICSC) concerning the proposed changes to 43 TAC Sections 11.50 - 11.55 which would designate all new location facilities such as freeways, relief routes, loops and major urban roadways as controlled access facilities unless the Commission determines otherwise. ICSC believes that this provision could be problematic for our industry.

ICSC's nearly 35,000 U.S. members include companies that develop, own, and manage shopping centers, the retailers that locate in centers, financial institutions, and firms that provide a wide range of products and services to the industry. In 2000, the 3,045 shopping centers in Texas generated \$76.1 billion in retail sales and provided \$3.57 billion in State sales tax revenues. Employment in Texas' shopping centers totaled 752,500 jobs directly in 2000 and created 4,700 construction jobs statewide.

We have the following concerns concerning this new proposal:

Potential Delay in Completion of Existing Projects – ICSC believes that the rules and manual should take into account completion of existing projects and allow them to be finalized under existing rules so that previously planned projects will not be delayed.

Access Rights Should Follow Title – ICSC believes that existing access rights for properties should follow the title to the property if it is transferred. Allowing access approval to be re-opened upon the sale of a property could depreciate the value of the property and jeopardize any potential sale due to uncertainty.

Potential Delay in Completion of New Projects – ICSC believes that the approval process for access applications should include a time limit so that the process is efficient and predictable, and does not unnecessarily delay the development of new projects and inhibit local economic development efforts.

The Developer Community Should Have Input On Changes to the Draft Access Management Manual – ICSC believes that modifications to the Draft Access Management Manual should only be made after all affected parties including the developer community and local governmental and economic development planning entities have the opportunity to provide input on the proposed changes.

These reasons and others have prompted the ICSC to respectfully request that the proposed change be withdrawn or modified until sufficient time for public review and comment is provided.

Sincerely,

Dana Chiodo
On behalf of the International Council of Shopping Centers

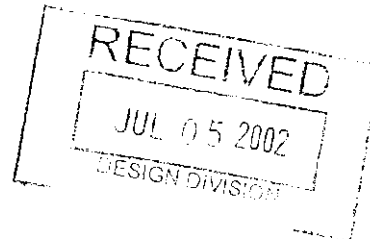
ECN PROPERTIES, LTD.

A TEXAS LIMITED PARTNERSHIP
ONE NORTHPARK CENTER
8950 N. CENTRAL EXPRESSWAY
SUITE 225
DALLAS, TEXAS 75231
(214) 369-2200

FAX # (214) 369-2843

July 2, 2002

Mr. Ken Bohuslav
P.E.
Director, Design Division
125 East 11th Street
Austin, Texas 78701-2483



Re: Public Comment to Access Management Rules and Guidelines

Dear Mr. Bohuslav:

Please do me the favor of reading this letter and giving it some thought. I am a small businessman trying make a business as a real estate developer in North Texas. In principle, I think most people agree with what you are trying to do regarding access management within the State of Texas. However, making blanket rules regarding access points onto State controlled Roadways is not only unwise, but also unfair. Taking a look, on a case by case basis, would be a much better alternative to the situation. I realize you need some rules to go by, however, blanketly adopting rules and regulations will severely limit small business people like myself from making a living.

The State of Texas has always been a friendly and easy place to have a business. I have never had a bad experience to date when dealing with Cities and Municipalities on permits. If the process to obtain access becomes a burden of paperwork, placed upon individuals like myself, then it will limit development and growth. That may be what is desired by some, however, not by all.

I realize that the State of Texas is going to do something regarding access management, but prior to adopting all these rules and regulations, some thought should be given as to its effects, both on large and small businesses alike.

Thank you for taking the time to read my comments.

Very Truly Yours,

A handwritten signature in black ink that reads "Ted Nash". The signature is written in a cursive, flowing style.

Ted Nash



July 16, 2002

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, Texas 78704

Re: Access Management Policy Proposed by TXDOT

Dear Mr. Bohuslav:

This letter is intended to express my concerns regarding the upcoming proposal to limit property access to highways, frontage roads and similar roadways. Endeavor Real Estate Group is a commercial real estate developer and this proposal would cause both an economic and safety problem for our tenants' customers. We feel that our business and Austin's economic development would be severely impacted if the proposed rules for access management would be put into effect. Following are my specific concerns regarding commercial properties:

- More than one curb cut permits better traffic circulation within the shopping center or office project
- More than one curb cut allows more traffic in and out of the shopping center or office project, which, in turn, increases public safety
- More than one curb cut eases bottlenecks from traffic coming off main highways.

Further, I believe that if restrictions are eventually put in place, then any currently-approved curb cuts should be grandfathered. In addition, these grandfathered access rights should then follow title of the property if the ownership changes.

The restrictions as outlined have the potential to slow down economic development growth, which would affect the ad valorem and sales tax base, which in turn would affect local county and city government. If the Commission continues to see the need for restrictions, I would request that the decisions regarding the Austin area be made on a District, rather than a State, level.

I appreciate the TxDot's continuing good work as it affects our business on a daily basis. I will be happy to discuss this matter particular further and can be reached at (512) 682-5562.

Sincerely,
Endeavor Real Estate Group

David L. Roche
Principal

DLR/ika

P:\DavidR\General\TXDOT ltr.doc

J. BRADLEY GREENBLUM
ATTORNEY & COUNSELOR

July 15, 2002

VIA FACSIMILE 512.416.2539

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, Texas 78704

Re: Access Management Policy Proposal

Dear Mr. Bohuslav:

Our Firm concentrates its law practice in the area of advising and counseling property owners, developers, national retailers and other businesses in the ownership, operation and development of real estate and related matters. Consequently, we are involved in all aspects of land development and related regulation impacting real estate, including matters involving roadway access and circulation. It is in these areas that we interact with TxDOT and the various access and related regulations.

Recently we became aware of proposed changes to the existing regulations and wanted to provide our input and suggestions regarding such proposed rules. There are a number of items/issues which raise concern, the main one being the implementation of such regulations prior to the formal adoption of any such rules pursuant to mandatory State rule making procedures. We recognize that public hearings have recently been held to discuss the proposed rules which we find interesting in light of the fact that TxDOT is already enforcing these regulations as if they have already been formally adopted.

Set out below are items of additional concern:

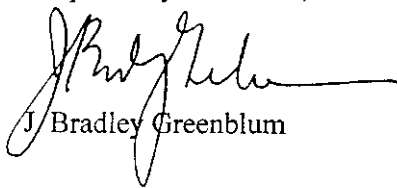
1. Any regulations or changes thereto should only be implemented after review and collaboration with impacted parties, including a broad representative group of landowners, municipalities and other similarly affected entities from throughout the State.
2. TxDOT and the Commission should formalize its rules making process consistent with State law providing ample time for input by interested and affected parties.
3. TxDOT should coordinate with local and regional entities, including road access management groups and municipalities to allow sufficient consideration of impacts

on landowners and mobility issues, which will undoubtedly affect economic development and transportation issues in many cities and towns.

4. Procedurally any regulations enacted should provide certain reasonable time limitations within which TxDOT staff must respond to applications in order to allow such applicants the ability to move forwards with projects in a timely and reasonable manner.
5. Any regulations should provide sufficient opportunity and if possible, delegate authority to local or area roadway authorities, municipalities and TxDOT district offices.
6. Consideration should be given to protecting the status of projects in process when new regulations are enacted or existing ones modified. Major time and money is invested in real estate based on the information available prior to and when a project is commenced. Credit should be given to any project, which will be materially impacted by any new or changed regulation. In essence, existing or in-process development should be "grand fathered".
7. All access rights should be allowed to "follow" the land and not be impacted by change in ownership, similar to how most municipalities treat land development regulations. Otherwise, any certainty of valuation and consequently investment in real estate or businesses, which might be potentially impacted by changes in access, will be severely affected.

Thank you for your serious consideration of these concerns. Hopefully, TxDOT and the Commission will recognize the severe economic impacts on property owners, businesses and municipalities throughout Texas if the proposed regulations are allowed to be enacted and enforced without providing ample opportunity for public comment and serious consideration of those comments. If you have any questions or comments please feel free to contact the undersigned.

Respectfully submitted,



J. Bradley Greenblum

HOUSTON REAL ESTATE COUNCIL
P. O. BOX 41293
HOUSTON, TEXAS 77241-1293
713/400-1800 - Fax 713/400-1845

July 15, 2002

Mr. Ken Bobuslav, P.E.
Director, Design Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701-2483

Via Fax No. 512/416-2599

Re: Access Management

Dear Mr. Bobuslav:

On behalf of the Houston Real Estate Council, we have reviewed the proposed Access Management Guide Manual and the changes to Chapter 203 of the Transportation Code. Houston Real Estate Council found that the revisions of the previously mentioned rules and guide manual are too vague to properly analyze. We, therefore, request clarification on some points, which are unclear. The three most important issues of concern are as follows:

- 1) Why are the ownership of access rights not addressed in the Access Manual?
- 2) Will all roadways in Texas be given access classifications? How and when will access classifications be determined?
- 3) On existing roadways, how can ownership of access rights be determined? What determines ownership? When is ownership established? How will access rights be appraised and by what criteria? What instructions are to be given to appraisers? Is it safe to assume TxDOT owns all access rights to new facilities, regardless of access classification?

HOUSTON REAL ESTATE COUNCIL

BY: _____

Michael Wyatt
President



17440 DALLAS PARKWAY
SUITE 204
DALLAS, TEXAS 75287
972/248-3006 FAX 972/248-3855

LEE ENGINEERING

Access Rules
Comments
(manual
specific)

July 11, 2002

Mr. Ken Bohuslav, P.E.
Director - Design Division
125 East 11th Street
Austin, Texas 78701-2483

Re: *TxDOT's Draft Access Management Manual - Comments*

Dear Mr. Bohuslav:

We have reviewed TxDOT's *Draft Access Management Manual* (dated 5/30/02) and applaud TxDOT's efforts to develop an effective access management program that will preserve the public's investment in our roadway system. We would like to offer several comments regarding this document. We have identified and described the following concerns with the manual:

1) CONFLICTING MINIMUM DESIGNS

Several of the tables provided in **Chapter 4-Access Spacing and Design Guidelines** appear to be in conflict with each other. The tables, corresponding text, and our discussion on these tables are identified below:

TABLE 4-1

Table 4-1, Access Management Evaluation and Spacing Criteria, provides evaluation considerations based on the access classification (AC) of a facility and provides access spacing criteria for intersections, corner clearance, and median openings. (p.4-2)

- Are these minimum requirements or "evaluation considerations"? If these are meant to be minimum standards, the other tables identified below have different minimums for unsignalized access spacing and driveway spacing than shown in Table 4-1.

The unsignalized access spacing criteria is given in Table 4-1. This criteria is based on the minimum distances necessary to stop a vehicle according to stopping sight distance criteria outlined in the AASHTO Green Book. (p. 4-11)

- The stopping sight distance (SSD) provided by AASHTO does not increase based on roadway classification as shown in Table 4-1. In the *Green Book*, stopping sight distance is calculated based primarily on speed, not the classification of the roadway.

- How are the numbers from AASHTO minimum stopping sight distances used in Table 4-1?
Table 4-1: For AC 4, unsignalized access spacing for 45 mph = 1,320 feet
SSD in AASHTO: At 45 mph, stopping sight distance = 360 feet

TABLE 4-4

Access points should be separated at a minimum by a distance equal to the design sight distance shown in Table 4-4 and should not be permitted within an auxiliary lane, taper, or ramp (functional boundary). (p. 4-11)

- Is it okay to meet the minimum distances in Table 4-4 but be less than the criteria identified in Table 4-1? Which of these tables is the true minimum?

TABLE 4-8

The spacing of median openings for unsignalized roadways and driveways should be based on the values suggested in Table 4-8. (p. 4-22)

- Table 4-8 shows the minimum deceleration lengths for auxiliary lanes. Is this also adequate for median opening spacing as stated in the text?
- The following are differences in criteria between Table 4-1 and Table 4-8:

Unsignalized Access Spacing at 45 mph:

Table 4-1: AC 3 / AC 4 = 1,320 feet

Table 4-1: AC 5 / AC 6 = 660 feet

Table 4-8: 430 feet

2) RIGHT-IN / RIGHT-OUT MOVEMENTS

How do the guidelines provided in Chapter 4 apply to “Right-In / Right-Out” only driveways? The criteria provided in Chapter 4 apply to signalized and unsignalized access points. While right-in / right-out movements are typically unsignalized access points, the number and severity of traffic conflicts at such access points are much less than a full median opening. As such, the requirements for an opening like this could be less than that shown for unsignalized access. There is also a question, as outlined above, of which standards and which table governs for right-in / right-out driveways.

3) CORNER CLEARANCE

The corner clearance criteria in Table 4-4 do not reflect what is commonly used by municipalities with access management programs. Based on our experience, corner clearances in the 100 - 150 foot range for divided arterial streets are appropriate. A research study recently conducted by the Texas Transportation Institute of 40 of the largest cities in the Texas indicated a similar range is used. The numbers in Table 4-4 indicate a range of 305 - 425 feet (for typical arterial street speeds of 40 - 50 mph).

Assuming the minimum requirement above of 305 feet, this would prevent the corner lot from having access for 300 feet along both streets at a major intersection. This would require square

corner lots to be over two (2) acres in order to have access from both streets. This would impact many of the common corner users including drug stores, banks, convenience stores, and restaurants.

4) DETERMINATION OF ACCESS CLASSIFICATION

In identifying the access classification of a roadway system, the presence of a traversable / non-traversable median is an easy concept to understand and identify. However, no guidance is provided in the manual as to what separates undeveloped / partially developed areas from developed areas. Such a determination at this point is entirely subjective, as individuals views of how developed an area can differ significantly.

5) CLASSIFICATION AND SPEED CHANGE OVER TIME

The manual states that:

Access classification decisions should include discussion of future (20+ years) projected traffic volumes, future land use projections, projected roadway purpose (access versus vehicle movement), future right-of-way considerations, and existing accident rates.(p.3-5)

One of the issues here is that it appears for most urban / suburban areas, where growth is likely in the future, roadways would always fall into the developed category. In areas such as this, there would not appear to be a need for consideration of the roadway as being undeveloped or partially developed.

While roadways are to be classified based on their future characteristics, not all of the characteristics would be known or accurately predicted. For example, how are the guidelines applied as posted speeds change over time? An example is the use of frontage roads which are currently serving as main lanes for the future highway. Posted speed on existing frontage roads serving as the main lanes are usually higher than after the main lanes are built and the frontage road is strictly for frontage road traffic. What is the proper balance between consideration of existing and future traffic characteristics?

Similar to the example above, a change in future roadway characteristics which was not forecast can alter the access classification guidelines which should be followed. If a roadway in an undeveloped area has a non-traversable median and it appears that it will remain this way in the future, then this roadway would be classified as AC-4. However, due to unforeseen circumstances, what are the consequences if the area does become fully developed in the future, causing the roadway to be classified in the AC-6 category? We believe that a change in classification would require future developments (operating under the AC-6 guidelines) to have different spacing requirements than the existing developments, which were provided based on AC-4 guidelines. This does not seem to be a proper way to ensure consistency in access spacing and access management guidelines.

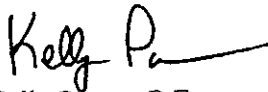
As shown by the five issues presented in this letter, we believe that the guidelines provided in TxDOT's Draft Access Management Manual are based on standards which do not accurately represent the access management principles which have been developed by municipalities and practicing transportation professionals and have proven to be effective in many parts of the state. Additional consideration should be given to what has been practiced by progressive cities across Texas and the United States and with transportation and land development professionals who have experience in this field.

Thank you for considering these issues as you work toward developing effective access management standards for TxDOT.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Short", with a stylized flourish extending to the right.

Jody Short, P.E.
Vice President

A handwritten signature in black ink, appearing to read "Kelly Parma", with a horizontal line extending to the right.

Kelly Parma, P.E.
Project Engineer



July 3, 2002

Mr. Ken Bohuslav, P.E.
Director, Design Division
125 East 11th Street
Austin, TX 78701-2483

RE: Proposed Access Management Rules, sections 11.50-11.55

Dear Mr. Bohuslav:

I'm writing this letter to express my company's opposition to the above referenced proposed rules.

While understanding the need to limit access along freeways and frontage roads the same reasons do not exist to limit access along other TXDOT roads going through communities that are in need of quality development or redevelopment. These proposed rules would severely hurt the small business owners, pad users, land owners of small lots, the economies of local cities and the economy of the state as a whole. The distance requirements that are proposed would take away any chance for an operator of a smaller facility to have the access required to operate that facility profitably. These proposed rules do not allow small businesses to compete fairly against their larger rivals.

As we run our business model to determine the viability of a site for one of our locations, access is one of the largest determining factors as to whether or not we would select a site for one of our stores. My company recently determined to expand into Texas because the growth opportunities that currently exist and the future growth opportunities for other businesses to thrive in the State were better than in other states because the restrictions placed on new development in most areas was not so limiting as to create a roadblock for the success of businesses. We would never have considered Texas for expansion if these proposed rules were in place at that time. I'm certain that by limiting access or completely denying access to roads, as these rules will certainly do, Texans will be denied the ability to see new growth from companies that would only be a benefit to the states' economy.

Cities that want to control growth are currently able to impose very strict access guidelines, much like these proposed rules, and keep the business growth within their cities to a minimum. Other cities that need to redevelop older parts of their town or need new commercial growth to better their community are now able to have less stringent access guidelines as long as they

meet a minimum standard established by TXDOT. By changing these distance requirements, growth in cities that are seeking to expand their tax base through new development would be stifled. I would suggest leaving the access decisions to the cities, as it is now, so they may determine what's best for their community.

In addition to the severe distance requirements imposed by these rules, we are also in opposition to these rules being imposed by the Dallas, Denton and Collin County offices of TXDOT prior to any public input and prior to the formal adoption of said rules. We've currently had to stop development in those counties along any TXDOT roads because we are being denied proper driveway access to property that we are attempting to develop.

On locations that we currently have open, we've run our business models assuming we'll have the access that we were allowed when we opened the store. In certain drastic situations we understand that we may lose access because of some future unanticipated traffic change but these proposed guidelines would also close many stores because our access can be taken away and our business model then would no longer work.

In closing, by taking away access that is currently allowed, by denying access to land in the future, by land-locking thousands of pieces of land, by creating a situation that is unfriendly to future companies that would otherwise expand into Texas and by imposing rules that have not even been formally adopted, TXDOT is creating an economic nightmare for the state in a time when we need to be seeking out and encouraging new growth.

Thank you for your assistance.

Sincerely,



Jeff Thoene
QuikTrip Corporation
Director of Real Estate

Quorum Equities Group, LLC

July 15, 2002

VIA FAX (512) 416-2539

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, Texas 78704

Dear Mr. Bohuslav:

I have been advised that the Texas Department Of Transportation has decided to modify Access Spacing on State Right of Ways. This change is very disturbing to me as a landowner and developer it has impacted my property values by restricting and in some cases curtailing access to state roadways. I understand the state's right to set controls on public roads but I am concerned by both the method and the means that the state has elected to institute these changes. I am most concerned by the result of these changes on small landowners like myself that can ultimately prevent me from securing access to my property.

The state has instituted these changes without the benefit of public discourse. The state is holding hearings but in the case of Dallas County the hearings are after the policy has been implemented. This demonstrates that the state believes they are the only authority with any knowledge on this matter or just an unwillingness to listen to other points of view. Texas has always separated itself from other states by its symbiotic synergistic partnership with its residents to solve problems; this is a radical departure from that approach.

The policy itself is not good engineering; it does not take into account the purpose of the point of access, trip generation or use. It takes very little information into account and the information it does incorporate is incomplete. The policy fails to take into account improvements provided by developers as part installing the new access points. These improvements in many cases improve traffic flow both immediately and long term. No "one size fits all" design technique can be viable without taking into account use and its trip generation, proposed improvements and existing traffic conditions.

Access is the lifeblood of commercial developments, by limiting access the vitality and the developments ability to produce revenue are compromised. It is obvious that the state is attempting to manage the Department of Transportation capital budget by adopting this policy. This action will only serve to decrease retail sales growth, thereby reducing sales tax income and consequently constricting a DOT capital budget that is already straining under the record growth seen by our state. It has been purported that this policy will have no financial impact the acieration was challenged by every Metroplex municipality that attended the July hearing in Dallas.

Finally, how will the state address small parcel owners with only 150-200 feet of frontage? Properties that fit this criteria are in many cases left without access.

This issue can find a reasonable solution but it must include the consumer, business, engineering professionals and the state to no do unreasonable damage to the people these road systems are intended to serve.

July 15, 2002

Respectfully,

A handwritten signature in black ink, appearing to read "Jm Johnston", written over a horizontal line.

Jeff Johnston
President
Quorum Equities Group, LLC

The Real Estate Council

Of Austin, Inc.

98 San Jacinto Blvd. • Suite 180 • Austin, TX 78701
(512) 320-4151 • FAX (512) 320-4152 • www.recaonline.com

RECEIVED

JUL 10 2002

DESIGN DIVISION
ADMINISTRATION

June 26, 2002

*hand delivered
to me @ the mgmt
Austin Access Meeting,
public hearing,
by Bruce Boyer
Gail*

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Timothy Taylor,
Vice-President
Paul Linehan,
Secretary
Diana Zuniga,
Treasurer

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Trey Salinas
Charles Scott
Michael Weaver
Ed Wendler, Jr.
Paul Workman
Steven A. Younkman

Presidents Council

David Armbrust
Paul J. Bury, III
Steve Drenner
Joe Duncan
Gary S. Farmer
Alan M. Glen
Jay Hailey
Susan Harris
Richard S. Hill
Jerry Winetroub
Pete Winstead

Executive Director

Janice Cartwright

The Honorable John W. Johnson, Chair
The Honorable Robert L. Nichols, Member
The Honorable Ric Williamson, Member
Texas Transportation Commission
DeWitt C. Greer Building
125 E. 11th Street
Austin, TX 78701

RE: Proposed Rules for Access Management

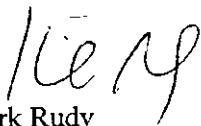
Dear Chairman Johnson and Commission Members Nichols and Williamson:

The Real Estate Council of Austin, Inc. (RECA) is a professional organization consisting of firms and individuals whose primary focus is supporting the interests of the commercial real estate industry in and around Austin and Central Texas.

Our members have expressed concerns about the lack of input by those most affected in the development of the recently adopted rules related to access management. We understand that you are meeting today in Austin and next week in Houston and Irving. However, we feel that this time-line does not provide adequate time for review of the new rules and related manual.

We respectfully request that you delay adoption of the manual to allow those of us impacted by it to study how it will impact us and our efforts to develop property, which might be adversely affected by a departure from previous Commission rules.

Sincerely,



Kirk Rudy
President, Board of Directors
The Real Estate Council of Austin, Inc.

*cc: JWS
DES*

cc: Senator Gonzalo Barrientos
Senator Steve Ogden
Senator Jeff Wentworth
Representative Dawnna Dukes
Representative Rick Green

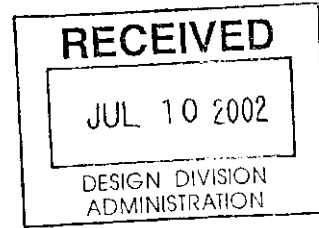
Representative Terry Keel
Representative Ann Kitchen
Representative Mike Krusee
Representative Glen Maxey
Representative Elliott Naishtat

The Real Estate Council of San Antonio

1335 N.E. Loop 410 • San Antonio, Texas 78209 • 210•804•4370 • FAX 210•804•4355

July 3, 2002

The Honorable John W. Johnson, Chair
The Honorable Robert L. Nichols, Member
The Honorable Ric Williamson, Member
Texas Transportation Commission
DeWitt C. Greer Building
125 E. 11th Street
Austin, Texas 78701



Re: Proposed Rules for Access Management

Dear Chairman Johnson and Commission Members Nichols and Williamson:

The Real Estate Council of San Antonio (RECSA) is a professional organization for firms and individuals whose primary focus is the commercial real estate industry in San Antonio and Bexar County. We have some 200 member firms with over 600 individuals participating as members. Our member firms employ over 20,000 in the San Antonio area.

Our members are extremely concerned about the recently adopted rules related to access management and the related manual. We feel that the timeline for input on this issue does not provide for adequate review of the rules or the manual.

We respectfully request that you delay adoption of the manual to allow those individuals in the real estate community, many of whom will be dramatically and possibly adversely affected by these rules, to study the possible impact.

Sincerely,

A handwritten signature in black ink that reads "Robert Hunt".

Robert Hunt
President
Real Estate Council of San Antonio

cc: JWS
MWB - FOR RESPONSE
DES ✓

◆ PATRON MEMBERS ◆

Adams & Polinsky Ad Valorem Tax Advisors • Akin, Gump, Strauss, Hauer & Feld, L.L.P. • Alamo Title Company • Assessment Technologies, Ltd.
Baker Surveying & Engineering, Inc. • Barshon & Oles • Phillip Barshon & Co. • Baxter Southwest • Bury - Partners, Inc. •
Calkway Development Corporation • Carter & Burgess, Inc. • W.F. Castello & Associates • Cawthorn, Hale, Hornberger, Fuller, Sheehan and Becker, Inc.
Cavender & Hill Properties, Inc. • Concord Property Corporation • Connell-Barron Homes • Continental Homes • Cox & Smith Incorporated
E.L.W. Cude Engineers, L.L.C. • Drake Commercial Group • Thomas Dress & Co. • Earl & Brown P.C. • Embrey Partners, Ltd. • Faulkner Construction Co.
First American Title Insurance Co. of Texas • Frost National Bank • Gil Reeves Engineering, Inc. • Goetting & Associates, Inc. • Grubb & Ellis
Green & Stern, P.C. • D.B. Hurrell Co. • Haynes and Boon, L.L.P. • Hilton Properties Incorporated • Hogan Real Estate Services • Halliday Fenoglio Fowler, L.L.C.
Insite Architects, Inc. • Integrated Realty Group • Jenkins & Gilchrist • C.F. Jordan, L.P. • Kaufman & Associates, Inc. • KB Home • Kennedy-Wilson Property
Services • Kowitz McCombs • The Leddy Company • Lumbermans Investment Corporation • Lyda Constructors, Inc. • MacInt. Base, Copeland & Associates, Inc.
Medallion Homes • Metropolitan Contracting Company • Orion Partners, Inc. • The Pantaloni Group • Pape-Dawson Engineers, Inc. • Providence Commercial
Dental Mortgage Capital • SBC Communications, Inc. • Sutterfield & Pontikes Construction, Inc. • Sol Schwartz & Associates, P.C. • Stephen G. Cook Engineering, Inc.
SpawGlass Contractors, Inc. • Sterling Bank • Stewart Title • Stumpf Craddock Massey & Pelman, P.C. • Transwestern Commercial Services
USAA Real Estate Company • United Commercial Realty, Inc. • Valero Energy Corporation • Vickrey & Associates, Inc. • The Weitzman Group/Center Realty
Charles Martin Wender Real Estate & Investment • H.B. Zachry Co.

07/03/02 WED 10:42 [TX/RX NO 8996]

Riverside 71, LP.

3201 Duval Road, Suite 1337
Austin, TX. 78759
Tel: (512) 832-8332
e-mail: zahir@walji.us

July 15, 2002

VIA FACSIMILE (512) 416 2539

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, Texas 78704

Re: Access Management Policy Proposal

Dear Mr. Bohuslav:

Our Company, Riverside 71, LP., is in the ownership, operation and development of real estate. Currently, we are involved in various aspects of land development impacting our real estate, specifically at Ben White Blvd. (Hwy 71) between Riverside Drive and Hwy 183; our biggest concern to date has been in matters involving roadway access (ways) and circulation at this site. It is in these areas that we have interacted with TxDOT and with regard to various access and related regulations.

We have become aware of proposed changes to the existing regulations and we feel that such proposed rules (and the manner in which they are to be enforced) are going to create a very negative impact on property owners such as us, materially and emotionally. There are a number of items/issues which raise concern, the main one being the implementation of such regulations prior to the formal adoption of any such rules pursuant to mandatory State rule-making procedures. We recognize that public hearings have recently been held to discuss the proposed rules which we find interesting, and without merit, in light of the fact that TxDOT is already enforcing these regulations as if they have already been formally adopted.

Set out below are items of specific concern, and to be addressed accordingly:

1. Any regulations or changes should only be implemented after review and collaboration with all impacted parties, even if it be by including a broad representative group of (potentially) impacted landowners, and other similarly affected entities.
2. TxDOT and the Commission should formalize its rules making process consistent with State Law providing ample time for input by interested and affected parties.
3. TxDOT should coordinate with local and regional entities, including road access management groups and municipalities to allow sufficient consideration of potential impact on landowners and respective mobility issues - which will then undoubtedly affect economic development and transportation issues in various neighborhoods, towns and cities.



4. Any regulations enacted should provide reasonable time limitations within which TxDOT staff must respond to applications in order to allow such applicants the ability to move forward with their respective projects in a timely and reasonable manner.
5. Any (and all) regulations should provide sufficient opportunity and if necessary, delegate authority to local or area roadway authorities, municipalities and TxDOT district offices.
6. ***Consideration should be given to protecting the status of projects in process when new regulations are enacted or existing ones modified. Major time and money is invested in real estate based on the information available prior to and when a project is commenced. Credit should be given to any project, which will be materially impacted by any new or changed regulation. In essence, existing or in-process development should be "grand fathered".***
7. All access rights should be allowed to "follow" the land and not be impacted by change in ownership, similar to how most municipalities treat land development regulations. Otherwise, any certainty of valuation and consequently investment in real estate or businesses, which might be potentially impacted by changes in access, will be severely affected.

Please take serious consideration in these concerns. We hope TxDOT and the Commission will recognize the severe negative impact, economic and otherwise, it can have on Tax-paying Property owners (such as us), Tax-paying businesses (such as us), and municipalities throughout Texas if the proposed regulations are allowed to be enacted and enforced without providing ample opportunity for public comment and serious consideration of those comments.

If you have any questions or comments please feel free to contact us.

Respectfully yours,



Zahir Walji,
for Riverside 71, LP. (Tax-Payer)

cc. Brad Greenblum
Rick Hightower



July 12, 2002

Mr. Kenneth Bohuslav
Director, Design Division
Texas Department of Transportation
118 E. Riverside Drive
Austin, TX 78704

Re: Proposed Access Management Rules and Policies
Chapter 11, Section 11.50-11.55
Public Comment Period

Dear Mr. Bohuslav,

Simon Property Group is a major property owner in the State of Texas with several retail shopping malls and other retail complexes located throughout the State. Simon also has continued interest in furthering the economic development opportunities for Cities and Towns within the State and are currently looking at several possible new retail projects in the State. We believe in the principles and objectives of successful access management that include safety, improved mobility, preserved investment and support of economic development. These objectives are also key to the viability of our retail centers. However, we have concerns with the Proposed Access Management Rules that could have a substantial impact on both our existing as well as planned investments within the State. Our concerns are summarized as follows:

- The proposed rules and what appears to be the accompanying policy as described in the recently published Draft Access Management Manual appear to be already implemented prematurely by some TXDOT District staff before the completion of the legal rule-making process including the opportunity for public comment. The implementation of these rules should await the input from the public on the important impact that these rules will have on the existing and prospective business owners and citizens of the State of Texas.

115 West Washington Street
Indianapolis, Indiana 46204
317.636.1600

shopsimon.com



Mr. Kenneth Bohuslav
July 12, 2002
Page 2

- The criteria that is being implemented for separation of signalized intersections is being interpreted by TXDOT staff as pretty much fixed even though the Draft Access Management Manual recognizes that there are cases where signals may be able to be spaced closer than the starting criteria. Interpretation of this criteria as fixed could lead to property located between this signal spacing as virtually undevelopable even though modeling and other data could be presented that could show an acceptable signal spacing closer than this starting criteria which would meet the Commission's objectives of these rules. Flexibility must remain to utilize the professional judgement of transportation experts in this process of obtaining successful access management.
- The review period for TXDOT review of access approvals is not specified. We believe that a reasonable review period should be established so that applicants can have realistic expectation of the review period.
- The review of access approvals should be delegated to the appropriate TXDOT district offices. However, consistent applications of reviews should be expected by the regulated public among all district offices.

Thank you for the opportunity to comment and we anticipate that the above comments will be viewed as constructive as we hope to continue to be able to provide positive economic impact to the citizens of the State of Texas.

Sincerely,



Joe Stallsmith
Director of Engineering
Engineering Department

TOWN EAST MALL

July 9th, 2002

Ken Bohuslav, P.E
Director, Design Division
125 East 11th Street, Austin, Texas 78701-2483

Dear Mr Bohuslav:

As a member of the shopping center industry, and speaking for General Growth Properties, owner/manager of over 170 shopping centers in 42 states, I am disappointed at the approach of your office regarding the rules on frontage roads. The statements made by TxDOT's James Bass and you in the Preamble of the proposed rules that the proposed policy will have no fiscal implications for state or local governments and no significant statewide impact on local economies were unbelievable and appear to have no basis in fact. If this is incorrect, please detail the truth, and present facts to me.

Although the overall concept of Access Management may be appropriate and well intended, the process used by TxDOT to propose the new policy excluded real input from the local governments that would be directly affected. This was a significant step back from any "partnership" between TxDOT and the local governments. Only the draft rules had been released for some public input; the release of the proposed Manual and the restrictive nature of the Manual were a complete surprise.

The stated intent for proposing the Access Management policy was to reduce congestion on highways. Applying the proposed rules to state highways in urban areas will have effects that go far beyond the stated intent.

The rules do not provide a time limit for TxDOT/TTC to consider access applications. The rules should include such a time limit that, if exceeded, would result in automatic approval of the application.

At the Irving hearing, Commissioner Robert Nichols said the Manual would be a "living" document, implying it would be changed, perhaps often. One of the developers responded that he needed "stability and predictability" of access standards for land developments to continue, so the TTC needed to delay action on the proposal until the Manual was acceptable. Many others echoed the comment that the TTC should suspend approval of the rules and Manual until a task group of TxDOT, urban and rural local government, and private developer representatives have reviewed and modified the Manual to the satisfaction of all parties.

The rules and Manual should allow a grace period or "grand fathering" for current developments to be completed under the old rules under which they were designed, and some form of "grand fathering" for existing properties' access should be provided in case such properties are sold.

2063 Town East Mall • Mesquite, Texas 75150
Office (972) 270-4431 • Fax (972) 686-8974

TxDOT should accept and approve the Access Management rules currently in place in those cities that have them.

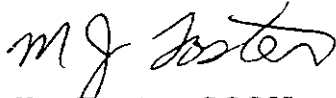
Many landowners remain unaware of the detrimental affect this proposed rule would have on their property. There should be a requirement that affected landowners signoff on documents which reveal that TxDOT's actions would alter access/egress to highways/frontage roads they have had for many years.

Decisions should be shifted to the District level whenever possible. Trying to enact a statewide standard that would apply equally to urban and rural areas will likely lead to inordinate delays, particularly if all approvals need to go through Austin.

At the hearing in Irving, several commentators expressed real and growing frustration that major and ill-advised transportation policy shifts are occurring without consultation or collaboration with cities, counties and the private sector and that the effect of these shifts will be very damaging to the Texas economy and to the previously positive relationships between local governments and the private sector to the Texas Transportation Commission and TxDOT.

We have been delayed in our evaluation of the Trans Texas Corridor proposal that was approved at the June 27 meeting of the Texas Transportation Commission. This delay needs to be removed immediately.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Foster". The signature is written in a cursive, flowing style.

**Jim Foster, SCSM
General Manager
General Growth Management, Inc.**

Appendix V
Draft Legislation
Regarding Access Management

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the precedence of certain municipal highway access
3 rules and ordinances over highway access management orders of the
4 Texas Transportation Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 203.032, Transportation Code, is amended
7 to read as follows:

8 Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) An
9 order of the commission under Section 203.031 supersedes a
10 conflicting rule or ordinance of a state agency or subdivision of
11 this state or any county or municipality, including a home-rule
12 municipality.

13 (b) Notwithstanding Subsection (a), the commission may not
14 adopt or enforce an order under Section 203.031 that:

15 (1) is applicable to highways located in a
16 municipality, including a home-rule municipality; and

17 (2) is inconsistent with a highway access rule or
18 ordinance adopted by the governing body of the municipality before
19 the effective date of the order.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2003.

Appendix VI
Letter from Senator Shapleigh to the Committee Chair
regarding the Alameda Corridor Recommendation

CAPITOL OFFICE
E1.706
P.O. BOX 12068
AUSTIN, TEXAS 78711
PHONE: 512/463-0129
FAX: 512/463-0218
Dial 711 for Relay Calls
E-MAIL: eliot.shapleigh@senate.state.tx.us



DISTRICT OFFICE
800 WYOMING AVENUE, SUITE A
EL PASO, TEXAS 79902
PHONE: 915/544-1990
FAX: 915-544-1998
E-MAIL: eliot.shapleigh@senate.state.tx.us

COMMITTEES
BUSINESS & COMMERCE
HEALTH & HUMAN SERVICES
STATE AFFAIRS
VETERAN AFFAIRS & MILITARY
INSTALLATIONS - VICE CHAIR
TEXAS SUNSET ADVISORY COMMISSION

ELIOT SHAPLEIGH

TEXAS SENATE
DISTRICT 29
EL PASO COUNTY

October 18, 2002

RECEIVED

OCT 21 2002

**STATE AFFAIRS
COMMITTEE**

The Honorable Florence Shapiro
Chair, State Affairs Committee
380 SHB

Dear Madame Chair:

In reviewing the recommendations for the Senate State Affairs committee report, I noticed that recommendation 1C addresses a rail concept similar to the Alameda corridor and depressed rail lines. As you know, Los Angeles and El Paso are the nation's only two examples of rail lines that have been depressed some 25 feet to afford certain easy surface crossings. We have discovered that the benefits of depressed rail are enormous. For example, the depressed rail saves millions of dollars on overpasses that must be maintained. Further, they offer better protection for hazardous materials and help prevent accidents. As a result, El Paso is reviewing a depressed rail extension from our current downtown Betan train way all the way to the Border Health Institute.

I believe the Alameda corridor approach will save Texas billions of dollars in the future. I strongly support recommendation 1C and urge that this section of the report be expanded to detail the potential savings.

Please contact Mayor Ray Caballero's office at (915) 541-4656 for additional information on this initiative.

Very truly yours,

A handwritten signature in black ink that reads "Eliot Shapleigh".

Eliot Shapleigh

ES/eh

cc: The Honorable Ray Caballero
Mr. Michael Behrens
Mr. Bill Stockton

TL/Correspondence/StateLegisalture/ShapiroFAlamedaCorridorRailrecommendation.wpd

1-800-544-1990

