

1. Report No. FHWA/TX-04/0-4429-1		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle METHODS AND BENEFITS OF TXDOT INVOLVEMENT IN LOCAL DEVELOPMENT REVIEW				5. Report Date October 2003	
				6. Performing Organization Code	
7. Author(s) Edwin N. Hard, William L. Eisele, and William E. Frawley				8. Performing Organization Report No. Report 0-4429-1	
9. Performing Organization Name and Address Texas Transportation Institute The Texas A&M University System College Station, Texas 77843-3135				10. Work Unit No. (TRAIS)	
				11. Contract or Grant No. Project No. 0-4429	
12. Sponsoring Agency Name and Address Texas Department of Transportation Research and Technology Implementation Office P. O. Box 5080 Austin, Texas 78763-5080				13. Type of Report and Period Covered Technical Report: September 2002 - August 2003	
				14. Sponsoring Agency Code	
15. Supplementary Notes Project performed in cooperation with the Texas Department of Transportation and the Federal Highway Administration. Project Title: TxDOT Involvement in the Local Development Process					
16. Abstract The objective of this project is to increase the Texas Department of Transportation's (TxDOT) role in the local development process and to facilitate implementation of TxDOT's access management program through local development review. This objective was achieved by assessing TxDOT's current level of involvement in local development review, examining how TxDOT could most effectively be incorporated into the process, and investigating how a select few other state departments of transportation are involved in the local development process. The project also included a review of existing transportation code provisions relating to access as well as research on how local entities can follow the National Environmental Policy Act of 1969 (NEPA) process to accelerate the schedule of a state project that is of high priority to the local community. The results of this research will assist TxDOT districts, cities, and counties across the state by bringing to light the mutual benefits of collaboration between the state and local communities. Increased coordination among these entities will foster the practice of access management and help ensure TxDOT's interests in right-of-way are considered in platting and development along state routes. One product of this research includes recommendations and guidelines on how TxDOT can be involved in the local development process.					
17. Key Words Development Process, Access Management, Access Easements, Local Coordination, Platting, Development Review, Site Plan, Site Development, NEPA, Right-of-Way, Cooperative Agreement			18. Distribution Statement No restrictions. This document is available to the public through NTIS: National Technical Information Service Springfield, Virginia 22161 http://www.ntis.gov		
19. Security Classif.(of this report) Unclassified		20. Security Classif.(of this page) Unclassified		21. No. of Pages 198	22. Price

METHODS AND BENEFITS OF TXDOT INVOLVEMENT IN LOCAL DEVELOPMENT REVIEW

Edwin N. Hard, AICP
Associate Research Scientist
Texas Transportation Institute

William L. Eisele, P.E.
Associate Research Engineer
Texas Transportation Institute

and

William E. Frawley, AICP
Research Scientist
Texas Transportation Institute

Report 0-4429-1
Project Number 0-4429
Project Title: TxDOT Involvement in the Local Development Process

Performed in cooperation with the
Texas Department of Transportation
and the
Federal Highway Administration

October 2003

TEXAS TRANSPORTATION INSTITUTE
The Texas A&M University System
College Station, Texas 77843-3135

DISCLAIMER

The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official view or policies of the Federal Highway Administration (FHWA) or the Texas Department of Transportation (TxDOT). This report does not constitute a standard, specification, or regulation. The research supervisor in charge of this project was Edwin N. Hard.

ACKNOWLEDGMENTS

This project was conducted in cooperation with TxDOT and FHWA. The research reported herein was performed by the Texas Transportation Institute (TTI). Mr. Clay Smith, P.E., district transportation planning engineer of TxDOT's San Antonio District, served as the research project director (PD) and Ms. Julia Brown, interim district engineer of the San Antonio District, served as the program coordinator (PC).

The authors would like to thank the members of the Project Monitoring Committee for their advisement and guidance:

- Mr. Robert Appleton, Bryan District, Texas Department of Transportation;
- Mr. Andy Ballard, City of San Antonio, Texas;
- Ms. Maria Burke, Design Division, Texas Department of Transportation;
- Mr. Randy Hopmann, Lubbock District, Texas Department of Transportation;
- Mr. Tom Hornseth, County Engineer, Comal County, Texas;
- Ms. Melissa Neeley, Environmental Division, Texas Department of Transportation;
- Mr. Tony Palacios, Federal Highway Administration; and
- Mr. John Zimmerman, Right-of-Way Division, Texas Department of Transportation.

The authors would like to provide special thanks to Clay Smith and Julia Brown for sharing their years of experience and insight on the San Antonio District's process and cooperative efforts in local development review. They would also like to provide special thanks to Comal County Engineer, Tom Hornseth, for his insights related to county thoroughfare planning and the use of 'local credits' for right-of-way acquired through the platting process.

The authors would like to thank other very helpful individuals for providing the research team with access to their experience, knowledge, and contacts throughout this research project:

- Mr. Ray Crow, County Road and Bridge Administrator, Brazos County, Texas;
- Mr. Richard Vance, County Engineer, Brazos County, Texas;
- Ms. Jane Kee, City Planner, City of College Station, Texas;

- Mr. Ken Fogle, Transportation Planner, City of College Station, Texas;
- Ms. Catherine Hejl, Bryan Area Engineer, Texas Department of Transportation;
and
- Mr. Jay Page, Associate Bryan Area Engineer, Texas Department of
Transportation.

The authors would like to thank the following individuals from TTI for their assistance:

- Mr. John Overman, research, assistance, and guidance on NEPA;
- Mr. Russell Henk, review and input on draft report;
- Mr. Gary Lobaugh, graphics and formatting assistance;
- Ms. Pam Rowe, survey editing and word processing;
- Ms. Meghan Wieters, research on county statutes, legislation, and county survey
processing; and
- Editors in TTI's Communications Group.

Finally, the research team would like to thank the individuals who took the time to complete the surveys upon which a substantial portion of this research report is based. The research team appreciates the time and effort taken by these individuals from counties in Texas, selected cities, TxDOT districts, and other state departments of transportation (DOTs).

TABLE OF CONTENTS

	Page
List of Figures.....	xiii
List of Tables	xiv
1.0 Introduction.....	1
1.1 Project Objective.....	1
1.2 Background and Significance of Work.....	1
1.3 The Local Development Process	2
2.0 Project Tasks and Research Methods.....	5
2.1 Assessment of TxDOT Involvement in Local Development Review	5
2.2 Assess the Development Review Processes of Cities in Texas	6
2.3 Assess the Development Review Processes and Authority of Counties in Texas	7
2.4 Research the Involvement of State DOTs in Local Development Review.....	8
2.5 Examine Ways TxDOT Can Reduce ROW Costs via Local Coordination.....	8
2.6 Review Transportation Code to Assess TxDOT Authority on Access.....	9
2.7 Research the Local Use of NEPA to Expedite Projects.....	10
3.0 Surveys of Selected Cities, Counties, Districts and DOTs of Other States.....	11
3.1 Survey of Texas Cities	11
Survey Content.....	11
Survey Mail-out and Return.....	12
3.2 Survey of Texas Counties	17
County Survey Content	17
County Survey Mail-out and Return	18
3.3 Survey of TxDOT Districts.....	22
Survey Content.....	22
Survey Mail-out and Return.....	23
3.4 Survey of State DOTs.....	24
Survey Content.....	24
Survey Mail-out and Return.....	25
4.0 Task Findings and Results	27
4.1 TxDOT Involvement in Local Development Review.....	27
Cooperative Processes Identified in District Survey	27
Examples of District/City Cooperative Processes.....	33
4.2 The Development Review Processes of Cities in Texas.....	36
Overview of City Development Processes.....	36
City Coordination with TxDOT on Plats	38
City Coordination with TxDOT on Site Plans	40
4.3 The Development Review Processes and Related Authority of Counties in Texas ...	42
Platting Regulations and Processes in Counties.....	42

County Site Plan Review, Regulation, and Authority	46
Counties with Special Authority to Regulate Development	48
Recent County Legislation	51
4.4 Involvement of Other State DOTs in the Local Development Process	52
DOT Involvement in the Platting Process of Cities	53
DOT Involvement in the Platting Process of Counties	55
DOT Involvement in Local Site Plan Review	56
Feedback from DOTs on Local Coordination	58
4.5 TxDOT ROW in Local Development Review.....	60
ROW Preservation along State Roadways by Local Entities.....	60
Coordination in Planning and Development Review along State Roadways	62
4.6 TxDOT’s Legal Authority to Regulate Access.....	67
4.7 Local Involvement in the NEPA Process.....	68
NEPA and Environmental Clearance	69
Local Involvement in Environmental Review.....	72
City Survey Findings on NEPA	75
Local Assistance in TxDOT Advanced Planning and Environmental Clearance ..	76
Local Involvement in NEPA in Other States	77
5.0 Recommendations for TxDOT Involvement in Local Development Review	79
5.1 Establish Cooperative Agreements.....	79
5.2 Establish Development Review as Routine Work Activity.....	80
5.3 Plan Review, Development Meetings, and Coordination.....	81
5.4 TxDOT Involvement in Development (Concept) Plans	83
5.5 TxDOT Involvement in Local Platting.....	83
TxDOT Involvement in Platting to Manage Access	84
TxDOT Involvement in Platting to Coordinate in Area Thoroughfare Planning...	84
TxDOT Involvement in Platting to Protect or Preserve State ROW	85
5.6 TxDOT Involvement in Site Plan Review	86
TxDOT Review of Site Elements Other than Driveways	87
5.7 TxDOT Involvement to Reduce Future ROW and Project Costs.....	88
Review Driveways along Roads Planned for Widening	88
Review Parking along Roads Planned for Widening	88
Review Building Setbacks along Roads Planned for Widening	89
Other Local Development Regulations TxDOT Should Consider.....	89
5.8 Coordination with Counties on Plats and Thoroughfare Planning	90
TxDOT Coordination with Counties in Thoroughfare Planning.....	90
5.9 Local Involvement and Assistance in the NEPA Process.....	92
5.10 Potential Legislation and Changes to Transportation Code.....	94
Allow and Require TxDOT Review on Development Adjacent to State Roads....	95
Legislation to Require “Cooperative Development Review” Agreements	95
Legislation Giving Counties Authority to Manage Access.....	96
Allowing Credit for ROW along State Facilities Acquired through Local Platting.....	96
5.11 Workshops	97
References.....	99

Appendices.....	101
Appendix A: Survey of Texas Cities: Regulation of Subdivisions and Land (Site)	
Development.....	101
City Survey Cover Letter.....	103
City Survey Instrument.....	104
City Survey Summary Responses.....	109
Appendix B: Survey of Texas Counties: Regulation of Subdivisions and Land (Site)	
Development.....	127
County Survey Cover Letter.....	129
County Survey Instrument.....	130
County Survey Summary Responses.....	134
Appendix C: Survey of TxDOT Districts: Participation in Local Subdivision and	
Development Review.....	147
TxDOT Survey Cover Letter.....	149
TxDOT Survey Instrument.....	150
TxDOT Survey Summary Responses.....	155
Appendix D: Survey of State DOTs: DOT Participation in Local Subdivision and	
Development Review.....	167
DOT Survey Cover Letter.....	169
DOT Survey Instrument.....	170
DOT Survey Summary Responses.....	175

LIST OF FIGURES

	Page
Figure 1. City Survey Returns by TxDOT District.....	14
Figure 2. County Survey Returns by Census Category.....	20
Figure 3. Percent of Cities by Population that Include TxDOT in Plat Review.....	30
Figure 4. County Coordination with TxDOT on Plats.....	45
Figure 5. Counties by Census Category Responding that More County Authority to Regulate Development is Needed.....	48
Figure 6. The Environmental Clearance Process.....	71

LIST OF TABLES

	Page
Table 1. City Survey Response by Population Range.	15
Table 2. Title/Department of Individual Completing City Survey.	15
Table 3. City Survey Return by TxDOT District.	16
Table 4. County Survey Returns by Census Category.	19
Table 5. County Survey Response by TxDOT District.	21
Table 6. District Input/Coordination with Cities on Plats.	29
Table 7. District Input/Coordination with Cities on Site Plans.	32
Table 8. City Development Process Summary.	37
Table 9. City Comments on Development Process.	37
Table 10. City Development Process Summary by Population Range.	38
Table 11. City Inclusion of TxDOT on Plats.	38
Table 12. City Coordination with TxDOT on Plats.	39
Table 13. Reasons for Not Coordinating on Plats.	40
Table 14. City Inclusion of TxDOT on Site Plans.	41
Table 15. City Coordination with TxDOT on Site Plans.	41
Table 16. Coordination of Driveways on Plans with TxDOT Permit.	42
Table 17. Counties by Census Category that Require Plats.	43
Table 18. County Coordination with TxDOT on Plats by Census Category.	44
Table 19. County Coordination with TxDOT on Site Plans by Census Category.	47
Table 20. Counties Wanting More Development Authority by Census Category.	47
Table 21. DOT Involvement in the Local Development Review Process.	53
Table 22. DOT Involvement in Platting with Cities.	54
Table 23. Reasons for Lack of Coordination between DOTs and Cities.	54
Table 24. Suggestions for Improving Coordination between DOTs and Cities.	55
Table 25. Reasons for Lack of DOT/County Coordination on Plats.	56
Table 26. Reasons Cities and DOTs Do Not Coordinate on Development Review.	57
Table 27. City Coordination with the DOT on Driveway Permits.	57
Table 28. Select Comments on DOT Involvement in Local Development.	59
Table 29. Comments from Cities that Acquire ROW along State Facilities.	61
Table 30. Responses as to Whether a Local Entity Has Begun the NEPA Process.	77

1.0 INTRODUCTION

1.1 PROJECT OBJECTIVE

The objective of this research project was to measure the need and examine the means of increasing TxDOT's role in the local development process. TxDOT's involvement in this area is important because decisions related to access and right-of-way (ROW) along state roadways are made during the site development and platting stages of the local development process. TxDOT's input and involvement in this area will facilitate the implementation of a statewide access management plan and help to ensure that TxDOT's interests in ROW are considered when platting and development occurs along state roadways.

To achieve this objective, research was conducted to assess TxDOT's current level of involvement in local development review, examine how TxDOT can be involved in the process, and investigate how a select few other state departments of transportation (DOTs) are involved in this process. The project examined TxDOT coordination in development review with cities and counties across the state. As part of this, researchers examined the minimal authority that exists in unincorporated areas of the state to regulate development. The researchers also assessed existing transportation code provisions relating to access and investigated the use of the National Environmental Policy Act (NEPA) process as a local means to preserve or acquire state ROW.

1.2 BACKGROUND AND SIGNIFICANCE OF WORK

Development review in the state of Texas has historically been the responsibility of local jurisdictions. With the exception of perhaps a few districts, over the years there has been limited collaboration between local jurisdictions and TxDOT on development activity along state roadways. TxDOT has had minimal involvement with cities and counties throughout the state in reviewing development plans and plats that affect their interests. TxDOT involvement in this area is important because decisions related to access and ROW along state roadways are made during the site development and platting stages of the local development process. TxDOT's involvement in this process is key to effective implementation of a statewide access management

program. Its involvement is equally important to ensure that TxDOT ROW needs and interests are considered as part of local development review.

The findings of this research will serve to facilitate coordination between TxDOT and local jurisdictions. Increased coordination will benefit TxDOT and local entities through improved access management and a reduction in costs for ROW acquisition for new state facilities and existing facilities planned for future widening.

A specific benefit of coordination is the opportunity for TxDOT to comment during local development review on the number, location, and design of driveways that will be allowed for a property. Another benefit is the ability to coordinate with local governments to ensure that TxDOT plans for future widening or ROW acquisition are considered in development review. With proper coordination between TxDOT and local jurisdictions, ROW needed by TxDOT could be acquired or preserved as part of the local development process.

As the state's urban and suburban areas continue to grow and expand, more development is occurring in portions of counties that are beyond the development review authority of an incorporated city. This trend is of importance to TxDOT because most counties have only minimal authority to regulate site development plans and access. More authority on the part of counties to regulate site development would benefit TxDOT by providing improved regulation of access to state roadways in unincorporated areas.

1.3 THE LOCAL DEVELOPMENT PROCESS

This report defines the local development process as the general steps or stages by which cities and counties in Texas review and process development plans. The development review process for cities generally involves more stages than those of counties because the process includes steps for both subdivision plats and site development plans. The development review process of counties is typically simpler because it only includes steps to review and process subdivision plats. Steps to address site development in counties are typically not needed because counties have little or no authority to regulate development. Examples of the general development review process for cities and counties are provided in the following paragraphs.

Many cities follow a multi-staged process in their review and approval of subdivision plats and site (development) plans. The length of the process may vary depending on the size of the city and the amount and complexity of its development regulations. A general example of the stages of the city process and the general order in which they are reviewed and approved is provided below:

- A. Development (Conceptual) Plan – general map showing layout of proposed lots, streets, etc;
- B. Preliminary Plat – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc;
- C. Final Plat – map conforming to preliminary plat with official requirements needed for filing for record;
- D. Site (Development) Plan - shows proposed layout of building(s), parking lot, and driveways on site;
- E. Building/Construction Plans – shows construction details of buildings/improvements on site; and
- F. Issuance of Development/Building Permits – permit providing permission to make improvements or begin construction on site.

The above example provides a brief definition for each stage of the development review process. The names of these stages, particularly preliminary plat, final plat, and site plan are terms that will be used a great deal throughout this research report.

The development review process used by counties includes several of the same stages as the above city process. However, as noted previously, it involves fewer stages since counties typically only review subdivision plats and not site plans. An example process used by many counties in reviewing and approving subdivisions/plats includes the three stages that are listed below:

- A. Development Plan – general map showing layout of proposed lots, streets, etc;
- B. Preliminary Plat – map prepared to scale showing bearings and dimensions of proposed lots, streets, etc; and

- C. Final Plat – map conforming to preliminary plat with signatories, dedications, and other requirements needed for filing for record.

As with cities, the development review process used by counties in the state may vary depending on the county's size and its urban or rural nature. A few counties in the state have been granted authority to regulate certain aspects of development due to special or unique local or regional conditions.

2.0 PROJECT TASKS AND RESEARCH METHODS

The scope of work for the project was made up of seven major tasks. The tasks were completed over a 1 year time period beginning in September of 2002 and ending in August of 2003. The following sections provide a description of each task and the research methods used in accomplishing each task.

2.1 ASSESSMENT OF TXDOT INVOLVEMENT IN LOCAL DEVELOPMENT REVIEW

The first task of the project was to assess TxDOT's current level of involvement in the local development process for as many of the 25 districts as possible. A great deal of information was sought to assess the overall degree and nature of interaction between districts and local entities relating to development. The research team attempted to obtain information from each of the 25 TxDOT districts regarding their working relationship, if any, with both cities and counties related to local development.

Many TxDOT district and area offices around the state coordinate with local jurisdictions on development that affects state roadways. This task sought to determine how many districts coordinate with local entities, how and why they coordinate, and at what stage in the development process does their coordination take place. The research team sought to answer the following key questions about district involvement in this process:

- Are districts involved with cities and counties in review of subdivision plats, site plans, or both?
- What is the nature and level of their involvement? Is it routine or sporadic? Does the district have a system or process in place with a local jurisdiction to receive TxDOT input? Do they have an agreement in place regarding their involvement?
- For what purposes are they involved? Is it for access, drainage, ROW, or a combination of these? Is it for other purposes?
- What is their level of involvement? Is it just for review of driveways and the issuance of a driveway permit or does it also include review of site plans and

subdivision plats? Do they review all plats or plans that affect state ROW or just select ones?

- When are they involved? Is their involvement before or after development plans and/or plats have been approved by a local jurisdiction?
- Is the district notified by local jurisdictions about upcoming development that affects state ROW and, if so, how?

For this task, the research team sought to assess as many formal or informal district-local cooperative processes as possible and to obtain information on the amount of resources being allocated by districts for their involvement, if any, in local development review. The first task was accomplished through the use of surveys that were sent to all TxDOT districts, all counties in the state, and over 200 cities throughout the state of Texas.

2.2 ASSESS THE DEVELOPMENT REVIEW PROCESSES OF CITIES IN TEXAS

Many cities in Texas use a process to review private development plans. Depending on the size of the city and its approach to development regulation, the process may range from loose and informal to structured and formalized. During their review, cities frequently make decisions on subdivision plats and site plans that affect traffic volumes and access on state roadways as well as costs for ROW along state roadways.

In the second task, the research team assessed the development review processes of cities in Texas to evaluate and identify opportunities for TxDOT involvement and coordination on developments or redevelopments that impact state roadways. An objective of this task was to collect information to better understand how development review occurs in varying sizes of cities in Texas. This information was then evaluated and used to assist in identifying ways for TxDOT to enhance involvement with cities in their development processes. As part of this task, development review processes across the state were evaluated in various size categories of cities and for cities within each district.

To accomplish this task, the research team surveyed cities of all sizes throughout the state about their development processes and regulations and how, when, and to what extent they

coordinate with TxDOT regarding plats and development plans. Chapters 3 and 4 discuss all aspects of the city survey.

2.3 ASSESS THE DEVELOPMENT REVIEW PROCESSES AND AUTHORITY OF COUNTIES IN TEXAS

The third task of this research project was made up of two elements. The first element was to review and assess the processes and regulations used by Texas counties in their review of subdivision plats and site development (or redevelopment) plans. This element also looked into the manner, timing, and extent to which TxDOT districts have input or are involved in the review of plats and developments that are adjacent to state roadways and under the purview of county regulation. As part of this element, the research team sought to identify counties in Texas that had cooperative processes or methods in place that could serve as models to other Texas counties.

The second element of this task was to review and assess state law relating to a county's authority, or lack thereof, to regulate site development plans and access. Counties in Texas have statutory authority to regulate platting, but unlike cities have little authority to regulate site development and construction. However, various counties throughout the state have special authority under state statute that allows them to regulate certain aspects of development in light of specific conditions or features unique to their area. In addition, legislation adopted in 2002 (Senate Bill 873) provided certain counties with the ability to adopt thoroughfare plans, standards for minimum lot frontages on county roads, and building setbacks.

The objectives of the second element of this task included assessing what controls counties can impose on development, determining what authority counties do or do not have, and assessing what impact their level of authority has on access to state roadways. The second part of this task also included an assessment of any recently adopted or pending legislation related to a county's ability to regulate development and how it can be applied.

To accomplish this task, the research team sent a survey to a key county staff member or official (typically county engineer or county judge) in all 254 counties in Texas. The survey obtained information about county regulations and processes related to subdivision plats and site development plans. It also asked questions on if, when, and how counties coordinated with

TxDOT on developments. The survey also contained questions on how platting was handled and coordinated for developments within the extraterritorial jurisdiction (ETJ) of a city. Chapters 3 and 4 discuss all aspects of the county survey.

2.4 RESEARCH THE INVOLVEMENT OF STATE DOTs IN LOCAL DEVELOPMENT REVIEW

The fourth task of the project involved researching the ways and extent to which DOTs of other states around the country are involved in the local development process. The primary objective of this task was to review methods, programs, and experiences from other states and identify innovative ways other states are involved in local development review that could be applied in Texas.

As part of this task, researchers looked at when other DOTs become involved in the process in order to identify procedures that TxDOT could replicate for coordinating with local jurisdictions early in the development process. Other objectives of this task included obtaining information on the amount of time and resources that other state DOTs allocate for their involvement in the local development process and identifying any lessons learned from other state DOTs relating to their involvement in local development review.

As with Tasks 1 through 3, the primary means of obtaining information and data on national experience in the local development process was through the use of surveys. The surveys were sent to the access management coordinators (or other key personnel) of states with advanced access management programs. The research team was able to draw on dozens of professional contacts established from many years of access management research in soliciting completion of the survey. Chapters 3 and 4 discuss all aspects of the DOT survey.

2.5 EXAMINE WAYS TXDOT CAN REDUCE ROW COSTS VIA LOCAL COORDINATION

This task was made up of three elements. The first element researched if and how local jurisdictions, particularly cities, obtained ROW dedication or reserves along state roadways as part of local regulation of development or redevelopment. This element also gathered information on the extent to which there are differences between the cross sections and amounts

of ROW cities require for state facilities versus what the districts may actually need for a future widening of the roadway.

The second element of this task identified measures that can be taken as part of local development review to potentially reduce takings and the costs of ROW for state facilities planned for future widening. The second element looked into measures that should be taken as part of local development review in the many years preceding the widening of a state roadway. This element also identified local development regulations that have a significant effect on state facilities, and future ROW acquisitions were identified and assessed. The final element of this task studied the coordination needed and assessed the importance of the timing of coordination between local jurisdictions and TxDOT districts.

Information and data for this task were ascertained from the surveys of Texas cities conducted as part of Task 2 and from subsequent follow-up interviews with senior development review staff from various cities around the state.

2.6 REVIEW TRANSPORTATION CODE TO ASSESS TXDOT AUTHORITY ON ACCESS

The sixth task was a review of the Texas Administrative Code to determine TxDOT's legal authority in establishing statewide access management regulations and in establishing cooperative agreements with local jurisdictions for TxDOT participation in local development review. For this task, the research team reviewed all applicable elements of the Texas Administrative Code, particularly Title 43 – Transportation, and reviewed and assessed recently adopted legislation related to TxDOT's ability to regulate access along state roadways. The task also researched the use of cooperative agreements between TxDOT districts and local jurisdictions and if such agreements are needed for TxDOT participation in local development review.

Part of the information for this task was obtained from the city and TxDOT surveys conducted in Tasks 1 and 3 and subsequent follow-up interviews with cities and TxDOT districts about policies and/or agreements in place relating to district involvement in local development review.

2.7 RESEARCH THE LOCAL USE OF NEPA TO EXPEDITE PROJECTS

Because many state transportation projects include at least some federal funds, TxDOT frequently must follow a process prescribed in the 1969 NEPA in its planning and development of transportation improvement projects. NEPA calls for the preparation of an environmental impact statement (EIS) for most major projects and requires that a highly regulated process be followed by the project's sponsor in preparing the EIS. The NEPA process includes five major steps and can include numerous public meetings. The process can be time-consuming, contentious, and involve decision-makers at the federal, state, and local levels.

Preparation of an EIS using the NEPA process is often the first major step TxDOT districts must complete in developing a major transportation improvement project. For projects on the state system that are of high priority to a city or county, but of lower priority to TxDOT, it may be advantageous for local jurisdictions to be involved for assistance in the environmental clearance process.

For this task, the research team developed guidelines on how local jurisdictions can be involved in the environmental clearance and TxDOT's advanced planning process for the purpose of potentially expediting project construction and/or ROW acquisition or preservation on a state project. The research identified projects from cities around the state where local jurisdictions were involved in and/or assisted TxDOT in the NEPA process. The benefits and drawbacks of this approach were assessed based on how well it worked for the districts and local jurisdictions that had used it.

As part of this task, examples of local conduct of the NEPA process on state-sponsored projects were also identified in the surveys of other state DOTs conducted in Task 4. In addition, the research team also investigated the use of this approach as a cost-saving mechanism in Task 5 of this project.

3.0 SURVEYS OF SELECTED CITIES, COUNTIES, DISTRICTS AND DOTS OF OTHER STATES

As noted in [Chapter 2](#), the research team utilized surveys as the primary means of collecting data and information for all or portions of the project’s key tasks. Four major surveys were conducted. These included a survey of Texas cities, a survey of Texas counties, a survey of TxDOT districts, and a survey of DOTs of selected states. The survey instruments were developed by the research team with input and advisement from the Project Monitoring Committee (PMC). The following sections provide an overview of each survey, describe the methods used to implement the survey, and provide survey response rates.

3.1 SURVEY OF TEXAS CITIES

The survey of Texas cities was designed to obtain information about the development review processes of cities across the state as well as information on if, how, and when cities include or solicit TxDOT involvement in their local development review process. The survey provided information on the current level of TxDOT involvement in the development process as viewed from cities and provided a local perspective on the necessity, desire, and importance of TxDOT involvement in this process. Importantly, it collected information on how cities handle platting and development along state roadways and in their ETJ. [Appendix A](#) includes a copy of the survey of Texas cities, the cover letter that accompanied the survey, and summary responses for the survey.

Survey Content

The city survey was made up of 33 questions and was divided into the following four sections:

- SECTION 1: Property Subdivision/Platting within Your City;
- SECTION 2: Land (Site) Development Plans in Your City;
- SECTION 3: The Platting and Development Review Process in Your City; and,
- SECTION 4: Additional Comments.

The first section obtained information on how cities handle property subdivisions and plats in several key locations. It contained questions on how cities handle plats along state roadways and the extent to which they coordinate with TxDOT district or area offices on these plats. It asked if cities considered the number and location of access points in their review of plats and asked if cities utilized access easements in platting. This section also contained questions on city platting activity in its ETJ. State legislation passed in 2002 required most counties in Texas to enter into agreements with cities to identify which entity (city or county) would take the lead on processing plats in the ETJ. Several questions were asked in this section related to city/county agreements for platting in the ETJ.

The second section of the survey obtained information on how cities handle site plans for new development or redevelopment. Questions in this section related to plans to develop (or redevelop) or construct buildings, structures, or other improvements on property. It contained two of the same key areas of questioning as the first section on platting. The survey asked questions on how cities handle site plans that are adjacent to state roadways and to what extent they coordinate or involve TxDOT in the review of these plans. It also contained numerous questions on the regulation of access and the coordination between city review of access on site plans and the district issuance of driveway permits.

The third section obtained information on the development review processes of cities. It provided a general example of a six-stage municipal development process and requested that cities briefly explain the general steps of the platting and site plan review processes utilized by the city. [Section 1.3](#) of this report included a detailed description of the local development review process. The fourth and final section of the city survey was a section that allowed survey participants to provide any additional comments on the subject of city/TxDOT coordination in local development review that they thought would be of value to the research project.

Survey Mail-out and Return

In preparation for survey mail-out, the research team purchased a database from the Texas Municipal League (TML) containing the names, titles, and addresses of select city officials for all cities in Texas with a population of 1000 or more. Cities with less than 1000 population were not included in the survey pool because many questions on the survey would not have been applicable to them due to their small amount of development (if any) and lack of a

development process. The TML website (<http://www.tml.org/home.html>) was utilized in obtaining the database of city officials.

For cities chosen for the survey, one survey was mailed to a management or senior-level staff member in one of the following city departments:

- City Engineers Office/Public Works,
- City Planners Office/Development Services and
- City Managers Office/Administration.

In choosing who to send a survey to within a city, the city planner or a senior staff member in planning was used as the first option because platting and development are most often the responsibility of a city planning department. This proved to be the case for most medium-sized cities and all large cities where the large majority of surveys were mailed to city planners, senior planners, and transportation planners. In addition to TML data, the research team used information from the City Planners Association of Texas (CPAT) to identify city planners and senior-level planners employed in cities around the state.

Surveys were sent to staff members in the area of city engineering and public works when a city did not employ a city planner or senior-level planners. This occurred in a few small cities and some mid-sized cities. Surveys were sent to city managers or positions in city administration only when the city did not contain staff in the areas of city planning, engineering, or public works. This was typically the case for many small cities.

A total of 225 cities in Texas were mailed a survey, and 97 cities returned surveys, which resulted in an overall response rate of 43 percent. Surveys were mailed to cities of varying sizes to capture a range of responses from those with a high level of resources and experience in platting and development to cities with little or no resources or experience in this area. [Figure 1](#) shows the statewide distribution of city participation in the survey by TxDOT district.

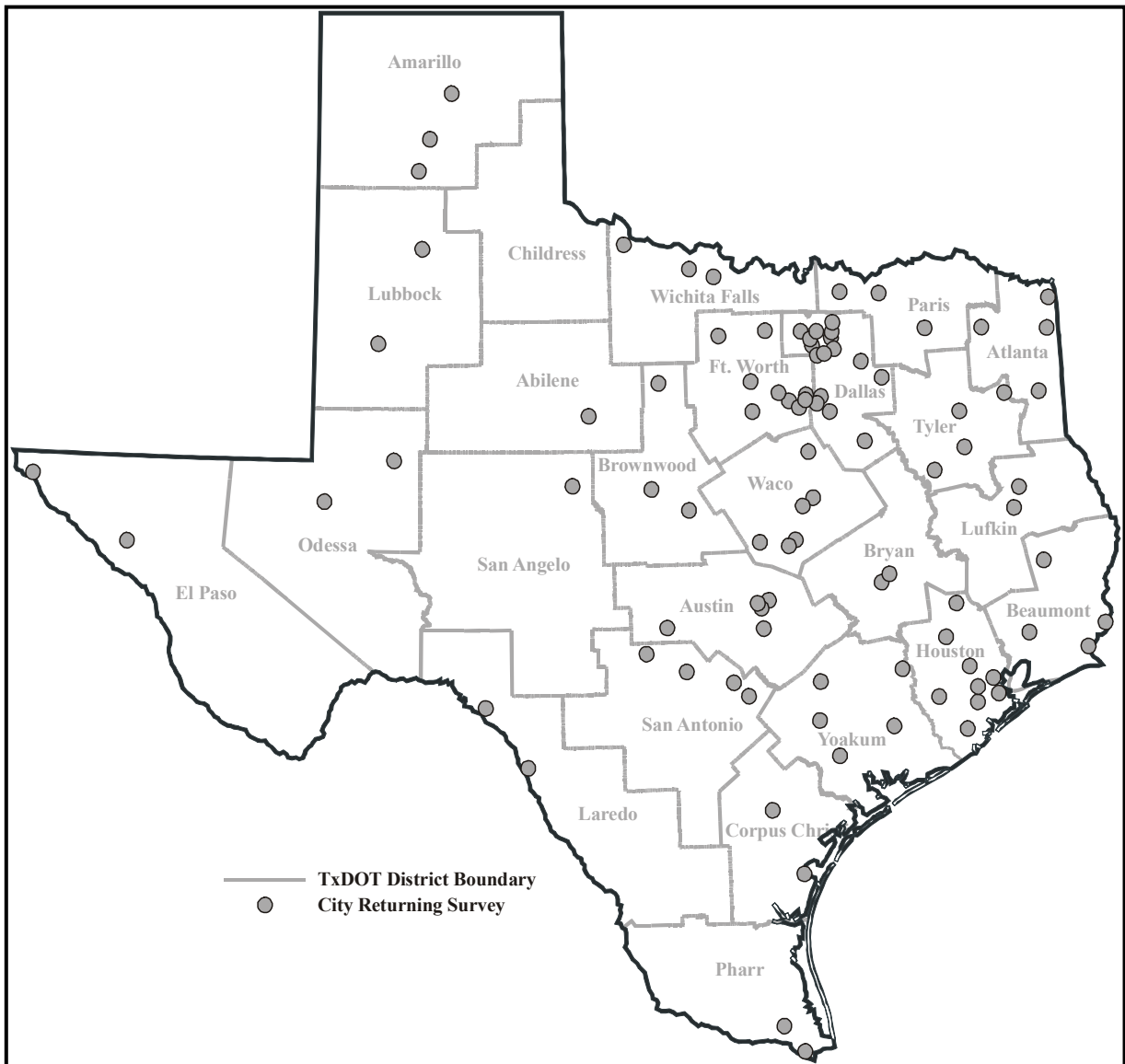


Figure 1. City Survey Returns by TxDOT District.

For the purposes of this study, cities were categorized into six population ranges. [Table 1](#) shows the survey mail-out and returns by various population ranges of cities.

Table 1. City Survey Response by Population Range.

Population Range	Surveys Mailed	Surveys Returned	Response Rate (%)
≤ 5000	38	9	24
5001 – 10,000	50	17	34
10,001 – 20,000	40	16	40
20,001 – 40,000	44	25	57
40,001 – 100,000	29	14	48
100,001 and above	24	16	67
Total	225	97	43

The survey return rate ranged from 24 percent for cities in the less than 5000 category to 67 percent for cities in the greater than 100,001 population category. [Table 2](#) shows the job title or city department of the persons who completed the surveys. It shows that over half of the surveys were completed by individuals in the area of city planning or development services. Not all of the persons completing the survey provided their job title.

Table 2. Title/Department of Individual Completing City Survey.

Title/City Department	Frequency	Percent
City Engineer/Public Works	12	16
City Planner/Director of Planning/Development	42	58
City Manager/Administrator or Assistant	10	14
Building Official/Code Enforcement	3	4
Other	6	8
Total	73	100

In choosing which cities to send a survey to, the research team selected a representative sample of cities from within each of the 25 TxDOT districts. The amount of surveys mailed by district varied and was a function of how many cities it contained. More surveys were mailed to cities in districts in the central and eastern half of the state because it is more urbanized and contains more cities. Fewer surveys were mailed to cities in districts in the Panhandle and western half of the state because it is less developed and contains fewer cities. [Table 3](#) shows the city survey mail-out and return by TxDOT district. This table provides the name of cities that

returned surveys by TxDOT district. It also shows the total number of cities that were mailed surveys compared to the number of cities that returned surveys for each district.

Table 3. City Survey Return by TxDOT District.

TxDOT District	Cities in Districts That Returned Survey	Surveys Mailed	Surveys Returned	Response Rate (%)
Abilene	Abilene	5	1	25
Amarillo	Amarillo, Borger, Canyon	7	3	43
Atlanta	Atlanta, Marshall, Mount Pleasant, Texarkana	6	4	67
Austin	Austin, Cedar Park, Fredericksburg, Georgetown, Leander	12	5	42
Beaumont	Liberty, Orange, Port Arthur, Woodville	9	4	44
Brownwood	Breckenridge, Brownwood, Goldthwaite	5	3	60
Bryan	Bryan, College Station	10	2	20
Childress	N/A	3	0	0
Corpus Christi	Beeville, Corpus Christi	7	2	29
Dallas	Allen, Carrollton, Cedar Hill, Coppell, Corsicana, Dallas, Denton, Frisco, Irving, Lewisville, Midlothian, Plano, Terrell, Waxahachie, Richardson, Rockwall	23	16	70
El Paso	El Paso, Van Horn	5	2	40
Fort Worth	Arlington, Benbrook, Burleson, Decatur, Fort Worth, Granbury, Jacksboro, Mansfield, Weatherford	16	9	56
Houston	Alvin, Dickinson, Houston, Lake Jackson, Pasadena, Pearland, Rosenberg, Tomball, Willis	20	9	45
Laredo	Del Rio, Eagle Pass	6	2	33
Lubbock	Brownfield, Plainview	11	2	18
Lufkin	Lufkin, Nacogdoches	6	2	33
Odessa	Midland, Monahans	7	2	29
Paris	Bonham, Sherman, Sulfur Springs	7	3	43
Pharr	Brownsville, Harlingen	12	2	17
San Angelo	Ballinger	3	1	33
San Antonio	Boerne, Kerrville, New Braunfels, Seguin	12	4	33
Tyler	Jacksonville, Longview, Palestine, Tyler	7	4	57
Waco	Belton, Harker Heights, Hillsboro, Killeen, Temple, Waco	10	6	60
Wichita Falls	Henrietta, Vernon, Wichita Falls	6	3	50
Yoakum	Schulenburg, Sealy, Victoria, Wharton, Yoakum	10	5	50
Total		225	97	43

3.2 SURVEY OF TEXAS COUNTIES

The survey of Texas counties was designed to obtain information about the platting and development processes and regulations used by counties in Texas. It asked questions related to the extent to which counties include or solicit TxDOT involvement on plats and developments that are adjacent to state roadways and under the purview of county regulations. Since counties in Texas have little authority to regulate development, the majority of questioning in the county survey related to subdivisions and plats. Similar to the city survey, it collected information on how counties handle platting and development along state roadways and in the ETJ of cities. [Appendix B](#) includes a copy of the survey of Texas counties, the cover letter that accompanied this survey, and summary responses for the county survey.

County Survey Content

The survey of Texas counties was divided into three sections. The first section contained questions on the processes and regulations used by Texas counties in their review of subdivision plats. It began with general questions about county platting requirements followed by a series of questions on how and if counties address access as part of their platting process. It asked several questions relating to county platting in an ETJ and if they had established agreements (per the Local Development Code) with cities to determine who would take the lead on platting in this area. Importantly, the first section asked questions on county platting adjacent to state roadways and if TxDOT had any involvement in the review of these plats.

The second section contained questions related to land (site) development and how and to what extent (if any) counties handle plans for new construction or other site improvements. In light of their limited authority in this area, it asked if counties reviewed site plans (as defined in [Section 1.3](#)) and, if so, for what purposes. The survey asked questions on how counties handle site plans adjacent to state roadways, if they review access on these plans, and if they coordinate with TxDOT on them. Section 2 of the survey also asked if counties needed more authority to regulate development. The third and final section of the survey asked for additional thoughts and comments from counties on the subject of local development coordination.

County Survey Mail-out and Return

The survey to Texas counties was mailed to all 254 counties in the state. The research team used the 2001 Texas County Directory combined with the 2002 membership directory for the Texas Association of County Engineers and Road Administrators (TACERA) to obtain names and addresses of county officials throughout the state to mail surveys. In an effort to improve the survey response rate, the research team contacted the Texas Association of Counties and the Texas Conference on Urban Counties to request their assistance in making counties aware of the survey and the importance of completing it.

One survey was mailed to each county in the state. The large majority of surveys were sent to either a county engineer, a county road and bridge administrator, or the county judge. In choosing who to send the survey to, the research team usually used the county engineer as the first option, followed by the road and bridge administrator, and then the county judge. However, the size of the county and the existence of precincts were also considered when sending the survey.

A total of 94 counties completed and returned surveys, which resulted in an overall response rate of 37 percent. For purposes of this study, the research team used four classifications of counties developed by the U.S. Census Bureau in evaluating survey returns. These categories relate to a county's location relative to standard metropolitan statistical areas (SMSA) in the state. The categories are defined below in the following bulleted items:

- Metro Central City – the county or counties including the largest city in the core area of population,
- Metro Suburban – additional counties included in the Metropolitan Statistical Area (MSA),
- Non-Metro Adjacent – county that borders a metro central city county or a metro suburban county, and
- Non-Metro Non-Adjacent – county not bordering a metro central city county or a metro suburban county.

Table 4 shows the survey mail-outs and returns by census category. As shown in Table 4, one-half of the counties that returned surveys are classified as non-metro adjacent and one-fifth are classified as non-metro non-adjacent. The remaining 30 percent of counties were evenly split between metro central city and metro suburban counties.

Table 4. County Survey Returns by Census Category.

Census Classification	Frequency	Percent
Metro Central City	14	15
Metro Suburban	14	15
Non-Metro Adjacent	47	50
Non-Metro Non-Adjacent	19	20
Total	94	100

Figure 2 shows an illustration of the 94 county survey returns by census category throughout the state.

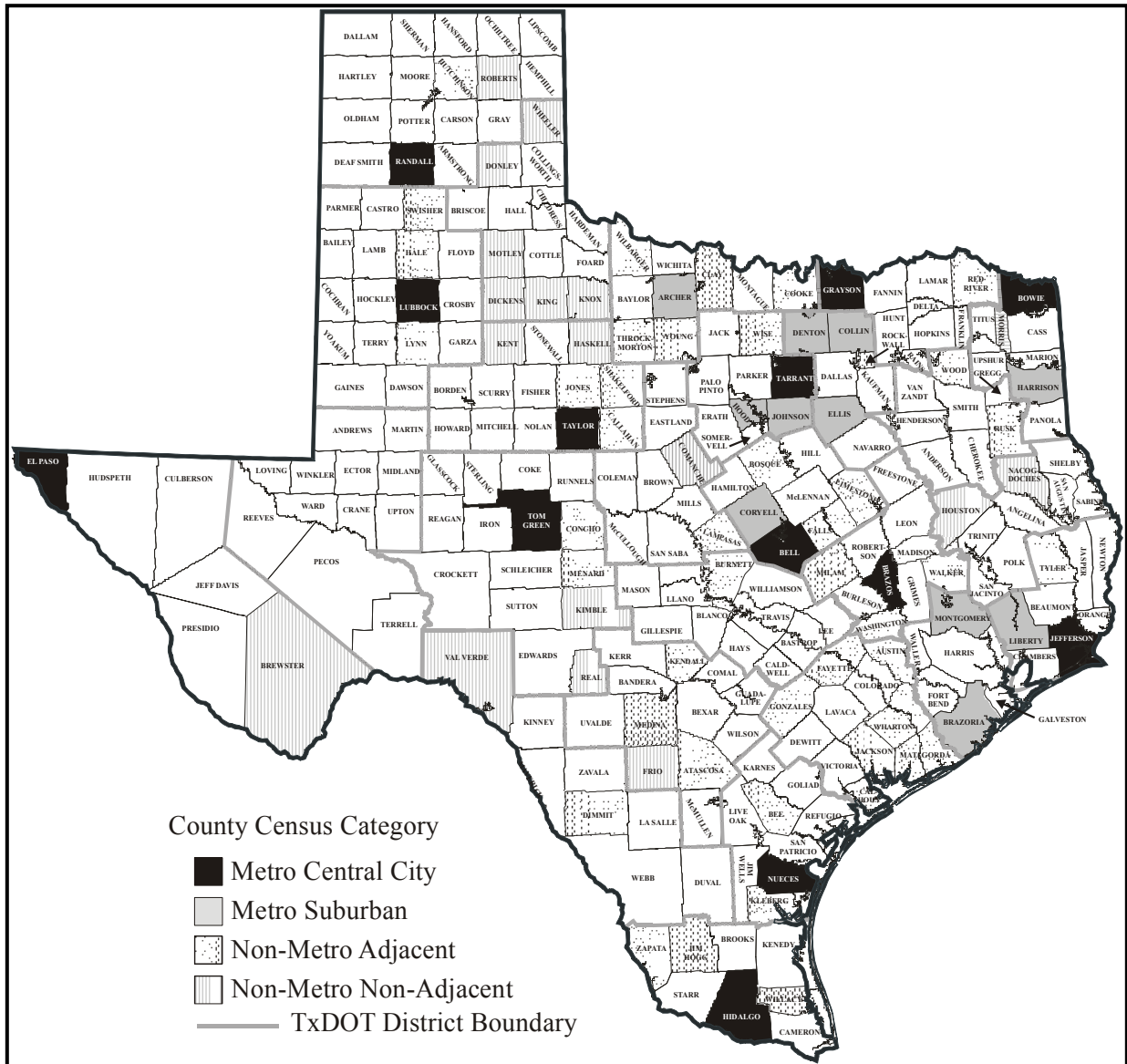


Figure 2. County Survey Returns by Census Category.

Table 5 shows the county survey mail-out and return by TxDOT district. This table provides the names and number of counties that returned surveys from each of the 25 TxDOT districts. Table 5 also shows the total number of counties in each district compared to the number of counties in the district that returned surveys.

Table 5. County Survey Response by TxDOT District.

TxDOT District	Counties in District that Returned Survey	Total No. of Counties in District	Surveys Returned	Survey Response (%)
Abilene	Callahan, Haskell, Jones, Kent, Scurry, Shackelford, Taylor	13	7	54
Amarillo	Hutchinson, Randal, Roberts	17	3	18
Atlanta	Bowie, Harrison, Morris	9	3	33
Austin	Burnet	11	1	91
Beaumont	Jefferson, Liberty, Tyler	8	3	38
Brownwood	Comanche, Lampasas	9	2	22
Bryan	Brazos, Madison, Milam, Walker, Washington	10	5	50
Childress	Dickens, Donley, King, Knox, Motley, Wheeler	13	6	46
Corpus Christi	Bee, Kleberg, Nueces	10	3	30
Dallas	Collin, Denton, Ellis, Rockwall	7	4	57
El Paso	Brewster, El Paso	5	2	40
Fort Worth	Hood, Johnson, Tarrant, Wise	9	4	44
Houston	Brazoria, Galveston, Harris, Montgomery	6	4	67
Laredo	Dimmit, Maverick, Valverde	8	3	38
Lubbock	Hale, Lubbock, Lynn, Swisher	17	4	24
Lufkin	Houston, Nacogdoches, Sabine	9	3	33
Odessa	Martin	12	1	8
Paris	Grayson, Red River	9	2	22
Pharr	Hidalgo, Jim Hogg, Willacy, Zapata	8	4	50
San Angelo	Concho, Kimble, Menard, Real, Tom Greene	15	5	33
San Antonio	Atascosa, Comal, Frio, Kendall, Medina	12	5	42
Tyler	Rusk, Wood	8	2	25
Waco	Bell, Bosque, Coryell, Falls, Limestone	8	5	63
Wichita Falls	Archer, Clay, Cooke, Throckmorton, Wilbarger, Young	9	6	67
Yoakum	Austin, Calhoun, Fayette, Gonzales, Jackson, Matagorda, Wharton	11	7	64
Total		254	94	37

3.3 SURVEY OF TXDOT DISTRICTS

The survey of TxDOT districts was designed to obtain information from the 25 TxDOT districts around the state regarding their involvement with cities and counties in local development review. It asked questions on how, when, and the extent to which districts are involved in local subdivision plats and site development that occur adjacent to state roadways. [Appendix C](#) includes a copy of the survey to TxDOT districts, the cover letter that accompanied the TxDOT survey, and summary responses for this survey.

Survey Content

The district survey was made up of 24 questions, some with two or more parts, and was divided into the following sections:

- SECTION 1: TxDOT Input in the Local Platting and Development Review Process,
- SECTION 2: Property Subdivision/Platting by Cities Adjacent to State Roadways,
- SECTION 3: Property Subdivision/Platting by Counties Adjacent to State Roadways,
- SECTION 4: Land (Site) Development Plans at the City Level, and
- SECTION 5: Additional Thoughts and Comments.

The first section provided an example of a typical multi-stage development review process used by cities (shown in [Section 1.3](#)) and asked districts if and at what stage they were involved in the process. It also asked what division or department within the district coordinated with cities in this process.

The second section asked numerous questions regarding district review and input on plats adjacent to state roadways that are handled by cities. It asked if cities within their district coordinated with them on plats and if city approval of the plats was subject to prior review and approval by the district. The survey also asked questions related to driveways and city acquisition or preservation of ROW along state roadways.

The third section of the survey asked about the level of input districts have on property platted adjacent to state roadways that is handled by counties. It asked about coordination between the district and counties and asked what is needed for coordination to take place if it was not already occurring.

The questions in section four related to land (site) development at the city level and how and to what extent districts coordinate or have input with cities on plans to construct buildings or other improvements on property adjacent to state roadways. The survey asked if cities coordinated with the district on site plans and, if so, how and for what purpose. The fourth section included questions on the coordination between city and state regulations on driveways and how the review and approval of driveways on site plans were coordinated with the district's driveway permit. If a district responded that there was no coordination with cities on site plans, it asked for reasons why as well as what was needed for districts and cities to coordinate on site plans.

The fifth and final section of the survey asked for additional thoughts and comments from districts on the subject of local development coordination.

Survey Mail-out and Return

The survey to TxDOT districts was mailed to all 25 districts in the state. Where possible, the surveys were sent via electronic mail to the Transportation Planning and Development (TP&D) director of each district. For districts that did not employ a TP&D director, the surveys were sent via e-mail to the person having the most similar responsibilities to a TP&D position. All surveys were sent to districts with the assistance and approval of the research Project Director.

There were 12 of the 25 districts that returned surveys, which resulted in a response rate of 48 percent. The districts that returned surveys included Abilene, Austin, Beaumont, Brownwood, Bryan, Childress, Corpus Christi, Dallas, Laredo, Lubbock, Odessa, and Paris. The districts that returned surveys were from all areas of the state including north, south, central, and east Texas as well as west Texas and the Panhandle.

3.4 SURVEY OF STATE DOTs

The survey of selected state DOTs was prepared to obtain information from other states regarding their levels of involvement with the local development process. The survey was also designed to identify any innovative ways other state DOTs are involved in the local development review process that could be applied in Texas. [Appendix D](#) includes a copy of the survey to select DOTs, the cover letter that accompanied the DOT survey, and summary responses for this survey.

Survey Content

The state DOT survey contained 25 questions, some with multiple parts, and it was broken into the following sections:

- SECTION 1: DOT Involvement in the Local Platting and Development Review Process,
- SECTION 2: Property Subdivision/Platting at the City Level Adjacent to State DOT Roadways,
- SECTION 3: Property Subdivision/Platting at the County Level Adjacent to State Roadways,
- SECTION 4: Land/Site Development Plans Adjacent to State Roadways, and
- SECTION 5: Additional Comments.

Prior to the first section of the survey, there was a location for general information about the individual completing the survey. There was also a location for information about the DOT's organization. The first section of the survey included two questions about the stages of platting and development review and the timing of when the DOT is involved with the process. The department or section involved with the coordination was also requested.

The second section of the DOT survey contained several questions about platting at the city level adjacent to state DOT roadways. These questions included specifics about how and when the DOT is involved with property subdivisions and platting that is adjacent to state roadways when the city is responsible for handling the process. Questions regarding ROW

dedication by municipalities, as well as undertaking the NEPA process on behalf of the state DOT for locally important transportation projects, were also asked in this section.

Section three included three questions on subdivision/platting adjacent to state roadways to identify the level of input DOTs have when platting is handled at the county level. Questions were also asked about why there might be little or no coordination between the DOT and counties on plats if that is the case, as well as what might remedy the situation.

Section four of the DOT survey included questions on land/site development plans adjacent to state roadways. The questions related to site development and plans to develop or construct buildings, structures, or other improvements on property adjacent to DOT roadways. Finally, section five simply provided the opportunity to provide any additional comments.

Survey Mail-out and Return

The research team used several contacts from the selected states with comprehensive and progressive access management programs and guidelines. These contacts are the result of numerous research activities at the state and national levels as well as activities on the Transportation Research Board's (TRB) Committee on Access Management. The lists of Friends to the TRB Committee on Access Management as well as attendee lists from the national TRB-sponsored Conferences on Access Management were also used to identify individuals from key states. Surveys were sent to 30 selected states, and responses were obtained from 17 states (response rate of 57 percent). Those states returning a survey included Colorado, Florida, Georgia, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Oregon, South Carolina, South Dakota, Utah, Virginia, and Wisconsin. There were two of the surveys completed by telephone.

4.0 TASK FINDINGS AND RESULTS

This chapter presents the findings and results of surveys of Texas cities and counties, TxDOT districts, and select state DOTs related to TxDOT involvement in the local development process. Apart from the information collected from the surveys, the findings of this chapter are also based on information obtained from related research in the area of county authority to regulate development and the NEPA process. The chapter covers involvement by TxDOT in local development review, which includes identifying cases where special cooperative efforts have been made between TxDOT and the local jurisdiction. Further, the chapter will present findings on the development review processes of cities and counties in Texas, the extent of coordination between TxDOT and these entities in this process, and how development review is handled in other DOTs around the country. The chapter will also discuss how ROW along state roadways is handled in the local development review, TxDOT's legal authority to regulate access along state roads, and the use of the NEPA process at the local level.

4.1 TXDOT INVOLVEMENT IN LOCAL DEVELOPMENT REVIEW

The primary means of measuring TxDOT's level of involvement in the local development process was assessing cooperative processes currently in place between TxDOT districts or area offices and local entities. This task was developed through review and comparison of portions of the TxDOT district survey, the survey to Texas cities, and the survey to Texas counties. Subsequently, the cooperative efforts and TxDOT involvement as identified from the district, city, and county surveys are discussed in the following three sections. A fourth section provides detailed examples of how select districts are involved in local development review. This section was developed through follow-up telephone interviews with district staff.

Cooperative Processes Identified in District Survey

In this section, the assessment of involvement and cooperative efforts between TxDOT and cities and TxDOT and counties is based on responses of the 12 districts that returned surveys. The surveys show that districts are generally much more involved with cities than with counties in development review. This is to be expected because counties have less development

and development review authority. The following subsections discuss the findings for district involvement with cities and counties.

District Involvement with Cities

The district survey provided findings for key areas of TxDOT involvement in development review with cities. These included how and when districts are involved; whether or not they are involved in the review of plats, site plans, or both; the purposes for which they are involved; and whether or not their involvement is routine or just on an occasional basis.

The survey provided a general example of a six-stage development process for a city and asked how and at what stage districts are involved in the process. As previously described in [Section 1.3](#), the stages included (A) development plan, (B) preliminary plat, (C) final plat, (D) site plan, (E) building/construction plan, and (F) issuance of a building permit. Several of the districts did not answer this question directly, and their involvement in the process was ascertained by considering their answers on other questions. The results to this question are as follows:

- Four of the 12 districts are involved in stages A through D.
- Two districts are involved in platting only, steps B and C.
- Four districts indicated that their involvement was either sporadic, on a case-by-case basis, or a function of the size and scope of a development.

The two remaining districts indicated that they were not involved in the local development process. The lack of involvement from one of these districts was because there are only small cities and little development in the district.

Other key questions on the district survey related to if and how districts have input on plats and site plans that are adjacent to state roadways. [Table 6](#) shows abbreviated district responses to key survey questions on district coordination and input on plats in cities adjacent to state roadways.

Table 6. District Input/Coordination with Cities on Plats.

TxDOT District	Do cities coordinate with district on plats adjacent to state roads?	Level and means of district input on plats adjacent to state roadways	Does district consider driveways on plats?	Plats adjacent to state roads subject to prior district approval?
Abilene	Yes	Review all plats fronting state roads	Yes	Yes
Austin	Yes	Review/input on driveways, building lines, ROW	Yes	Yes
Beaumont	Yes	City sends plats to district	Yes	Yes
Brownwood	Yes	Input via driveway permit	Yes	No
Bryan	Yes	Notified of all, sent and review some	Yes	Yes
Childress	No (no plat activity)	No (not needed)	No	No
Corpus Christi	Yes	Review all plats fronting state roads	Yes	Yes
Dallas	No	No	No	No
Laredo	Yes	Review and provide input	Yes	Yes
Lubbock	Yes	Review to see if ROW needed	No	Yes
Odessa	Yes and No	Work with one city but not the other	Yes	No
Paris	No	No	No	No

Four of the 12 responding districts indicated that they provided review and comment on preliminary and/or final plats in cities adjacent to state roadways. Three of the 12 districts indicated that plats or information concerning plats was forwarded to the district from cities, but it remained unclear as to whether these districts routinely reviewed and returned comments on the plats to the cities. Two districts appeared to have limited input in city platting based on their responses. In these instances, one district worked with one city in its district but not others, and the other district said their input was only on certain developments. The remaining three districts responded that they were not involved with cities on plats. One contains only small cities and has little development activity; the other indicated that its involvement in the development process was only via the driveway permit. [Figure 3](#) shows the percent of cities by population size ranges that include TxDOT in plat review.

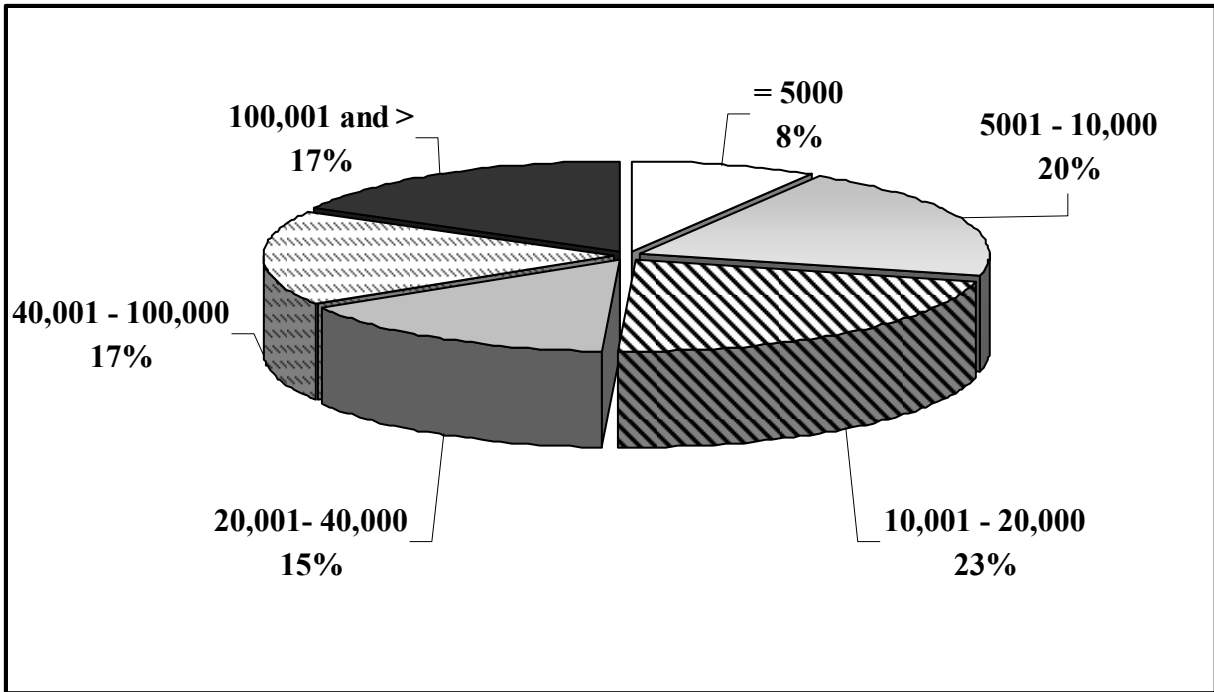


Figure 3. Percent of Cities by Population that Include TxDOT in Plat Review.

There were also other findings on district/city plat coordination related to access and the timing of district input. Eight of the 12 districts said they considered driveway number and spacing in their review of plats, and three of 12 said they utilized access easements in platting. Six of the 12 districts responded that city approval of driveways abutting state roadways was subject to prior district approval.

For district coordination with cities on site plans, nine out of the 12 districts surveyed responded that cities coordinated with TxDOT on site plans that were adjacent to state roadways in their district. When questioned how and to what extent this coordination occurred, the nine districts responded as follows:

- Five districts coordinate on all major plans adjacent to state roadways.
- Three districts indicated that their coordination on site plans was for review of driveways, drainage, and/or site layout.

- One district responded that TxDOT must approve before the city could issue the permit. (Here it is believed that approval relates to driveways on site plans.)

Table 7 shows abbreviated district responses to key survey questions on district coordination and input on site plans in cities adjacent to state roadways.

The survey also contained other questions related to driveways and access and the timing of district input relative to city approval of plats and site plans. Eleven of the 12 districts responded that they had rules or regulations on the number, location, and design of new driveways that are allowed for new development. When cities also had such regulations on driveways, four of the districts indicated that the most restrictive of the two policies was used.

Table 7. District Input/Coordination with Cities on Site Plans.

TxDOT District	Do cities coordinate with district on site plans adjacent to state roads?	Level and means of district input on site plans adjacent to state roadways	Coordination of district driveway permit with site plan	Are driveways on site plans subject to prior district approval?
Abilene	Yes	Review drainage and driveway permits	Input via review of site plan	Yes
Austin	Yes	Review Traffic Impact Analysis (TIA), driveways, and drainage	Austin issues permit, must get district's signature first	Yes
Beaumont	Yes	Plans circulated	City coordinates (response unclear)	Yes
Brownwood	Yes	Input if major development	Cities leave it to developers to coordinate	No
Bryan	Yes	One city submits all plans, other selects which to submit	District given final say	Yes
Childress	No	None (no activity)	Property owners work with district	Yes
Corpus Christi	Yes	Review site and building plans	City reviews, then sends to district	Unknown
Dallas	No	Meet, discuss, provide input with some cities	City submits driveways to area's office	Yes
Laredo	Yes	District must approve before city issues permit	City grants approval after district issues permit	Yes
Lubbock	No	None	District only issues permits for controlled access highways	No
Odessa	Yes and No	One city requests input	City responsible unless controlled access facility	No
Paris	No	Only when city wants to tell developer no	Cities issue permits, unsure if district asked	No

District Involvement with Counties

The survey findings show that districts have much less coordination and involvement with counties than with cities. For TxDOT involvement in plats along state roads that are processed by counties, three districts responded that they reviewed at least some plats in the county. These included the Lubbock, Laredo, and Austin Districts. The Bryan, Beaumont, and Corpus Christi Districts responded that they have very little involvement on county plats. The remaining six responding districts indicated that they had no involvement on plats in the county.

The districts offered numerous reasons on why there was little coordination with counties on plats. Several indicated that there was no need for coordination because the counties were rural and had no development. Others indicated that coordination was difficult, there was not a process in place, and that driveway permits handled most issues. The survey to TxDOT districts did not contain questions about coordination between districts and counties for site plans. Counties in Texas have little authority to regulate land development.

Examples of District/City Cooperative Processes

Many districts around the state have good working relationships with cities and have had cooperative efforts and processes in place for many years. Among others, three such districts include the San Antonio, Austin, and Bryan Districts of TxDOT. The following subsections discuss how each of these districts coordinates with cities on local development review.

San Antonio District

The San Antonio District has had a process in place for working with the City of San Antonio on plats that affect state roadways since the early 1990s. The process is set up where TxDOT's review and input is provided on the developer's initial submittal of the plat to the city. This is because the city's plat submittal package requires developers to submit their plats to the district office first before it can be submitted and considered for review by the city. Under this process, the plats cannot be accepted for review by the city unless the developer has already obtained review and comment from TxDOT.

The district's primary reason for coordination with the city on platting is for access management purposes. In reviewing plats, the district maintains records on the number of driveways that can be permitted for property based on frontage and keeps track of the number of

driveways that have been permitted for each parcel. When driveway permits are submitted, the district verifies that the number of driveways shown on the construction plan is in accordance with what is allowed on the plat. The developer is required to submit an approved plat (along with construction plans) with his driveway permit application. When plats are submitted, the district looks at the number of driveways that can be permitted based on the property's frontage.

Under this process, the district keeps track of the driveways allowed and permitted by parcel for the area engineer's office. In addition to driveways, the district also reviews and comments on other important elements of plats including sidewalks, noise and drainage, Edwards Aquifer recharge zone issues, ramp locations, and ROW needs.

The district's involvement in development review is through informal cooperation with the City of San Antonio. There is no formal agreement in place for this coordination to occur. Much of the above information on the San Antonio District's process was obtained via a telephone conversation with this district's transportation planning engineer (Clay Smith, August 5, 2003).

Austin District

The Austin District is involved in all key phases of the local development process through review and input on development plans, plats, and site plans regarding driveways, building lines, and ROW needs. It coordinates with the cities of Austin, Georgetown, San Marcos, Pflugerville, and many others in its district. It also coordinates with Hays County on plat review.

Under their setup with the City of Austin, the district issues the driveway permit, but the developer must first get approval of the permit along with a signature from the district. In reviewing access, the district utilizes joint-use driveways and encourages internal site circulation where possible through the use of access easements.

The district allocates one full-time professional staff person for local development review. It does not have any formal arrangements with local entities; all of its coordination on development review is through informal cooperation. At this time, the district's authority to regulate access as part of local development review is uncertain as a result of the passage of Senate Bill 361 in 2003. The above information on the Austin District's cooperative efforts in

local development review were obtained from survey responses and a telephone conversation with a representative of the Austin District (Darcie Schipull, August 7, 2003).

Bryan District

The Bryan District and area engineer's office of TxDOT have developed a working relationship with the cities of Bryan and College Station for their input on developments that impact TxDOT. Using an informal process, the area and/or district office has input in the development review process of both cities.

For the City of Bryan, the area engineer's office receives the weekly agenda for the city's platting and site development review committee and is sent all plats and site plans that are located along state roadways. It has a similar arrangement with the City of College Station. It reviews plans from both cities, and its comments are taken into consideration early in the review processes. The area office often coordinates with the district's advanced planning and traffic operations sections on city-related development matters. When necessary, it distributes copies of city plats and site plans to the relevant sections of the district for their review and input.

The Bryan District and area offices provide comments related to driveways, drainage, and ROW. Regarding access, the cities of Bryan and College Station coordinate with the district and/or area engineer's office on the number and location of driveways as part of the plan review process. This occurs prior to plan approval and before a request for a driveway permit. In some cases, the area engineer's office will review the developer's drainage report for the development that is required by drainage ordinances of both cities.

According to the district's associate area engineer (Jay Page, August 7, 2003), local development review in the Bryan area office occurs on a routine basis once a week and is estimated to take approximately 4 hours per week. This estimate of time is for plan review by the area office staff and does not include time spent on permits or time spent by the district in its review. Development review is undertaken by the area engineer and on an as-needed basis for the district sections affected.

The district does not have any formal arrangements with local entities; all of its coordination on development review is through informal cooperation. At this time, the district's

authority to regulate access as part of local development review has not been affected as a result of the passage of Senate Bill 361 (discussed in [Section 4.3](#) of this report).

4.2 THE DEVELOPMENT REVIEW PROCESSES OF CITIES IN TEXAS

This section contains the findings and results on the processes used by cities in Texas to review and approve subdivision plats and development plans. It also presents findings related to city efforts to coordinate with TxDOT in this process. Information for this section was obtained from responses to numerous questions on the survey to Texas cities. As previously noted, [Appendix A](#) includes summary responses for the city survey.

Cities frequently make decisions as part of the local development review process that impact state roadways. The research team's objective for assessment of development review process of cities was to identify ways TxDOT could have input into this process. Another objective was to provide information and reasoning to support conclusions on how and when TxDOT's input may be needed most. To accomplish these objectives, cities of all sizes throughout the state were surveyed about their development processes and regulations. They were also asked how, when, and to what extent they coordinated with TxDOT in this process.

Overview of City Development Processes

To acquire information about a city's development process, the survey to Texas cities provided a general example of a six-stage development process and then asked cities to briefly explain the steps of platting and site plan review used by their city. The example provided was the same one that was used in the survey to TxDOT districts. As previously shown in [Sections 1.3](#) and [4.1](#) of this report, the following stages were cited in the example. [Section 1.3](#) includes a brief definition for each of the following stages:

- Development Plan,
- Preliminary Plat,
- Final Plat,
- Site Plan,

- Building/Construction Plan,
- Issuance of Building Permit.

A total of 86 cities responded to this question. The responses show that 84 percent of cities across the state use most or all of the development stages in generally the same chronological order as the example. [Table 8](#) shows the responses to this question grouped into four categories.

Table 8. City Development Process Summary.

Response	Frequency	Percent
Same/generally the same as example	53	62
Same as example, except no step A	18	21
Same as example, except lacking step (other than A)	2	2
Other	13	15
Total	86	100

Many cities provided comments about their development review process in terms of how it compared to the example process that was listed on page 3. These comments are useful in providing a better understanding of how the local development process works, how it is similar among cities, and how the process can vary but still use generally the same steps. [Table 9](#) provides select comments from cities relating their process to the example used in the survey.

Table 9. City Comments on Development Process.

City	Comment Comparing City’s Process to Example Process
Alvin	Steps A and D are identical in our process
Arlington	Same as example, except no A&B
Bonham	Same as example, except site plan review
Harlingen	Steps B and C are done together, D not required
Houston	Generally the same as the example, some projects start with F or D
Irving	Same as above without steps A&B
Killeen	Preliminary Plats (step B) are optional
Mansfield	No step A, steps D and E combined
Midland	Review of site plan and plats done together
New Braunfels	Steps A, B, and C can be submitted together
Sealy	Steps A&B and C&D are often combined

Table 10 shows a breakdown of the responses shown in Table 8 by city population range. It shows that there is not a significant difference in the development process steps used by cities in different population size ranges. However, it is clear from a more detailed review of survey responses that the cities’ regulations and requirements for each step are generally greater as the city size increases. It also supported the premise that smaller cities have less structure and to some extent an informal process in place, while larger cities have more structured and formal processes.

Table 10. City Development Process Summary by Population Range.

City Population Range	Same/generally same as survey example	Same as example, except no Step A	Same as example, less one step (other than A)	Other	Total
≤ 5000	5	1	0	1	7
5,001 – 10,000	10	4	1	1	16
10,001 – 20,000	7	3	0	4	14
20,001 – 40,000	16	5	0	1	22
40,001 – 100,000	9	1	1	3	14
100,001 and >	6	4	0	3	13
Total	53	18	2	13	86

City Coordination with TxDOT on Plats

The survey to Texas cities included numerous questions related to how and when cities coordinate or seek input from TxDOT in their review of subdivision plats. Fifty-nine of 90 cities (66 percent) said that they included TxDOT on the review of plats that affected state roadways; the remaining 34 percent responded that they did not. Table 11 shows a breakdown of these responses by city population range. This table shows the responses to the question, “Is TxDOT included on the review of plats processed by the city that affects state roadways ?”

Table 11. City Inclusion of TxDOT on Plats.

City Population Range	Yes	No	Total
≤ 5000	5	2	7
5,001 – 10,000	12	4	16
10,001 – 20,000	13	6	19
20,001 – 40,000	9	11	20
40,001 – 100,000	10	4	14
100,001 and >	10	4	14
Total	59	31	90

Table 11 shows that the majority of cities under 20,000 and over 40,000 include TxDOT in their review of plats. However, less than half (nine of 20) of the cities in the 20,001 to 40,000 population size category said they included TxDOT in their plat review.

The city survey contained a question asking cities the extent to which they coordinated with TxDOT on plats that are adjacent to state roadways. The responses to this question are categorized and summarized in Table 12.

Table 12. City Coordination with TxDOT on Plats.

Category	City Response	Frequency	Percent
1	Plats sent to TxDOT for review/comment	37	40
2	Coordination with driveway permit/location of ROW	32	35
3	City refers developer to TxDOT	10	11
4	No coordination	13	14
Total		92	100

As shown in Table 12, just over one-third of cities (category 1) send plats that are adjacent to state roads to TxDOT for their review. Of districts or area offices that receive these plans, an important unknown is what percentage of them routinely review the plats and provide feedback to the city. Just under one-third of cities (category 2) responded that their coordination with TxDOT is related to the driveway permit or location of state ROW. Since driveway permitting typically occurs after site plan approval or just prior to construction, this coordination is probably not plat related. About 10 percent of responding cities (category 3) said they required developers to coordinate with TxDOT on the plat. While TxDOT may be viewing the plats in these cases, it may not lend itself to sufficient coordination. Cities may not be aware of requirements imposed on the plat by TxDOT, and a developer may choose to not follow through with these requirements if they are unknown to the city. Also, without direct coordination, cities and TxDOT do not benefit from acquiring information and knowledge of each entity’s plans and upcoming projects. Finally, 13 cities (category 4) responded that they did not coordinate with TxDOT on plats.

For cities that said that they do not coordinate with TxDOT on plats, the survey included a follow-up question asking why. Table 13 includes summarized responses from these cities.

Table 13. Reasons for Not Coordinating on Plats.

City Response	Frequency	Percent
Coordination occurs for site/driveway/permit	7	23
Not an issue/not aware TxDOT interested/no development activity	6	19
Developer coordinates with TxDOT	4	13
Unclear/no response/don't know/no reason	10	32
Other	4	13
Total	31	100

Many cities that said they did not coordinate with TxDOT on plats still have involvement with TxDOT, but just not part of platting. The City of Arlington works with TxDOT on driveway locations at the time of permit and the City of Denton said TxDOT does not review plats per se, but reviews construction plans that affect TxDOT ROW. Cities responding that TxDOT involvement in plats was not needed or not an issue included Allen, Alvin, Brownwood, Burleson, Terrell, and Van Horn. Four cities responded that they required the developer (or applicant) to coordinate with TxDOT on plats. These cities included Ballinger, Brownfield, Coppell, and Harker Heights.

City Coordination with TxDOT on Site Plans

The survey to Texas cities contained questions on how and when cities coordinated or sought input from TxDOT in review of site plans. These questions were asked in a manner similar to those asked about platting ([Section 4.2](#)).

There were 87 of 96 cities (91 percent) that said they include TxDOT on the review of site plans that affect state roadways. A breakdown of these responses by city population range is shown in [Table 14](#). It shows the responses to the question, “For site developments in the city that are adjacent to state roadways, does your city coordinate with TxDOT?” With the exception of cities under 5000 population, the responses show that a high proportion of cities from all size ranges coordinate with TxDOT on site plans.

Table 14. City Inclusion of TxDOT on Site Plans.

City Population Range	Yes	No	Total
≤ 5000	6	2	8
5001 – 10,000	16	1	17
10,001 – 20,000	15	1	16
20,001 – 40,000	22	3	25
40,001 – 100,000	12	2	14
100,001 and >	16	0	16
Total	87	9	96

The city survey contained a question asking cities about the extent to which they coordinate with TxDOT on site plans that are adjacent to state roadways. [Table 15](#) shows the responses to this question. Only 81 of the above 96 cities that said they included TxDOT on site plans responded to the follow-up question related to coordination.

Table 15. City Coordination with TxDOT on Site Plans.

Category	City Response	Frequency	Percent
1	TxDOT sent plans and/or provides input on plans	18	22
2	Limited or select coordination through meetings, phone calls	21	26
3	TxDOT contacted for driveway location/permit, improvements in TxDOT ROW	23	28
4	Developer referred to TxDOT (no direct coordination)	14	17
5	Other/don't know/response unclear	5	6
Total		81	100

The responses in [Table 15](#) show that there is significant coordination between cities and districts on site plans, but it also appears to indicate the majority of districts may not actually be viewing the plans. The responses show that the majority of coordination on site plans is conducted via phone calls, meetings with city staff, or through a developer.

The primary purpose for city/district coordination on site plans is for driveways. There were 81 of 92 cities (87 percent) that said they coordinated with TxDOT for review and approval of driveways along state roadways. A total of 71 of 80 cities (89 percent) said their coordination on the driveway took place before the site plan was approved. Summarized responses for how

cities coordinate review and approval of driveways on site plans with TxDOT’s driveway permit is shown in [Table 16](#).

Table 16. Coordination of Driveways on Plans with TxDOT Permit.

Category	City Response	Frequency	Percent
1	Done concurrent with site plan review	45	46
2	TxDOT approval of driveway (permit) required before site plan approved	8	8
3	City issues permit in accord with TxDOT requirements	7	7
4	Developer referred to TxDOT and/or no apparent coordination	26	27
5	Other/no response	11	11
Total		97	100

Since most of the cities in the survey cited that they coordinated with TxDOT, only about 10 percent of cities provided reasons on why they did not coordinate. Most of these cities mentioned that coordination and communication between the entities could be improved and a few said that TxDOT had not shown an interest. For coordination to be improved, cities suggested that more meetings take place and that TxDOT should provide quicker response and attend city plan review meetings.

4.3 THE DEVELOPMENT REVIEW PROCESSES AND RELATED AUTHORITY OF COUNTIES IN TEXAS

This section contains the findings and results of the regulations and processes used by counties in Texas in their review of subdivision plats and, to a lesser extent, site development plans. It also presents findings related to county authority to regulate site development plans under current state law. Information for this section was obtained from responses of surveys that were sent to all counties in the state and from review and assessment of the Texas Local Government Code. [Appendix B](#) includes the summarized responses for county survey.

Platting Regulations and Processes in Counties

Counties in Texas have limited authority to regulate new developments in their jurisdiction. The primary areas of authority counties have is in reviewing subdivision plats to

meet basic public health, safety, and general welfare of the community. This typically translates to counties reviewing the layout of lots, streets, alleys, parks, or other areas for public use during the platting process, but does not typically include site planning or zoning/land-use review.

All counties in the state have the statutory authority to require plats. However, not all counties in the state, particularly rural counties with little growth, have subdivision regulations in place that require property owners to submit plats when property is subdivided. In the survey to Texas counties, 72 of 93 responding counties (77 percent) acknowledged having subdivision regulations in place to require and review plats for new development. Seventy-seven of 93 counties (83 percent) said they required plats. For purposes of this research, counties were subdivided into four census categories ([section 3.2](#)). [Table 17](#) shows the breakdown by census category of counties that require plats.

Table 17. Counties by Census Category that Require Plats.

County Census Category	Require Plats	No Plat Required	Percent
Metro Central City	13	0	100
Metro Adjacent	14	0	100
Non-Metro Adjacent	40	7	85
Non-Metro Non-Adjacent	10	9	52
Total	77	16	83

Part of what counties are allowed to enforce includes requiring ROW for a street or main artery that serves that particular subdivision as well as meeting reasonable design criteria for streets constructed in the county (§232.003 Texas Local Government Code). Some counties coordinate their review with the city development review process where applicable, rather than creating a separate review process.

The phases of the review process followed by 69 percent of the counties responding included preliminary plat review and final plat approval. Development plans, often an optional first step in the review process, were only used by 37 percent of those counties reviewing subdivisions. County survey responses also indicated that there is limited staff approval authority in the platting process as compared to that in cities where staff there often has the ability to approve preliminary plats or minor changes to existing plats.

Platting in Counties Adjacent to State Roadways

Forty of 85 counties indicated that TxDOT has input or involvement on review of county plats that are adjacent to state roadways. For counties that responded that TxDOT did not have input in these plats, a follow-up question was asked on reasons why there was no coordination. The most frequent responses were that there was no reason or need to coordinate or that TxDOT did not have an interest or had not requested input. Other counties said that it was the developer’s responsibility to coordinate or that they had no resources or procedures in place for this activity. [Table 18](#) shows the breakdown by census category of county responses related to TxDOT input on county plats located adjacent to state roads.

Table 18. County Coordination with TxDOT on Plats by Census Category.

County Census Category	Coordinate with TxDOT	No Coordination with TxDOT	Percent that Coordinate with TxDOT on Plat
Metro Central City	7	5	58%
Metro Adjacent	7	6	54%
Non-Metro Adjacent	18	26	41%
Non-Metro Non-Adjacent	8	8	50%
Total	40	45	47%

[Figure 4](#) shows the counties throughout the state that responded that include TxDOT in review of county plats adjacent to state roadways, compared to the counties that responded that do not include TxDOT in this review. It should be noted that this response is the response of the individual completing the survey for the county and does not necessarily represent an official position of a county’s commissioner’s court.

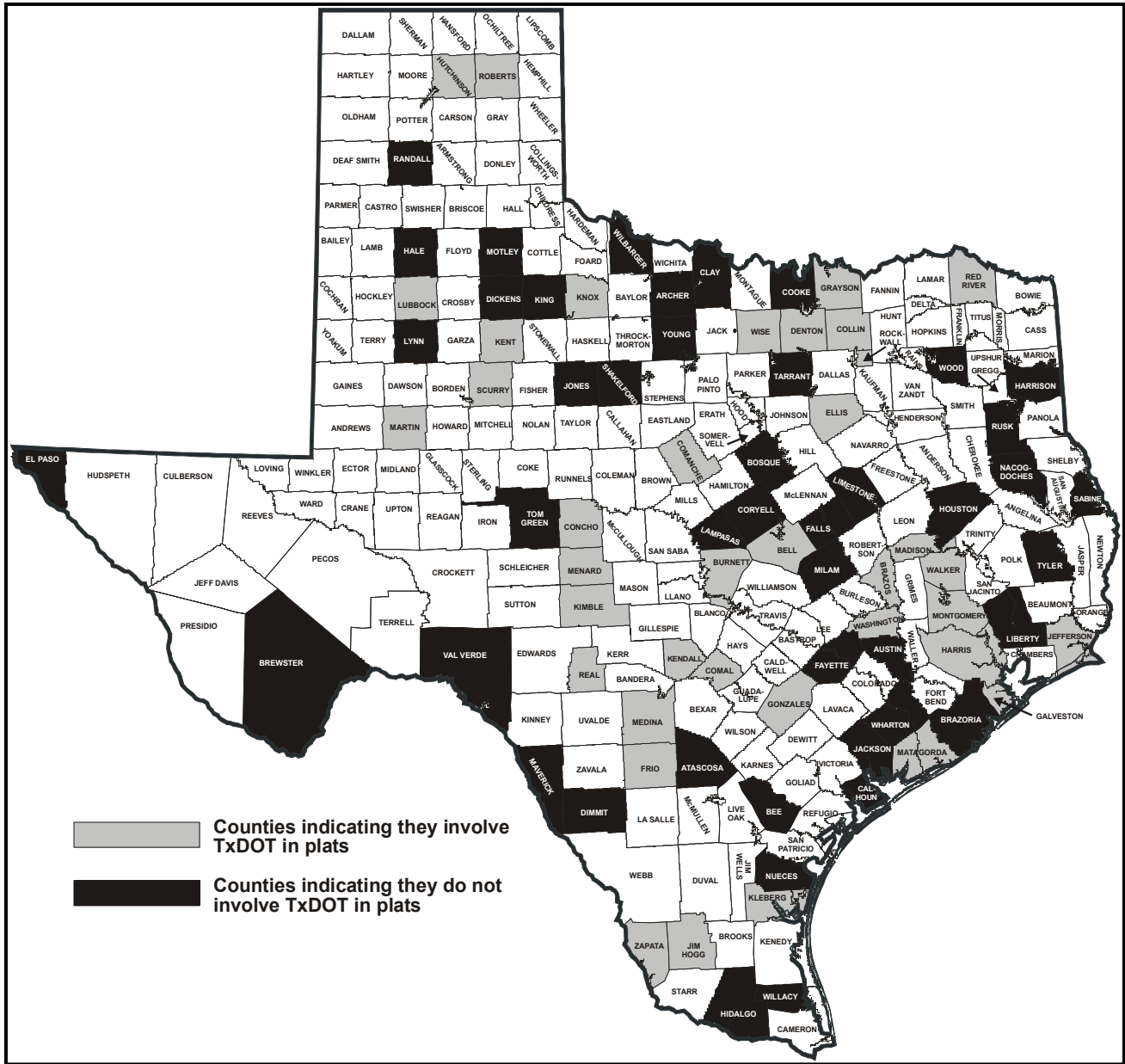


Figure 4. County Coordination with TxDOT on Plats.

In some cases, counties left it to the developer to obtain the necessary review or permit for driveways from TxDOT. This arrangement could allow for requirements to go unfulfilled unless both the county and TxDOT are coordinating this effort. Generally, over 50 percent of the responses indicated that improved communication or integration of TxDOT into the review process would improve coordination of the platting process between TxDOT and the counties.

The county survey also asked questions relating to access and driveways. Twenty-eight of 91 counties (30 percent) indicated having a driveway application requirement for projects accessing county roads. Very few of those counties used their driveway application for state roadways (12 percent). Less than 40 percent included reviewing the number, location, and design of driveways in their regular platting review process based on regulations by type of roadway (14 percent), for culvert or drainage controls (11 percent), or for design issues related to spacing or ROW specifications (38 percent). Few counties (21 percent of respondents) used access easements as a means of limiting driveways.

Coordination between County and City for Plat Review in ETJ

House Bill (HB) 1204 passed in June of 2003 requires establishing agreements that clearly identify which entity, the city or the county, has ultimate authority for plat approval in the ETJ (1). In 66 percent of the counties responding, there are agreements with the municipalities in fulfillment of HB 1204. Of those with agreements, 72 percent indicated that the city takes the lead role in review and approval of the plats in the ETJ.

Coordination in general between cities and counties ranges from concurrent review, sequential approvals, or joint meetings to discuss mutual approvals, often to apply the most stringent rules to the project. For those indicating little or no coordination, the primary reason was lack of cooperation from the city. Other issues such as politics between the city and the county, staffing levels, or little growth in the general area also were noted by the counties as impediments to better coordination.

County Site Plan Review, Regulation, and Authority

County authority to regulate site development (other than platting) is limited. Counties have authority to regulate public health and safety matters such as floodplain compliance and on-site sewer facilities (OSSF), but for the most part have no authority to regulate land use and elements of site development such as parking and setbacks (2).

Twenty-seven of 86 counties (31 percent) responded that they reviewed a developer's or landowner's plan to construct on property. When asked what site regulations, other than a floodplain permit, were imposed in their review, 43 of 76 counties (57 percent) said OSSF permits and 25 of 76 (33 percent) responded none or not applicable. The remaining 10 percent

of responses included review for road design/safety (four counties), setbacks (two counties), and zoning/area requirement (one county).

Eleven of 87 counties responded that they reviewed the number, design, and location of driveways on development adjacent to state roadway (when not in a city’s jurisdiction). Thirty-five of 86 counties (41 percent) indicated that they coordinated with TxDOT on development adjacent to state roadways. [Table 19](#) shows the breakdown of county coordination with TxDOT by census category.

Table 19. County Coordination with TxDOT on Site Plans by Census Category.

County Census Category	Coordinate with TxDOT	No Coordination with TxDOT	Percent that Coordinate with TxDOT on Plat
Metro Central City	8	5	62
Metro Adjacent	6	7	46
Non-Metro Adjacent	14	29	32
Non-Metro Non-Adjacent	7	10	41
Total	35	51	41

Forty-two of 84 counties (50 percent) responded that their county needed more authority to regulate development. The breakdown of these responses by census areas is shown in [Table 20](#) and in [Figure 5](#).

Table 20. Counties Wanting More Development Authority by Census Category.

County Census Category	Want More Authority	Do Not Want More Authority
Metro Central City	7	5
Metro Adjacent	7	5
Non-Metro Adjacent	24	20
Non-Metro Non-Adjacent	4	12
Total	42	42

Researchers note that the responses in [Table 20](#) and [Figure 5](#) represent the responses of the individual completing the survey for the county. The responses may or may not represent the official position of the county or its commissioner’s court.

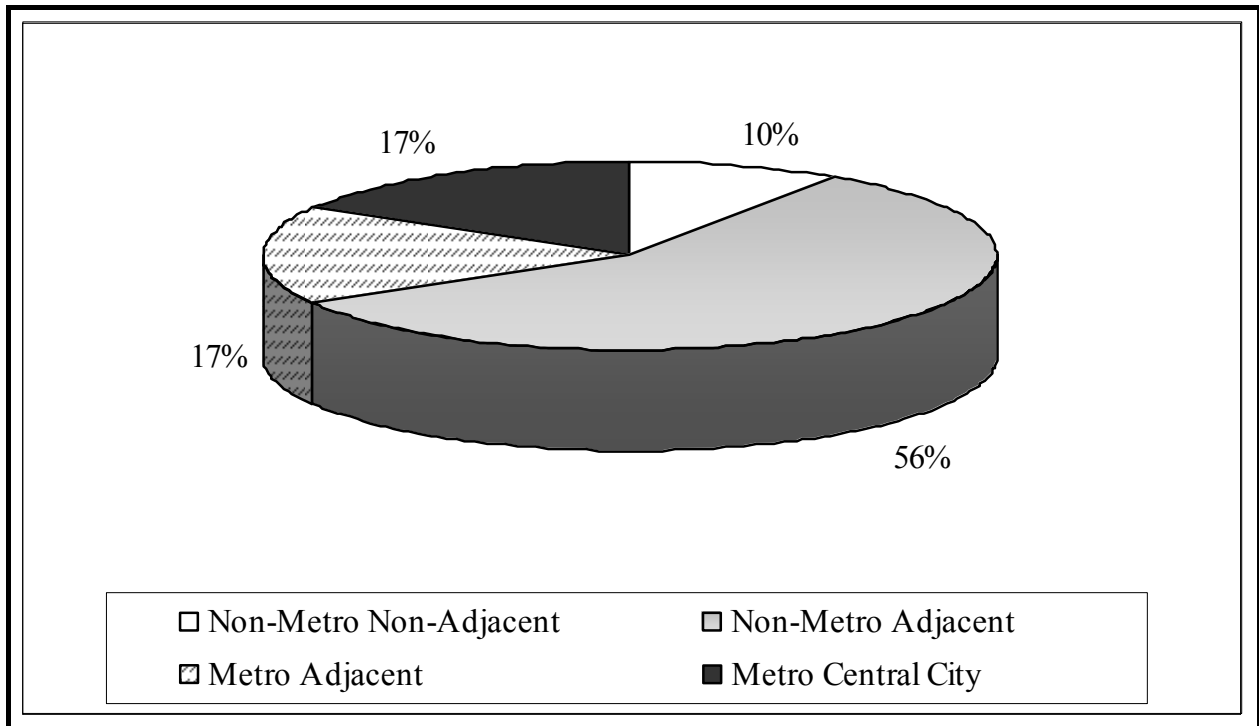


Figure 5. Counties by Census Category Responding that More County Authority to Regulate Development is Needed.

When asked what areas of development regulations were needed most in their county, land use and drainage were by far mentioned the most. Other areas of suggested regulation included driveways, junk/trash abatement, construction standards/building inspection, manufactured homes, utility connections, colonias, and fire protection.

Other comments from the survey offered additional thoughts on the subject of local development coordination. Some counties said they had a good working relationship with TxDOT, and some said that they would welcome TxDOT coordination in this area. Two counties suggested that TxDOT should designate a person for them to work with.

Counties with Special Authority to Regulate Development

Some counties have been given special provisions for development review under the Texas Local Government Code to address state concerns such as flooding, beach preservation, and health and safety issues for building structures in border areas, among other authorities. The

next section discusses special provisions of certain counties that may relate or be a point of departure to future policy changes to ensure better coordination between land development and the transportation system.

Subdivision platting is the first step, unless zoning is applicable, in the local development review process. However, detailed plans for the land often can occur years after the plat has been recorded, typically when economic and market conditions are more advantageous for development. Site plan review is the phase in development where the actual project is scoped for construction. This includes driveways, estimated trip generation, landscaping, placement of buildings and parking, and so forth. The impacts of the site's design and layout on adjacent roadways can be significant in terms of placement of structures and driveways that may be in conflict with future expansion of roadways and access management. However, site plan review is usually handled exclusively by city plan reviewers with little involvement by the counties. Special cases where special authority has been provided to select counties are discussed below.

Flood-prone Areas and Drainage Management

In the case of counties bordering the Gulf of Mexico or the tidewater limits of the gulf, there are special provisions that grant the county additional review authority related to concerns in flood-prone areas and protecting against damage in these areas (§240.901 Texas Local Government Code) (3). Harris County, for example, has more specific requirements for the acceptance of infrastructure in order to manage drainage and flooding problems in the county. In Collin County, building code inspections are included in their purview where subdivision plats are required to determine the type of on-site sewage facility that will be used. (Collin County Development Services – http://www.co.collin.tx.us/development_services). Additionally, counties located below the dam of Lake Livingston along the Trinity River also are allowed some provisions to regulate the elevations, types, and flood-proofing elements for structures (§ 240.905) (3). The provisions here stop short of full land-use control. A direct connection between flooding damage potential needs to be made in order for the county to make land-use changes. In which case, it is most likely to be resolved by relocating proposed structures on the site or making other design changes to prevent flood damage rather than the county having the authority to prohibit a particular land use.

Preservation of State Interest Recreation Areas

The state has also provided authority to counties to regulate development on Padre Island, around various lakes, and areas related to the El Paso Mission Trail Historical Area. On Padre Island, counties are permitted to regulate development to “promote the public health, safety, peace, morals, and general welfare and encouraging recreational use of county parks in Cameron and Willacy Counties” (§231.011) (4). They are entitled to have zoning regulation in accordance with a local comprehensive plan that addresses congestion, prevents overcrowding of land, and facilitates the adequate provision of transportation, water, sewers, parks, and other public requirements (§231.014) (4). Provisions are identified for counties along Lake Tawakoni, Lake Ray Roberts, Lake Alan Henry, Lake Cooper, Post Lake, Lake Somerville, and along the El Paso Mission Trail Historical Area, which allow respective counties the ability to apply zoning that regulates the height, previous cover limits, density, and location and use of buildings for commercial, industrial, residential, or other purposes (§231.103, 231.132, and 231.201) (4). Counties with these provisions have actual land-use authority to prohibit uses that are determined to negatively affect these protected areas. This type of authority could extend to the transportation system where congestion and access is managed by the land uses allowed on a corridor.

Health and Safety Regulations

The growing issues regarding the colonias in the border region of Texas resulted in proposed legislation to allow county land-use controls primarily in the inspection of homes within 50 miles of an international border (Senate Bill [SB] 395 and SB 535) (5,6). This legislation is focused on the health and safety of residents in the area for new projects. Senate Bill 535 discussed how to protect existing residents from being fined an assessment for non-compliance with building standards or other code violations if the resident was low income and established parameters on how to bring these structures up to code. Both of these proposed changes to the Texas Local Government Code, though not enacted into law, suggest that some controls for the transportation system and land-use issues in the colonias are of significant interest at the state level. If similar bills are approved in the future it will be important to be aware of the substandard roadway infrastructure in the colonias and the desire to improve both

land-use and transportation conditions in these regions and integrate these concerns in the development review process.

Outdoor Lighting near Observatories

In the counties around McDonald Observatory, George Observatory, or the Stephen F. Austin Observatory, counties have some regulatory authority to “protect against the use of outdoor lighting that interferes with scientific astronomical research” (§240.032) (7). Provisions such as this one are somewhat significant by furthering the case that there are land-use issues that affect state interests in the counties.

Recent County Legislation

During recent Texas legislative biennial sessions, there were numerous bills introduced that increased or enhanced counties’ abilities to review development and undertake thoroughfare planning and access management. This section summarizes bills, including those not passed, that seem to indicate a growing desire for counties to have increased land-use and development review authority. Some legislative attempts are aimed at specific counties, according to population and/or geographic location. Some of the bills discussed do not apply specifically to transportation, but provide evidence of the growing trend toward providing counties with increasing authority in unincorporated areas.

Legislation passed in the 78th Legislative Session included SB 873. This legislation gives counties the ability to “enforce a major thoroughfare plan and establish ROW; require possession of a plat compliance certificate before utility hookups” (amends §232.100) (8). This legislation allows for setting ROW limits up to 120 feet consistent with a county/local major thoroughfare plan or greater than 120 feet if consistent with the Metropolitan Planning Organization’s (MPO) plan for the area. This will increase the ability of counties to manage connectivity of roadways and is an opportunity for better planning and coordination between TxDOT and the counties.

SB 361 indicates that an order by the Texas Transportation Commission cannot “supercede a conflicting rule or ordinance of a municipality unless FHWA notifies TxDOT that enforcement of the municipal rule or ordinance would impair the state or TxDOT’s ability to receive funds for highway construction or maintenance from the federal government (9).” This

will require that TxDOT coordinate with local municipalities and their regulations and only in specific cases would they be able to supercede the local provisions.

SB 1276 was written to provide land development regulations for certain counties in the unincorporated areas (10). It would have applied to counties with populations of 125,000 or more that are in the same metropolitan statistical area as a county with a population of 1,000,000 or more, and has at least one state park or recreation area within its boundaries. The land development regulations afforded to the counties would have included a variety of land controls, such as the location, design, construction, extension, and size of streets and roads. Senate Bill 1276 was left pending in committee.

As discussed in Section 4.3 of this report, HB 1204 passed by the 78th Legislature requires cities and counties to establish an agreement on which entity, city or county, has ultimate authority for plat approval in the ETJ (1). HB 1204's companion bill in the senate, SB 544, may have allowed counties with a population of 700,000 or more to have exclusive control over regulation of subdivisions within the ETJ of cities, but it was not approved. The intent of SB 544 was to prevent subdivisions within ETJs from being subject to both city and county regulations. SB 544's population threshold was attributed to the higher levels of development being experienced in the unincorporated areas of more populous counties.

Several other bills were also introduced that would have given additional authority to counties, but were not forwarded to the governor. It is worth noting that at least one of the recent bills relating to county authority that was signed by the governor included references to safety. Future legislative bills intended to provide counties additional control in unincorporated areas may include references to safety issues.

4.4 INVOLVEMENT OF OTHER STATE DOTs IN THE LOCAL DEVELOPMENT PROCESS

This section describes the findings and results obtained from the state DOT survey instrument. The results of this survey are summarized in table form in Appendix D. The following discussion highlights the results of key questions in the five sections of the DOT survey. Input of interest from selected states is highlighted as appropriate.

Table 21 illustrates the responses to a question to identify when DOTs are involved in the local platting and development review process. There was substantial variability across states in when and how they are involved in the local development review process. Even within a given state, there is flexibility as to when the DOT is involved, depending upon the scope of the project. For example, in Colorado it was indicated that the review stage depends on the local choice.

A few districts involve the DOT at several points; some never seek input from the DOT. In general, the Colorado DOT hopes to see a development plan and a preliminary plat. In Florida, the DOT is primarily involved at the site development plan level, but they have some input at the preliminary plat stage. There is no requirement for district participation in the process in Kentucky; however, it has been found to help the districts in their job. They generally start in the development plan process. Michigan, Oregon, South Dakota, and Wisconsin have state laws that require DOT approval for plats along state facilities.

Table 21. DOT Involvement in the Local Development Review Process.

Category	Response	Frequency	Percent
1	Review/comment on site/development plans	4	24
2	Review/comment on preliminary and/or final plats	4	24
3	Involved in initial development plan, preliminary and final plats, and site plan	2	12
4	General input on some projects/increased involvement for large developments	3	18
5	No specific input in local development process (except driveway permitting process)	3	18
6	Varies by locality	1	61

DOT Involvement in the Platting Process of Cities

The second section of the state DOT survey asked key questions related to property subdivision/platting at the city level adjacent to state DOT roadways. Table 22 summarizes the results of the extent to which the DOT reviews or has input on property subdivision and platting adjacent to the state roadway that is being handled at the city level. The table indicates that approximately half of the responding states have “voluntary/minimal involvement” and that they provide general comments.

Table 22. DOT Involvement in Platting with Cities.

Category	Response	Frequency	Percent
1	Access points/minimize driveways	4	24
2	Voluntary or minimal involvement/general comments	9	53
3	Connecting to state system and design issues	2	12
4	None/no response	2	12

When state DOTs do have the opportunity to input on plats being handled by a city, all states responding indicated that they consider the number and location of driveways on the plats. Approximately 41 percent of DOTs indicated that the cities’ review and approval of plats abutting state roadways were subject to prior review and/or approval by the DOT.

The DOT survey asked why there may be little or no coordination between the cities and the DOT on property subdivision/platting and what would be needed for coordination to take place. Tables 23 and 24 summarize the responses to these questions. Approximately 29 percent indicated that there was a need for statutes. Four DOTs responded (Table 22, category 2) that they have statutes in place; however, only one (Oregon) indicated that occasionally some jurisdictions do not coordinate with them. The lack of staff resources and the need for communications/coordination are also indicated.

As shown in Table 24, approximately 35 percent of the responding DOTs believe that there is a statutory need for involvement or some sort of incentives. The remaining responses indicated the need for improved communication and coordination.

Table 23. Reasons for Lack of Coordination between DOTs and Cities.

Category	Response	Frequency	Percent
1	No statutes/requirements allowing or requiring involvement	5	29
2	Statutes require DOT review (failures to get review by DOT do occur)	4	24
3	Improvements in coordination in progress and desired	3	18
4	Staff resources not consistently available	1	6
5	No response/No	4	24

Table 24. Suggestions for Improving Coordination between DOTs and Cities.

Category	Response	Frequency	Percent
1	Statute to require involvement/incentives	6	35
2	Local planning committee/coordination group	1	6
3	Development information forwarded consistently to DOT	1	6
4	Public relations between agencies (communication, education)	3	18
5	No coordination needed	1	6
6	DOT staff needs to initiate involvement	1	6
7	No response	4	24

City Acquisition of ROW along DOT Roadways in Other States

Another question on the DOT survey asked whether the individual completing the survey was aware of any cities in the state that request or require ROW dedication on plats adjacent to state DOT roadways. Seventy-six percent of responding DOTs indicated that they were aware of such situations. For example, in Minnesota it was indicated that the DOT often requests dedication, and many cities and counties will pass the request on as a requirement of the plat approval. They further indicated that the dedication is generally not a major amount of land and does not affect the development; therefore, there is a lot of cooperation. The Minnesota DOT does not have impact fees; however, many cities link the ROW dedication to subdivision requirements for improvements necessitated to accommodate the new development.

The Missouri DOT (MoDOT) identified that several cities in the St. Louis and Kansas City metro areas have required ROW dedication along corridors scheduled for improvements. Further, MoDOT has also required ROW dedication, along with geometric improvements, which were necessary to mitigate traffic generated by the proposed development. The New York DOT expressed that there are several such cities and that the common denominator is that the community has a circulation or local system plan in place and the ROW dedication will contribute to achieving that plan.

DOT Involvement in the Platting Process of Counties

The third section of the DOT survey asked questions related to property subdivision/platting at the county level adjacent to state roadways. One question asked to what extent (if any) the DOT has input on property subdivision and platting adjacent to state roadways that are

handled at the county level. Over half of the responses (53 percent) indicated that there was only minimal/voluntary involvement. A follow-up question asked for the reasons for the lack of coordination. [Table 25](#) summarizes the responses. Thirty-five percent of the respondents indicated the need for statutes, while the need for coordination and education were the other most common choices.

Table 25. Reasons for Lack of DOT/County Coordination on Plats.

Response	Frequency	Percent
Statutes needed	6	35
Coordination between agencies	3	18
Public Relations/Education/Communication	1	6
Coordination done with large projects only	5	29
No response/none	2	12

Twelve of the 17 DOT surveys (71 percent) indicated that their DOT has experienced problems with growth and development along state roadways that is occurring in counties (outside of a city’s jurisdiction). The survey asked what the problems were and why they were occurring. The primary problems cited included inconsistent driveway regulation, growth exceeding expectations, and lack of controls on land use. A question was also asked on what areas of development regulation are needed (e.g., driveway regulation, land use, drainage, parking, signage, etc.) most in the areas outside of a city’s jurisdiction. Two DOTs responded all that were listed, three said driveway regulations, two said land-use regulations, and one responded that city standards need to be applied to the county.

DOT Involvement in Local Site Plan Review

Section four of the survey asked several questions related to DOT involvement in local land/site development plans adjacent to state roadways. It asked if cities coordinate with DOTs on development plans and all DOTs that responded to this question indicated that they do. However, 58 percent of those DOTs responding indicated that coordination was inconsistent or voluntary. Seventy-seven percent indicated that there is coordination between the DOT and city(s) on the development plans adjacent to state roadway for the purposes of review and

approval of driveways. This coordination occurs before the site plan has been approved by the city(s) for a majority of the responses.

Table 26 highlights responses for why cities and the DOT do not coordinate on the review of development plans that affect state roadways. The same elements arise as needs were identified in earlier sections of the survey, namely statutes, communication, and more resources.

Table 26. Reasons Cities and DOTs Do Not Coordinate on Development Review.

Category	Response	Frequency	Percent
1	Statute needed/state has limited authority	4	24
2	Improvements to communication/coordination in progress	3	18
3	Resources (deficient in available time or expertise)	3	18
4	Notification problem/communication issue	5	29
5	No response/other	2	12

City Coordination of Driveways with Other DOTs

The survey asked how the cities’ review and approval of proposed driveways on site plans are coordinated with the DOT’s issuance of a driveway permit (or other form of approval). Table 27 summarizes the responses and shows that 35 percent of the respondents indicated that they coordinated early in the process. Sixty-five percent of respondents indicated that the cities’ review and approval of driveways adjacent to state roadways was subject to prior review and/or approval by the DOT. Eighty-eight percent of respondents indicated that their DOT had rules or regulations on the number, location, and/or design of new driveways that are allowed for development.

Table 27. City Coordination with the DOT on Driveway Permits.

Category	DOT Response	Frequency	Percent
1	Coordinate early in process	6	35
2	Driveway permit also approved by city in addition to DOT	4	24
3	Varies by development size	4	24
4	No response/no coordination/other	3	18

When asked whose regulations take precedence when both the city and the DOT have driveway regulations, eight of 17 DOTs indicated the more restrictive takes precedence, six said the DOTs take precedence, and two said both were required to be met. No DOT said that the city's driveway regulations take precedence. One DOT response was unclear on this question.

Feedback from DOTs on Local Coordination

The DOT survey asked for respondents to provide any good examples of cooperative efforts between local jurisdictions and their DOT that they may be aware of relating to platting and development. The following items provide responses from the surveys that are of most interest:

- The best example was established in the mid-1970s. Michigan DOT (MDOT) was going to widen M-37/M-44 (“The East Beltline”) on the east side of the Grand Rapids Metropolitan area as a five-lane cross section. The local jurisdictions and the Chamber of Commerce requested MDOT consider a boulevard cross section. MDOT indicated that a boulevard, in and of itself, would not stop commercial development, but that a land-use plan was needed that was coordinated by the three cities and two townships. The Chamber of Commerce funded the development of the plan, which called for mixed uses. It also restricted access through a site plan review process. A corridor review committee was established that included the five local jurisdictions and MDOT.
- Our greatest successes are in the Kansas City metropolitan area. Missouri DOT District 4 staff has done an excellent job of developing relationships with communities in the area. We have also had success in the Springfield area as the city has committed a small amount of their own funding annually to address access-related concerns on MoDOT roadways.
- Several counties and cities in the Portland metro area have street policies which require properties to take their access from the lowest classification of street possible. However, these are generally “policies” and if a case gets political, the locals will generally weigh in on what is best for their transportation system and what addresses neighborhood concerns. Washington County has very strong access management policies.

The survey also provided the opportunity for the respondent to provide TxDOT with information on how and the extent their DOT might be involved in the local development process. Additional thoughts on the subject of local development coordination between the state DOT, cities, and/or counties were also obtained. [Table 28](#) provides responses (in some cases abbreviated) from the surveys that are of most interest.

Table 28. Select Comments on DOT Involvement in Local Development.

State	Comments on DOT Involvement in Local Development
Florida	The DOT regional office staff must establish good working relations with the locals. You help them, and they will help you. Transportation and land development must be coordinated to have any hope of achieving an efficient system that is safer than current conditions. You only need to look at our crash history to see the patterns and the needs.
Michigan	The State of Michigan now requires that local jurisdictions, which have planning and zoning authority, to update their land-use plans every 5 years. That timeline was created when the Michigan legislature tried to unify the planning and zoning laws for cities, townships, and counties (those laws were developed previously, independently at different time frames). The law also states that a local jurisdiction “should” coordinate its plan with adjacent jurisdictions.
Minnesota	We have had an aggressive program of access management founded on the principle of state-local partnerships. We adopted a statewide access category system with guidelines for spacing and allowance of public and private access. We are working hard to be consistent statewide within the context of the different roadway access categories. We have done a lot of education and outreach with our local government partners. We are currently developing model access management ordinances that incorporate our guidelines for adoption by cities and counties as part of their zoning and subdivision ordinances.
Missouri	Outside of the personnel resource issue that I detailed previously, the biggest deterrent to effective coordination is political pressure. The MoDOT system contains over 33,000 miles of roadway. Subsequently, most major development occurs on the state system. The smaller communities are interested in economic growth and are willing to promote the growth regardless of its sustainability or impact to the infrastructure. In the urban areas, most development is occurring at the urban fringes, which also stretches our system beyond its limits. In both instances, any regulation is met with political resistance and the resistance is often strong enough to override the coordinated efforts of the cities and the DOT.
New Jersey	Planners, engineers, and developers acknowledge the need to plan land development in a logical sequence, recognizing that many approvals from various agencies must be obtained in the process. Often, highway access issues are overlooked until the very end of the process, becoming sort of an afterthought. Consequently, waivers are requested for highway access and design standards, rather than changing the site plan to avoid the need for a waiver in the first place. The New Jersey DOT (NJDOT) stresses the importance of designing a site from the outside in, looking first at the physical constrictions and design requirements that come into play on the highway approaches to the site. Also, the New Jersey State Highway Access Management Act requires local zoning decisions, ordinances, and variances to be consistent with the Access Code. For example, zoning variances cannot be granted for lots abutting the state highway when traffic volumes from the proposed use would not be in conformance with the traffic volume allowed pursuant to the Access Code.
New York	We provide support for, and participate directly in, local planning activities. These include changes to zoning and subdivision requirements, local system planning and enhancements, and a variety of other activities. The bottom line in all of these is many of the communities are willing to act if you can demonstrate that it is in their broader interest, and the benefits are not limited to transportation.
Oregon	The most difficult issue is funding for improvement. Cumulative impacts that have resulted in failing intersections and highways operating over capacity set the stage for political battles insofar as they could result in development moratoriums if transportation adequacy policies were strictly addressed.
South Dakota	We have to be careful to avoid the appearance that South Dakota DOT (SDDOT) is trying to dictate land use. Our legislature and many citizens are concerned about maintaining local control of land-use decisions.
Utah	The largest problem is political turnover and staff turnover.
Wisconsin	The Wisconsin DOT (WisDOT) recognized problems prior to 1999 when the department’s rule regulating land division adjacent to the state highways was modified. Prior to that time, the DOT could only review subdivisions. The problem was that most development in the state was occurring outside of the subdivision definition. Therefore, in 1999, the administrative rule regarding subdivisions adjacent to state highways was changed to allow the department to review any type of land division occurring on lands that abut the state highway.

4.5 TXDOT ROW IN LOCAL DEVELOPMENT REVIEW

The large majority of medium- and large-sized cities across the state have a locally adopted thoroughfare or transportation plan. The plan shows the city's thoroughfares designated by a functional class system typically of collectors, arterials, and freeways. For each type of roadway shown on the plan, cities commonly have a corresponding set of design and/or right-of-way requirements for how each roadway should ultimately be developed. These requirements are usually found in a city's subdivision regulations.

Many of a city's development regulations relate to its thoroughfare plan and the corresponding design and ROW requirements for the roadways shown on the plan. Locally adopted transportation plans commonly contain both city and state roadways, and the ROW amount required for a state roadway on a local plan may not be the same as what a TxDOT district requires for the same roadway. Thus for plats and site plans along state roadways located in a city, most requirements applied as part of the local processing of these developments will relate to the functional class of roadway that the state facility is shown to be on the city's plan. Two of the most important requirements applied by cities on state roadways are ROW amounts and the location and design of access.

The three sections to follow discuss various aspects of the application of local development regulations to state roadways. The first section discusses if and how local entities across the state acquire ROW dedication or preserves along state roadways as part of platting and development. A second section identifies measures that locals can take as part of their development review to help reduce ROW costs and takings for state facilities planned for future widening. The final section discusses the coordination that is needed between local entities and districts and speaks to the importance of timing of this coordination.

ROW Preservation along State Roadways by Local Entities

The findings in this section were developed from the evaluation of responses from ROW and other related questions on the surveys of Texas cities. The survey asked if a city had a thoroughfare/transportation plan and, if so, did they request or require ROW dedication from developers as part of plats that abut state roadways. Eighty-four of 95 cities indicated that they

had a thoroughfare plan in place. The response to the follow-up question on ROW along state routes is as follows:

- Seventy-three of the 84 cities responded “yes” that they request or require ROW along state facilities if it is required by their thoroughfare plan.
- Seven cities indicated that they did not or could not require or preserve ROW along state roadways.

A few cities that indicated they had a thoroughfare plan did not respond to the question on how they handled ROW along state roads. The majority of cities that responded to this question also provided a comment or explanation on why they did or did not acquire ROW along state routes. [Table 29](#) provides comments from some of the cities that acquire or preserve ROW along state roadways.

Table 29. Comments from Cities that Acquire ROW along State Facilities.

City	Comment or Explanation
Abilene	Ask each side to dedicate half of the ROW that is lacking when each side plats.
Alvin	We require dedication of ROW to match city’s thoroughfare plan.
Arlington	Larger amount of ROW governs (between city or state requirement).
Austin	City’s T-fare plan corresponds to MPO’s thoroughfare plan, city can require 75 feet of ROW from centerline of road.
Belton	Often take ROW, but do not require construction of improvements.
Benbrook	Work closely with TxDOT.
Burleson	Require dedication based on city’s T-fare plan or TxDOT’s requirement, whichever is greater.
Cedar Hill	If we know they (TxDOT) want more, we have collected up to a reasonable amount.
Cedar Park	Dedication up to 75 feet, the rest is reserved.
Corpus Christi	Require ROW dedications or reserves for future purchase per the adopted T-fare plan.
Fort Worth	Dedication required according to adopted master thoroughfare plan, regardless of state or local jurisdiction.
Fredericksburg	If TxDOT requires additional ROW, the city will require it as part of the plat.
Frisco	City requires ROW dedication for all roadways shown on the T-fare plan, same or greater than TxDOT’s requirements.
Georgetown	Require ROW width shown on our T-fare plan.
Irving	If finding of no significant environmental impact (FONSI) approved
Leander	If TxDOT requires more ROW.
Mansfield	If we are aware of the state requirements or know that improvements are necessary.
Marshall	We coordinate with the county and TxDOT and require the developer to provide adequate ROW in accordance with the master plan.

Table 29. Comments from Cities that Acquire ROW along State Facilities (continued).

City	Comment or Explanation
Midland	Request additional ROW if the thoroughfare plan requires it or if the district requests it.
Midlothian	Developer required to dedicate at least half of ROW as shown on the plan
Pasadena	Where there is reasonable justification for why the additional ROW is needed, the city requires it on the plat.
Pearland	Yes, after consultation with TxDOT regarding their needs.
Port Arthur	When large amount of ROW is needed.
Richardson	Request dedication of ROW.
Temple	Yes, generally half of the required ROW to reach desired width.
Tomball	Dedication required on plat.

Several of the cities that said they did not require ROW dedication along state roadways during platting also provided comments. The City of College Station responded that it only required ROW dedication on city thoroughfares, although it said it would request reserves from developers when TxDOT has plans in place that identify ROW needs in sufficient detail. Similarly, the City of Lake Jackson responded that it requires ROW reserves if they are aware of TxDOT needs. The City of Houston responded that they do not have the authority to require dedication on behalf of the state.

Another question was also asked to cities that indicated that they have a thoroughfare plan. It asked for the state roadways included on the city’s plan and to what extent are the city’s ROW requirements the same as TxDOT’s for these facilities. Seventy-one cities responded to this question. Fifty-five cities (77 percent) responded that their ROW requirements were the same or generally the same. Eleven cities (15 percent) indicated that their ROW requirements were not the same as TxDOT’s. The remaining five cities responded that they did not know or that the question was not applicable.

Coordination in Planning and Development Review along State Roadways

One of the most important reasons for TxDOT review and input on local subdivision plats and site plans is to assess their impact on state ROW. This section discusses the early coordination and communication that is needed between local entities and districts to ensure that TxDOT’s plans for a future widening are taken into account in local development review. It also identifies and discusses measures that can be taken in long-range planning, TxDOT project

development, and local development review to help preserve or protect ROW or reduce costs for future ROW on existing state facilities that are planned for future widening.

Early Coordination in Transportation Planning

Early communication and coordination between cities and TxDOT and counties and TxDOT is imperative to the preservation and/or acquisition of ROW for new state facilities, or to existing facilities planned for rehabilitation or widening. Ideally, this coordination should take place many years, perhaps decades, in advance of project development when the improvement or facility being considered is a long-range plan. District/local coordination should begin and occur in transportation planning and well before a project is placed on a district's Transportation Improvement Program (TIP).

Close coordination between TxDOT and local entities on locally adopted thoroughfare plans and their corresponding ROW requirements could go a long way toward reducing development costs and delays of future state projects. Districts, cities, and counties should work together to identify and discuss all state facilities that are included on locally adopted transportation plans. For state facilities shown on local plans, the facility's cross section and ROW amount required by cities and counties should be compared to those that are planned by TxDOT for the same facility. Where the design and ROW amounts are not the same, the two entities could work together to develop a consistent design standard. In many cases, this may require a change or amendment to the local transportation plan and/or subdivision regulations.

Early Coordination in TxDOT Project Development

Typically before a TxDOT project is placed on a TIP, the district develops a schematic design as a means to evaluate important elements of the layout of the facility and its impacts to existing conditions. The schematic is a preliminary design that shows the facility's alignment and footprint along with numerous other features. These include the location of existing ROW or where additional ROW may need to be acquired, the location of adjacent property lines, and the location of (existing or future) utilities such as local water, sewer, and gas lines. The schematic may also show the location of buildings, parking lots, and other structures that could potentially be impacted by the project.

Numerous decisions that are made at TxDOT's schematic design stage could have a major impact to municipal or franchise utilities as well as existing or planned development along the corridor. Ample coordination between TxDOT and local entities at the schematic design stage could help reduce project costs and could be beneficial to both parties. Such coordination could help preclude or reduce incidental project costs such as relocation of local utilities, acquisition of ROW, or payment of damages to improved property.

Coordination on Plats and Site Plans

Details on how districts and local entities coordinate and the extent to which they coordinate are discussed in [Section 4.1](#) of this report. The objective in this section is not to report the findings on TxDOT/local coordination, but rather to show how this coordination in local platting and site plan review could be used as a means to help preserve or protect ROW or reduce costs for future state ROW.

There are significant benefits to coordination between local entities and TxDOT on plat and site plan review. TxDOT's input and involvement in this area is needed and logical since the development is occurring along state-owned property. Without TxDOT's input in development review, decisions are made at the local level that can have a significant impact on TxDOT ROW and plans for future improvements. Lack of involvement on TxDOT's part could result in costly consequences with respect to future ROW acquisition and damages to improved property.

TxDOT coordination in local platting could help in the preservation and possibly dedication of ROW for state roadways. As developments are platted and re-platted along state roadways, ROW needed by TxDOT for a future widening project could be possibly dedicated or preserved by a city or county as part of its platting process. Such coordination could prevent takings and reduce the costs of ROW acquisition for a future project. ROW for new state facilities could also be acquired or preserved as part of the local platting process. This would more likely occur as part of platting in outlying areas and in counties.

Many local jurisdictions are not opposed to seeking ROW for future state improvements. [Section 4.5](#) shows that many cities around the state already do this and are willing to work with TxDOT in this regard. The key to the use of the local platting process for state ROW acquisition

or preservation is good coordination and working relationships between TxDOT and local jurisdictions.

Local Development Regulations that Affect TxDOT ROW

TxDOT involvement in local platting and site plan review is also important because it is at this time when local development regulations are applied that could have a significant effect on TxDOT facilities, ROW, and widening plans. Local regulations identified as having the most impact on state facilities include ordinances on driveways, parking, and building setbacks. In the years preceding a facility's widening, TxDOT's review and input on driveways, parking lots, and building setbacks for new developments or redevelopments could help to reduce project costs when the road is eventually widened.

A municipal driveway ordinance is a tool used by many cities to help maintain and implement their thoroughfare plan. City regulations on driveway spacing and design are typically tied to the thoroughfare plan and its functional roadway classes. As properties develop and redevelop over time, access management serves as a means by which communities can retain or attempt to achieve the roadways intended function.

Most of the coordination between TxDOT and local jurisdictions that exists today is related to driveways. For the most part, the purpose for this involvement is for safety, progression, and operational reasons. For state roadways within communities that will be widened or improved, TxDOT's interest in driveways should also include its value relative to the property it serves. This is because if one or more of the driveways needs to be removed as part of a widening project, TxDOT could potentially have to pay damages based on the impacts of its removal.

Driveways are reviewed and approved on site plans considering such factors as internal site circulation, traffic generation, and land use. A future widening of the roadways may not be considered in site plan review, particularly if there is no coordination with TxDOT. When the road is eventually widened or improved years later, it may necessitate the removal or consolidation of driveways. If removing a driveway from a site results in it no longer being able to function as its existing use, TxDOT may be required to pay damages. This occurred in College Station, Texas, with the Bryan District's widening of State Highway 6 (Texas Avenue)

in the early 1990s. When the roadway was widened from four to six lanes, it required that a driveway to a convenience store/gas station be removed. The removal of one of the driveways changed the internal site circulation such that use of the gas pumps was no longer possible. This led (at least in part) to the business' closure and payment of damages as part of the project's cost.

Local decisions made during the site plan review process related to parking lots adjacent to TxDOT facilities could also have significant impacts on future projects. Key elements in many parking ordinances include parking lot design, setback from the ROW, and the number of parking spaces required. The key element in building locations is the distance a building is required to be set back from the existing ROW by the local ordinance. If state widening plans are not considered in the design and placement of parking lots as part of local site plan review, it could result in the removal of parking and payment of subsequent damages when the road is widened. Such costs could be significant since parking lots are frequently designed with rows of head-in parking spaces parallel and adjacent to the roadway/ROW. For developed sites, removal of parking could reduce its number of spaces below what is required by city ordinance. When this occurs, the city considers it non-conforming from a parking standpoint, which could further increase the costs of damages.

Local/TxDOT coordination on parking lot location and layout on sites along state roadways could help preclude removal of parking and payment of damages in future widening projects. TxDOT involvement would make local city staff and the development community aware of future back-of-curb and ROW locations so that these could be considered in site plan design and review. With this knowledge, the city could increase its parking setback requirement on new development or redevelopment in order for sites to develop with future improvements taken into consideration.

In addition to driveways and parking, a third local regulation that could have a significant effect on TxDOT ROW is building setbacks. A building setback is the distance that a structure is required to be set back from the existing ROW. If development review staff in local jurisdictions is aware of future ROW locations for planned TxDOT widenings, they could base their building setback requirement on the future ROW location instead of its existing location. Local/TxDOT coordination in this area could preclude the high costs of takings and condemnation as part of the widening of a state facility.

Other local regulations that can impact TxDOT ROW costs in widening projects include landscape and sign ordinances. Many municipal landscape ordinances are structured to require a significant amount of its landscaping requirements to locate near or along the site's roadway frontage. If this landscaping is located in an area that will be acquired by the state, TxDOT could be required to pay damages and costs for new landscaping. Similar to parking, the removal of landscaping on an existing development could result in a site becoming non-conforming with respect to a city's landscape requirements. If signs are required to be moved, TxDOT could also be required to pay for the costs of relocating the old sign or purchase and installation of a new sign. Many cities impose regulations on signs as part of site plan review. Key elements in local sign ordinances include sign size, height, and location. As with driveways, parking lots, and building setbacks coordination between local entities and TxDOT on the location of landscaping and signs as part of the local site plan review process could reduce project costs and delays on existing state facilities planned for future widening.

4.6 TXDOT'S LEGAL AUTHORITY TO REGULATE ACCESS

The scope of TxDOT's regulatory authority is largely governed by administrative law principles. All state agencies are created by the state legislature and have an appointed board or commission.

Section 5 of the Administrative Procedure and Texas Register Act (APTRA) prescribes notice, comment, and reasoned justification procedures for agency rulemaking. The legislature has delegated rulemaking authority to state agencies, such as TxDOT, to ensure that expert knowledge and experience are used. This would apply specifically to the engineering issues that TxDOT deals with in designing and maintaining the state highway system. Section 5 also requires the state agency to make proposed rules available for public comment. In addition, the state agency must respond to substantial comments received and explain how and why it resolved any issues.

The State Highway Department was created in 1917 in order to receive and administer federal funds through the Federal Highway Act of 1916. Since that time, the state agency evolved into the Texas Department of Transportation, formed in 1991 by the state legislature.

The Texas Transportation Commission (TTC) is responsible for making policies for TxDOT. At the time of this project, there were three commissioners appointed by the governor. However, legislation signed by the governor in 2003 expanded the number of commissioners to five.

The Texas Transportation Code includes several sections that give specific authority to the TTC and TxDOT:

- §201.101 – gives the TTC authority necessary to make rules for TxDOT operations;
- §201.103 – requires that TxDOT plan and make policies for the location, construction, and maintenance of the state highway system;
- §201.601 – calls for the creation of a statewide transportation plan;
- §203.002 – authorizes TxDOT to lay out, maintain, construct, and operate a modern state highway system with emphasis on the construction of controlled-access highways, plan for future highways, and convert where necessary an existing street, road, or highway into a controlled-access highway in accordance with modern standards of speed and safety.

On September 26, 2003, the TTC adopted access management rules that enable TxDOT to move forward with the development and implementation of an access management program (11). TxDOT is basing the primary need for the program on improving safety and mobility on state highways. TxDOT has also stated that it desires to expand existing cooperative efforts with local governments and develop new cooperative efforts with other local governments for the review of access permit requests on state highways that lie within the jurisdiction of local governments. Such cooperation will provide opportunities for the application of additional engineering knowledge and experience on issues such as geometrics and drainage related to access points along the state highway system.

4.7 LOCAL INVOLVEMENT IN THE NEPA PROCESS

NEPA affects nearly all aspects of transportation development. For projects on the state system that are of high priority to a city or county, but of lower priority to TxDOT, local

jurisdictions may be able to increase the project's priority or accelerate its schedule by assisting their district with NEPA-related activities early in the project's development. In some cases, local jurisdictions (or their consultant) may be able to undertake these activities themselves through coordination, concurrence, and oversight by TxDOT.

This section discusses findings related to local involvement in the NEPA process and discusses how local jurisdictions can assist TxDOT with the NEPA process or conduct the NEPA activities on TxDOT's behalf. The objective of local involvement in this activity is for expediting project construction and/or ROW acquisition of an on-system roadway that is of high priority to a local jurisdiction. The section will provide background on the NEPA process, discuss survey findings related to cities in Texas that have been involved with NEPA, and discuss findings from other DOTs related to local involvement in the NEPA. If coordinated properly, local involvement and assistance in the environmental clearance process could be advantageous to local entities and districts.

NEPA and Environmental Clearance

NEPA requires many government agencies to use an interdisciplinary approach in planning and decision making for actions that impact the environment. It requires an assessment of environmental impacts on human environment and consideration of alternatives and mitigation where feasible. The Council on Environmental Quality (CEQ) developed regulations for the environmental impact assessment process and documentation. In addition to NEPA, the provisions of other statutes, regulations, and executive orders affect decision making on federally assisted transportation projects (<http://ceq.eh.doe.gov/nepa/nepanet.htm>).

Before any project can move forward to construction, TxDOT may address and comply with more than 40 laws related to safety and the environment. These laws cover social, economic, and environmental concerns ranging from community cohesion to threatened and endangered species. To get through this detailed process, TxDOT uses the NEPA process to evaluate all development concerns with each individual project. The TxDOT environmental clearance process is detailed in the TxDOT Environmental Manual, which is available on-line at <http://manuals.dot.state.tx.us/dynaweb/coltrsys/env>.

An overview of the environmental clearance process is shown in [Figure 6 \(12\)](#). It shows the sequence of various levels of environmental analysis and documentation, which generally increases as project size and complexity increase. The process begins with determining the project scope, funding, purpose and need (P&N), and anticipating environmental issues of concern. A P&N statement is developed, the environmental analysis is conducted, and a project is eventually classified as a categorical exclusion, assessed as having no significant impact, or determined to have significant impact.

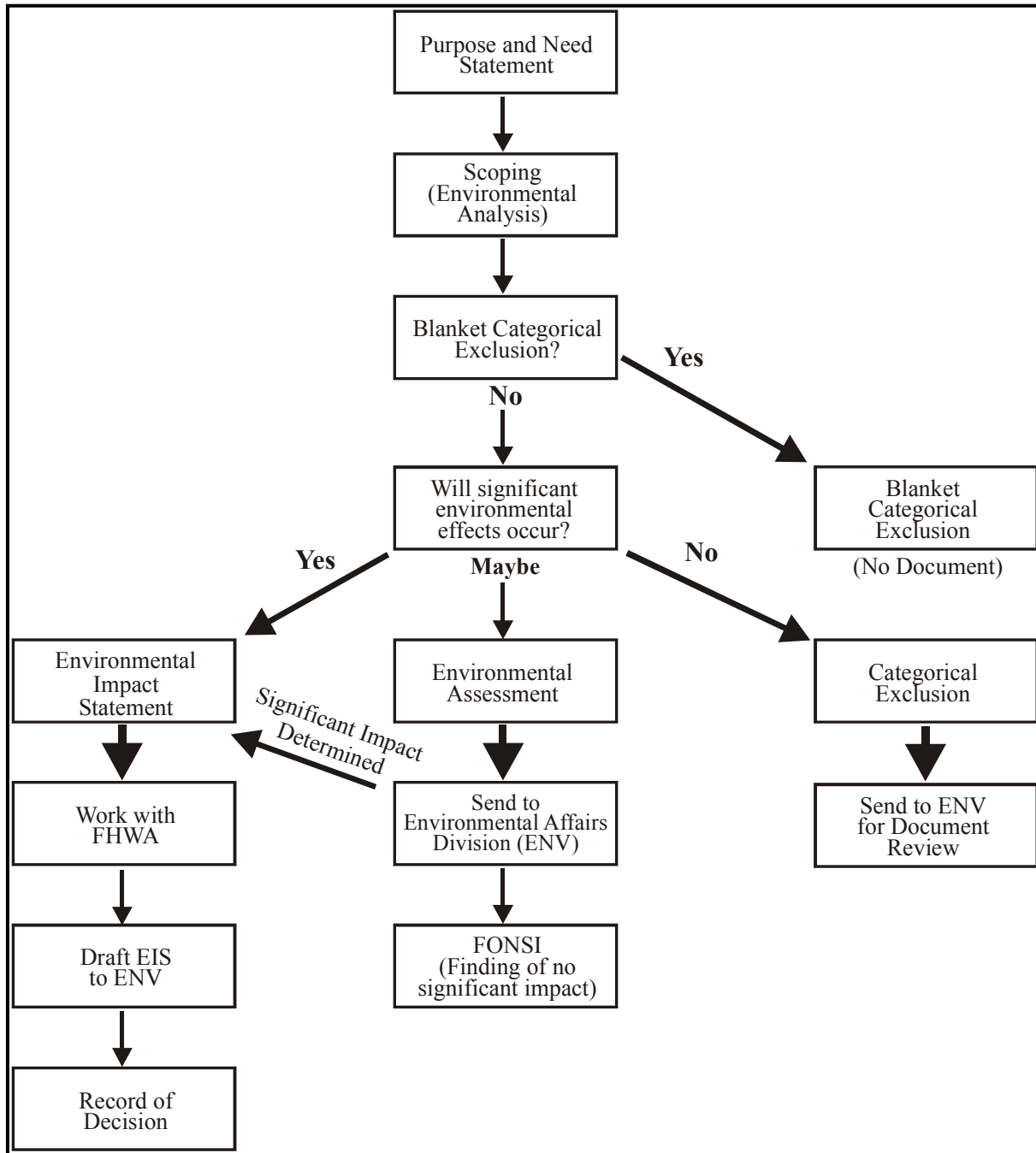


Figure 6. The Environmental Clearance Process.

One of the most important steps in the process is preparing a P&N statement that accurately describes the project. The P&N statement guides the project or action through the

process. A categorical exclusion (CE) is a document for projects that have minimal social, economic, or environmental impact. These projects typically involve maintenance, improvement, or routine actions and those that do not significantly affect the environment. Some types of CEs require little or no documentation. These are known as blanket CEs.

For any project that is not found to be a categorical exclusion, an environmental assessment (EA) for public comment and federal review will be conducted. The EA will determine if a finding of no significant impact (FONSI) is appropriate or if the project needs to go through the EIS process.

Local Involvement in Environmental Review

A local entity or its consultant can undertake an early screening process for addressing basic environmental factors during transportation planning. This process generally involves a cursory assessment of natural and cultural resources, community impacts, noise, and potential occurrence of hazardous materials.

Environmental analysis should be a continuing, iterative process that occurs throughout the life of a transportation project. It should begin as soon as a project is identified for inclusion in the transportation improvement plan and continue through construction and monitoring. The level of effort is significantly less than that required for completing an EA or an EIS, which may occur in the later stages of project development. Early environmental screening is designed to accomplish several objectives:

- Establish a project's purpose and need.
- Identify major environmental issues that may prohibit a project from obtaining environmental clearance.
- Initiate and maintain a dialog with affected community members so that their concerns will be addressed and their needs accommodated in the project planning.

P&N Statement Development

Local jurisdictions could develop the P&N statement in cooperation with TxDOT. The P&N statement briefly specifies the underlying purpose and need for which alternatives are being proposed. It must clearly demonstrate that a need exists and how the need will be met based on tangible and quantifiable data. The P&N includes a written description of the

transportation problem(s) that a transportation improvement project is intended to address. The basic P&N requirements include:

- definition of the transportation need that the project is intended to address;
- establishment of the logical project termini and intermediate control points; and
- demonstration that the project has independent utility (i.e., is a usable and reasonable expenditure if no other transportation improvements were made in the area).

The P&N statement is a living document that should evolve and be re-examined as project information develops. The P&N statement should include the following elements:

- Project Status – Describe the history of the project including participating agencies and actions taken to date. State where the proposed action is described in the Metropolitan Transportation Plan (MTP), the Long-Range Plan (LRP), Transportation Improvement Program, and Statewide Transportation Improvement Program (STIP), as applicable.
- System Linkages – Describe how the proposed project links to the transportation system.
- Capacity – Describe current, projected, and ultimate capacity and level of service for the proposed facility.
- Legislation – Identify any federal, state, or local mandates for the action.
- Social and/or Economic Development – Identify economic and land-use changes that support the need to add capacity (e.g., a new school).
- Modal Relationships – Describe how the proposed action will interact, connect, or complement other modes such as airports, bus, rail, trails, or other transportation services.
- Safety – Describe, if applicable, how the project will improve safety. Use accident data if available.
- Roadway Deficiencies – Describe existing roadway deficiencies such as load limits or high maintenance costs and how the action will improve the deficiencies.

Local Involvement in Preliminary Environmental Screening

Early environmental screening by local jurisdictions could initiate data collection, public involvement, agency coordination, and environmental tracking for early identification of potential environmental problems and any needed mitigation. The process is designed to cover the major areas of environmental analysis required for transportation projects at a level that will serve to highlight problems and the need for alternatives or mitigation. A basic environmental review process incorporates the following steps (13):

- Data Assembly. A database of information and maps encompassing the project should be assembled prior to beginning the environmental review.
- Determine Project Needing Early Environmental Review. Not all projects listed in a local transportation plan will require environmental review because they are minor improvements that require no additional ROW, additional travel lanes, or added capacity. Each project listed in the local transportation plan should be reviewed to determine whether an environmental review is needed.
- Determine the Level of Assessment. During this stage, the location and alignment of each project should be mapped to determine the level of effort required for conducting the different environmental analyses. Each project will be reviewed for impacts to natural resources, cultural resources, community impacts, air and noise quality, hazardous materials, and the need for public involvement. The level of effort for these analyses may vary for each project.
- Compile Data and Prepare Environmental Profile. In this step, sufficient data are collected to establish the project's purpose and need and to identify areas of potential impacts and possible mitigation. Information should be compiled for the project study area to develop a profile of the natural, cultural, social, and economic characteristics. The profile should be sufficient to identify any major impacts or issues associated with the project.
- Analyze Impacts and Identify Solutions. Each project should be investigated to identify the impacts of implementing the proposed project versus no action, also known as the no-build alternative. Potential solutions for each impact should be developed.

- Conduct Public Involvement. Local planners should conduct appropriately targeted public involvement for any project in an early environmental review to identify issues and develop alternative solutions.
- Re-Evaluate Projects Based on Findings. Use the results of the preliminary analysis and public involvement to re-evaluate the project's purpose and need based on the identified impacts and potential mitigation.
- Monitor and Update. Project coordinators should monitor changes in the natural and man-made environment surrounding planned projects and update the database as needed.

City Survey Findings on NEPA

The survey to Texas cities asked cities if they had undertaken the NEPA process on TxDOT's behalf as a means to facilitate ROW acquisition to accelerate the schedule on a state project that was of high priority to a city. Fourteen of 81 cities (17 percent) responded "yes" to this question and 76 (83 percent) responded "no." However, in follow-up interviews, most of the survey respondents indicated that their city's role was actually minimal or non-existent in the environmental clearance process. Researchers found that some cities, upon coordination with TxDOT, had retained consultants to take on a part of the process.

It is believed that many respondents answered "yes" because they had at some point either recognized the need for an environmental review or had their consulting engineer coordinate the matter. Answering "yes" appeared to simply acknowledge the existence of NEPA requirements, but it did not affirm their understanding or their participation at the local level to any great extent. Most respondents appeared to have little or no experience in conducting environmental clearance coordination with TxDOT to expedite a project.

With regard to ROW acquisition, one local jurisdiction indicated that it had purchased ROW for TxDOT to expedite a project since TxDOT cannot purchase ROW prior to environmental clearance. Advance purchase of ROW by a local jurisdiction prior to environmental clearance holds potential to save both project time and money. However, cities may be reluctant to take these risks, or advance these funds for ROW purchase except for very high-priority projects.

Local Assistance in TxDOT Advanced Planning and Environmental Clearance

The survey found two examples of cities that have taken a more active role in assisting TxDOT in advanced planning for the purpose of expediting projects. The cities of College Station and Bryan have coordinated with the Bryan District and have or will enter into advanced funding agreements for their involvement in environmental clearance and preliminary engineering of on-system roadways that each city would like to see expedited.

The City of College Station is currently under agreement with the district for their funding and preparation of the schematic design, environmental assessment, ROW documents, and the plans, specifications, and estimates (PS&E) for the construction of a new interchange on State Highway 6 South at Barron Road in south College Station. The city, in close coordination with the Bryan District, will hire a consulting engineer to perform this work in a form that is acceptable to TxDOT. As part of this agreement, the district will be responsible for the following activities:

- providing traffic projections,
- leading public involvement, and
- reviewing or processing the documents and efforts to secure approvals by the applicable state and federal agencies of the design schematic and the environmental documents.

The district and the City of Bryan are working on a similar agreement for Bryan's funding and preparation of preliminary engineering and environmental clearance documents of an on-system roadway that is of high priority in Bryan. Under this agreement, the PS&E will be developed for the widening and urbanization of Farm-to-Market (FM) 60 from State Highway (SH) 6 (Earl Rudder Freeway) to FM 158. The City of Bryan along with their consulting engineer will coordinate closely with the Bryan District on this work. The district will lead public involvement activities and will have the same review and oversight role as in the College Station agreement.

The above examples are cases where the projects are of high priority to each city, but are not yet ranked high enough to be earmarked for near-term funding and placed on the MPO's Transportation Improvement Program. The cities of Bryan and College Station are expending

local funds to develop PS&E for these projects with the knowledge that state funding may not be available for these projects for many years. According to the Bryan District’s advanced planning engineer (Chad Bohne, September 2003), both cities are having the plans prepared such that they become “shelved projects” and will be ready to proceed to construction in the event discretionary funds become available.

Local Involvement in NEPA in Other States

Twenty-nine percent of the state DOT respondents indicated that they were aware of instances where a city, county, or private developer has undertaken the NEPA process on the DOT’s behalf to facilitate ROW acquisition to accelerate the schedule of a project that was a high priority to that entity. The results are summarized in [Table 30](#). The Florida DOT indicated that the City of Tallahassee is good about doing this. Michigan DOT listed some interchange areas where this was done by either a city or a county. The Minnesota DOT indicated that they have many locally initiated projects that involve the state highway system. They cite a recent example where the City of Rosemount and Dakota County did the interchange plan, environmental assessment, and ROW acquisition for an interchange of county road with State Highway 52, which is in a south suburb of the twin cities.

Table 30. Responses as to Whether a Local Entity Has Begun the NEPA Process.

Category	Response	Frequency	Percent
1	Yes	5	29
2	No	10	59
3	Not sure	2	12

5.0 RECOMMENDATIONS FOR TXDOT INVOLVEMENT IN LOCAL DEVELOPMENT REVIEW

This chapter provides recommendations and guidelines for how TxDOT districts and/or area offices can and should be involved in the local development process, particularly in review of site development plans and subdivision plats that affect state roadways. The recommendations and guidelines were developed in large part based on findings and conclusions obtained from surveys to Texas cities, Texas counties, TxDOT districts, and the DOTs of many states around the country.

5.1 ESTABLISH COOPERATIVE AGREEMENTS

Based on survey findings, all of the coordination between TxDOT and cities throughout the state is informal in nature. Coordination is taking place between the staff members of cities and districts or area offices who, in many cases, have developed good working relationships to properly review and process development. While this is to be commended, there is no guarantee it will continue with turnover of local and TxDOT staff, city councils, and county commissions. Attrition of key staff members or administrators within any of the organizations could result in an end to or a major setback in cooperative efforts in local-state development review that have taken years to establish and have evolved over time.

In light of this, some form of continual and renewable agreement is needed between TxDOT and local jurisdictions to avow the importance and purpose of coordination in development review and to identify and clarify the roles and responsibilities of each entity. Many cities and districts have municipal maintenance agreements in place, which establish each entity's responsibility for maintenance (e.g., mowing, street sweeping, etc.) in and along state rights-of-way within a city. The agreements are reviewed and revised from time to time, and their terms may be for several years or they could be renewed on an annual basis or biannual basis.

A "cooperative development review" agreement similar to a municipal maintenance agreement could be used between TxDOT and local jurisdictions for coordination and cooperation in local development review. The agreement would acknowledge and require TxDOT's review and input on all site development plans that affect state roadways. Like a

municipal maintenance agreement, the extent and scope of the agreement could be developed unique to each area. However, it would be beneficial to start from a prototype or standard draft agreement.

A local entity/TxDOT agreement on development review coordination could also be in the form of an Interlocal Agreement or a memorandum of understanding (MOU) that outlines TxDOT's involvement in the development review process and how local jurisdictions will revise their review process to include TxDOT. The Transportation Code requires TxDOT to develop a MOU with state agencies to provide a formal mechanism by which affected agencies can review TxDOT projects that have the potential to affect an agency's interests. A similar form of MOU could be developed between TxDOT and local jurisdictions related to cooperative local-state development review. A key element of the agreement would be designation of staff positions within each organization, which would serve as liaisons or contact persons and stewards over local-state efforts in thoroughfare planning and development review.

5.2 ESTABLISH DEVELOPMENT REVIEW AS ROUTINE WORK ACTIVITY

Districts and/or area offices should make local development review a routine and consistent element of its work activities. In doing so, they should budget the necessary amount personnel and monetary resources to properly perform this function. Oversight of TxDOT's local development review activity should be the responsibility of an engineer or planning staff member. This individual needs the authority to be able to make decisions on behalf of TxDOT and to represent the organization at local development review meetings.

The level of TxDOT staff needed for local development review will vary depending on the amount of development activity within a given district. For districts and area offices that currently do not have staff time and personnel dedicated to this activity, an indication of the amount of time and personnel resources needed can be obtained from TxDOT offices that have processes in place for development review such as the San Antonio, Austin, and Bryan Districts. Resource needs could range from one or more full-time staff positions as in the Austin and San Antonio Districts to only a few hours per week as is needed in the Bryan District. These time amounts represent estimated time spent on actual development review and do not include staff time spent on driveway permits and local coordination/meetings related to development. [Section](#)

4.1 of this report discusses how the San Antonio, Austin, and Bryan Districts are engaged in local development review. A comparison of amount of staff time allocated to the number of site plans and plats processed in each of these districts could be used to estimate needs in other areas.

Each district and area office should have at least one person designated to serve as the liaison or contact person to cities and counties for local development. In urban or suburban districts and area offices with mid- and large-sized cities and steady growth, coordination with local entities and development review could be a contact person's sole or primary work activity. For districts and area offices that are more rural in character with less growth, local coordination and development review may be one of many job responsibilities of the local liaison.

5.3 PLAN REVIEW, DEVELOPMENT MEETINGS, AND COORDINATION

TxDOT should review all plans and plats that impact state roadways. These should include:

- all developments that abut or have access to state roadways; and
- major developments, such as shopping centers, big box retailers, and major employers that would be located in close proximity to state facilities.

The research found that many districts received some or all local plats and site plans and agendas for development review meetings. Several surveys indicated that TxDOT reviewed and provided comment on site plans and some attended local development review meetings, but in many cases, it did not appear that this occurred on a routine basis. It is important for TxDOT to look at, review, and provide comment on all plans, and not just those that appear to be of most significance on a development review agenda.

Coordinated development review would be facilitated if local and state design and ROW requirements for on-system facilities were consistent. As part of local-state coordination in development review, local entities and TxDOT should review and discuss applicable requirements and, where possible, TxDOT's or mutually agreed upon ROW and/or design requirements should be incorporated into local development codes (unified or otherwise).

Local jurisdictions should be responsible for notifying TxDOT about development plans and review meetings that affect state roadways and TxDOT should attend these meetings where possible. Each TxDOT district and/or area office should have a system in place such that information provided from local jurisdictions related to development plans, plats and meetings is disseminated to the appropriate personnel within the agency. TxDOT attendance at the meetings will allow agency representatives to communicate directly with all stakeholders (e.g., city, developer, and franchise utilities) and gain a better understanding of the developments under review, the issues and concerns of other stakeholders, and the process. It will also help to foster good working relationships with local staff planners/engineers and developers and help to familiarize TxDOT with local development regulations. Importantly, it will serve to make other stakeholders aware of TxDOT requirements and expectations, which in turn will save time in the long run.

In addition to TxDOT participation in development review meetings, TxDOT area engineers should become more active in coordinating and communicating with local staff, council, and commissions. Area engineers should work with local entities and establish a recurring meeting schedule to discuss planning and development of upcoming projects and to explain the mutual benefits of coordination early in the process. At a minimum, area engineers should meet with local entities on an annual basis; however, meetings on a semi-annual or quarterly basis may be needed in areas where there is ample growth and development activity.

The setup or arrangement for how TxDOT and local jurisdictions coordinate on local development may vary by district, area office, and communities. How it occurs, to a large extent, will be a function of the local development case load, the amount of development activity, and personnel resources available. It will also be a function of the development process of the local jurisdiction and its development regulations.

Ideally, the coordination should occur directly between TxDOT and local jurisdictions. The research found that some local entities rely on developers to coordinate with TxDOT. If this is the case, it is important that TxDOT and local jurisdictions follow-up with one another to ensure developers follow through with requirements and decisions. Direct coordination is preferred, particularly for districts/area offices and local entities that do not have a routine

cooperative process in place. Without direct coordination, each entity does not benefit from acquiring information on the others' plans, upcoming and on-going projects, and regulations.

5.4 TXDOT INVOLVEMENT IN DEVELOPMENT (CONCEPT) PLANS

In many communities, the development plan is an optional first step in the development process. It is a map or plan showing the general layout of proposed lots and streets, intended land uses, and in some cases building footprint locations. It is typically not required for all developments, but is commonly required for major subdivisions and commercial developments that will be phased and developed over time.

TxDOT should review development (concept) plans that are near or adjacent to state roadways for many reasons. They are often used for large, major residential and commercial subdivisions that could have significant impacts to state roads. Decisions made in the development plan will be used to guide subsequent platting and site development. It is at this stage in the process where TxDOT's input could be of most benefit with respect to access and ROW. Such input could help determine location and number of driveways and any corresponding shared and/or cross-access easements needed in the platting process. It could also preclude property from being platted in such a way that improvements and structures on the site would have a negative impact on existing state ROW or be in conflict with future plans to widen the roadway. Obviously, this first stage in the development process would be the best time for developers to be made aware of any TxDOT plans to widen the roadway in order for additional ROW (if needed) to be taken into account in the development's subsequent platting and site development plans.

5.5 TXDOT INVOLVEMENT IN LOCAL PLATTING

TxDOT should be included in the review of all preliminary plats by cities and counties that are adjacent to state roadways. Its involvement should be at the preliminary plat stage and prior to the final plat. The final plat must conform to the approved preliminary plat, and in most cases, changes or revisions (unless very minor) from the preliminary plat cannot be made at the final plat stage. The benefits and reasoning for TxDOT involvement in the plats is discussed in detail in [Section 4.5](#) of this report.

TxDOT Involvement in Platting to Manage Access

TxDOT should be involved in local platting to undertake or assist in planning and management of driveways and access points along state roadways. Consideration of access as part of the platting process is imperative to implementation of a statewide access management program and to properly manage driveways along a thoroughfare or corridor. This is because the amount of roadway frontage of a property is a primary factor in the number and location of driveways that will be allowed when it develops (or redevelops).

Many local access ordinances regulate the number and location of driveways by requiring that they be spaced a minimum distance apart. Such ordinances include different spacing requirements for each type of thoroughfare included on the local transportation plan. However, these separation distances will not be met if property along a state roadway is platted into narrow tracts with small amounts of frontage. As each tract is individually sold and developed over time, it will be allowed its own driveway (almost always) even if it does not meet proper driveway separation requirements. This is because denial of access could be considered a taking.

TxDOT should review plats and work with local jurisdictions to try and prevent property along state roadways from being platted in such a way that could lead to a proliferation of driveways. When properties along state roadways are proposed to be platted into tracts that will not have sufficient frontage, TxDOT should work with local jurisdictions to require access easements on plats to create shared driveways in order to meet proper driveway spacing requirements. The use of joint and cross-access easements can be an important tool in managing access along state roadways.

TxDOT Involvement in Platting to Coordinate in Area Thoroughfare Planning

TxDOT should be involved in platting to help ensure that local transportation planning is carried out considering the plans and needs of state roadways (as well as local thoroughfares). Platting is one tool used by local entities to implement their thoroughfare plan. Local development regulations relate to the entity's thoroughfare plan and corresponding design and ROW requirements for the roadway classifications shown on the plan. Local transportation plans commonly contain both city and state roadways. The amount of ROW required for a state roadway on a local plan may not be the same as what a TxDOT district requires for the same roadway. Without TxDOT input, local jurisdictions may not consider future ROW needs by

TxDOT when processing plats along state facilities. This can create significant and costly problems because most local development ordinances regulate on-site improvements relative to ROW location.

TxDOT and local entities should coordinate and review the amounts of ROW required by local plans for all state roadways included on the plan to ensure that local and state ROW amounts are consistent. As discussed in [Section 4.5](#), research found that there were some cities in the state where local ROW amounts being applied were not the same as TxDOT's. Most cities thought that their ROW amounts were the same or generally the same as TxDOT's, but even a small difference could have costly consequences as development occurs over a period of years.

TxDOT Involvement in Platting to Protect or Preserve State ROW

TxDOT should increase and/or provide early communication and coordination with local entities relating to existing on-system facilities that are planned for rehabilitation or widening as well as for new state facilities that are planned. Moreover, TxDOT should work closely with local entities to have additional state ROW that is needed, preserved, or dedicated as property is platted along existing state facilities or in an area where a new state facility is planned. Dedication or preservation of state ROW as part of the local platting process could significantly reduce ROW and project costs when the project is developed.

The majority of cities surveyed in Texas for this research indicated that they acquire or preserve ROW along state facilities as part of their platting process. How it is done appears to differ slightly among cities depending on their legal comfort level with respect to dedication versus preservation. While some cities may require developers to dedicate property for future state ROW, others may only elect to require developers to reserve the ROW for future public use. Important factors that cities consider in ROW dedication or preservation include the amount of ROW required, its reasonableness related to the development in question, and the stage of planning TxDOT is in on the project for which ROW is needed. If TxDOT is in the advanced planning stage and/or has preliminary design schematics prepared for the project, more specific information is known about the amount and location of needed ROW and cities will be much more inclined to acquire the ROW during platting.

When property is reserved, developers are not allowed to develop or make improvements on the portion of their site that has been identified as a reserve for future ROW. This will ensure that parking lots and structures are not built on the portion of the tract that is reserved for future state ROW. When TxDOT is ready to develop the facility, perhaps many years later, it will then purchase the ROW reserve from the landowner. While ROW reserves do not transfer property ownership to the local entity, they help to reduce the costs of future ROW acquisition by ensuring that TxDOT will not pay damages for removal of improvements such as parking lots or buildings.

When cities require dedication of property along state facilities, it does not become the property of TxDOT. ROW dedications are normally made to the city, or in some cases, it may be dedicated “for public use.” Exactly how ROW is acquired or reserved in the local platting process will vary from city to city. TxDOT districts and area offices should coordinate with cities on state facilities in need of additional ROW and establish how the additional needs can be taken into account on plats.

TxDOT should allow property that is dedicated as part of the local platting process to count toward a city’s (or county’s) locally required funding match to the state project for which the ROW was acquired. The amount of this match would be equal to the appraised market value of the property at the time of development. If TxDOT would allow this credit, it could foster increased local-state coordination in platting by providing cities more incentive to work with TxDOT. By the same token, TxDOT’s incentive for crediting ROW dedication as a match would be reduced ROW costs and a reduction in staff time needed in acquiring ROW.

5.6 TXDOT INVOLVEMENT IN SITE PLAN REVIEW

TxDOT should review all site plans that are adjacent to state roadways to ensure that TxDOT’s interests are taken into account in local development review. It should also review site plans for large developments such as major shopping centers, big box retailers, and major employment centers that are in close proximity to state facilities.

TxDOT should be involved in site plan review to assist and partner with local staff to ensure that sites impacting state facilities are designed and developed in accordance with all applicable plans, plats, and regulations. Coordination and support between local and TxDOT

staff could be helpful in instances where economic and political motivations are present that influence site design.

This research found that the primary purpose for TxDOT involvement in site plans is for driveways and driveway permitting. It found many good cooperative efforts between cities and districts in site plan review; however, it also found some cases where TxDOT's initial involvement occurred at the time of application for a driveway permit, after the plat and site plan were already approved. Researchers believe that some survey respondents may have equated coordination with a city for the site's driveway permit with "site plan review."

TxDOT should be involved early in site plan review and, in coordination with local staff, review the number and location of driveways for conformance to proper spacing requirements and the site's approved plat (as currently done in the San Antonio District). It should be involved well in advance of the application for a driveway permit. This is because the application for a driveway permit occurs near the end of the development process, after plat and site plan approval and just prior to construction. The purpose for the driveway permit is usually for review and comment on driveway design, its drainage impact, and how it should tie into the existing state roadway. Earlier involvement on TxDOT's part will allow input on the number and location of driveways and give them the benefit of considering other factors, such as internal circulation, as part of any input or recommendations they may have on the site.

TxDOT Review of Site Elements Other than Driveways

In addition to driveways, TxDOT should be involved to review other important elements of site plans that impact state roadways. Local development ordinances are applied at the site plan review stage to regulate or guide the layout of buildings and structures, access and on-site circulation, drainage, and parking. Most of these ordinances regulate development on the site in relation to TxDOT ROW. TxDOT should have input and assist in decisions related to structures, parking, circulation, drainage, and in some cases landscaping and signage. Such input could help reduce potential negative impacts on state ROW, preclude improvements being made that would be in conflict with future state improvements, or help improve aesthetics along on-system facilities.

5.7 TXDOT INVOLVEMENT TO REDUCE FUTURE ROW AND PROJECT COSTS

In the years preceding a state facility's widening, TxDOT should review and provide input on driveways, parking lots, building setbacks, and other site elements for new developments or redevelopments. The agency's involvement in local development review along these facilities could significantly reduce project costs when the road is eventually widened years in the future. Widening of a state roadway may not be considered in local site plan review if there is no coordination with TxDOT.

Review Driveways along Roads Planned for Widening

In review of development or redevelopment along on-system facilities to be widened, TxDOT should work with local entities to ensure that access to the site is designed such that it will still be safe and functional after the roadway is widened. If one or more driveways need to be removed when the roadway is widened, a site may no longer be able to function as its existing use and TxDOT could potentially have to pay damages. For example, if removal of a driveway to a gas station changes the internal site circulation such that use of the gas pumps is no longer possible, this removal could lead (at least in part) to the business' closure and payment of damages as part of the project's cost.

Review Parking along Roads Planned for Widening

TxDOT should be involved with local jurisdictions in review of parking lot setbacks and layout on sites along state roadways planned for future widening. Such coordination could help preclude removal of on-site parking and payment of damages in future widening projects. TxDOT involvement would make local city staff and the development community aware of the future back-of-curb and ROW locations so that these could be considered in site plan design and review. With this knowledge, the city could increase its parking setback requirement on new development or redevelopment in order for sites to develop with future improvements taken into consideration.

Local decisions made during the site plan review process related to parking lots adjacent to TxDOT facilities have significant impacts on future state projects. Key elements in many parking ordinances typically include parking lot design, setback from the ROW, and the number of parking spaces required. If state widening plans are not considered in the design and

placement of parking lots, it could result in the removal of parking and payment of subsequent damages when the road is widened. Such costs could be significant since parking lots are frequently designed with rows of head-in parking spaces parallel and adjacent to state ROW. For developed sites, removal of parking could reduce its number of spaces below what is required by city ordinance. When this occurs, the city considers it non-conforming from a parking standpoint, which could further increase TxDOT's costs of damages.

Review Building Setbacks along Roads Planned for Widening

TxDOT, in coordination with local jurisdictions, should closely review building setbacks on development plans along state facilities that are planned for future widening. A building setback is the distance a structure is required to be set back from the existing ROW. If development review staff in local jurisdictions is aware of future ROW locations for planned TxDOT widenings, they can base the building setback requirement on the future ROW location instead of its existing location. If building setbacks are based on the existing ROW, it could result in the costly purchase and removal of buildings when the roadway is eventually widened.

Other Local Development Regulations TxDOT Should Consider

TxDOT, in coordination with local jurisdictions, should review the location of landscaping and signs in reviewing development plans along state facilities that are planned for future widening. Many municipal landscape ordinances are structured to require a significant amount of its landscaping near or along the site's roadway frontage. If this landscaping is located in an area that will be acquired by the state, TxDOT could be required to pay damages and costs for new landscaping. Similar to parking, the removal of landscaping on existing development could result in a site becoming non-conforming with respect to a city's landscape requirements. If signs are required to be moved, TxDOT could also be required to pay for the costs of relocating the old sign or purchase and installation of a new sign. Many cities impose regulations on signs as part of site plan review. Key elements in local sign ordinances include sign size, height, and location. As with driveways, parking lots, and building setbacks coordination between local entities and TxDOT on the location of landscaping and signs as part of the local site plan review process could reduce project costs and delays on existing state facilities planned for future widening.

5.8 COORDINATION WITH COUNTIES ON PLATS AND THOROUGHFARE PLANNING

As with cities, TxDOT should establish a proactive initiative in districts and area offices to routinely receive and review county plats that affect state roads. The mutual benefit of improved coordination for access management and ROW preservation should be conveyed to all parties. Advantages such as improved ability to complete important state roadways in the area, decreased ROW costs with future roadway construction, and improved awareness of future projects in the area by both entities make TxDOT-county coordination mutually beneficial.

TxDOT should enter into cooperative development review agreements or MOUs with counties that routinely review and process plats. For the most part, these should include counties located in and around urban and suburban areas and those located wholly or partially within an MPO and/or designated Transportation Management Areas (TMA) in the state. The agreements should be continual and renewable and avow the importance and purpose of county-TxDOT coordination in plat review and identify and clarify the roles and responsibilities of each entity.

Survey responses from counties indicated that increased interest and communication would be needed for better coordination in the platting process between counties and TxDOT. This situation could be improved by the leadership, administration, and/or management of each entity educating staff on the benefits and importance of coordination and establishing it as a higher priority within districts and counties. Coordination in county platting has become more important than ever due to recent legislation passed giving many counties the ability to develop and enforce thoroughfare plans.

TxDOT Coordination with Counties in Thoroughfare Planning

State legislation passed in 2001 creates an important opportunity for TxDOT and county coordination in thoroughfare planning. SB 873 passed by the 77th Legislature provides some counties in Texas with the authority and ability to adopt and enforce a major thoroughfare plan. The bill allows certain counties to develop and enforce a county thoroughfare plan so long as it is consistent with an MPO's adopted plan. It applies to counties with a population of 700,000 or more or to counties that are adjacent to one of these counties. It also applies to counties with a population of 150,000 or more that are adjacent to the Texas-Mexico border. The bill allows

counties to establish ROW limits up to 120 feet, or potentially greater than 120 feet if such a requirement is consistent with an MPO's plan for the area (8).

TxDOT should support legislative issues that promote thoroughfare planning in counties. SB 873 provides an important impetus for TxDOT (along with MPO member entities) to work with counties on developing a county thoroughfare plan that coordinates county and state facilities and includes provisions for new state facilities or widening plans for existing on-system roadways. TxDOT and other MPO member entities should work closely with counties in developing their plans and ensure that consistent ROW amounts are established. With this new legislation, counties have the ability to require developers to dedicate or preserve ROW for state facilities that are included on the county's plan.

While SB 873 provides the important ability for certain counties to adopt and enforce thoroughfare plans, the bill does not apply to many counties and surrounding counties of growing areas in the state where it could have a significant impact. TxDOT should support and encourage that SB 873 be expanded to include counties located within or adjacent to all MPOs and TMAs of the state or to counties having one or more municipalities with a population over 10,000. As adopted, SB 873 does not apply to counties and surrounding counties in growing areas of the state such as Tyler/Longview, Bryan/College Station, Corpus Christi, Midland/Odessa, and numerous other significantly populated areas that could benefit from the ability to develop and enforce thoroughfare plans at the county level.

Coordination between TxDOT and counties is of mutual benefit to both entities. Cities and counties are required to contribute a certain monetary amount, termed a "local match," to help pay for the construction and ROW costs of new or improved state roadways in their jurisdiction. In many small cities and rural counties, the local match is difficult or impossible to meet because of their small tax base.

TxDOT should allow property that is dedicated as part of the county platting process to count toward a county's required funding match to the state project for which the ROW was acquired. The amount of this match should be equal to the appraised market value of the property at the time of development. If TxDOT would allow this credit, it could foster increased county-TxDOT coordination in platting by providing counties more incentive to work with TxDOT.

In order for counties to be more successful in implementing SB 873, TxDOT and other MPO member entities may want to lend their transportation expertise to particular counties with lesser staff resources in order to assist in developing a major thoroughfare plan. Assisting in developing a transportation network ahead of development, even for non-state roads, may ultimately benefit TxDOT through better access management and prioritization of roadways, better planning for future roadways and future expansion of existing roadways, and reducing acquisition costs and conflict points for future roadway projects.

Legislation is slowly granting counties more authority to protect and preserve land to address statewide interests such as flooding (§240.901), outdoor lighting (§240.031), recreation areas (§231.103, 132, 201), and building standards in the border region (§236.002). This is beginning to open the discussion to address how the lack of land-use controls in counties impacts the transportation system. [Section 4.3](#) of this report further discusses legislation that has been introduced that has or would increase a county's ability to regulate development and/or land use.

5.9 LOCAL INVOLVEMENT AND ASSISTANCE IN THE NEPA PROCESS

Participation by local jurisdictions in environmental clearance should be encouraged through basic education and awareness of the environmental clearance process. The objective would be to inform local jurisdictions of the type of basic information that would save TxDOT or consulting engineers and planners time in information gathering. Although expediting the environmental clearance process hinges largely on the review time by environmental resource agencies, local involvement in the early stages of development saves time by not having to re-visit, and re-open issues already resolved.

For on-system projects within cities, TxDOT should, at a minimum, involve cities in the environmental clearance process to the extent that it would provide them basic education and awareness of the NEPA process requirements. This would help to eliminate confusion and mystery of the NEPA process to local jurisdictions, facilitate the sharing of information that is useful to the NEPA process, and further streamline the information collection and dissemination process being performed by TxDOT or its consultant.

TxDOT could allow local jurisdictions to undertake basic environmental tasks where the local jurisdiction has first-hand knowledge, or information that is not easily obtainable by

environmental planners usually responsible for the clearance process. In particular, local participation in environmental clearance tasks should include:

- public involvement assistance in targeting the appropriate audience,
- development of a purpose and need statement,
- community impact assessment screening assistance,
- cultural resources screening information,
- natural resources screening assistance, and
- hazardous materials screening assistance.

The objective of screening for these categories is to identify what are referred to as “fatal flaws” very early in the process. These are typically adverse situations that are known to exist that would impede development and require mitigation and corrective action of some kind.

For local jurisdictions that are willing to expend the funds, TxDOT should allow them to take an increased role in advanced planning and environmental clearance for the purpose of potentially expediting a project that is of high local priority. Local jurisdictions could retain and fund qualified engineering consultants to undertake select portions of the environmental clearance process, if done according to TxDOT guidelines and requirements. General guidelines for considering this option are as follows:

- TxDOT should be included in the development and review of any local requests for proposal or solicitation for consulting services.
- TxDOT should be included with the local jurisdiction in review of consultant proposals, and TxDOT and the local jurisdiction must agree on consultant selection for it to move forward.
- The TxDOT district or area office should enter into an agreement with the local jurisdiction that clarifies the roles and responsibilities of TxDOT, the local jurisdiction, and the consultant.
- Before proceeding with this arrangement, TxDOT should advise local jurisdictions that there is no guarantee that funds will be available for the project after the consultant’s services are complete (if indeed this is the case).

The research found that local involvement and assistance in environmental clearance and preliminary engineering of state roadways is not uncommon in Texas or in other states. Surveys of other state DOTs provided numerous examples of cities and DOTs coordinating in this area. [Section 4.7](#) offers a good example of local involvement in TxDOT’s advanced planning and environmental clearance process.

In this example, the City of College Station and the Bryan District entered into an “advanced funding agreement” in order to potentially expedite an on-system project that is of high priority to the city. Under the agreement, the city will fund and prepare (by way of consultant) the schematic design, environmental assessment, ROW documents, and the plans, specifications, and estimates for the construction of a new interchange. In doing this, the city and the district are creating a “shelved project” that will be ready to proceed to construction in the event discretionary funds become available.

As part of the agreement, TxDOT will be responsible for providing traffic projections, leading public involvement, and reviewing or processing the documents and efforts to secure approvals by the applicable state and federal agencies of the design schematic and the environmental documents.

Projects on which local jurisdictions could participate or assist TxDOT in advanced planning or preliminary engineering are those that are of high priority to a city, but are not yet ranked high enough to be earmarked for near-term funding and placed on an MPOs or district’s TIP. If this is pursued, local jurisdictions should be made clearly aware that they are expending local funds with the knowledge that state funding may not be available for these projects for many years, if ever.

5.10 POTENTIAL LEGISLATION AND CHANGES TO TRANSPORTATION CODE

This section serves as Product 0-4429-P2 of this research project and contains recommended legislation, changes to Title 43 (Transportation) of the Texas Administrative Code, or changes in TxDOT policy that should be drafted to help facilitate the implementation of TxDOT involvement in the local development review process. The legislative and policy changes recommended below will serve to increase interaction between local jurisdictions and TxDOT by making coordination on developments that impact state roadways mandatory, as it is

in numerous other states. It will also serve to provide structure and clarity on the roles of each entity in development review through the use of cooperative development review agreements for development review between certain cities and districts throughout the state.

Allow and Require TxDOT Review on Development Adjacent to State Roads

Change to TxDOT policy and/or the Title 43 Transportation Code is needed to allow and require TxDOT review and input on site development plans and subdivision plats that are adjacent to state roadways. The change should also be applicable to large (often multi-phased) developments that are not directly adjacent to TxDOT roadways, but whose traffic significantly impacts state roadways that are in close proximity. The policy should be applicable to development processed by either cities or counties in Texas. Cities, counties, and districts that have little or no development activity would not be impacted by this change to the code, or impacted only slightly.

Legislation to Require “Cooperative Development Review” Agreements

Just as legislation was passed to require cities and counties in Texas to establish agreements related to platting in extraterritorial jurisdictions, legislation is also needed to require TxDOT districts and local jurisdictions to establish cooperative agreements to formalize cooperative efforts in the review of local development that impacts state roadways. The legislation should be drafted such that development review agreements are only required with cities at or above a certain population threshold and/or a development activity threshold. [Section 5.1](#) includes a more detailed discussion of TxDOT/local cooperative agreements.

The research found that four of the 17 states of DOTs that were surveyed had statutes in place requiring local and DOT coordination on review of development that impacts DOT roadways. Making coordination mandatory instead of voluntary would serve to increase the importance and priority of local development review by TxDOT. Whether or not TxDOT should support or pursue legislation for local development review agreements is ultimately a policy decision that weighs the importance and benefits of development review relative to its impacts on resources and work activities of districts around the state.

Agreements requiring coordination on development review would serve as an impetus for districts and cities that are not coordinating and ensure that existing cooperative efforts will

remain in place with turnover of staff, agency administration, city councils, and county commissions. The loss of key staff members or administrators within any of the organizations could result in an end to or a setback in cooperative efforts in local-state development review that have taken years to establish and have evolved over time.

Legislation Giving Counties Authority to Manage Access

Access management and regulation is a tool that is imperative to maintaining and implementing a thoroughfare plan. Along with the new authority for select counties to establish a thoroughfare plan (SB 873), such counties will also need the authority to regulate the location, design, and spacing of access to properly implement and maintain functional classes of roadways identified on the county plan. As platting occurs and properties develop and redevelop over time, access management should serve as an important means by which counties retain or attempt to achieve a roadway's intended function.

TxDOT should also support and encourage new legislation that would provide Texas counties with the authority to regulate the location, design, and spacing of access for new development or redevelopment to county and state roadways that are not located within the corporate limits of a city or its ETJ. TxDOT should support and encourage the development of county driveway regulations that correspond to the functional roadway classes of roadways on a county's and/or an MPO thoroughfare plan.

Allowing Credit for ROW along State Facilities Acquired through Local Platting

TxDOT should adopt a policy and/or pursue changes to the Transportation Code that would provide local jurisdictions credit for ROW needed for a state facility that is acquired or preserved through the platting process of a city or county. Cities and counties in Texas are required to pay a local funding match for most state highway improvement projects that take place within their jurisdiction. TxDOT should provide a credit to local jurisdictions to apply toward their local funding match in an amount equal to the market value of ROW needed for a state project that was acquired via the local platting process. TxDOT should also provide a credit to local jurisdictions to apply toward their funding match in an amount equal to a percentage of the market value of ROW needed for a state project that is reserved via the local

plating process. The percentage to be applied could be determined on a case-by-case basis and/or determined based on further research and analysis.

5.11 WORKSHOPS

This research project involved the compilation of information on TxDOT involvement in local development review, including its methods and benefits and examples of cooperative efforts being used today. Data and information obtained in the research could be used for the conduct of workshops to implement this research through training TxDOT personnel, and perhaps even local agency planners, in the methods, benefits, and importance of local-state coordination and cooperation in development review. It is recommended that an implementation project be established to conduct a series of workshops to promote and advance cooperative efforts in development review between TxDOT and local jurisdictions.

The workshop would provide training to TxDOT district and area office personnel on the importance, purpose, and need for their involvement at various stages in the local development process. It would also provide insight to the local development process, how the process impacts state roadways, and guidance for agency staff on how it can most effectively be involved in local development review.

REFERENCES

- 1 Texas Legislature Online. 78th Legislature: House Bill 1204.
<http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/actions.d2w/report?LEG=78&SESS=3&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=01204>. Accessed July 24, 2003.
- 2 Do Counties Need New Powers to Cope with Urban Sprawl? In *Focus Report*, Number 77-26. House Research Organization, Texas House of Representatives, November 6, 2002.
- 3 Texas Legislature Online. Local Government Code: Chapter 240.901-905.
<http://www.capitol.state.tx.us/statutes/lgtoc.html>. Accessed September 9, 2003.
- 4 Texas Legislature Online. Local Government Code: Chapter 231.
<http://www.capitol.state.tx.us/statutes/lgtoc.html>. Accessed September 9, 2003.
- 5 Texas Legislature Online. 78th Legislature: Senate Bill 395.
<http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/actions.d2w/report?LEG=78&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00395>. Accessed July 24, 2003.
- 6 Texas Legislature Online. 78th Legislature: Senate Bill 535.
<http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/actions.d2w/report?LEG=78&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00395>. Accessed July 24, 2003.
- 7 Texas Legislature Online. Local Government Code: Chapter 240.
<http://www.capitol.state.tx.us/statutes/lgtoc.html>. Accessed September 9, 2003.
- 8 Texas Legislature Online. 77th Legislature: Senate Bill 873.
<http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/actions.d2w/report?LEG=77&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00873>. Accessed July 24, 2003.
- 9 Texas Legislature Online. 78th Legislature: Senate Bill 361.
<http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/actions.d2w/report?LEG=78&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00361&SORT=Asc>. Accessed July 24, 2003.
- 10 Texas Legislature Online. 78th Legislature: Senate Bill 1276.
<http://www.capitol.state.tx.us/cgi-bin/db2www/tlo/billhist/actions.d2w/report?LEG=78&SESS=R&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=001276&SORT=Asc>. Accessed July 24, 2003.
- 11 W.M. von Zharen, Ph.D., Access Management Strategy in Texas: Legal and Policy Considerations. Report 1847-2, Texas Transportation Institute, The Texas A&M University System, College Station, TX, May 2001, pages 9-16.

12 J. Overman, Environmental Compliance Manual for Small Urban and Rural Transit Systems in Texas. Report 1859-1, Texas Transportation Institute, The Texas A&M University System, College Station, TX, May 2001.

13 P. Ellis, C. Gilliland, J. Overman, B. Storey and N. Volkman, Preliminary Review Environmental Process Guidebook. TxDOT Project No. 0-4001, Texas Transportation Institute, The Texas A&M University System, College Station, TX, August 2001.

APPENDIX A
SURVEY OF TEXAS CITIES: REGULATION OF SUBDIVISIONS AND LAND (SITE)
DEVELOPMENT

Texas Transportation Institute
The Texas A&M University System
3135 TAMU
College Station, TX 77843-3135

979-845-3326
Fax: 979-845-7548
<http://tti.tamu.edu>



March 3, 2003

Dear City Official:

The Texas Transportation Institute (TTI) is studying subdivision regulation and development review processes in Texas. As part of this study, a survey is being sent to Texas Department of Transportation (TxDOT) district offices, all 254 counties, and a broad cross-section of cities in the state. The study is part of a TxDOT-sponsored research effort that is intended to assist TxDOT in identifying opportunities for their coordination and input in the local development process.

The survey includes four sections. These sections contain questions relating to the *subdivision of property and platting* in your city, how your city handles *site development and review of development plans*, and *your city's platting and development review process*. The final section provides an opportunity for *additional comments* you may have that may assist the research effort.

Because the survey is being provided to Texas cities of all sizes, some questions may not be applicable to your city. In these instances, 'not applicable' or N/A may be used as a response.

Please take a moment of your time to fill out this important survey. Upon completion of the study, summary results of the survey will be made available to all cities that complete and return a survey questionnaire. Your completed survey should be faxed to Bill Eisele at the Texas Transportation Institute at (979) 845-6008 or the survey can be completed on-line by logging onto the survey website located at http://tti.tamu.edu/transportation_planning/citysurvey.asp.

If you have any comments or questions regarding the survey, please contact me at (979) 845-8539 or Bill Eisele at (979) 845-8550.

Sincerely,

Edwin Hard, AICP
Associate Research Scientist

SURVEY OF TEXAS CITIES

Regulation of Subdivisions and Land (Site) Development

This survey can be completed on-line at http://tti.tamu.edu/transportation_planning/citysurvey.asp.

Feel free to write in margins or attach paper if necessary.

Your name and title (optional): _____ City name: _____

Your phone number (optional): _____ We may need to contact you if we have questions with your survey.

SECTION 1. Property Subdivision/Platting within Your City

1. Does your city have subdivision regulations? Yes No
2. Does platting by 'metes and bounds' take place in your city? Yes No
3. Is platting required in your city? Yes No
 - a. If yes, when or under what circumstances? _____

4. What division or department within your city handles property subdivision / platting cases?

5. What position(s) in the city (e.g., city planner, city engineer) is/are responsible for these matters?

6. Who has final approval authority of final plats in your city? _____

7. What approval authority, if any, does city staff have in the platting process? (e.g., preliminary plats, replats, minor plats?) Please explain. _____

8. Are the number and location of driveways to public roadways considered as part of your city's review of plats? Yes No
 - a. If yes, under what ordinance or policy in your city's regulations does this relate? _____

 - b. If yes, does this apply to state (TxDOT) roadways as well? _____

9. Does your city utilize access easements on plats (for the purpose of consolidating/reducing driveways to public roadways)? Yes No

Questions 10-13: Platting in the ETJ of your city.

10. Are your city's subdivision/platting regulations applicable in the ETJ? Yes No
11. Does the city uphold its Thoroughfare/Transportation Plan on plats in the ETJ? (e.g., if property in the ETJ is being platted along a roadway shown on the city's Thoroughfare Plan, will the city seek or require additional right-of-way dedication along this roadway if called for by the plan)?
 Yes No
12. Does the city consider the number and location of driveways as part of its review of plats in the ETJ?
 Yes No

13. **Recent changes to the Texas Local Government Code calls for most municipalities to enter into an agreement with the county (or counties) to establish which entity has authority over platting in the ETJ.** Does your city have an agreement with its county (or counties) relating to platting in your ETJ? Yes No

a. If yes, which entity (city or county) takes the lead in review and approval of plats in your ETJ?
 City County

b. If no, to what extent (if any) does your city and county(s) coordinate on platting in the ETJ?

c. If no, are there reasons why the city and county(s) do not coordinate on plats in the ETJ?

d. If no, what is needed for coordination to take place on ETJ plats?

Questions 14-19: Platting in your city adjacent to state (TxDOT) roadways

14. For subdivisions and plats that are adjacent to state roadways, to what extent (if any) does your city coordinate with TxDOT?

15. Is TxDOT included on the review of plats processed by the city that affect state roadways?

Yes No

a. If yes, how are they included and generally at what stage are they involved?

b. If no, are there reasons why the city and TxDOT do not coordinate on subdivisions and plats that affect state roadways? Please explain.

16. Does the city consider driveway number and location as part of its review of plats along TxDOT roadways? Yes No

17. Does your city have a Thoroughfare/Transportation Plan and a minimum right-of-way requirement for each type of street shown on the plan? Yes No

- a. If yes, does your city request or require right-of-way dedication from the developer as part of plats that abut state roadways (if the existing amount of state right-of-way is less than what is called for on the city's plan)? Please explain.

- b. If yes, for the state roadways included on the city's plan, to what extent are the city's right-of-way requirements the same as TxDOT's for these facilities?

18. When processing plats that abut state roadways, does the city consider potential or planned future widening of the roadway by TxDOT? Yes No

19. Has your city ever undertaken the NEPA process on TxDOT's behalf as a means to facilitate right-of-way acquisition to accelerate the schedule on a state project that was a high priority to your city?
 Yes No

SECTION 2. Land (site) Development Plans in Your City

The questions in section 1 concerned subdivisions and platting. The questions in this section relate to land or site development and plans to develop or construct buildings, structures, or other improvements on property. For example, the development of a gas station, convenience store, or other type of business in a portion of your city. A development plan for this site would show (among other items) the proposed layout and location of the building, parking lot, and driveways.

20. Does your city review a developer's and/or landowner's plan to make improvements (e.g., grading, drainage, construction, etc.) on their property? Yes No

21. Does your city allow development to occur on property (or a site) that is not platted? Yes No
 a. If yes, when or under what circumstances?

22. Does your city have an ordinance or policy that regulates the number, location, and/or design of driveways for development? Yes No

23. Under your city's development regulations, can the number, location, and/or design of existing driveways be re-evaluated and changed on sites that are:

- a. Re-developed (e.g. changes to structures and/or parking lot of an existing site). Yes No
 b. Rezoned or have a significant change in the intensity of use. Yes No
 c. Re-platted. Yes No

Questions 24-31: Development in your city adjacent to state (TxDOT) roadways

24. For site developments in the city that are adjacent to state roadways does your city coordinate with TxDOT? Yes No

- a. If yes, how and to what extent? _____

25. Is there coordination between your city and TxDOT on development plans adjacent to state roadways for the purpose of review and approval of driveways? Yes No
- a. If yes, does this coordination with TxDOT usually take place before or after the site plan has been approved by the city? Before After
 - b. If no, does your city review and/or regulate the location and number of driveways proposed for developments along state roadways? Yes No
26. Typically, a driveway permit must be issued by TxDOT before access can be constructed to state roadways. How is the city's review and approval of proposed driveways on site plans coordinated with the issuance of TxDOT's driveway permit?
- _____
- _____
- _____
27. If both the city and TxDOT have driveway regulations, whose regulations take precedence? Is it the one that is more restrictive or is it selected by another means?
- _____
- _____
28. If there is currently little or no communication or coordination on development plans that affect state roadways:
- a. Are there reasons why the city and TxDOT do not coordinate on the review?
- _____
- _____
- b. What is needed for coordination to take place? _____
- _____
- _____
29. What development ordinances or policies (e.g., driveway, parking, zoning, etc.) used by your city do you believe have the most impact to traffic flow on state roadways in your city?
- _____
- _____
30. What development ordinances or policies (e.g., landscape/streetscape, parking, sign, etc.) used by your city do you believe have the most impact to appearance and aesthetics along state roadways in your city?
- _____
- _____
31. Does your city have traffic impact analyses (TIA) requirements? Yes No
- a. If yes, when is a TIA required? _____
- _____

SECTION 3. The Platting and Development Review Process in your City

32. Many cities follow a multi-staged process in their review and approval of subdivision plats and site (development) plans. A general example of these stages and the general order in which they are reviewed and approved is as follows:

- A. **Development Plan** – general map showing layout of proposed lots, streets, etc.
- B. **Preliminary Plat** – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc.
- C. **Final Plat** – map conforming to preliminary plat with official requirements needed for filing for record.
- D. **Site/Development Plan** - shows proposed layout of building(s), parking lot, and driveways on site.
- E. **Building/Construction Plans** – shows construction details of buildings/improvements on site.
- F. **Issuance of Development/Building Permits.**

Please briefly explain the general steps of the platting and site plan review process used in your city. If your city does not have a process in place, or if it is limited, please explain the manner in which your city reviews and approves plats and/or plans for development.

SECTION 4. Additional Comments

33. The results of this survey to Texas cities are intended to provide TxDOT with information on its current level of involvement in the development process and how it can potentially better coordinate with cities on developments that affect state roadways. If there are additional thoughts and comments on the subject of local development coordination that you believe will be valuable to this effort, please provide that information in the space that follows.

Please fax your completed survey to Bill Eisele at the Texas Transportation Institute at (979) 845-6008. *Thank you very much for taking the time to complete this important survey. If you have further comments or questions regarding this study, please contact Bill Eisele at (979) 845-8550 or Ed Hard (979) 845-8539.*

SURVEY OF TEXAS CITIES

Regulation of Subdivisions and Land (Site) Development

Summary Responses

Population Distribution of Responding Cities

Category	Population Range	Frequency	Percent
1	< 5,000	9	9.28
2	5,000 – 10,000	17	17.53
3	10,000 – 20,000	16	16.49
4	20,000 – 40,000	25	25.77
5	40,000 – 100,000	14	14.43
6	> 100,000	16	16.49
Total		97	100.00

Title of Individual Completing Survey

Category	Title	Frequency	Percent
1	City engineer/public works	12	16.44
2	City planner/director of planning/development	42	57.53
3	City manager or assistant	10	13.70
4	Building official/code enforcement office	3	4.11
5	Other	6	8.22
Total		73	100.00

SECTION 1. Property Subdivision/Platting within Your City

1. Does your city have subdivision regulations? Yes No

Answer	Frequency	Percent
Yes	95	98.96
No	1	1.04
Total	96	100.00

2. Does platting by ‘metes and bounds’ take place in your city? Yes No

Answer	Frequency	Percent
Yes	65	69.89
No	28	30.11
Total	93	100.00

But not approved by P&Z – Brownwood

Not legally – Decatur

Only occasionally – Fredericksburg

3. Is platting required in your city? Yes No

Answer	Frequency	Percent
Yes	95	100
No	0	0

- a. If yes, when or under what circumstances?

Category	Response	Frequency	Percent
1	Whenever land is subdivided	49	54.44
2	Whenever land is subdivided per LGC 212	20	22.22
3	For building permits/development/improvements	14	15.56
4	Other	7	7.78
Total		90	100.00

4. What division or department within your city handles property subdivision/platting cases?

Category	Response	Frequency	Percent
1	Engineering/Public Works	7	7.29
2	Planning/Development Services	62	64.59
3	Community Development	8	8.33
4	Building/Inspection/Code Enforcement	8	8.33
5	City Manager’s Office/City Administration	5	5.21
6	Other	6	6.25
Total		96	100.00

5. What position(s) in the city (e.g., city planner or city engineer) is/are responsible for these matters?

Category	Response	Frequency	Percent
1	City Engineering(s)/Public Works Director	8	8.42
2	City Planner/Development Services Director	57	60.00
3	Community Development Director/Staff	6	6.32
4	City Manager/Administrator	3	3.16
5	Building Official/Inspections/Code Enforcement	9	9.47
6	Combination of 1 and 2	8	8.42
7	Other	4	4.21
Total		95	100.00

6. Who has final approval authority of final plats in your city?

Category	Response	Frequency	Percent
1	City Council	39	41.49
2	Planning and Zoning Commission	44	46.81
3	Combination of 1 and 2	5	5.32
4	Staff/staff and 1 or 2	4	4.26
5	Other	2	2.13
Total		94	100.00

7. What approval authority, if any, does city staff have in the platting process? (e.g., preliminary plats, replats, and minor plats?) Please explain.

Category	Response	Frequency	Percent
1	Amending or minor plats	40	42.11
2	Per state statute (plats with 4 lots or less with no improvements)	7	7.37
3	None	36	37.89
4	Other	12	12.63
Total		95	100.00

8. Are the number and location of driveways to public roadways considered as part of your city's review of plats? Yes No

Answer	Frequency	Percent
Yes	65	69.89
No	28	30.11
Total	93	100.00

a. If yes, under what ordinance or policy in your city's regulations does this relate?

Category	Response	Frequency	Percent
1	Subdivision/development ordinance	25	36.76
2	City design criteria, manual, or policy	6	8.82
3	Driveway/transportation ordinance	6	8.82
4	Zoning ordinance	9	13.24
5	Combinations of 1 through 4	3	4.41
6	Other/Unknown	19	27.94
Total		68	100.00

b. If yes, does this apply to state (TxDOT) roadways as well?

Category	Answer	Frequency	Percent
1	Yes	54	77.14
2	No	9	12.86
3	Not Applicable	3	4.29
4	Other	4	5.71
Total		70	100.00

'Yes' comments: coordinate with TxDOT / TxDOT approval required prior to plat approval.

'No' comments: TxDOT has their own policy / they are referred to TxDOT, but TxDOT approves plats along state roadways.

9. Does your city utilize access easements on plats (for the purpose of consolidating/reducing driveways to public roadways)? Yes No

Answer	Frequency	Percent
Yes	65	68.42
No	30	31.58
Total	95	100.00

'Yes' comments: occasionally, need to do more, shared driveway

Questions 10-13: Platting in the ETJ of Your City

10. Are your city's subdivision/platting regulations applicable in the ETJ? Yes No

Answer	Frequency	Percent
Yes	85	94.44
No	5	5.56
Total	90	100.00

'No' – Arlington, Atlanta, Carrollton, Del Rio (only one comment)

11. Does the city uphold its Thoroughfare/Transportation Plan on plats in the ETJ? (e.g., if property in the ETJ is being platted along a roadway shown on the city’s Thoroughfare Plan, will the city seek or require additional right-of-way dedication along this roadway if called for by the plan)?

Yes No

Answer	Frequency	Percent
Yes	73	83.91
No	14	16.09
Total	87	100.00

12. Does the city consider the number and location of driveways as part of its review of plats in the ETJ? Yes No

Answer	Frequency	Percent
Yes	46	52.27
No	42	47.73
Total	88	100.00

13. **Recent changes to the Texas Local Government Code calls for most municipalities to enter into an agreement with the county (or counties) to establish which entity has authority over platting in the ETJ.** Does your city have an agreement with its county (or counties) relating to platting in your ETJ? Yes No

Answer	Frequency	Percent
Yes	64	72.73
No	24	27.27
Total	88	100.00

Yes’ comments: We deal with four counties, currently have one agreement (Abilene)

‘No’ comments: No ETJ in Cedar Hill, Bracket Provision exempted
Houston, not applicable in this city - Harlingen

a. If yes, which entity (city or county) takes the lead in review and approval of plats in your ETJ?
 City County

Category		Frequency	Percent
1	City	65	97.01
2	County	1	1.49 (Pasadena - Harris County)
3	Both	1	1.49 (Lake Jackson - Brazoria County)
Total		67	100.00

b. If no, to what extent (if any) do your city and county(s) coordinate on platting in the ETJ?

Category	Response	Frequency	Percent
1	Significant coordination	13	48.15
2	Occasional/limited coordination	3	11.11
3	None	6	22.22
4	Other	5	18.52
		27	100.00

c. If no, are there reasons why the city and county(s) do not coordinate on plats in the ETJ?

City	Response
Atlanta	No
Brownfield	No
Corpus Christi	Because there is no interlocal agreement
Rosenburg	Because they have not had many (plats in ETJ)
Schulenburg	Because no reason before
Waxahachie	Do coordinate on plats, but they don't have agreement finalized
Weatherford	Commissioner's court could not agree
Wichita Falls	Because there is no need, except the 3 counties need to establish process to accept ROW dedications and escrows.
Willis	Has never been addressed

d. If no, what is needed for coordination to take place on ETJ plats?

<p>10 of 23 did not make comment 13 comments total</p> <ul style="list-style-type: none"> • Not applicable – Arlington • County to agree on authority of ETJ in Brownfield • Working out 1445 agreements in Cedar Hill • County representatives to be part of the staff plat review committee in Corpus Christi • Agreement as to jurisdiction in Del Rio • Political approval in Eagle Pass • Better participation from county when plats are initially submitted in Harlingen • Simple meeting to discuss and outline in Rosenberg • When property is annexed, city doesn't provide services in Schulenburg • Currently working on agreements in Waxahachie • Don't know – no development in city or county in Woodville • Wichita Falls – see comment in 13 C • Willis – for city and county officials to meet and agree
--

Questions 14-19: Platting in Your City adjacent to State (TxDOT) Roadways

14. For subdivisions and plats that are adjacent to state roadways, to what extent (if any) does your city coordinate with TxDOT?

Category	Response	Frequency	Percent
1	Plats sent to TxDOT for review/comment	37	40.22
2	Coordination with driveway permit/location of ROW	32	34.78
3	Developer referred to TxDOT	10	10.87
4	No coordination	13	14.13
Total		92	100.00

15. Is TxDOT included on the review of plats processed by the city that affect state roadways?

Yes No

Answer	Frequency	Percent
Yes	59	65.56
No	31	34.44
Total	90	100.00

a. If yes, how are they included and generally at what stage are they involved?

Category	Response	Frequency	Percent
1	TxDOT sent plats and/or provides input	32	49.23
2	Limited or select input on plats - Only select plats sent - Input on ROW or driveways only - TxDOT doesn't always respond	15	23.08
3	Developer referred to TxDOT	10	15.38
4	Unclear or no response	8	12.31
Total		65	100.00

b. If no, are there reasons why the city and TxDOT do not coordinate on subdivisions and plats that affect state roadways? Please explain.

Category	Response	Frequency	Percent
1	Coordination occurs for site/driveway improvement/permit	7	22.58
2	Not an issue/not aware TxDOT interested/no development activity	6	19.35
3	Developer coordinates with TxDOT	4	12.90
4	Unclear/No response/Don't know/No reason	10	32.26
5	Other	4	12.90
Total		31	100.00

Comments:

TxDOT can have input at public hearing,
City approves plats subject to TXDOT approval,
Because they consider state regulations on access a control measure, and
Because the city knows TxDOT rules and they follow them.

16. Does the city consider driveway number and location as part of its review of plats along TxDOT roadways? Yes No

Answer	Frequency	Percent
Yes	63	68.48
No	28	30.43
Yes and No	1	1.09
Total	92	100.00

Comments:

TxDOT does,
 Not considered until site plan, and
 Depends on type of development.

17. Does your city have a Thoroughfare/Transportation Plan and a minimum right-of-way requirement for each type of street shown on the plan? Yes No

Answer	Frequency	Percent
Yes	84	88.42
No	11	11.58
Total	95	100.00

“No” Comments:

Dedication only required on city thoroughfares (College Station),
 Don't have authority to require dedication on behalf of state (Houston),
 No, but will require ROW reserves if aware of TxDOT needs (Lake Jackson), and
 No, ordinance only applies to city ROW.

- a. If yes, does your city request or require right-of-way dedication from the developer as part of plats that abut state roadways (if the existing amount of state right-of-way is less than what is called for on the city's plan)? Please explain.

Comments:

Each side asked to dedicate half (Midlothian, Temple, others);
 Require dedication to match city's thoroughfare plan;
 Larger ROW amount governs (Arlington, Burleson);
 Cities thoroughfare plan corresponds to MPOs;
 Applicant must meet with TxDOT and meet their ROW requirements;
 Require dedication, but not construction of improvements;
 We do this all the time in Brownsville;
 Require up to 75 feet dedication, the rest is reserved;
 Dedication required according to adopted master thoroughfare plan, irregardless if it is city or state in Ft. Worth; and
 Where there is reasonable justification in Pasadena.

- b. If yes, for the state roadways included on the city's plan, to what extent are the city's right-of-way requirements the same as TxDOT's for these facilities?

Category	Response	Frequency	Percent
1	Same or generally the same	55	77.46
2	Not the same	11	15.49
3	Unknown	3	4.23
4	N/A	2	2.82
Total			100.00

Comments:

TxDOT requires more ROW than city's plan;
 Use TxDOT standard as minimum;
 ROW required for state reviewed and endorsed by TxDOT – Corpus Christi;
 Concern regarding nexus of development to exaction – Fort Worth;
 Updating plan to be consistent – New Braunfels; and
 TxDOT should advise if more than existing ROW is required – Terrell.

18. When processing plats that abut state roadways, does the city consider potential or planned future widening of the roadway by TxDOT? Yes No

Answer	Frequency	Percent
Yes	81	86.17
No	13	13.83
Total	94	100.00

19. Has your city ever undertaken the NEPA process on TxDOT’s behalf as a means to facilitate right-of-way acquisition to accelerate the schedule on a state project that was a high priority to your city?
 Yes No

Answer	Frequency	Percent
Yes	14	17.28
No	67	82.72
Total	81	100.00

Comments:

6 do not know.

Cities that said “Yes:”

- | | |
|-------------------|------------------|
| 1. Belton | 8. Harlingen |
| 2. Borger | 9. Irving |
| 3. Bryan | 10. Jacksonville |
| 4. Coppell | 11. Killeen |
| 5. Dallas | 12. Lake Jackson |
| 6. Fredericksburg | 13. Plainview |
| 7. Frisco | 14. Victoria |

SECTION 2. Land (Site) Development Plans in Your City

The questions in section 1 concerned subdivisions and platting. The questions in this section relate to land or site development and plans to develop or construct buildings, structures, or other improvements on property (for example, the development of a gas station, convenience store, or other type of business in a portion of your city). A development plan for this site would show (among other items) the proposed layout and location of the building, parking lot, and driveways.

20. Does your city review a developer’s and/or landowner’s plan to make improvements (e.g., grading, drainage, construction, etc.) on their property? Yes No

Missing: 1

Answer	Frequency	Percent
Yes	93	96.88
No	2	2.08
Yes/No	1	1.04
Total	96	100.00

21. Does your city allow development to occur on property (or a site) that is not platted? Yes No

Answer	Frequency	Percent
Yes	40	41.24
No	56	57.73
Yes and No	1	1.03
Total	97	100.00

a. If yes, when or under what circumstances?

Category	Response	Frequency	Percent
1	If greater than 5 ac. (exempt per LGC 212)	9	23.08
2	If grandfathered (in current configuration prior to adoption of city's subdivision regulations)	10	25.64
3	If no new lot is created and lots have utilities	6	15.38
4	1 and 2 above	4	10.26
5	Other	10	25.64
Total		39	100.00

22. Does your city have an ordinance or policy that regulates the number, location, and/or design of driveways for development? Yes No

Answer	Frequency	Percent
Yes	78	80.41
No	19	19.59
Total	97	100.00

Comments:

Said no, but use good engineering practice; and
Said no, but may include new subdivision, regulations.

23. Under your city's development regulations, can the number, location, and/or design of existing driveways be re-evaluated and changed on sites that are:

a. Re-developed (e.g., changes to structures and/or parking lot of an existing site). Yes No

Answer	Frequency	Percent
Yes	81	85.26
No	14	14.74
Total	95	100.00

b. Rezoned or have a significant change in the intensity of use. Yes No

Answer	Frequency	Percent
Yes	72	78.26
No	20	21.74
Total	92	100.00

c. Re-platted. Yes No

Answer	Frequency	Percent
Yes	81	85.26
No	14	14.74
Total	95	100.00

Questions 24-31: Development in Your City Adjacent to State (TxDOT) Roadways

24. For site developments in the city that are adjacent to state roadways does your city coordinate with TxDOT? Yes No

Answer	Frequency	Percent
Yes	87	90.63
No	9	9.38
Total	96	100.00

a. If yes, how and to what extent?

Category	Response	Frequency	Percent
1	TxDOT sent plans and/or provides input on plans	18	22.22
2	Limited or select coordination through meetings, phone calls	21	25.93
3	TxDOT contacted for driveway location/permit, improvements in TxDOT ROW	23	28.40
4	Developer referred to TxDOT (no coordination)	14	17.28
5	Other/don't know/response unclear	5	6.17
Total		81	100.00

25. Is there coordination between your city and TxDOT on development plans adjacent to state roadways for the purpose of review and approval of driveways? Yes No

Answer	Frequency	Percent
Yes	81	88.04
No	11	11.96
Total	92	100.00

- a. If yes, does this coordination with TxDOT usually take place before of after the site plan has been approved by the city? Before After

Answer	Frequency	Percent
Before	71	88.75
After	9	11.25
Total	80	100.00

- b. If no, does your city review and/or regulate the location and number of driveways proposed for developments along state roadways? Yes No

Answer	Frequency	Percent
Yes	7	63.64
No	4	36.36
Total	11	100.00

26. Typically, a driveway permit must be issued by TxDOT before access can be constructed to state roadways. How is the city's review and approval of proposed driveways on site plans coordinated with the issuance of TxDOT's driveway permit?

Category	Response	Frequency	Percent
1	Done concurrent with site plan review	45	46.39
2	TxDOT approval of driveway/permit required before site plan approved/building permit issued	8	8.25
3	City issues permit in accordance with TxDOT requirements	7	7.22
4	Developer refer to TxDOT and/or no apparent coordination	26	26.80
5	Other/no reponse	11	11.34
Total		97	100.00

27. If both the city and TxDOT have driveway regulations, whose regulations take precedence? Is it the one that is more restrictive or is it selected by another means?

Category	Response	Frequency	Percent
1	TxDOT	37	40.66
2	City	12	13.19
3	Most restrictive	40	43.96
4	Other	2	2.20
Total		91	100.00

Note: Appeared that most said 'city,' did so because their regulations are more restrictive than TxDOT's.

28. If there is currently little or no communication or coordination on development plans that affect state roadways:

a. Are there reasons why the city and TxDOT do not coordinate on the review?

Category	Response	Frequency	Percent
1	Coordination/communication could be improved	8	13.79
2	TxDOT has not shown an interest	3	5.17
3	Developer is responsible party	2	3.45
4	Not needed/no reason	17	29.31
5	Not applicable	28	48.28
Total		58	100.00

Responses to question (excluding not applicable):

- City puts responsibility on developer;
- Speed is always a question;
- Lack of communication;
- Coordination could always be better;
- Less because municipal maintenance agreement in place, city uses TxDOT standards;
- Haven't developed procedures to coordinate, willing to do so in the future;
- Don't directly communicate with TxDOT on these issues as they have never shown any interest in communicating;
- TxDOT's unwillingness to be flexible and reasonable and take site specific conditions into consideration;
- Time;
- Indirect coordination;
- Time and response;
- TxDOT has not approached the city to coordinate;
- No apparent reason;
- Unknown;
- No;
- State and city requirements usually don't conflict;
- Coordination between city and developer;
- Not aware of any, time mostly;
- TxDOT defers to city;
- Never considered; and
- No.

b. What is needed for coordination to take place?

Category	Response	Frequency	Percent
1	Local TxDOT supervisors making site plan decisions	3	6.00
2	TxDOT to attend early meetings on plats	2	4.00
3	Meetings and coordination	10	20.00
4	Quicker response	3	6.00
5	TxDOT to request it	5	10.00
6	Not applicable/coordination occurs now	27	54.00
Total		50	100.00

Responses to question (excluding not applicable):

TxDOT to identify areas in which they feel coordination would be beneficial;
 More development;
 Better coordination with maintenance department;
 One-on-one meetings with TxDOT and city manager/code enforcer;
 Change of attitude and automatic approval policy by TxDOT;
 City contact when project is OK'd, plans could be discussed and reviewed then;
 TxDOT staff should attend plat advisory committee meetings to see the plats at the earliest stages;
 Time and staff of both organizations;
 City would need a main contact person;
 Nothing;
 TxDOT to be interested in communicating;
 Give local supervisors the ability to review site specific conditions with city to determine the best solution;
 Expedite permitting process;
 Recognition of what is in best interest of city and TxDOT;
 Already work with TxDOT;
 Work together;
 Responses within 4 weeks;
 Meetings and a facilitator;
 Things are fine here;
 TxDOT must request this for it to occur;
 Set up meetings with TxDOT to decide on process;
 More opportunities to work together;
 If TxDOT has a problem with development, they contact us;
 Someone to call someone;
 TxDOT to request;
 TxDOT's request to be part of city's review process; and
 More trust and open minds.

29. What development ordinances or policies (e.g., driveway, parking, zoning, etc.) used by your city do you believe have the most impact to traffic flow on state roadways in your city?

Category	Response	Frequency	Percent
1	All of above	4	4.49
2	Driveway/access	25	28.09
3	Parking ordinance	3	3.37
4	Zoning and land use	31	34.83
5	Subdivision regulations	16	17.98
6	None or not applicable	10	11.24
Total		89	100.00

30. What development ordinances or policies (e.g., landscape/streetscape, parking, sign, etc.) used by your city do you believe have the most impact to appearance and aesthetics along state roadways in your city?

Category	Response	Frequency	Percent
1	All of above	4	4.71
2	Landscape/streetscape	28	32.94
3	Parking ordinance	8	9.41
4	Sign ordinance	13	15.29
5	Zoning/land use	20	23.53
6	Other	7	8.54
7	None or not applicable	5	5.88
Total		85	100.00

31. Does your city have traffic impact analyses (TIA) requirements? Yes No

Answer	Frequency	Percent
Yes	34	36.96
No	58	63.04
Total	92	100.00

a. If yes, when is a TIA required?

Category	Response	Frequency	Percent
1	Specific traffic generation, parking spaces, number of lots	23	53.49
2	For planned unit developments (PUDs)	2	4.65
3	Request by planning and zoning/engineering board	1	2.33
4	Occasionally/subjective	12	27.91
5	When infrastructure needed	1	2.33
Total		39	100.00

SECTION 3. The Platting and Development Review Process in Your City

32. Many cities follow a multi-staged process in their review and approval of subdivision plats and site (development) plans. A general example of these stages and the general order in which they are reviewed and approved is as follows:

- A. Development Plan** – general map showing layout of proposed lots, streets, etc.
- B. Preliminary Plat** – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc.
- C. Final Plat** – map conforming to preliminary plat with official requirements needed for filing for record.
- D. Site/Development Plan** - shows proposed layout of building(s), parking lots, and driveways on site.
- E. Building/Construction Plans** – shows construction details of buildings/improvements on site.
- F. Issuance of Development/Building Permits.**

Please briefly explain the general steps of the platting and site plan review process used in your city. If your city does not have a process in place, or if it is limited, please explain the manner in which your city reviews and approves plats and/or plans for development.

Category	Response	Frequency	Percent
1	Same/generally same as above	53	61.63
2	Same as above except no development plan (step A)	18	20.93
3	Same as above except lacking step (other than A)	2	2.33
4	Other	13	15.12
Total		86	100.00

Comments:

- A and D are identical in our process in Alvin;
- All above except site plan review in Bonham;
- B and C done together, D not required in Harlingen;
- Same as above except no A and B in Arlington;
- Preliminary plats optional in Killeen;
- No A, D and E combined in Mansfield;
- Review of site plan and plat done together in Midland;
- A, B, and C can be submitted together in New Braunfels;
- A and B and C and D often combined in Sealy; and
- “D” not shown to be required in Tyler.

SECTION 4. Additional Comments

33. The results of this survey to Texas cities are intended to provide TxDOT with information on its current level of involvement in the development process and how it can potentially better coordinate with cities on developments that affect state roadways. If there are additional thoughts and comments on the subject of local development coordination that you believe will be valuable to this effort, please provide that information in the space that follows.

26 Cities provided comments:

- 7 cities pleased with TxDOT, said they had good working relationship.
- 3 cities would like better responsiveness from TxDOT.
- TxDOT needs to learn that cities and developers are not the enemy.
- Area offices and cities have consensus on development guidelines for developments along TxDOT roadways and have more emphasis on the city to sign off on access permits. City regulations pertaining to driveways, drainage, etc. must be met before a developer can have a permit.

TxDOT needs to get serious about access management. The benefits are too important for this tool not be used more fully. TxDOT has somewhat abdicated this responsibility.

TxDOT meets regularly with the city of Brownwood. All major developments are discussed at their joint transportation Committee meeting. TxDOT also participates in utility project meetings held every 4-6 weeks.

Provide a TxDOT representative for each city.

We have developed a good working relationship with TxDOT.

If we don't have a good working relationship with TxDOT, I am unaware of it.

TxDOT should provide sets of plans to us; they have built roads with super elevations that cause flood waters to pond on our streets.

City of Denton coordinates with TxDOT well.

Don't implement a policy and ask us for approval.

For the most part, the coordination has been really good. The problems have occurred when the local office is inconsistent with its application of policies and procedures, or it is not flexible and reasonable when the situations warrant.

The City of Goldthwaite does not have a platting process. The only requirement is for the plat to be approved by council and filed at the courthouse if city utilities are required.

TxDOT is slow to respond.

Helpful to have information readily available on widening projects when we review the subdivision plats.

Appreciate close coordination, mutual cooperation, and assistance of local TxDOT maintenance facility.

Thank You.

How the surveys were returned.

Return Method	Frequency	Percent
Fax	51	53.13
Internet	35	36.46
Mail	10	10.42
Total	96	100.00

APPENDIX B
SURVEY OF TEXAS COUNTIES: REGULATION OF SUBDIVISIONS AND LAND
(SITE) DEVELOPMENT



Texas Transportation Institute
The Texas A&M University System
3135 TAMU
College Station, TX 77843-3135

979-845-3326
Fax: 979-845-7548
<http://tti.tamu.edu>

March 3, 2003

Dear County Official:

As more and more growth and development occurs in unincorporated areas of Texas, many counties are finding it difficult to address problems and issues that often come with growth and urbanization. To help address these issues, the Texas Transportation Institute (TTI) is studying local subdivision and development review processes in Texas. As part of this study, a survey is being sent to all Texas counties, numerous cities, and all district offices of the Texas Department of Transportation (TxDOT). The study is sponsored by TxDOT and is intended to assist them in identifying opportunities for coordination and input in the local platting and development process.

By completing the survey, your county will (1) provide much needed information to help find solutions to common problems faced by cities, counties, and TxDOT in handling growth and development and (2) benefit from the results of the survey that will be made available to all counties that complete and return the survey.

The survey includes questions relating to the *subdivision of property and platting* in your county and how your county handles *land (site) development plans*. It also contains questions on how platting is handled within the Extraterritorial Jurisdiction (ETJ) of a city and adjacent to state (TxDOT) roadways. **If you are not the appropriate person to answer these types of questions, please forward this survey to someone in your county who oversees or handles subdivisions and platting.**

Because the survey is being provided to all Texas counties (urban and rural), some questions may not be applicable to your county. In these instances, N/A or 'not applicable' should be used as the response.

Please take a moment of your time to fill out this important survey or forward it to someone in your county who can. Your completed survey should be faxed to Bill Eisele at the Texas Transportation Institute at (979) 845-6008 or the survey can be completed on-line by logging onto the survey website located at http://tti.tamu.edu/transportation_planning/countysurvey.asp

If you have any comments or questions regarding the survey, please do not hesitate to contact me at (979) 845-8539 or Bill Eisele at (979) 845-8550.

Sincerely,

Edwin Hard, AICP
Associate Research Scientist

SURVEY OF TEXAS COUNTIES
Regulation of Subdivisions and Land (Site) Development

This survey can be completed on-line at
http://tti.tamu.edu/transportation_planning/countysurvey.asp
Please feel free to write in margins or attach paper if necessary.

Your name/title (optional): _____ County name: _____

Your phone number (optional): _____ We may need to contact you if we have questions with your survey.

SECTION 1. Property Subdivision/Platting within Your County

1. Does your county have subdivision regulations? Yes No
2. Does the subdivision of property by “metes and bounds” take place in your county? Yes No
3. Is platting required in your county? Yes No
 - a. If yes, when is it required under your county’s regulations?

4. What division or department within your county handles property subdivision/platting cases?

5. What title/position (e.g., County Engineer, County Clerk, etc.) is responsible for these matters?

6. A general process used by many counties in reviewing and approving subdivisions/plats includes three stages. These stages are reviewed and approved in the following order:
 - A. Development Plan – general map showing layout of proposed lots, streets, etc.
 - B. Preliminary Plat – map prepared to scale showing bearings and dimensions of proposed lots, streets, etc.
 - C. Final Plat – map conforming to preliminary plat with signatories, dedications, and other requirements needed for filing for record.

Please briefly explain the process and sequence used in your county to review and approve plats. If your county does not have a process in place, please explain the manner in which your county reviews and/or approves the subdivision of property. _____

7. By state statute, the commissioner's court approves final plats. In your county, does staff have any approval authority on plats (e.g., preliminary plats, minor plats, amending plats, etc.)? Yes No
8. Does your county have a driveway application that must be completed and approved before a driveway can be constructed on a county road? Yes No
 - a. If yes, does your county ever apply this application to state roadways? Yes No
9. Are the number, location, and design of driveways to public roadways considered as part of your county's review of subdivision plats? Yes No
 - a. If yes, under what provision in your county's regulations does this relate (if any)?

10. Does your county utilize access easements on plats (for the purpose of consolidating/reducing driveways to public roadways)? Yes No

Question 11: Platting in Your County that is within the Extraterritorial Jurisdiction (ETJ) of a city.

11. **Recent changes to Texas' Local Government Code calls for most cities and counties to enter into agreements to establish which entity has authority over platting in a city's ETJ.** Does your county have any such agreement with any city or cities? Yes No
 - a. If yes, which entity (city or county) takes the lead in review and approval of plats in the city's ETJ? City County
 - b. If no, for subdivisions and plats within the ETJ of a city in your county, to what extent (if any) does your county coordinate platting with the city?

- c. If there is little or no coordination, are there reasons why the city(s) and your county do not coordinate on plats in the ETJ?

- d. If there is little or no coordination, what is needed for coordination to take place between the county and city(s) on plats in the ETJ?

Question 12: Platting in Your County Adjacent to State (TxDOT) Roadways

12. For subdivisions and plats handled by your county that are adjacent to state roadways, does TxDOT have any input or involvement on the review of these plats? Yes No
 - a. If no, are there reasons why the county and TxDOT do not coordinate on subdivisions and plats in the county that are adjacent to state roadways?

- b. If no, how could the county and TxDOT coordinate, and what is needed for this to take place early in the county's platting process?

SECTION 2. Land (Site) Development Plans in Your County

The questions in section 1 concerned platting and property subdivision. The questions in this section relate to land (site) development and plans to develop or construct buildings, structures, or other improvements on property.

For example, the development of a gas station, convenience store, or other type of business in a portion of your county that is not in a city's limits. A development plan for this site would show (among other things) the proposed layout and location of the building, parking lot, and driveways.

13. Does your county review a developer's and/or landowner's plan to construct on their property?

Yes No

- b. If yes, when (under what circumstances) does your county review plans for improvements on property?

14. Other than a floodplain permit, what site regulations are reviewed or imposed by your county on development or construction?

Questions 15-16: Development in Your County Adjacent to State (TxDOT) Roadways

15. Does your county review the number, location, and/or design of driveways proposed for construction or development along state roadways (for areas not in a city's jurisdiction)? Yes No

16. For site development or construction in the county that is adjacent to state roadways (and not in a city's jurisdiction), does your county coordinate with TxDOT? Yes No

- a. If no, are there reasons why the county and TxDOT do not coordinate on the review of plans for this activity?

Question 17: County Authority to Regulate Development

17. By state statute, a county's authority to regulate development is limited. Do you believe your county needs more authority to regulate development? Yes No

- a. If yes, what areas of development regulation (e.g., driveway locations, land use, drainage, parking, signage, etc.) are needed most in your county?

SECTION 3. Additional Comments

18. The results of this survey to Texas counties are intended to provide TxDOT with information that will assist in identifying opportunities for their involvement in the local development process. If there are additional thoughts and comments on the subject of local development coordination that you believe will be valuable in this effort, please provide that information in the space that follows. _____

Please fax your completed survey to Bill Eisele at the Texas Transportation Institute at (979) 845-6008.

Thank you very much for taking the time to complete this important survey. If you have further comments or questions regarding this study, please contact Bill Eisele at (979) 845-8550 or Ed Hard (979) 845-8539.

SURVEY OF TEXAS COUNTIES
Regulation of Subdivisions and Land (Site) Development

Summary Results

Population Distribution of responding counties

94 counties responding

Category	Population Range	Frequency	Percent
1	< 5,000	16	17.02
2	5,000 – 20,000	25	26.60
3	20,000 – 50,000	28	29.79
4	50,000 – 100,000	7	7.45
5	100,000 – 250,000	9	9.57
6	> 250, 000	9	9.57
Total		94	100.00

Distribution of Responding Counties by Census Classification

94 responses

Category	Census Classification	Frequency	Percent
1	Metro central city	14	14.89
2	Metro suburban	14	14.89
3	Non-metro adjacent	47	50.00
4	Non metro non adjacent	19	20.21
Total		94	100.00

Title of Individual Completing Survey

70 responses

Category	Population Range	Frequency	Percent
1	County Engineer/Road and Bridge Coordinator/public works	19	27.14
2	Director Planning/Planning	5	7.14
3	County Judge	33	47.14
4	County Clerk	1	1.43
5	County Commissioner	4	5.71
6	Environmental Health Director/Health Inspector	3	4.29
7	Regulatory compliance officer/permit department	4	5.71
8	County Attorney	1	1.43
Total		70	100.00

SECTION 1. Property Subdivision/Platting within Your County

1. Does your county have subdivision regulations? Yes No

93 responses

Answer	Frequency	Percent
Yes	72	77.42
No	21	22.58
Total	93	100.00

2. Does the subdivision of property by “metes and bounds” take place in your county? Yes No

83 Responses

Answer	Frequency	Percent
Yes	66	79.52
No	17	20.48
Total	83	100.00

3. Is platting required in your county? Yes No

93 Responses

Answer	Frequency	Percent
Yes	77	82.80
No	16	17.20
Total	93	100.00

- a. If yes, when is it required under your county's regulations?

77 Responses

Category	Response	Frequency	Percent
1	Two or more parts 10 acres or less (LGC Ch. 232)	34	44.16
2	Two or more parts 5 acres or less	4	5.19
3	For subdivisions (in general)	21	27.27
4	For sale/development	7	9.09
5	No subdivisions activity in county	4	5.19
6	Other	7	9.09
Total		77	100.00

4. What division or department within your county handles property subdivision/platting cases?

84 responses

Category	Response	Frequency	Percent
1	County Engineer/Road and Bridge/Public Works	19	22.62
2	Planning/Development	7	8.33
3	County Judge office	3	3.57
4	County Clerk office	10	11.90
5	Commissioners Court/Precinct Commissioner	32	38.10
6	Environmental/Regulations Officer	6	7.14
7	No subdivision activity	4	4.76
8	Other	3	3.57
Total		84	100.00

5. What title/position (e.g., County Engineer, County Clerk, etc.) is responsible for these matters?

80 responses

Category	Response	Frequency	Percent
1	County Engineer/Road Administrator/Surveyor/Public Works Director	23	28.75
2	Planning Director/Development	7	8.75
3	County Judge	9	11.25
4	County Clerk/record keeper	16	20.00
5	Commissioners Court/Precinct Commissioner (w/clerk on some)	13	16.25
6	Environmental Services/Regulations Officer, Health Inspector/County Inspector	7	8.75
7	County Attorney	1	1.25
8	No subdivision/Not applicable	4	5.00
Total		80	100.00

6. A general process used by many counties in reviewing and approving subdivisions/plats includes three stages. These stages are reviewed and approved in the following order:
- A. Development Plan – general map showing layout of proposed lots, streets, etc.
 - B. Preliminary Plat – map prepared to scale showing bearings and dimensions of proposed lots, streets, etc.
 - C. Final Plat – map conforming to preliminary plat with signatories, dedications, and other requirements needed for filing for record.

Please briefly explain the process and sequence used in your county to review and approve plats. If your county does not have a process in place, please explain the manner in which your county reviews and/or approves the subdivision of property.

82 responses

Category	Response	Frequency	Percent
1	Same or similar as above	30	36.59
2	Same as above, but no development plan	26	31.71
3	Final plat only	16	19.51
4	No process or need	9	10.98
5	Other	1	1.22
Total		82	100.00

Comments:

Numerous counties where developer/owner first meet with the county judge or commissioner before proceeding with plat.

Several counties noted the use of consulting engineer to review plats

Motley County – “We probably have not had a plat since the town was laid out in 1891.”

7. By state statute, the commissioner’s court approves final plats. In your county, does staff have any approval authority on plats (e.g., preliminary plats, minor plats, amending plats, etc.)? Yes No

82 responses

Answer	Frequency	Percent
Yes	19	23.17
No	63	76.83
Total	82	100.00

Comments:

One county said staff can approve preliminary plats only.

8. Does your county have a driveway application that must be completed and approved before a driveway can be constructed on a county road? Yes No

91 responses

Answer	Frequency	Percent
Yes	28	30.77
No	63	69.23
Total	91	100.00

- a. If yes, does your county ever apply this application to state roadways? Yes No

Answer	Frequency	Percentage
Yes	5	12.20
No	36	87.80
Total	41	100.00

Comments:

A couple of the No's said they had a culvert permit.

Lynn, Martin, Maverick, Medina, and Willacy Counties said Yes

9. Are the number, location, and design of driveways to public roadways considered as part of your county's review of subdivision plats? Yes No

89 responses

Answer	Frequency	Percent
Yes	34	38.20
No	55	61.80
Total	89	100.00

- a. If yes, under what provision in your county's regulations does this relate (if any)?

35 responses

Category	Response	Frequency	Percent
1	Subdivision regulations/standards	7	20.00
2	Regulations related to access by type of roadway	5	14.29
3	Regulations related to culverts/drainage	4	11.43
4	Regulations on spacing from intersections, other driveways	10	28.57
5	Regulations on road platting, ROW, specifications	3	8.57
6	Other/not applicable	6	17.14
Total		35	100.00

10. Does your county utilize access easements on plats (for the purpose of consolidating/reducing driveways to public roadways)? Yes No

83 responses

Answer	Frequency	Percent
Yes	18	21.69
No	65	78.31
Total	83	100.00

Comments:

We have considered such
Allowed, but not required

Question 11: Platting in Your County that is within the Extraterritorial Jurisdiction (ETJ) of a City.

11. **Recent changes to Texas’ Local Government Code calls for most cities and counties to enter into agreements to establish which entity has authority over platting in a city’s ETJ.** Does your county have any such agreement with any city or cities? Yes No

92 responses

Answer	Frequency	Percent
Yes	61	66.30
No	31	33.70
Total	92	100.00

- a. If yes, which entity (city or county) takes the lead in review and approval of plats in the city’s ETJ? City County

59 responses

Answer	Frequency	Percent
City	43	72.88
County	10	16.95
Both	6	10.17
Total	59	100.00

Comments:

In all cases except 1, the county (Burnet County)
 County for Paint Rock; City for Eden (Concho County)
 For small communities, county takes lead (Rusk County)
 County contains 2 cities, one ETJ controlled by city, one by county (Walker County)
 Depends on city (Wise County)

- b. If no, for subdivisions and plats within the ETJ of a city in your county, to what extent (if any) does your county coordinate platting with the city?

25 responses

Category	Response	Frequency	Percent
1	Coordination where both entities review, provide input	3	12.00
2	Extensive coordination	2	8.00
3	City must approve, then county will approve	5	20.00
4	Both entities review, most stringent rules apply	2	8.00
5	Confer/discuss with city manager/staff	3	12.00
6	Plats processed in tandem with city	2	8.00
7	None, not needed, not applicable	8	32.00
Total		25	100.00

Comments:

Note that about a dozen counties that had agreements offered comments

- c. If there is little or no coordination, are there reasons why the city(s) and your county do not coordinate on plats in the ETJ?

37 responses

Category	Response	Frequency	Percent
1	Because little/no growth/platting	3	8.11
2	Because platting/subdivision regulations more stringent in cities	3	8.11
3	Small city staffing levels/political climate/lack of desire	2	5.41
4	Depends on city size/government, some cities not willing to cooperate	5	13.51
5	No/not applicable	17	45.95
6	Other	7	18.92
Total		37	100.00

Comments:

- Working on agreements (Corpus Christi)
- Because no incorporated areas in (King) county
- County doesn't interfere in ETJ (Hutchinson County)

- d. If there is little or no coordination, what is needed for coordination to take place between the county and city(s) on plats in the ETJ?

37 responses

Category	Response	Frequency	Percent
1	Communication/cooperation/agreement	12	38.71
2	None or not applicable	18	58.06
3	Other	1	3.23
Total		37	100.00

Comments (excluding not applicable):

- Three counties said they need an agreement: Clay, Collin, Nueces
- For both entities to start talking – Dimmitt
- We will be able to work with each city – Ellis
- Don't know – Falls
- Most use similar regulations that the county uses – Fayette
- Both need to be aware of other's rules – Harris
- For cities to cooperate with counties – Hidalgo
- A little more time and effort will get us there – Johnson
- Needs to be initiated by those in question – Montgomery
- Just need to get it done – Young

Question 12: Platting in Your County Adjacent to State (TxDOT) Roadways.

12. For subdivisions and plats handled by your county that are adjacent to state roadways, does TxDOT have any input or involvement on the review of these plats? Yes No

85 responses

Answer	Frequency	Percent
Yes	40	47.06
No	45	52.94
Total	85	100.00

a. If no, are there reasons why the county and TxDOT do not coordinate on subdivisions and plats in the county that are adjacent to state roadways?

48 responses

Category	Response	Frequency	Percent
1	No resources/no procedure/not required per county regulations	4	8.33
2	TxDOT has not requested input, lack of TxDOT interest	9	18.75
3	Developer's responsibility	3	6.25
4	Other	7	14.58
5	No plats/no need	7	14.58
6	Not applicable/no reason	18	37.50
Total		48	100.00

b. If no, how could the county and TxDOT coordinate, and what is needed for this to take place early in the county's platting process?

39 responses

Category	Response	Frequency	Percent
1	Resources	2	5.13
2	TxDOT review/input on plats; city/county agreement needed	8	20.51
3	Communication, coordination, interest on TxDOT's part	14	35.90
4	Require developer to gain TxDOT approval	4	10.26
5	Not applicable	8	20.51
6	Other	3	7.69
Total		39	100.00

Comments:

Most thought TxDOT should review/provide input on plats
Some suggested a new statute to require this

SECTION 2. Land (Site) Development Plans in Your County

The questions in section 1 concerned platting and property subdivision. The questions in this section relate to land (site) development and plans to develop or construct buildings, structures, or other improvements on property.

For example, the development of a gas station, convenience store, or other type of business in a portion of your county that is not in a city's limits. A development plan for this site would show (among other things) the proposed layout and location of the building, parking lot, and driveways.

13. Does your county review a developer's and/or landowner's plan to construct on their property?

Yes No

86 responses

Answer	Frequency	Percent
Yes	27	31.40
No	58	67.44
Both	1	1.16
Total	86	100.00

Comments:

We do not have the authority (to review site plans)

a. If yes, when (under what circumstances) does your county review plans for improvements on property?

32 responses

Category	Response	Frequency	Percent
1	Site plans must be reviewed/approved	2	6.25
2	Floodplain and/or on-site sewer facility (OSSF) permits	15	46.88
3	County road involved, drainage impacts	5	15.63
4	Specialty zones or designated areas	3	9.38
5	Health department if food establishment	1	3.13
6	Not applicable	2	6.25
7	Other	4	12.50
Total		32	100.00

14. Other than a floodplain permit, what site regulations are reviewed or imposed by your county on development or construction?

76 responses

Category	Response	Frequency	Percent
1	Subdivision regulations/road design	2	2.63
2	OSSF permits, drainage	43	56.58
3	Setbacks	2	2.63
4	Special zoning/area requirement	1	1.32
5	Roads are safe, paved, etc.	2	2.63
6	Not applicable/none	25	32.89
7	Other	1	1.32
Total		76	100.00

Comments:

Harris County has sign regulation
 Hidalgo County has setbacks

Questions 15-16: Development in Your County Adjacent to State (TxDOT) Roadways

15. Does your county review the number, location, and/or design of driveways proposed for construction or development along state roadways (for areas not in a city’s jurisdiction)? Yes No

87 responses

Answer	Frequency	Percent
Yes	11	12.64
No	76	87.36
Total	87	100.00

Counties that said Yes:

Burnet, Collin, Ellis, Frio, Hood, Kent, Lubbock, Martin, Matagorda, and Wise

16. For site development or construction in the county that is adjacent to state roadways (and not in a city’s jurisdiction), does your county coordinate with TxDOT? Yes No

86 responses

Answer	Frequency	Percent
Yes	35	40.70
No	51	59.30
Total	86	100.00

- a. If no, are there reasons why the county and TxDOT do not coordinate on the review of plans for this activity?

38 responses

Category	Response	Frequency	Percent
1	Lack of agreement/communication/coordination	2	5.26
2	Lack of resources		0
3	Not aware of TxDOT's interest	1	2.63
4	No statutory authority to review/approve site plans	7	18.42
5	TxDOT handle permits	9	23.68
6	No reason/other	15	39.47
7	Not applicable/no plans	4	10.52
Total		38	100.00

Question 17: County Authority to Regulate Development

17. By state statute, a county's authority to regulate development is limited. Do you believe your county needs more authority to regulate development? Yes No

84 responses

Answer	Frequency	Percent
Yes	42	50.00
No	42	50.00
Total	84	100.00

- a. If yes, what areas of development regulation (e.g., driveway locations, land use, drainage, parking, signage, etc.) are needed most in your county?

47 responses

Category	Response	Frequency	Percent
1	All listed or similar	9	19.15
2	Land use (LU) and drainage	4	8.51
3	LU, drainage and others	6	12.77
4	LU with/without others	12	25.53
5	Drainage with/without other	6	12.77
6	Funding/resources	1	2.13
7	None/NA	3	6.38
8	Other	6	12.77
Total		47	100.00

Other areas of regulation suggested included driveways, junk/trash abatement, construction standards, building inspection, manufactured homes, utility connections, colonia regulation, and fire protection.

SECTION 3. Additional Comments

18. The results of this survey to Texas counties are intended to provide TxDOT with information that will assist in identifying opportunities for their involvement in the local development process. If there are additional thoughts and comments on the subject of local development coordination that you believe will be valuable in this effort, please provide that information in the space that follows.

26 counties offered comments

Comments:

Two counties suggested TxDOT designate a person to coordinate with.

Numerous counties welcomed working with TxDOT, and/or had good working relationships with TxDOT.

I have attached TxDOT correspondence when engineer asked that we clear with TxDOT. (Austin)

Counties need ordinance making powers with local authority. (Atascosa)

I believe laws effective if enforced. (Bee)

Most residential development is very large tract. We do not need another state agency involved in plat process as it is already complicated and costly. (Brewster)

Burnet County has a sign-off for state road entries on subdivision application. Exempt applications are referred to TxDOT for road entry approval before exemption is granted.

Awareness of requirements (i.e., surveyor, and developer) is all-important aspect.

Good working relationship with TxDOT. (Cooke)

TxDOT seems to resist to abiding by local rules or regulations pertaining to permits. (Hale)

County requires that subdivisions dedicate ROW on developments that front a county road, we would welcome input from TxDOT on any development that fronts a TxDOT road. (Hidalgo)

I don't think the counties would desire a process whereby TxDOT has to approve counties' policies in the matter. A good relationship would be fine so long as all are equal partners.

Counties do not need unfounded state mandates. (Jackson)

The county and TxDOT maintain a very good working relationship on all matters concerning the county. (Jim Hogg)

We would welcome local development and address the coordination process, but at this point, it is not an issue. (Kent)

Liberty County Commissioner's Court hired Shaumburg-Polk to rewrite the county subdivision rules and regulations in February of 2003.

For larger towns, subdivisions handled by cities within their own ETJ, smaller towns – county handles. (Limestone)

TxDOT could designate representative, early contact with TxDOT. (Madison)

We believe TxDOT should be involved any time a site is developed along state ROW, particularly with respect to driveways, drainage, signage, and various safety-related issues. (Matagorda)

There is always room to improve communication (on a 2-way basis). County feels limited in its authority to regulate in the area of subdivisions and road access. State really needs to grant full ordinance making authority so that counties can manage growth. Only when such ability exists on a local level will we believe that we really have much to coordinate with or about. (Medina)

Population 1426 and shrinking. No growth, no money, no rain, no prospects, no plats, and the list goes on. (Motley)

I believe that counties will be driven by the hazard mitigation process under Homeland Security to have more land use authority. The biggest problem with giving counties land use authority is counties do not have the monetary resources and structure to provide this, especially in rural counties. It is important to become centered in the vision that most counties (rural) do not have professional engineers/administrators building roads. They are built and maintained by elected

officials with diverse backgrounds. In this scenario, it can be most difficult to develop a county-wide land-use (zoning) master plan and then implement it. (Nacogdoches)
We are happy to work with TxDOT at any and all times. We feel the county and TxDOT's relationship is good. (Real)

Red River County has approximately 5 subdivisions located in the Sulphur River basin. Most of the owners of the land are veterans. The county roads leading to the subdivisions are gravel, narrow roads with poor drainage. TxDOT could provide a great opportunity by assisting the counties in upgrading these facilities. This would improve safety and encourage more people to build and use these facilities throughout the year, which would increase the county tax base and produce more fuel tax for TxDOT.

Has not been a subdivision in over 20 years. (Swisher)

Probably the rural nature of most proposed subdivisions in our county tend not to create situations that affect existing TxDOT jurisdiction. Not to say a procedure is not needed. (Val Verde)

Appoint a designated TxDOT employee who will coordinate with the county and make an effort to become familiar with local regulations. (Walker)

I believe Willacy County has enough regulations in place, but we never thought TxDOT could be involved.

Wise County anxious to assist in driveway planning with TxDOT.

How surveys were returned.

Method	Frequency	Percent
Fax	68	73.12
Internet	17	18.28
Mail	8	8.60
Total	93	100.00

APPENDIX C
SURVEY OF TXDOT DISTRICTS: PARTICIPATION IN LOCAL SUBDIVISION AND
DEVELOPMENT REVIEW



Texas Transportation Institute
The Texas A&M University System
3135 TAMU
College Station, TX 77843-3135

979-845-3326
Fax: 979-845-7548
<http://tti.tamu.edu>

March 3, 2003

Dear TxDOT Official:

The Texas Transportation Institute (TTI) is studying local subdivision regulation and development review processes in Texas. As part of this study, a survey is being sent to all TxDOT district offices, all counties in Texas, a broad cross section of cities in the state, and other select DOTs with experiences related to local development processes.

The study is part of a TxDOT-sponsored research effort that is intended to assist TxDOT in identifying opportunities for coordination and input in the local development process. Julia Brown, P.E., Director and Transportation Planning and Development for the San Antonio District, is the program coordinator. Clay Smith, P.E., District Transportation Planning Engineer for San Antonio, is the project director.

The survey includes five sections. Section 1 contains questions regarding your district's input in the local platting and development review process. Sections 2 and 3 contain questions on property subdivision and platting at the city and county levels adjacent to state roadways. The fourth section contains questions relating to land (site) development and the final section provides an opportunity for additional comments that may be useful to our research.

With this survey instrument, we would like to obtain experiences in your district related to TxDOT involvement in the local development process at the city and county level.

Please take a moment of your time to fill out this important survey. Upon completion of the study, summary results of the survey will be made available to all TxDOT Districts. Completed surveys should be faxed to Bill Eisele at TTI at (979) 845-6008 or the survey can be completed on-line by logging onto the survey website located at http://tti.tamu.edu/transportation_planning/txdotsurvey.asp

If you have any comments or questions regarding the survey, please contact Ed Hard at (979) 845-8539 or Bill Eisele at (979) 845-8550, both at TTI.

Sincerely,

Edwin Hard, AICP
Associate Research Scientist

SURVEY OF TXDOT DISTRICTS

Participation in Local Subdivision and Development Review

This survey can be completed on-line at http://tti.tamu.edu/transportation_planning/txdotsurvey.asp
Please feel free to write in margins or attach paper if necessary.

Your name and title (optional): _____ District: _____

Your phone number (optional): _____ We may need to contact you if we have questions with your survey.

SECTION 1. TxDOT Input in the Local Platting and Development Review Process

Many cities follow a multi-stage process in their review and approval of subdivision plats and site (development) plans. A general example of these stages and the general order in which they are reviewed and approved is as follows:

- A. Development Plan – general map showing layout of proposed lots, streets, etc.
- B. Preliminary Plat – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc.
- C. Final Plat – map conforming to preliminary plat with official requirements needed for filing for record.
- D. Site/Development Plan - shows proposed layout of building(s), parking lot, and driveways on site.
- E. Building/Construction Plans – shows construction details of buildings/improvements on site.
- F. Issuance of Development/Building Permits.

1. Referring to the above stages, if your District is involved or has input in a city(s) platting and/or site development review process, how and at what stage is it generally involved? _____

2. If TxDOT has any input or involvement in local plat and site plan review, what division or department in your district coordinates with the city(s) on these cases? _____

SECTION 2. Property Subdivision/Platting by Cities Adjacent to TxDOT Roadways

3. To what extent (if any) does your district review or have input on property subdivision/platting adjacent to state roadways that is handled by cities in your district? _____

a. Do any cities in your district coordinate with TxDOT as part of their review of plats that affect state roadways? Yes No If yes, which cities? _____

4. Does your TxDOT district consider driveway number and location as part of its input on plats handled by a city? Yes No
5. Does your district utilize access easements on plats as a means to control or regulate driveways? Yes No
6. Are cities' review and approval of plats abutting state roadways in your district subject to prior review and approval by TxDOT? Yes No
7. If there is currently little or no coordination between city(s) and TxDOT on property subdivision / platting adjacent to state roadways in your district:
 - a. Are there reasons why? Please explain. _____

 - b. What is needed for this coordination to take place? _____

8. Are you aware of any cities within your district that request and/or require right-of-way dedication on plats adjacent to state roadways? Yes No If yes, what city or cities? _____

9. Are you aware of any instance where a city, county or private developer has undertaken the NEPA process on TxDOT's behalf to facilitate right-of-way acquisition in order to accelerate the schedule on a state project? Yes No
 - a. If yes, please explain? . _____

SECTION 3. Property Subdivision/Platting by Counties Adjacent to TxDOT Roadways

10. To what extent (if any) does your district have input on property subdivision and platting adjacent to state roadways that are handled at the county level? _____

11. If there is no coordination between your district and counties on plats adjacent to state roadways, is/are there reasons why? Please explain. _____

12. If there is currently no coordination between your district and counties on plats affecting state roadways, what is needed for this to take place? _____

SECTION 4. Land (Site) Development Plans at the City Level

The questions in sections 2 and 3 concerned *property subdivision and platting* by cities and counties in your TxDOT district. The questions in Section 4 relate to *land (site) development* and plans to develop or construct buildings, structures, or other improvements on property adjacent to state roadways in your district.

For example, the development of a gas station, convenience store, or other type of business along a state roadway in your district. A development plan for this site would show (among other things) the proposed layout and location of the building, parking lot, and driveways.

13. For developments in cities that are adjacent to state roadways, do any cities in your district coordinate with TxDOT on site development plans? Yes No

a. If yes, what city or cities? _____

b. If yes, how and to what extent? _____

14. Is there coordination between your district and the city(s) on development plans adjacent to state roadways for the purpose of review and approval of driveways? Yes No

a. If yes, does this coordination usually take place before or after the site plan has been approved by the city(s)? Before After

b. If no, do cities in your district review and/or regulate the location, number, and/or design of driveways proposed for developments along state roadways? Yes No

15. Typically, a driveway permit (or other form of approval) must be issued by TxDOT before access can be constructed to a state roadway. How are the city(s) review and approval of proposed driveways on site plans coordinated with the district's issuance of a driveway permit (or other form of approval)?

16. Is the city's review and approval of driveways adjacent to state roadways subject to prior review and/or approval by your district? Yes No

17. Does your district have rules or regulations on the number, location, and/or design of new driveways that are allowed for development? Yes No

18. If both a city and your district have driveway regulations, whose regulations take precedence? Is it the one that is more restrictive or is it selected by another means? _____

19. If there is currently little or no communication or coordination on development plans that affect state roadways in your district:

a. Are there reasons why the city(s) and TxDOT do not coordinate on the review? _____

b. What is needed for coordination to take place? _____

20. Does your district ever require a Traffic Impact Analysis (TIA) for developments? Yes No

a. If yes, when is a TIA required? _____

21. Has your district experienced any problems with growth and development along state roadways that is occurring in the county and outside of a city's jurisdiction? Yes No

a. If yes, what are these problems and why are they occurring? _____

b. If yes, what areas of development regulation (e.g., new subdivisions and platting, driveway regulation, parking, land use, drainage, signage, etc.) are needed most in these areas? _____

22. There may be some good examples of cooperative efforts between cities and/or counties in your district that address platting and development along state roadways. Please identify any good examples between TxDOT and any local jurisdictions of which you may be aware.

SECTION 5. Additional Comments

23. The results of this survey to TxDOT Districts are intended to provide TxDOT with information on its current level of involvement in the local development process and how there can be better coordination between local jurisdictions and TxDOT on developments that affect state roadways. If there are additional thoughts on the subject of local development coordination among the state, city, and/or county that you believe will be valuable, please provide that information in the space that follows. _____

Please fax your completed survey to Bill Eisele at the Texas Transportation Institute at (979) 845-6008.

Thank you very much for taking the time to complete this important survey. If you have further comments or questions regarding this study, please contact Bill Eisele at (979) 845-8550 or Ed Hard (979) 845-8539.

SURVEY OF TXDOT DISTRICTS

Participation in Local Subdivision and Development Review

Summary Results

Population Distribution of Responding Districts

12 Districts responding

Category	Population Range	Frequency	Percent
1	< 5,000		
2	5,000 – 20,000		
3	20,000 – 50,000	1	8.33
4	50,000 – 100,000		
5	100,000 – 250,000	1	8.33
6	> 250, 000	10	83.33
Total		12	100.00

Title of Individual Completing Survey

11 responses

Category	Population Range	Frequency	Percent
1	ROW Administrator/ Engineer	1	9.09
2	Director of Transportation Planning and Development	9	90.91
3	Plan Reviewer	1	9.09
Total		11	100.00

SECTION 1. TxDOT Input in the Local Platting and Development Review Process

Many cities follow a multi-stage process in their review and approval of subdivision plats and site (development) plans. A general example of these stages and the general order in which they are reviewed and approved is as follows:

- A. Development Plan – general map showing layout of proposed lots, streets, etc.
- B. Preliminary Plat – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc.
- C. Final Plat – map conforming to preliminary plat with official requirements needed for filing for record.
- D. Site/Development Plan - shows proposed layout of building(s), parking lot, and driveways on site.
- E. Building / Construction Plans – shows construction details of buildings/improvements on site.
- F. Issuance of Development/Building Permits.

1. Referring to the above stages, if your District is involved or has input in a city(s) platting and/or site development review process, how and at what stage is it generally involved?

12 responses

Category	Response	Frequency	Percent
1	Preliminary and/or final plats (steps 2 and 3)	2	16.17
2	Plats and development plans (steps A thru D)	4	33.33
3	Case specific; depends on development size	2	16.16
4	Sporadic involvement or not involved/not applicable	4	33.33
Total		12	100.00

2. If TxDOT has any input or involvement in local plat and site plan review, what division or department in your district coordinates with the city(s) on these cases?

10 responses

Category	Response	Frequency	Percent
1	Area Engineer/area office	5	55.56
2	TPD Director/ROW Administrator	2	22.22
3	Permit Office	1	11.11
4	Design section/Transportation Operations Engineer	1	11.11
Total		10	100.00

SECTION 2. Property Subdivision/Platting by Cities Adjacent to TxDOT Roadways.

3. To what extent (if any) does your district review or have input on property subdivision/platting adjacent to state roadways that is handled by cities in your district?

12 responses

Category	Response	Frequency	Percent
1	Review/comment on preliminary and/or final plats	4	33.33
2	Plats/information forwarded to TxDOT (unknown if district routinely reviews/comments)	3	25.00
3	Limited input (some cities do, others don't; certain developments)	2	16.67
4	No input (involvement via driveway permit)	3	25.00
Total		12	100.00

- a. Do any cities in your district coordinate with TxDOT as part of their review of plats that affect state roadways? Yes No If yes, which cities?

12 responses

Answer	Frequency	Percent
Yes	9	75.00
No	3	25.00
Total	12	100.00

Comments:

Appears to be much city/TxDOT coordination in the Austin and Brownwood Districts

4. Does your TxDOT district consider driveway number and location as part of its input on plats handled by a city? Yes No

12 responses

Answer	Frequency	Percent
Yes	8	66.67
No	4	33.33
Total	12	100.00

Comments:

Childress, Dallas, Paris, and Lubbock Districts said No

5. Does your district utilize access easements on plats as a means to control or regulate driveways? Yes No

11 responses

Answer	Frequency	Percent
Yes	3	27.27
No	8	72.73
Total	11	100.00

Comments:

Austin, Corpus Christi, and Laredo said Yes

6. Are cities' review and approval of plats abutting state roadways in your district subject to prior review and approval by TxDOT? Yes No

12 responses

Answer	Frequency	Percent
Yes	6	50.00
No	6	50.00
Total	12	100.00

Comments:

Abilene, Austin, Beaumont, Bryan, Corpus, and Lubbock Districts said Yes
Brownwood, Childress, Dallas, Laredo, Odessa, and Paris said No

7. If there is currently little or no coordination between city(s) and TxDOT on property subdivision/platting adjacent to state roadways in your district:

a. Are there reasons why? Please explain.

12 responses

Category	Response	Frequency	Percent
1	Cities do not want to coordinate with us	3	25.00
2	Coordination has not been established	1	8.33
3	Rural areas or not applicable	3	25.00
4	Currently some or good coordination	5	41.67
Total		12	100.00

Comments:

One district commented that not enough notice was provided

b. What is needed for this coordination to take place?

9 responses

Comments:

- Awareness by community government and solid communications (Abilene)
- Education and communication (Austin)
- Cooperation and overcoming attitude that TxDOT is trying to run their business (Beaumont)
- Maybe some general guidelines (Brownwood)
- Set up meeting and start coordinating (Corpus Christi)
- Legislation that would override some questionable court cases concerning dedication (Dallas)
- Letters to all cities (Lubbock)
- Technical Advisory Committee (TAC) that thinks funding from any TxDOT sources to require inclusion to the city's planning process (Odessa)
- Don't need it (Paris)
- Not applicable (Laredo)

8. Are you aware of any cities within your district that request and/or require right-of-way dedication on plats adjacent to state roadways? Yes No

12 responses

Answer	Frequency	Percent
Yes	6	50.00
No	6	50.00
Total	12	100.00

If yes, what city or cities?

12 cities cited

The following cities were cited: Georgetown, Cedar Park, Austin, Buda, Dripping Springs, Kyle, San Marcos, Bastrop, Beaumont, Plano, Lubbock, and Midland.

9. Are you aware of any instance where a city, county, or private developer has undertaken the NEPA process on TxDOT’s behalf to facilitate right-of-way acquisition in order to accelerate the schedule on a state project? Yes No

11 responses

Answer	Frequency	Percent
Yes	3	27.27
No	8	72.73
Total	11	100.00

- a. If yes, please explain?

Three explanations provided as follows:

The Bryan District is negotiating an advanced funding agreement with the City of Bryan

The City of Midland is conducting investigations and processes to accelerate the development of Business Highway (BS) 158 to Interstate Highway (IH) 20 (Odessa District)

The Grayson County Commissioner’s court; SH 289 extension to Grayson County (Paris District)

SECTION 3. Property Subdivision/Platting by Counties Adjacent to TxDOT Roadways

10. To what extent (if any) does your district have input on property subdivision and platting adjacent to state roadways that are handled at the county level?

12 responses

Category	Response	Frequency	Percent
1	Review/comment on preliminary and/or final plats	1	8.33
2	Plats/information forwarded to TxDOT (unknown if district routinely reviews/comments)	1	16.67
3	Limited input (some cities do, others don’t; certain development)	3	25.00
4	No input	7	58.33
Total		12	100.00

Comments:

- None
- Some preliminary and final plats
- Very little
- Only when the landowner files for a driveway permit
- Not applicable
- None – because the counties do not plat
- Opportunity to review and comment
- Review to see if ROW needed.

11. If there is no coordination between your district and counties on plats adjacent to state roadways, are there reasons why? Please explain.

12 responses

Category	Response	Frequency	Percent
1	Counties have developers contact TxDOT for access/driveway permits handle most issues	2	16.67
2	Counties don't feel they have control of development	2	16.67
3	Coordination difficult/no process in place/haven't offered services	3	25.00
4	No need/rural/no development	5	41.67
Total		12	100.00

Comments:

- Driveway permits handle most issues (Abilene)
- Many counties rural with no system for review and approval (Austin)
- Difficult to get coordination (Beaumont)
- Counties tell us that they have little or no control over development (Brownwood)
- Have not offered services (Bryan)
- No form of communication (Corpus Christi)
- No development/no platting (Childress)
- The counties leave it to the developers to contact TxDOT and work out access to a proposed development (Dallas)
- Not applicable (Laredo)
- No need. Counties are poor. No new development (Odessa)

12. If there is currently no coordination between your district and counties on plats affecting state roadways, what is needed for this to take place?

10 responses

Category	Response	Frequency	Percent
1	Communication, coordination (meetings with and/or letters to counties)	4	40.00
2	Legislation relative to ROW dedication and county authority	3	30.00
3	Realize TxDOT can assist them	1	10.00
4	No need/rural/no development	2	20.00
Total		10	100.00

Comments:

- Awareness and solid communication (Abilene)
- Education and communication (Austin)
- Legislation (Beaumont)
- See TxDOT as an aide (Bryan)
- Legislation as previously mentioned (Dallas)
- Not applicable (Laredo)
- Legislation to provide counties with authority to zone and control development (Odessa)
- Not applicable (there is coordination) (Laredo)
- No need. Counties are poor. No new development (Odessa)
- Rural, no need (Paris)

SECTION 4. Land (Site) Development Plans at the City Level.

The questions in sections 2 and 3 concerned *property subdivision and platting* by cities and counties in your TxDOT district. The questions in Section 4 relate to *land (site) development* and plans to develop or construct buildings, structures, or other improvements on property adjacent to state roadways in your district (for example, the development of a gas station, convenience store, or other type of business along a state roadway in your district). A development plan for this site would show (among other things) the proposed layout and location of the building, parking lot, and driveways.

13. For developments in cities that are adjacent to state roadways, do any cities in your district coordinate with TxDOT on site development plans? Yes No

12 responses

Answer	Frequency	Percent
Yes	9	75.00
No	3	25.00
Total	12	100.00

- a. If yes, what city or cities?

The following cities were cited by district:

Abilene – Abilene
 Austin – Georgetown, Cedar Park, Austin, Buda Dripping Springs, Kyle, San Marcos, Bastrop, and Smithville
 Beaumont – Beaumont
 Brownwood – Brownwood, Breckenridge, Lampasas, Coleman, and Brady
 Bryan – Bryan, and College Station
 Corpus Christi – Corpus Christi
 Dallas – Plano and Richardson
 Laredo – Laredo
 Odessa – Midland

- b. If yes, how and to what extent?

Category	Response	Frequency	Percent
1	For driveway, drainage, and site layout/design	3	30.00
2	Coordinate on all major plats/plans	5	50.00
3	TxDOT must approve before city can issue permit	1	10.00
4	Only when city wants to tell developer no, ask for state help	1	10.00
Total		10	100.00

Comments:

District responses by category were as follows: (1) Abilene, Austin, Dallas; (2) Beaumont, Brownwood, Bryan, Odessa, Corpus Christi; (3) Laredo; and (4) Paris

14. Is there coordination between your district and the city(s) on development plans adjacent to state roadways for the purpose of review and approval of driveways? Yes No

12 responses

Answer	Frequency	Percent
Yes	11	91.67
No	1	8.33
Total	12	100.00

Comments:

Lubbock District responded No

a. If yes, does this coordination usually take place before or after the site plan has been approved by the city(s)? Before After

11 responses

Answer	Frequency	Percent
Before	7	63.64
After	4	36.36
Total	11	100.00

Comments:

Brownwood, Dallas, Laredo, and Paris responded After

b. If no, do cities in your district review and/or regulate the location, number and/or design of driveways proposed for developments along state roadways? Yes No

2 responses:

Lubbock and Paris Districts responded Yes

15. Typically, a driveway permit (or other form of approval) must be issued by TxDOT before access can be constructed to a state roadway. How are the city(s) review and approval of proposed driveways on site plans coordinated with the district’s issuance of a driveway permit (or other form of approval)?

12 responses

Category	Response	Frequency	Percent
1	TxDOT has input on site plan prior to permit request	1	8.33
2	Developer coordinates with TxDOT during site review or because city has no expertise	3	25.00
3	City review, then submit to TxDOT for review	4	33.33
4	City’s responsibility unless controlled-access facility	2	16.67
5	Cities issue permits/coordinates approval	2	16.67
Total		12	100.00

Comments:

District response by category as follows: (1) Abilene; (2) Austin, Brownwood, Childress; (3) Bryan, Corpus Christi, Dallas, Laredo; (4) Lubbock, Odessa; and (5) Beaumont, Paris

16. Is the city’s review and approval of driveways adjacent to state roadways subject to prior review and/or approval by your district? Yes No

10 responses

Answer	Frequency	Percent
Yes	7	70.00
No	3	30.00
Total	10	100.00

Comments:
 Dallas, Lubbock, and Paris Districts responded No

17. Does your district have rules or regulations on the number, location, and/or design of new driveways that are allowed for development? Yes No

12 responses

Answer	Frequency	Percent
Yes	11	91.67
No	1	8.33
Total	12	100.00

Comments:
 Bryan responded No

18. If both a city and your district have driveway regulations, whose regulations take precedence? Is it the one that is more restrictive or is it selected by another means?

12 responses

Category	Response	Frequency	Percent
1	Most restrictive	4	33.33
2	TxDOT/only TxDOT has regulations	4	33.33
3	Support both if possible	1	8.33
4	City/city with TxDOT approval/city unless controlled-access facility.	3	25.00
Total		12	100.00

Comments:
 District response by category as follows: (1) Austin, Corpus Christi, Dallas, Odessa; (2) Beaumont, Brownwood, Childress, Paris; (3) Abilene; and (4) Bryan, Laredo, Lubbock

19. If there is currently little or no communication or coordination on development plans that affect state roadways in your district:

a. Are there reasons why the city(s) and TxDOT do not coordinate on the review?

9 responses

Category	Response	Frequency	Percent
1	Cities don't understand coordination is needed	2	22.22
2	We try to coordinate but don't always get it/city acts without TxDOT consultation	2	22.22
3	Cities don't want to discourage development	1	11.11
4	Inexperienced staff with too many projects and developers rushing things	1	11.11
5	Rural/coordination is not necessary	3	33.33
Total		9	100.00

Comments:

District response by category as follows: (1) Abilene, Corpus Christi; (2) Beaumont, Odessa; (3) Brownwood; (4) Dallas; and (5) Paris, Lubbock, Childress

b. What is needed for coordination to take place?

9 responses

Category	Response	Frequency	Percent
1	Communication/education (meetings and/or letters to all)	5	55.56
2	General guidelines	1	11.11
3	Legislation or more cooperative attitude	1	11.11
4	Keep working with locals on the issue	1	11.11
5	Not necessary/rural	1	11.11
Total		9	100.00

Comments:

District response by category as follows: (1) Austin, Abilene, Corpus Christi, Lubbock, Odessa; (2) Brownwood; (3) Beaumont; (4) Dallas; and (5) Paris

20. Does your district ever require a Traffic Impact Analysis (TIA) for developments? Yes No

12 responses

Answer	Frequency	Percent
Yes	4	33.33
No	8	66.67
Total	12	100.00

Comments:

Austin, Beaumont, Dallas, and Laredo responded Yes

- a. If yes, when is a TIA required?

5 responses

Responses by district as follows:

- Austin – larger subdivisions and malls
- Beaumont – started when proposed access management policy came to light
- Dallas – when new driveways are proposed that cross access-control lines
- Laredo – required when applicant is seeking approval for a driveway that does not meet spacing criteria and to address safety concerns
- Odessa – currently developing district TIA policy

21. Has your district experienced any problems with growth and development along state roadways that is occurring in the county and outside of a city’s jurisdiction? Yes No

12 responses

Answer	Frequency	Percent
Yes	8	66.67
No	4	33.33
Total	12	100.00

Comments:

Childress, Laredo, Lubbock, and Paris responded No

- a. If yes, what are these problems and why are they occurring?

8 responses

Category	Response	Frequency	Percent
1	Lots being platted with too little frontage	2	55.56
2	Multiple access points	1	11.11
3	Lack of development control/regulations in outlying areas	3	11.11
4	Same issues cities face – mobility/safety verses economic development	1	11.11
5	Permitting issues	1	11.11
Total		8	100.00

Comments:

District response by category as follows: (1) Austin, Bryan; (2) Brownwood; (3) Beaumont, Corpus Christi; Odessa; (4) Dallas; and (5) Abilene

- b. If yes, what areas of development regulation (e.g., new subdivisions and platting, driveway regulation, parking, land use, drainage, signage, etc.) are needed most in these areas?

6 responses

Response by district as follows:

- Austin, Dallas, Odessa – all of the above
- Beaumont – driveway regulation and Clean Water Act drainage
- Brownwood – subdivisions and platting, drainage
- Bryan – TxDOT needs greater ability to regulate access spacing in rural areas

22. There may be some good examples of cooperative efforts between cities and/or counties in your district that address platting and development along state roadways. Please identify any good examples between TxDOT and any local jurisdictions of which you may be aware.

7 responses

The following responses were provided:

- Driveways combined to make a single entrance to two homes.
- Future ROW dedication, building setbacks, better drive spacing.
- Not aware of any good examples.
- Cities work with TxDOT on major developments. Counties indicate that they have little or no control over development in rural areas and they do not coordinate.
- City of Plano driveway regulations are more restrictive than TxDOT's. They allow us to use their policy in enforcing driveway access issues.
- District participates in planning and zoning technical review board meetings on a bi-weekly basis.
- The efforts of Lubbock County and the City of Lubbock.

SECTION 5. Additional Comments

23. The results of this survey to TxDOT Districts are intended to provide TxDOT with information on its current level of involvement in the local development process and how there can be better coordination between local jurisdictions and TxDOT on developments that affect state roadways. If there are additional thoughts on the subject of local development coordination among the state, city, and/or county that you believe will be valuable, please provide that information in the space that follows.

4 responses

The following comments were offered:

- In west Texas, TxDOT is looked upon favorably by the vast majority of people. I feel that if the department makes an effort to educate and work with communities and counties, then we could emphasize a win-win for the local transportation user.
- More authority needed to require developments to fund roadway improvements when their developments negatively impact mobility in the area.
- Comments not taken into consideration.
- Life in rural districts is easy, not many regulations.

APPENDIX D
SURVEY OF STATE DOTS: DOT PARTICIPATION IN LOCAL SUBDIVISION AND
DEVELOPMENT REVIEW

Texas Transportation Institute
The Texas A&M University System
3135 TAMU
College Station, TX 77843-3135

979-845-3326
Fax: 979-845-7548
<http://tti.tamu.edu>



March 3, 2003

RE: Survey of State DOTs in Participation in Subdivision and Development Review with Local Jurisdictions

Dear State DOT Official:

The Texas Transportation Institute (TTI) is studying the subdivision and development review processes in Texas. As part of this study, a survey is being sent to Texas Department of Transportation (TxDOT) district offices, Texas counties, cities in the state, and other select DOTs with experiences related to local development processes. The study is part of a TxDOT-sponsored research effort that is intended to assist TxDOT in identifying opportunities for their involvement in the local development process.

This survey includes five sections. The first section contains questions relating to your DOT's involvement in the local platting and development review process. Sections 2 and 3 contain questions relating to the subdivision of property and platting at the city and county level adjacent to state roadways. Section 4 includes questions relating to land (site) development along state roadways. The final section provides the opportunity for you to indicate any additional comments that may be useful to our research.

With this survey instrument, we would like to obtain experiences in your state related to DOT involvement in the local development process at the city and/or county level. Although you may not know what occurs at the local level in all geographic areas, please provide examples of successful (and/or typical) interactions between the state, city, and/or county that can assist Texas in their local development processes.

Please take a moment of your time to fill out this important survey. Upon completion of the study, summary results of the survey will be made available to all state DOTs that complete and return a survey questionnaire. Please fax your completed survey to Bill Eisele at TTI at (979) 845-6008 or the survey can be completed on-line at http://tti.tamu.edu/transportation_planning/dotsurvey.asp.

If you have any comments or questions regarding the survey, please contact me at (817) 462-0533 or Bill Eisele at (979) 845-8550.

Sincerely,

Bill Frawley, AICP
Associate Research Scientist

SURVEY OF STATE DOTs

DOT Participation in Local Subdivision and Development Review

This survey can be completed on-line at

http://tti.tamu.edu/transportation_planning/dotsurvey.asp

Please feel free to write in margins or attach paper if necessary.

Your name and title (optional): _____

Your State DOT: _____

Your phone number (optional): _____ We may need to contact you if we have questions with your survey.

About your DOT's Organization

1. How many districts or regions are in your state DOT? _____

2. Does your DOT have maintenance or field offices that work more closely with local jurisdictions than your district or regional offices? If so, what are they called, and typically how many are there per district or regional office?

SECTION 1. DOT Involvement in the Local Platting and Development Review Process

Many cities follow a multi-staged process in their review and approval of subdivision plats and site (development) plans. A general example of these stages and the general order in which they are reviewed and approved is as follows:

- A. Development Plan – general map showing layout of proposed lots, streets, etc.
 - B. Preliminary Plat – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc.
 - C. Final Plat – map conforming to preliminary plat with official requirements needed for filing for record.
 - D. Site/Development Plan - shows proposed layout of building(s), parking lot, and driveways on site.
 - E. Building / Construction Plans – shows construction details of buildings/improvements on site.
 - F. Issuance of Development/Building Permits.
3. Referring to the above stages, if your District is involved or has input in a city(s) platting and/or site development review process, how and at what stage is it generally involved?

4. If the DOT has any input or involvement in local plat and site plan review, what division or department in your district coordinates with the city(s) on these cases?

SECTION 2. Property Subdivision/Platting at the City Level Adjacent to State DOT Roadways

5. To what extent (if any) does your state DOT review or have input on property subdivision and platting adjacent to state roadways that is handled at the city level?

6. Does your DOT consider driveway number and location as part of its input on plats handled by a city? Yes No

7. Does your DOT utilize access easements on plats as a means to control or regulate driveways? Yes No

8. Are cities' review and approval of plats abutting state roadways subject to prior review and/or approval by your DOT? Yes No

9. If there is currently little or no coordination between cities and the DOT on property subdivision/platting adjacent to state roadways:
a. Are there reasons why? Please explain.

- b. What is needed for coordination to take place? _____

10. Are you aware of any cities in your state that request or require right-of-way dedication on plats adjacent to DOT roadways? Yes No

- a. If yes, what city or cities? _____

11. Are you aware of any instance where a city, county, or private developer has undertaken the NEPA process on the DOT's behalf to facilitate right-of-way acquisition in order to accelerate the schedule of a state project that was of high priority to that entity? Yes No

- a. If yes, what city, county, or private sector entity? _____

SECTION 3: Property Subdivision/Platting at the County Level Adjacent to State Roadways

12. To what extent (if any) does the DOT have input on property subdivision and platting adjacent to state roadways that is handled at the county level?

13. If there is little or no coordination between the DOT and counties on plats adjacent to state roadways, are there reasons why? Please explain.

14. If there is currently little or no coordination between your DOT and counties on property subdivision and plats affecting state roadways, what is needed for this to take place?

SECTION 4: Land/Site Development Plans Adjacent to State Roadways

The questions in sections 2 and 3 concerned *property subdivision and platting* by cities and counties in your DOT. The questions in section 4 relate to *land or site development* and plans to develop or construct buildings, structures, or other improvements on property adjacent to DOT roadways.

For example, the development of a gas station, convenience store, or other type of business along a state roadway. A development plan for this site would show (among other things) the proposed layout and location of the building, parking lot, and driveways.

15. For developments in cities adjacent to state roadways, do cities coordinate with the DOT on site development plans? Yes No

a. If yes, what city or cities? _____

b. If yes, how and to what extent? _____

16. Is there coordination between the DOT and city(s) on development plans adjacent to state roadways for the purpose of review and approval of driveways? Yes No

a. If yes, does this coordination usually take place before or after the site plan has been approved by the city(s)? Before After

b. If no, do cities review and/or regulate the location, number, and design of driveways proposed for developments along state roadways? Yes No

17. Typically, a driveway permit (or other form of approval) must be issued by a DOT before access can be constructed to a state roadway. How are cities' review and approval of proposed driveways on site plans coordinated with the DOT's issuance of a driveway permit (or other form of approval)?

18. Is a city's review and approval of driveways adjacent to state roadways subject to prior review and/or approval by the DOT? Yes No

19. Does your DOT have rules or regulations on the number, location, and/or design of new driveways that are allowed for development? Yes No

20. If both a city and the DOT have driveway regulations, whose regulations take precedence? Is it the one that is more restrictive or is it selected by another means?

21. If there is currently little or no communication or coordination between cities and the DOT on development plans that affect state roadways:

a. Are there reasons why cities and the DOT do not coordinate on the review?

b. What is needed for this coordination to take place? _____

22. Does your DOT ever require a Traffic Impact Analysis (TIA) for development? Yes No

a. If yes, when is a TIA required?

23. Has your DOT experienced any problems with growth and development along state roadways that is occurring in counties (outside of a city's jurisdiction)? Yes No

a. If yes, what are these problems and why are they occurring? _____

b. If yes, what areas of development regulation (e.g., driveway regulation, land use, drainage, parking, signage, etc.) are needed most in these areas?

24. In all likelihood, there are some good examples of cooperative efforts in place between local jurisdictions and the DOT in your state that address platting and development along state roadways.

SURVEY OF STATE DOTs

DOT Participation in Local Subdivision and Development Review

Summary Results

17 DOTs responded

1. General Information about DOTs

Average number of districts for responding DOTs = 7

Range of number of districts for responding DOTs = 3 to 14

Category	Population Range	Frequency	Percent
1	<1,000,000	1	5.88
2	1,000,000 – 2,000,000	0	0.00
3	2,000,000 – 5,000,000	8	47.05
4	5,000,000 – 9,000,000	5	29.41
5	9,000,000 – 15,000,000	1	5.88
6	15,000,000– 19,000,000	2	11.76
Total		17	100.00

Title of individual completing the survey

Category	Title	Frequency	Percent
1	Access/ROW Management/Special Projects/Permitting	9	52.94
2	Planner/Engineer/Analyst	5	29.41
3	Other	3	17.65
Total		17	100.00

2. Does your DOT have maintenance or field offices that work more closely with local jurisdictions than your district or regional offices? If so, what are they called, and typically how many are there per district or regional office?

Category	Organizational Level Type	Frequency	Percent
1	Maintenance	1	5.88
2	Field Office/Area Office/Planning Division	6	35.29
3	District/Region	9	52.94
4	No	1	5.88
Total		17	100.00

SECTION 1. DOT Involvement in the Local Platting and Development Review Process

Many cities follow a multi-staged process in their review and approval of subdivision plats and site (development) plans. A general example of these stages and the general order in which they are reviewed and approved is as follows:

- A. Development Plan – general map showing layout of proposed lots, streets, etc.

- B. Preliminary Plat – map prepared to scale showing bearings/dimensions of proposed lots, streets, etc.
- C. Final Plat – map conforming to preliminary plat with official requirements needed for filing for record.
- D. Site/Development Plan - shows proposed layout of building(s), parking lot, and driveways on site.
- E. Building/Construction Plans – shows construction details of buildings/improvements on site.
- F. Issuance of Development/Building Permits.

Referring to the above stages, if your District is involved or has input in a city(s) platting and/or site development review process, how and at what stage is it generally involved?

Category	Response	Frequency	Percent
1	Review/comment on site/development plans (A and/or D)	4	23.53
2	Review/comment on preliminary and/or final plats	4	23.53
3	Steps A through D	2	11.76
4	General input on some projects/increased involvement for large developments	3	17.65
5	No specific input in local development process (except driveway permitting process)	3	17.65
6	Varies by locality	1	5.88
Total		17	100.00

3. If the DOT has any input or involvement in local plat and site plan review, what division or department in your district coordinates with the city(s) on these cases?

Category	Response	Frequency	Percent
1	Access Management/Special Projects/Permitting	5	29.41
2	Planning	3	17.65
3	Design Division/Traffic Engineering	1	5.88
4	Maintenance	2	11.76
5	District	3	17.65
6	Regional	1	5.88
7	Unknown/Varies	2	11.76
Total		17	100.00

SECTION 2: Property Subdivision/Platting at the City Level Adjacent to State DOT Roadways

4. To what extent (if any) does your state DOT review or have input on property subdivision and platting adjacent to state roadways that is handled at the city level?

Category	Response	Frequency	Percent
1	Access points/minimize driveways	4	23.53
2	Voluntary involvement/minimal involvement/ general comments	9	52.94
3	Connecting to state system and design issues	2	11.76
4	None/no response	2	11.76
Total		17	100.00

5. Does your DOT consider driveway number and location as part of its input on plats handled by a city? Yes No

Category	Response	Frequency	Percent
1	Yes	16	94.12
2	No	0	0.00
3	No response	1	5.88
Total		17	100.00

6. Does your DOT utilize access easements on plats as a means to control or regulate driveways? Yes No

Category	Response	Frequency	Percent
1	Yes	11	64.71
2	No	4	23.53
3	No response	2	11.76
Total		17	100.00

7. Are cities' review and approval of plats abutting state roadways subject to prior review and/or approval by your DOT? Yes No

Category	Response	Frequency	Percent
1	Yes	7	41.18
2	No	6	35.29
3	No response	4	23.53
Total		17	100.00

8. If there is currently little or no coordination between cities and the DOT on property subdivision/platting adjacent to state roadways:
- a. Are there reasons why? Please explain.

Category	Response	Frequency	Percent
1	No statutes/requirements allowing or requiring involvement	5	29.41
2	Statutes require DOT review (failures to get review by DOT do occur)	4	23.53
3	Improvements in coordination in progress and desired	3	17.65
4	Staff resources not consistently available	1	5.88
5	No response / No	4	23.53
Total		17	100.00

- b. What is needed for coordination to take place?

Category	Response	Frequency	Percent
1	Statute to require involvement/incentives	6	35.29
2	Local planning committee/coordination group	1	5.88
3	Development information forwarded consistently to DOT	1	5.88
4	Public relations between agencies (communication, education)	3	17.65
5	No coordination needed	1	5.88
6	DOT staff needs to initiate involvement	1	5.88
7	No response	4	23.53
Total		17	100.00

9. Are you aware of any cities in your state that request or require right-of-way dedication on plats adjacent to DOT roadways? Yes No

Category	Response	Frequency	Percent
1	Yes	13	76.47
2	No	3	17.65
3	Not sure	1	5.88
Total		17	100.00

- a. If yes, what city or cities?
 Cities were provided on several of the surveys.

10. Are you aware of any instance where a city, county, or private developer has undertaken the NEPA process on the DOT's behalf to facilitate right-of-way acquisition in order to accelerate the schedule of a state project that was of high priority to that entity? Yes No

Category	Response	Frequency	Percent
1	Yes	5	29.41
2	No	10	58.82
3	Not sure	2	11.76
Total		17	100.00

- a. If yes, what city, county, or private sector entity?
 Cities were also provided in the surveys.

SECTION 3: Property Subdivision/Platting at the County Level Adjacent to State Roadways

11. To what extent (if any) does the DOT have input on property subdivision and platting adjacent to state roadways that is handled at the county level?

Category	Response	Frequency	Percent
1	Access points/minimize driveways	4	23.53
2	Voluntary/minimal/general	9	52.94
3	Connect to state system	1	5.88
4	None/no response/varies	3	17.65
Total		17	100.00

12. If there is little or no coordination between the DOT and counties on plats adjacent to state roadways, are there reasons why? Please explain.

Category	Response	Frequency	Percent
1	Statutes needed	6	35.29
2	Coordination between agencies	3	17.65
3	Public relations/education/communication	1	5.88
4	Coordination done with large projects only	5	29.41
5	No Response/none	2	11.76
Total		17	100.00

13. If there is currently little or no coordination between your DOT and counties on property subdivision and plats affecting state roadways, what is needed for this to take place?

Category	Response	Frequency	Percent
1	Statutes needed	4	23.53
2	Coordination body needed	1	5.88
3	Education and training (public relations)	5	29.41
4	No response/unknown	6	35.29
5	Not needed	1	5.88
Total		17	100.00

SECTION 4. Land/Site Development Plans Adjacent to State Roadways

The questions in sections 2 and 3 concerned *property subdivision and platting* by cities and counties in your DOT. The questions in section 4 relate to *land or site development* and plans to develop or construct buildings, structures, or other improvements on property adjacent to DOT roadways (for example, the development of a gas station, convenience store, or other type of business along a state roadway). A development plan for this site would show (among other things) the proposed layout and location of the building, parking lot, and driveways.

14. For developments in cities adjacent to state roadways, do cities coordinate with the DOT on site development plans? Yes No

Category	Response	Frequency	Percent
1	Yes	13	76.47
2	No	0	0.00
3	No response	4	23.53
Total		17	100.00

a. If yes, what city, county, or private sector entity?
Cities were provided on the surveys.

b. If yes, how and to what extent?

Category	Response	Frequency	Percent
1	Access permit	3	17.65
2	Inconsistent/voluntary	7	41.18
3	Large projects only	1	5.88
4	General concurrency only	1	5.88
5	No response	5	29.41
Total		17	100.00

15. Is there coordination between the DOT and city(s) on development plans adjacent to state roadways for the purpose of review and approval of driveways? Yes No

Category	Response	Frequency	Percent
1	Yes	13	76.47
2	No	2	11.76
3	No response/other	2	11.76
Total		17	100.00

- a. If yes, does this coordination usually take place before or after the site plan has been approved by the city(s)? Before After

Category	Response	Frequency	Percent
1	Before	9	52.94
2	After	0	0.00
3	No response/other	8	47.06
Total		17	100.00

- b. If no, do cities review and/or regulate the location, number, and design of driveways proposed for developments along state roadways? Yes No
Both DOTs that indicated “No” in question 16 also indicated “No” for this question.

17. Typically, a driveway permit (or other form of approval) must be issued by a DOT before access can be constructed to a state roadway. How are cities’ review and approval of proposed driveways on site plans coordinated with the DOT’s issuance of a driveway permit (or other form of approval)?

Category	Response	Frequency	Percent
1	Coordinate early in process	6	35.29
2	Driveway permit also approved by local in addition to DOT	4	23.53
3	Varies by development size	4	23.53
4	No response/no coordination/other	3	17.65
Total		17	100.00

18. Is a city’s review and approval of driveways adjacent to state roadways subject to prior review and/or approval by the DOT? Yes No

Category	Response	Frequency	Percent
1	Yes	11	64.71
2	No	2	11.76
3	City has no involvement with driveways on state roads	1	5.88
4	Order of process varies, state approval takes precedence / simultaneous review	3	17.65
Total		17	100.00

19. Does your DOT have rules or regulations on the number, location, and/or design of new driveways that are allowed for development? Yes No

Category	Response	Frequency	Percent
1	Yes	15	88.24
2	No	2	11.76
Total		17	100.00

20. If both a city and the DOT have driveway regulations, whose regulations take precedence? Is it the one that is more restrictive or is it selected by another means?

Category	Response	Frequency	Percent
1	More restrictive takes precedence	8	47.06
2	State takes precedence	6	35.29
3	City takes precedence	0	0.00
4	Both City/State regulations equally required to be met	2	11.76
5	Not clear/no response	1	5.88
Total		17	100.00

21. If there is currently little or no communication or coordination between cities and the DOT on development plans that affect state roadways:

a. Are there reasons why cities and the DOT do not coordinate on the review?

Category	Response	Frequency	Percentage
1	Statute needed/State has limited authority	4	23.53
2	Improvements to communication/coordination in progress	3	17.65
3	Resources (deficient in available time or expertise)	3	17.65
4	Notification problem/communication issue	5	29.41
5	No response/Other	2	11.76
Total		17	100.00

b. What is needed for this coordination to take place?

Category	Response	Frequency	Percentage
1	Statute/incentives needed	2	11.76
2	Review board or committee needed	1	5.88
3	Additional staff resources/expertise	2	11.76
4	Education/communication/notification	7	41.18
5	No response/none	5	29.41
Total		17	100.00

22. Does your DOT ever require a Traffic Impact Analysis (TIA) for development? Yes No

16 said Yes to question #22 and 1 did not respond.

a. If yes, when is a TIA required?

Category	Response	Frequency	Percentage
1	Trip generation required for developments anticipating trips over a specified amount	14	76.47
2	Approach road permit requires TIA	1	5.88
3	Road design impact (turn lanes, signals, etc.) may trigger a TIA	1	5.88
4	No response	1	5.88
Total		17	100.00

23. Has your DOT experienced any problems with growth and development along state roadways that is occurring in counties (outside of a city's jurisdiction)? Yes No

12 indicated "Yes" (71%), 3 indicated "No" (18%), and 2 did not respond (12%).

a. If yes, what are these problems and why are they occurring?

Category	Response	Frequency	Percentage
1	Driveway spacing is not consistently considered	2	11.76
2	Growth exceeds expectations or planned outcomes of development on roadway	1	5.88
3	DOT lacks control to reserve for future/lack any land-use influence	2	11.76
4	Lack of land-use planning for area/zoning or other regulations not addressed	2	11.76
5	Problems in rural areas primarily	2	11.76
6	No response	3	17.65
Total		12	100.00

b. If yes, what areas of development regulation (e.g., driveway regulation, land use, drainage, parking, signage, etc.) are needed most in these areas?

Category	Response	Frequency	Percentage
1	All listed	2	11.76
2	Driveway regulation	3	17.65
3	Land-use regulation	2	11.76
4	City standards need to apply to county area as well	1	5.88
5	No response	4	23.53
Total		12	100.00

24. In all likelihood, there are some good examples of cooperative efforts in place between local jurisdictions and the DOT in your state that address platting and development along state roadways. Please identify any good examples between the DOT and cities or counties of which you may be aware.

See Section 4.4 of the report for bulleted items from this section of the survey.

SECTION 5. Additional Comments

25. The results of this survey to selected state DOTs are intended to provide TxDOT with information on how and the extent other DOTs are involved in the local development process. If there are additional thoughts on the subject of local development coordination between your state DOT, cities, and/or counties that you believe would be valuable to Texas, please provide that information in the space that follows.

See Table 28 in Section 4.4 of the report for comments from this section of the survey.