

TEXAS
STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION



GUIDELINES AND PROCESSES
FOR
SYSTEMS AND PROJECT PLANNING

TEXAS ACTION PLAN

August 1973

Revised 1976



THE ACTION PLAN OF TEXAS

STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Process Guidelines for Systems Planning and Project Development

Revised April 1976

RECOMMENDED FOR APPROVAL:

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B. L. DeBerry
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JUN 28 '76



OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711

DOLPH BRISCOE
GOVERNOR

August 14, 1973

Mr. Reagan Houston
Chairman
Texas Highway Commission
11th and Brazos Streets
Austin, Texas 78701

Dear Mr. Houston:

The Texas Highway Department has developed a set of process guidelines for system planning and project development, "Action Plan," to meet the requirement of Federal law. They have requested my approval of the proposed "Action Plan."

Although members of my staff participated in the preparation of the plan, the voluminous detail in the document virtually precludes a complete evaluation of the plan on my part.

As you know, under the State Statutes governing the operation of the Highway Department, the State Highway Commission is given sole legal authority for all rule making. Therefore, for the reason stated earlier, I request the Commission to exercise their rule making power relative to the approval of the "Action Plan."

To insure that this office continues to be involved in its proper role as planning coordinator, I suggest that the participatory role members of my staff had in the development of the plan be continued during implementation and revision.

Sincerely,

A handwritten signature in black ink, appearing to read "Dolph Briscoe".

Dolph Briscoe
Governor of Texas

DB/fmr

MISC. _____ County
District No. _____

MINUTE ORDER

Page 1 of 1 Pages

WHEREAS, Governor Dolph Briscoe, by letter dated August 14, 1973, requested the State Highway Commission to exercise their rule making power relative to the approval of the proposed "Action Plan" developed by the Texas Highway Department to meet the requirements of Federal law and policies; and

WHEREAS, the State Highway Commission is vested with the authority and charged with the duties and responsibilities to formulate plans and policies for the location, construction and maintenance of a comprehensive system of State highways and public roads; and

WHEREAS, under provisions of Art. 6252-5, Sec. 2(a) V.C.S. (Acts 1951, 52nd Leg.; P. 584, Ch. 341), the State Highway Commission may delegate to some employee of the State Highway Department the authority and duty to approve and sign contracts, agreements and other documents provided that the purpose and effect of such documents shall be to activate and/or carry out the orders, established policies or work programs theretofore approved and authorized by the State Highway Commission; and

WHEREAS, the voluminous technical detail contained in the "Action Plan," plus the anticipated need for revisions during implementation of the Plan, precludes complete evaluation by the Commission;

NOW THEREFORE, BE IT ORDERED by the State Highway Commission that the authority and duty to approve and sign the "Action Plan" and subsequent revisions is hereby delegated to the State Highway Engineer with the provision that the purpose and effect of each such document executed under authority of this Order shall be to activate and/or carry out the orders, established policies or work programs theretofore approved and authorized by the State Highway Commission.

Submitted by:

Marcus L. Yancey Jr.
(Title) Asst. State Highway Engineer

Examined and recommended by:

W. H. Wade
Assistant State Highway Engineer

Approved

B. L. DeBerry
State Highway Engineer

Approved

[Signature] Commissioner
[Signature] Commissioner
[Signature] Commissioner

Minute Number

67830

Date Passed

SEP 5 73

ACKNOWLEDGEMENTS

Space will not permit full acknowledgement of the many organizations, groups and individuals who contributed to the preparation of this ACTION PLAN and whose assistance was an invaluable asset in its development. However, particular appreciation must be accorded the following groups and public agencies whose representatives directly participated in this effort: Division of Planning Coordination, Office of the Governor; Texas Parks and Wildlife Department; Texas A&M University; Texas Water Rights Commission; Texas Water Development Board; Texas Mass Transportation Commission; Texas Municipal League; Texas State Historical Commission; and the Federal Highway Administration, U. S. Department of Transportation. Many other County, City, State and Federal agencies; citizens groups; Councils of Governments and private citizens contributed to the PLAN and their interest in this endeavor is gratefully acknowledged.

This is a revision of the previous Texas Action Plan dated August 1973. The Texas Action Plan has been revised to incorporate new Federal regulations and provisions of recent State legislation.

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CHAPTER I

INTRODUCTION

PURPOSE

The purpose of the State Department of Highways and Public Transportation's Process Guidelines for Systems Planning and Project Development (hereinafter referred to as the Action Plan) is to outline the processes whereby public awareness of systems and project planning and the opportunity for public involvement in these developmental phases can be realized in conjunction with technical, social, economic and environmental considerations.

GOALS

The processes outlined herein are intended to accomplish the following goals throughout the various stages of systems planning and project development:

- (1) To insure that social, economic and environmental effects are fully considered in conjunction with other technical studies;
- (2) To promote public awareness and participation;
- (3) To insure systematic interdisciplinary input;
- (4) To further the application of advanced technology and knowledge concerning natural and social resources; and
- (5) To promote public confidence in the Department's processes and procedures.

SCOPE

The Action Plan is primarily directed toward the social, economic, environmental, interdisciplinary and public involvement aspects of systems planning and project development. As such, it does not identify all other policies and procedures utilized by the Department in conducting its multiplicity of activities.

APPLICABILITY

As a usual practice, systems planning and major projects are developed under substantially the same processes with the anticipation that when planning is completed, application may be made to the Federal Highway Administration for participation in the cost of the project, if Federal funds are available. The processes described herein are specifically applicable only to those projects the cost of which is partially reimbursed by Federal funds. Federal participation in the cost of a project is usually assured under the various stages of development as outlined in Chapter V. The processes described herein also include the provisions of the Secondary Road Plan.

Further, the Action Plan shall only be applied to on-going and future systems and project planning. It shall not be retroactive and shall not apply to any step or steps taken in the development of a system plan or project prior to November 1, 1973, when the parts of the Action Plan applicable thereto were implemented.

EXCEPTIONS

Where the State Highway and Public Transportation Commission determines that highway construction is needed because of emergency conditions resulting from a natural disaster, a national emergency or a catastrophic failure, the provisions of this Action Plan will not apply to immediate restoration work. For major replacement work calling for the study of alternate locations, development of plans, right-of-way acquisition, etc., the provisions of the Action Plan will generally remain in effect unless otherwise determined by the Commission.

In other instances where it is the Commission's determination that conditions exist such as to preclude the full application of the processes outlined herein, it will be its prerogative to make such exceptions, as appropriate, within the limits of its legal authority.

In the event the Commission exercises these prerogatives, it is expected that Federal fund participation would not be involved in the project.

ORGANIZATION OF THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Governor's Office

The Governor of Texas, in his capacity as Chief Executive Officer, elected by the People, provides the general operational guidance to all State agencies. He is the Chief Planning Officer of the State¹ who coordinates the many activities performed by public governmental agencies through the establishment of and emphasis on all State programs. The Governor's Budget and Planning Office furnishes leadership in the carrying forward of State policies and goals.

State Highway and Public Transportation Commission

The Administrative control of the State Department of Highways and Public Transportation is vested in the State Highway and Public Transportation Commission and the State Engineer-Director. The Commission is composed of three citizens appointed by the Governor, with the consent and approval of the Texas Senate. One member of the Commission is appointed as Chairman by the Governor. Commissioners serve for a period of six years, with the term of one member expiring every two years. The Commission has the statutory authority and duty to formulate plans and policies for the location, construction and maintenance of a comprehensive system of State highways. The Commission has statutory authority for public transportation.²

State Department of Highways and Public Transportation

The State Department of Highways and Public Transportation is the agency through which the State Highway and Public Transportation Commission fulfills its duty to provide for a comprehensive system of highways and public transportation.

¹ Vernon's Civil Statutes, Article 4413(32a)

² Vernon's Civil Statutes, Articles 6663, 6664 and 6665. Senate Bills 761 and 762, enacted by 64th Texas Legislature.

The Texas Highway Department was established as a State agency in 1917. Senate Bill 761, enacted by the 64th Texas Legislature, changed the name of the Texas Highway Department to the State Department of Highways and Public Transportation effective June 20, 1975. Senate Bill 761 also transferred the programs, contracts, assets and personnel from the Texas Mass Transportation Commission to the State Department of Highways and Public Transportation; and designated the Department as the State agency for coordinating with and assisting local governments in identifying and creating solutions for multi-modal transportation problems.

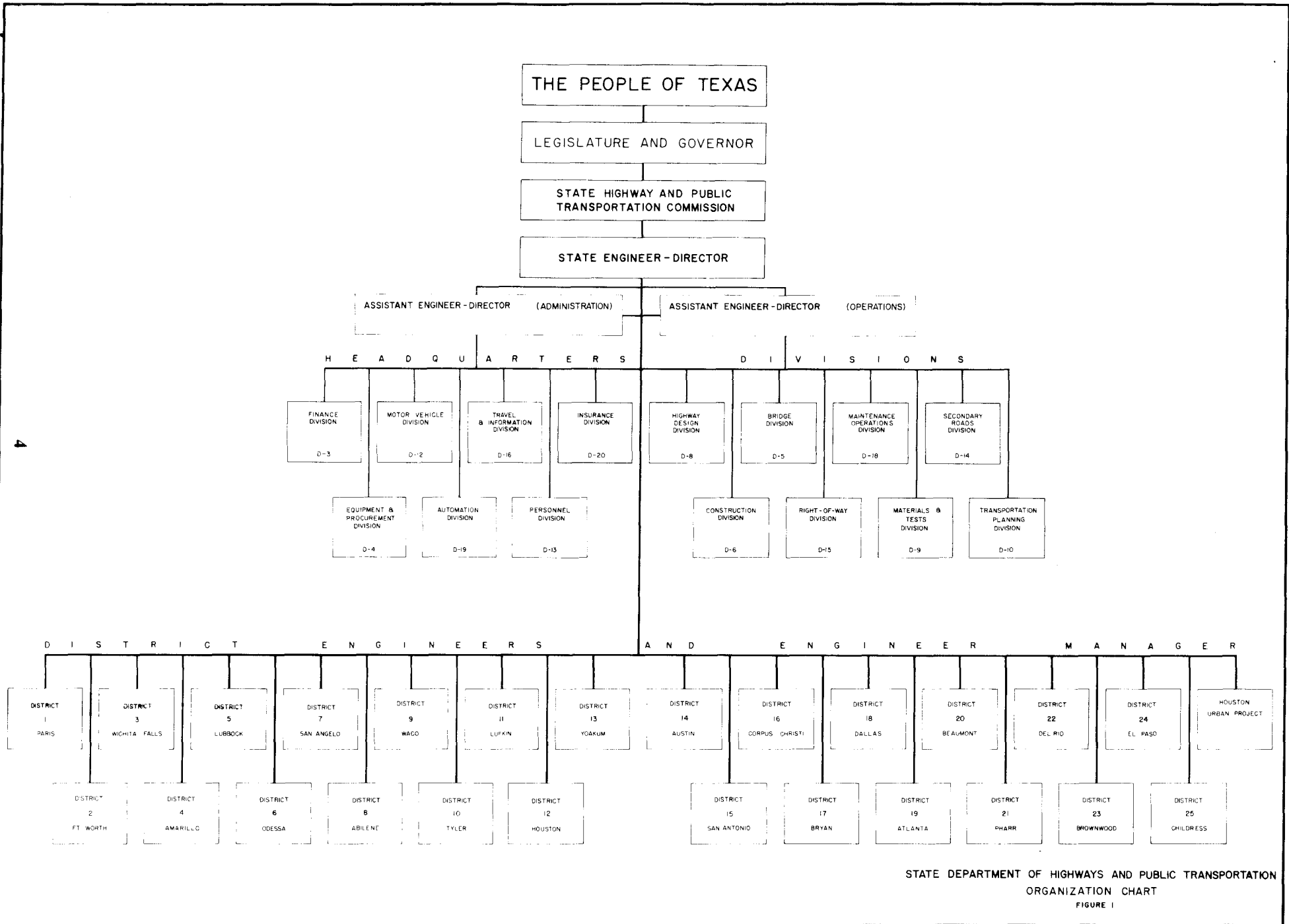
The Department, since its establishment as a State agency in 1917, has operated through a decentralized organization presently comprised of the Main Office in Austin, twenty-five District Offices (including resident engineer and maintenance foreman offices) and an Urban Project Office in Houston (See Figure 1, Basic Organization of the State Department of Highways and Public Transportation).

The District Offices³ (See Figure 2 for the location of District Offices and boundaries of responsibility) are directly responsible to the State Engineer-Director for planning, design, acquisition of right of way, relocation assistance, construction and maintenance of all highways. The District Offices also are directly responsible to the State Engineer-Director for transit development planning, coordination with and assistance to any political subdivision of the State in procuring aid for the purpose of establishing or maintaining transit facilities financed in whole or in part by the State within their particular District. These activities are performed in conjunction with the various Main Office Divisions acting in consulting and advisory capacities.

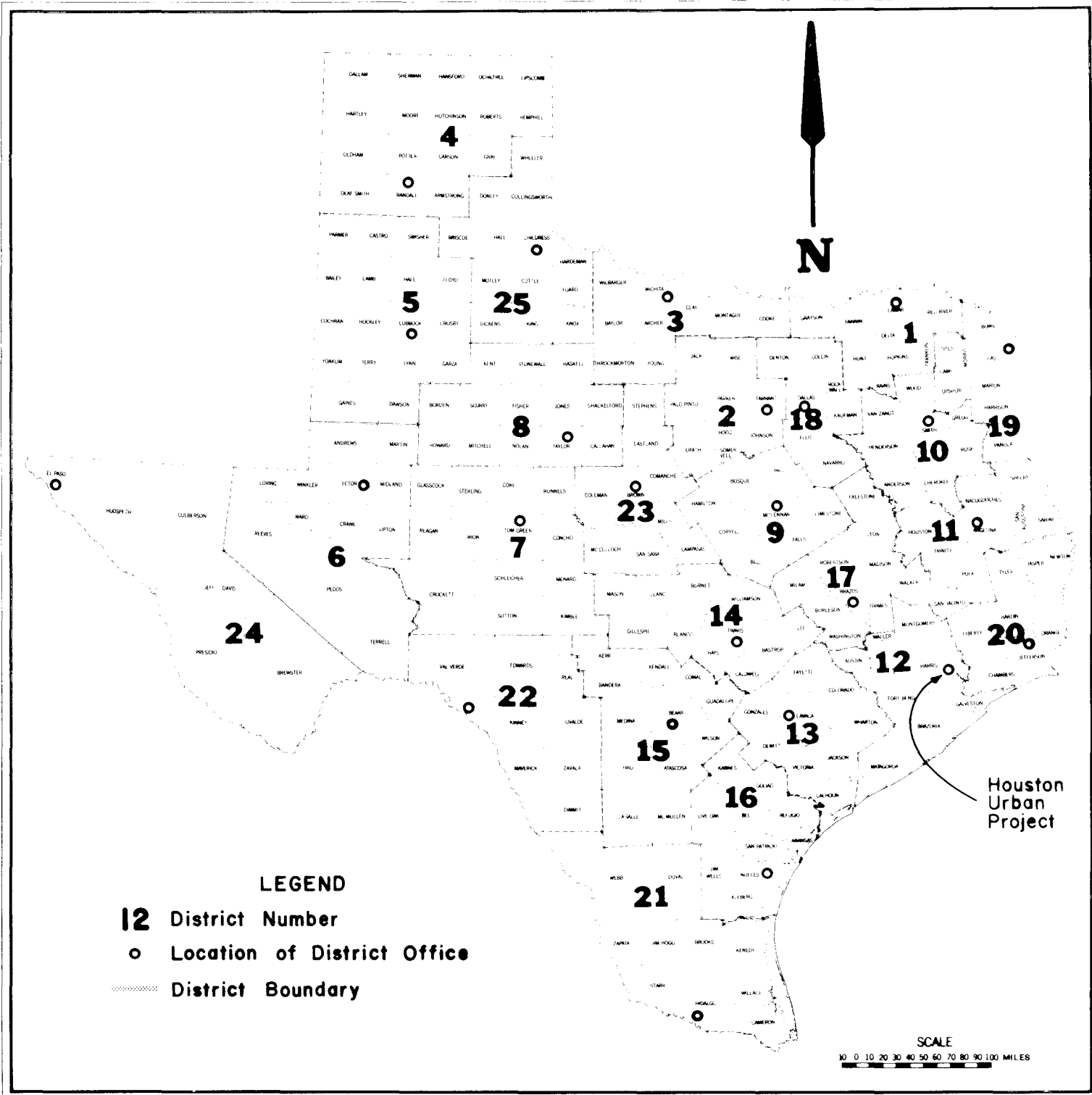
Planning, design and construction activities are generally under the direct supervision of Resident Engineers whose area of responsibility usually covers one or more counties within the District. The Resident Engineers are under the general supervision of the District Engineer and his staff. In urban areas of greater than 50,000 population, urban transportation planning is performed by a transportation study office, under the administrative supervision of the District Engineer, but under the direct supervision of advisory and steering committees composed of local elected officials and Department personnel.

Maintenance operations are under the direct responsibility of maintenance supervisors who are also located so that their area encompasses one or more counties within a District.

³ As used hereafter reference to "Districts" refers to District Office and the Houston Urban Project.



STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION ORGANIZATION CHART
 FIGURE 1



**STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION
DISTRICT OFFICE BOUNDARIES**

FIGURE 2

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CHAPTER II

INTERDISCIPLINARY CAPABILITIES, ORGANIZATION AND FUNCTIONS

In conjunction with recent legislation and policy directives from both the State and Federal governments (specifically, the **Texas Policy for the Environment**, 1973 and the **National Environmental Policy Act of 1969**), the Department uses a systematic, interdisciplinary approach in the development of highway and highway related public transportation projects that may have an impact on the environment.

INTERDISCIPLINARY DEPARTMENTAL CAPABILITIES

Implementation of this Action Plan involves;

- (1) Availability of qualified professionals in a wide range of disciplines and specialties within the Highway Design Division and other divisions in Austin.
- (2) Designation of Division Environmental Coordinators within the Highway Design Division and the Transportation Planning Division.
- (3) Establishment of a Project Review Board in Austin to review the development of highway projects.
- (4) Establishment of a staff of qualified professionals in certain, selected disciplines and specialties in District Offices, as needed.
- (5) Designation of an Environmental Coordinator in each District Office.
- (6) Utilization of consultants and specialists from other agencies, both public and private, as required.
- (7) Establishment of a continuing training and information program to improve the capabilities of departmental personnel to work effectively in an interdisciplinary arrangement.
- (8) Establishment of a Public Affairs Officer in each District. (See Chapter III)

INTERDISCIPLINARY PERSONNEL AND FUNCTIONS (Austin Office)

The Transportation Planning Division is responsible for ensuring full consideration of social, economic and environmental matters in systems planning. The Highway Design Division has primary staff responsibility for social,

economic and environmental matters in the development of highway projects. These two Divisions are staffed with or have available through other Austin Office Divisions specialists providing expertise in the following fields:

- | | |
|-------------------------------|-----------------------------|
| (1) Wildlife and fish ecology | (9) Architecture |
| (2) Plant ecology | (10) Landscape architecture |
| (3) Land use planning | (11) Archaeology |
| (4) Air quality | (12) Geology |
| (5) Water quality | (13) History |
| (6) Acoustics | (14) Public involvement |
| (7) Economics | (15) Legal |
| (8) Sociology | |

The job titles and salary levels provide career patterns including management opportunities for all professionals within the Department, thus permitting the attraction and retention of high quality personnel. Technical and clerical personnel augment the professional interdisciplinary staff. These staff members make independent analyses within their areas of expertise at a point when meaningful input is made into the systems planning and project development and their recommendations are considered in the decision process.

The primary functions of the interdisciplinary staff are: (1) serve as a departmental resource base of specialized expertise to furnish interdisciplinary inputs in systems and/or project planning throughout the State; (2) provide Austin Office review relating to social, economic and environmental matters and to so advise the Chief Engineer of Highway Design; (3) establish guidelines for the type and quality of social, economic and environmental studies to be performed in systems and project planning; (4) monitor current social, economic and environmental research and, in coordination with the Department's research program, disseminate "state of the art" information; (5) monitor the social, economic and environmental effects in conjunction with other departmental monitoring activities on selected, completed projects; and (6) establish, conduct and supervise training programs to enhance the capabilities of departmental personnel to work more effectively in an interdisciplinary arrangement.

INTERDISCIPLINARY PERSONNEL AND FUNCTIONS (District Offices)

A District Environmental Coordinator is appointed by the District Engineer. The Environmental Coordinator performs both operational and review activities as directed by the District Engineer. Selection of the Environmental Coordinator is made in accordance with the following guidelines:

- (1) The Environmental Coordinator should have an overall appreciation of the need for and use of social, economic and environmental evaluations in the interdisciplinary approach to systems and project planning.
- (2) The Environmental Coordinator should be capable of coordinating all interdisciplinary efforts in planning, design and maintenance operations.
- (3) The Environmental Coordinator should be knowledgeable of existing laws, directives, policies and procedures pertaining to social, economic and environmental factors in systems and project planning and development.

Primary functions of the District Environmental Coordinator include but are not limited to: (1) making the initial environmental impact assessment on all projects to determine if a PROJECT CONCEPT CONFERENCE (discussed in Chapter V) is needed; (2) coordinating the holding of a PROJECT CONCEPT CONFERENCE, as needed; (3) maintaining coordination with the Resident Engineer for monitoring those projects that are developed without the use of a PROJECT CONCEPT CONFERENCE; (4) participating, as needed, in interdisciplinary studies; (5) reviewing and/or preparing the appropriate environmental impact statement; (6) monitoring the development of systems and project planning to ensure that established social, economic and environmental policies and procedures are being followed; (7) disseminating social, economic and environmental "state of art" information and research throughout the District; (8) implementing social, economic and environmental training programs; and (9) monitoring projects during and after construction to detect any social, economic or environmental effects and recommend to the District Engineer the disposition of the findings.

In certain major urban centers, qualified professionals may be utilized to provide interdisciplinary expertise on a district or multi-district basis rather than rely solely on the Austin Office to furnish such expertise.

USE OF CONSULTANTS

Consultants may be utilized to supplement the Department's interdisciplinary capabilities. These consultants may include the staff members of universities, Councils of Governments, State, city and county governments, private organizations or individuals. The need for consultants is determined through recommendations from the District Environmental Coordinator or the interdisciplinary staff.

TRAINING AND INFORMATION

Establishing and implementing a continuing training and information program relating to social, economic and environmental factors are primary responsibilities of the Highway Design Division and the Districts utilizing the expertise and assistance of the District Environmental Coordinator and the interdisciplinary staff.

The training and information program includes but is not limited to: (1) informing personnel of the contents of the Action Plan; (2) instructing personnel in the appropriate laws, regulations and procedures governing interdisciplinary processes in highway and public transportation planning and decision making; and (3) disseminating "state of the art" and other research results pertaining to social, economic and environmental factors.

PROJECT REVIEW BOARD

A Project Review Board, appointed by the State Engineer-Director, is available to review plans, procedures or decisions and recommend action relating to project development. The Project Review Board consists of not more than seven nor less than five members and provides a high-level review action for those project plans that emerge from the public hearing stage containing significant unresolved social, economic or environmental problems. (See Chapter V)

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CHAPTER III

INVOLVEMENT OF THE PUBLIC AND OTHER GOVERNMENTAL AGENCIES

Involvement of other governmental agencies and the public ensures (1) that ideas from those outside the Department are carefully considered beginning early in the planning process; and (2) that information regarding alternative considerations and their effects, right-of-way and relocation assistance programs, proposed project development, time schedules, etc., is made available to those citizens or groups desiring such information.

Flexibility in implementing public involvement⁴ is a primary and desired characteristic; nevertheless, the Department recognizes certain minimum considerations that must be satisfied. Consequently, the following requirements for public involvement are established: (1) for urban systems planning, one or more public meetings⁵ are required before a plan is officially adopted (See Chapter IV); and (2) for projects having major impact characteristics, at least one public meeting and at least one public hearing⁶ are required (See Chapter V).

PUBLIC INVOLVEMENT ACTIVITIES AND RESPONSIBILITIES (Austin Office)

At the Austin Office, public involvement activities for systems and project development are located in or coordinated through the Transportation Planning and Highway Design Divisions respectively. Responsibilities include monitoring of public involvement activities and project planning; reviewing reports and documentation; maintaining mailing lists for notification purposes; and coordinating environmental activities within the Divisions with those performed at the District level.

PUBLIC INVOLVEMENT PERSONNEL AND FUNCTIONS (District Office)

Each District Engineer is responsible for appointing a Public Affairs Officer who is responsible for the following: (1) preparing and disseminating information to the public explaining District activities; (2) receiving and organizing information from the public; (3) actively participating as a member of appropriate planning and project staffs; (4)

⁴ "Public Involvement" as used herein refers to the processes whereby all interested persons are given an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of systems planning or project planning when the flexibility to respond to these views still exists.

⁵ "Public Meeting" as used herein refers to an informal session where Department representatives and community leaders, individuals, groups, organizations, or representatives thereof, meet to discuss proposed projects and systems planning. A brief written summary of such meeting will be developed and made a part of the records.

⁶ "Public Hearings" as used herein refers to forums which allow the Department and the public an opportunity to present and respond to one another's views on a proposed highway project. A public hearing is held for those projects which require a public hearing (see Appendix B) before the Department commits itself to a particular location and/or design, and allows the public an opportunity to officially comment concerning a highway project's need, alternative locations and major design features, and their social, economic and environmental effects. A verbatim transcript will be made of the public hearing and will become a part of the project records.

assist in formulating plans and preparing recommendations for the conduct of public involvement activities; and (5) assisting in maintaining the Project History and Status (PHAST) file⁷ of individual projects as may be appropriate.

These activities include the selection and implementation of appropriate techniques for use in the three phases of project development: (1) prehearing; (2) conduct of hearing; and (3) post-hearing. The Public Affairs Officer has primary responsibility for recommending and implementing the public involvement procedures that are included in the PROJECT CONCEPT CONFERENCE Report (See Chapter V).

PREHEARING PUBLIC INVOLVEMENT TECHNIQUES

An integral part of systems planning and project development is the establishment of a continuous, two-way communication between the Department and the public. Each planning sequence involves techniques unique to that particular phase. For example, the Department may: (1) correspond directly with local and neighborhood groups expressing a desire to discuss the project; (2) correspond with proprietors and residents within a specified distance of the proposed location; (3) make efforts to contact and promote participation of minority groups that may be affected; (4) arrange for relevant data to be available for public inspection at locations and times convenient to the public; (5) issue news releases before and/or after meetings with organizations if the news would be of public interest; (6) provide spot announcements on radio and television media, as deemed necessary; (7) schedule meetings at a time to promote maximum public attendance and participation; and (8) post notices of pending meetings within the study area, as appropriate.

Regardless of the particular techniques utilized, the study or project staff will select and prescribe the optimum processes for prehearing public participation.

PUBLIC INVOLVEMENT AT THE PUBLIC HEARING STAGE - See Appendix F

POST-HEARING PUBLIC INVOLVEMENT

During the post-hearing stage, the Public Affairs Officer, at the direction of the District Engineer, arranges for adequate publicizing of the decision regarding location and design approval following the hearing.

During the period of right-of-way acquisition and final plan preparation, the Public Affairs Officer, as directed by the District Engineer, assists the Resident Engineer, District Right-Of-Way Engineer and others in responding to inquiries as to the status of the project.

Upon the award of contract for construction of the project and as directed by the District Engineer, the Public Affairs Officer will arrange for publicizing the same much as was done at the route and design approval stage. During and after construction, the Officer assists in answering inquiries, issues news releases, and handles all other publicity relative to the project.

⁷ A computerized record of a project's development from inception to completion, including a sequential listing of each action as it occurs.

INVOLVEMENT OF OTHER GOVERNMENTAL AGENCIES

Other governmental agency involvement in systems planning and project development consists of (1) mutual exchange of information relative to concerns involving both agencies; (2) appropriate cooperative solution of mutual problems; and (3) establishment of a formal review process at optimum intervals. Relationships with some governmental agencies having jurisdictional interests or special expertise have been formalized by cooperative agreements or memorandums of understanding. Other interested governmental agencies are provided opportunities for information exchange and review through the Department's notification and solicitation of views process outlined in Chapter V.

INVOLVEMENT WITH OTHER STATES/NATIONS

Where systems or project planning would affect a neighboring State or the Republic of Mexico, such planning is coordinated with interested individuals, groups, and governmental agencies through the highway agency and/or public transportation agency of the adjoining State or with the appropriate agency within the Republic of Mexico. Although much of the routine coordination is handled on an informal basis between representatives from the Department and the agencies outside Texas, any official coordination is handled through the Austin Office.

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CHAPTER IV

SYSTEMS PLANNING AND DECISION PROCESS

The State Department of Highways and Public Transportation uses an interdisciplinary approach and encourages public participation in systems planning to ensure that the degree of effort is commensurate with the study needs. There is a continuing review of all systems plans and considerable interaction is involved between systems and project planning.

Systems planning involves the analysis of transportation needs and the identification of transportation corridors. The State Department of Highways and Public Transportation is involved in the following types of systems planning:

- (1) Urban Transportation Planning
- (2) County Transportation Planning

URBAN TRANSPORTATION PLANNING

Urban transportation planning is performed on a comprehensive basis for areas with populations greater than 50,000. This planning is performed cooperatively with local units of government and the designated Metropolitan Planning Organizations⁸ in the study area. Most urban transportation studies in Texas have progressed through the initial phase and the planning processes are now in the continuing phase. (See Appendix J for list of studies underway.) The processes set forth herein will not be retroactively applied to phases of studies previously completed. However, as new studies are undertaken, the procedures described herein will be used.

Process Guidelines for Urban Transportation Systems Planning

Cooperative, comprehensive and continuing transportation systems planning is performed for urban areas with populations greater than 50,000. This planning consists of several major steps, which are:

- (1) Initiation of studies
- (2) Establishment of study organization
- (3) Determination of transportation goals and objectives
- (4) Determination of inventory needs and conduct of studies
- (5) Identification and evaluation of alternative modes and systems
- (6) Selection of recommended systems plan
- (7) Approval and publication of plan
- (8) Continuation of study

Appendix N outlines the consecutive steps followed in urban transportation systems planning.

⁸ Designation procedures are shown in Appendix Q.

Initiation of Studies

Urban transportation studies are initiated by a formal request from the local units of governments. This request can be initiated by: (1) a delegation of local officials appearing before a regular State Highway and Public Transportation Commission hearing; (2) a letter to the Department preferably signed by the administrative officials of all the local governments; or (3) a resolution passed by the local governments requesting the study. Through any one of these three procedures local governments become involved in the planning process from the beginning.

Following the official request, the State Department of Highways and Public Transportation and the local governments enter into a written agreement to formalize the planning process. The written agreement outlines the organization, study area, scope and conduct of the initial phase of the study. The initial phase includes all studies leading toward and including the publication of the plan. The written agreement outlines the basic elements of the study and the agency/agencies responsible for each element, the organization of the study including committees and staff and the use of any existing data from any of the parties to the agreement.

Establishment of Study Organization

The study organization includes the Policy Advisory Committee, the Steering Committee, the Planning Engineer (or Study Coordinator), the Technical Committee (or Task Forces, including citizens' groups) of the Steering Committee, and the study staff.

The **Policy Advisory Committee** is composed of elected officials and includes at least one elected official of each city and county party to the agreement. Also, an invitation is extended to all other incorporated cities within the study area to name an elected official to serve as a committee member. All State Senators and Representatives whose areas include the study area, and the U.S. Congressmen serving the study area are invited to serve on the committee. The Policy Advisory Committee provides general policy guidance for the study, approves the recommended transportation plan and generally assists in its implementation.

The **Steering Committee** provides study guidance throughout the planning process, ensures proper coordination between transportation modes and between subareas, and selects the recommended systems plan. The voting members of this committee are representatives of the local governments which are parties to the agreement, elected State officials as appropriate, and representatives of the Department. The committee meets as necessary to provide guidance and general supervision of the various steps of the study as it progresses.

The **Planning Engineer** or **Study Coordinator** is a departmental employee appointed by the District Engineer of the district containing the study area. The Planning Engineer⁹ is responsible for the coordination and day-to-day operation of the study. His responsibilities include:

- (1) Coordinating all operations necessary to complete the departmental portion of the overall transportation plan.
- (2) Hiring and supervising all personnel in the study office with the exception of the Transportation Planning Division personnel.
- (3) Supervising all personnel temporarily assigned to the study office from the city or State Department of Highways and Public Transportation.
- (4) Gathering all data not specifically stated to be collected by some other source.
- (5) Providing liaison between the various governmental units, Metropolitan Planning Organizations, and other organizations involved.

⁹ Planning Engineer may also be known as Study Coordinator.

The **Technical Committee** is appointed by the Steering Committee to provide technical assistance during the course of the study. It is composed of specialists in the various fields of transportation planning and can include personnel from the State, city, county, Federal government, Metropolitan Planning Organizations, institutions of higher learning, or regional planning agencies. The membership of the Technical Committee is flexible and additional technical personnel can be called in by the Planning Engineer to serve on the committee to deal with problems requiring expertise not available through the original membership. The Technical Committee meets as necessary to deal with the mechanics of the transportation study at the discretion of the Planning Engineer.

The **Study Staff** includes all personnel directly under the supervision of the Planning Engineer and other persons working in the study office.

Personnel from the Transportation Planning Division assist in the study by: (1) collecting much of the travel data; (2) coordinating all transportation studies; and (3) maintaining quality controls over interdisciplinary inputs to the study, including all studies of social, economic and environmental factors.

The District Environmental Coordinator and the Public Affairs Officer help coordinate systems planning with other District activities and help develop public involvement, respectively.

After the Steering Committee and Policy Advisory Committee have been established and the Planning Engineer has been appointed, a **STUDY ORGANIZATION CONFERENCE** is held on each study. Participants include the Steering Committee, Planning Engineer, District Environmental Coordinator, Public Affairs Officer, and appropriate representatives of the Transportation Planning Division.

At the conference, appointments to technical committees, task forces, and the study staff are discussed and assignments are made or planned. Special attention is given to determining interdisciplinary capabilities to be provided throughout the planning process. Also, preliminary plans are made for involving other Federal, State and local governmental agencies.

After the **STUDY ORGANIZATION CONFERENCE**, the Planning Engineer establishes the study office, hires and/or appoints the study staff, and begins making arrangements for conduct of the study.

Determination of Goals and Objectives

The Steering Committee, with the aid of the study staff, the Public Affairs Officer, and appropriate interdisciplinary staff representatives, identifies community transportation goals and objectives from comprehensive plans, public meetings, other public governmental agencies and special studies, as needed.

The goals and objectives are as specific as possible since they form the basis for the planning that follows.

Determination of Inventory Needs and Conduct of Studies

The study staff, with the aid of interdisciplinary staff, determines the inventory needs for identifying social, economic and environmental factors to be considered in the study.

Detailed data is collected for the following ten basic elements of the transportation study: economic base, population, land use, transportation facilities, travel patterns, terminal and transfer facilities, traffic control features, community controls, financial resources and social and community value factors including environmental considerations. The data gathering agency for each of these elements varies somewhat due to local conditions as stated in the agreement.

The Transportation Planning Division is responsible for assuring the quality of the social, economic and environmental studies and will assist in these studies, as necessary. It is also responsible for assuring the multi-modal quality of the transportation study.

In the studies and inventories, special groups in the areas are identified so that the effects on them of different systems can be determined and analyzed as appropriate.

Other Federal, State, and local governmental agencies, groups and individuals are sources of information to be used in the studies. Also universities or consulting firms may be used to provide data and make studies. The Transportation Planning Division collects and classifies data on travel patterns, traffic characteristics and parking.

Identification and Evaluation of Alternative Systems

The Steering Committee, in consultation with the study staff, evaluates possible transportation modes and combinations thereof. Also, coordination among modes and jurisdiction is analyzed to provide the background for outlining systems alternatives by the study staff. Among the alternatives considered are the "do nothing" alternative and alternatives suggested by the public.

The alternatives studied span a wide range of possible transportation systems and are multimodal wherever appropriate. Alternative land use patterns are studied wherever the involvement of local agencies and the public indicates serious concern over the consequences of alternative transportation systems and alternative land use patterns. Alternatives might include staggered work hours, the four-day week, and other changes in activity and societal patterns. Social, economic and environmental analyses are made, along with travel forecasts, for each alternative system.

Selection of Recommended Systems Plan

The Steering Committee selects recommended short and long range plans from among the alternatives generated in the preceding study step. These plans may result in the selection of a single specific system or they may produce a set of systems alternatives, each of which corresponds to a different, assumed future situation. After the recommended plans are selected, the public is informed by mass media and through one or more informal meetings. The Steering Committee evaluates the results of the informal meeting(s) and takes such action as appropriate.

Approval and Publication of Plan

The plan recommended by the Steering Committee is presented to the Policy Advisory Committee which either concurs in the plan or recommends further studies. It is then forwarded to the Federal Highway Administration for its review process. After such action by the Policy Advisory Committee and the Federal Highway Administration's review, the report is submitted to the State Department of Highways and Public Transportation Administration for approval prior to publication. Local governments and the State Highway and Public Transportation Commission formally adopt the recommended plan after publication. The plan is a guide for future development of street and highway and public transit facilities in the area, with the recommended priorities recognized as setting the desirable general order of development of projects, and is made available to other governmental agencies responsible for the development of other transportation modes.

Continuation of Study

The continuing phase of the urban transportation planning process begins after the selection of a recommended transportation system and is initiated by an agreement similar to the initial phase agreement. The organization of the study, scope of the continuing phase, responsibilities of participating governmental agencies and operation of the

continuing study are outlined in the continuing phase agreement which is subject to renegotiation when warranted by changing conditions. The organization for the continuing phase study is essentially the same as for the initial phase. Identification of any changes in the social, economic, and environmental effects will be made as necessary.

The operating procedures of the continuing phase are outlined in a continuing phase operations plan prepared by the study office and are sufficiently comprehensive to delineate the tasks, organization and financing necessary to carry out the continuing programs. The operations plan generally includes the following:

- (1) An outline of the organizational structure for performing continuing planning.
- (2) An outline of the scope of the continuing planning with a breakdown of the functional and financial responsibilities of all participating governmental agencies.
- (3) A description of the surveillance methods to be employed in identifying changes in land use development and travel demand including assignment of responsibility for providing inputs into the various models.
- (4) A description of land use and travel forecasting procedures to be utilized including specific information required for the various analyses.
- (5) A description of any work remaining to be completed on the ten basic elements of the initial phase including a schedule for completion of the work.
- (6) A description of the reappraisal processes involved.
- (7) A discussion of public involvement techniques and citizen participation.
- (8) A discussion of research and development of improved methods.
- (9) A description of the process of incorporating the social, economic and environmental effects in the study.

The operations plan is developed cooperatively with all governmental agencies involved in the study and is approved by the Policy Advisory Committee.

During the continuing phase of the transportation study, current data are maintained for the various basic elements of the study. Surveillance of these data indicates the need and extent of reevaluation of the transportation plan. The surveillance methods employed in the continuing phase identifies changes in the ten basic elements of the initial study at the appropriate level of reappraisal required. Since some elements of the study require more frequent review than others, reappraisal is carried on at three levels of intensity. These are Level I (routine review), Level II (major review) and Level III (plan reevaluation). Level I reviews consist of the annual examination of the various study elements to determine if changes in urban development are taking place in accordance with the forecasts.

Level II reappraisals (major review) are normally made at about five year intervals, but the timing and the scope of the review are determined by the findings of Level I reviews, particularly as to the rate of growth or rate of change and accuracy of forecasts. Normally a good estimate of economic activity, population and current land use is needed as a basis for new forecasts of the elements. Usually these reforecasts are for twenty years and for five years in the future and new traffic assignments for these target years are made. Other elements, including social, economic and environmental matters, are reevaluated to the extent considered necessary. Revision of the recommended transportation plan may be found necessary.

Level III review (plan reevaluation) approximately every ten years consists of full reexamination of transportation and land use plans. It includes reevaluation of all elements of the transportation plan plus a reconsideration of the planning goals and objectives; a review of the population, employment and economic forecasts; a full network

reanalysis; a restudy of the financial resources available; and a restudy of social, economic and environmental factors. A report is published for each level of review based on the findings of the study and progress made since the last report. At least one public meeting is held annually by the Policy Advisory Committee to inform citizens of the study's progress and to provide opportunity for their evaluation of the study.

COUNTY TRANSPORTATION PLANNING

County Transportation Planning is a planning process for all counties whereby each District Engineer arranges with the local county and major city governments and regional planning agencies for development of a general transportation plan for each county not covered by an urban transportation study. County transportation plans are coordinated with the functional classification and needs studies, urban transportation study plans, plans of adjoining counties, and with plans for other modes of transportation. This planning process incorporates small city planning.

Appendix O outlines the consecutive steps followed in county transportation systems planning.

Initiation of Studies

County transportation studies were authorized by Commission Minute Order No. 65741 dated January 31, 1972. Under the Commission Minute, the Engineer-Director was directed to initiate the planning process as soon as feasible with the concurrence of each county involved.

Study Organization

The planning work is accomplished as a cooperative endeavor of the State Department of Highways and Public Transportation, the county, and the major city or cities involved. The studies are conducted by a **Study Coordinator** who is a departmental employee appointed by the District Engineer. The Study Coordinator is responsible for the coordination and day-to-day operation of the study. His responsibilities include:

- (1) Coordinating all operations necessary to complete the transportation study and/or studies
- (2) Supervising all personnel temporarily assigned to the study and/or studies
- (3) Gathering all data to be collected
- (4) Providing liaison between the various governmental units and organizations involved.

The **Study Staff** includes all individuals directly under the supervision of the Study Coordinator and other District personnel working on the study.

Personnel from the Transportation Planning Division assist in the study by: (1) collecting much of the travel data; (2) coordinating all transportation studies; and (3) maintaining quality controls over interdisciplinary inputs to the study, including all studies of social, economic and environmental factors.

The District Environmental Coordinator and the Public Affairs Officer help coordinate systems planning with other District activities and help develop public involvement, respectively.

Determination of Goals and Objectives

The Study Coordinator with the aid of the study staff, the Public Affairs Officer, and the appropriate interdisciplinary staff, identifies county transportation goals and objectives from comprehensive plans, public meeting(s), and special studies, as needed. The goals and objectives are as specific as possible since they form the basis for the planning that follows.

Determination of Inventory Needs and Conduct of Studies

The study staff with the aid of the interdisciplinary staff determines the inventory needs and using a systematic interdisciplinary approach takes into consideration the social, economic and environmental factors as part of the data collected for making decisions.

Approval and Publication of Plan

The Study Coordinator develops a recommended plan and informs the public by news media and through informal public meetings, if needed. The Study Coordinator evaluates the results of the informal meeting(s) and other public inputs to the study and takes such action as appropriate. The recommended plan is then presented to the county and the cities involved for their approval. It is then submitted to the State Department of Highways and Public Transportation Administration for approval prior to publication. The county plans are published as either one county or multicounty plans. Copies of each plan are furnished all interested public governmental agencies, public libraries within the study area, and the regional planning agency concerned.

OTHER SYSTEMS PLANNING

If any other types of systems planning are necessary, the State Highway and Public Transportation Commission ensures that the relevant social, economic and environmental factors are considered as they pertain to each endeavor and ensures that the public is provided the opportunity to make known their views, as they desire, throughout the process.

TRANSIT PROJECT DEVELOPMENT

The Department will use a systematic interdisciplinary approach and encourage public participation in the development of highway related transit projects.

The Transportation Planning Division is responsible for assuring the quality of the social, economic and environmental studies and will assist in these studies as necessary.

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CHAPTER V

PROJECT PLANNING AND DECISION PROCESS

STAGES OF DEVELOPMENT

There are five general stages in the development of a major type of highway project, as follows:

(1) **The Program Stage** occurs at the very beginning of project development when a project is authorized for preliminary studies by the Commission and/or the State Engineer-Director. It is at this point that interstate projects and possibly a few other types of projects, as may be deemed advisable by the Commission, are committed to be developed so as to be eligible for Federal fund participation.

At this time, in order to qualify a project for a later request for partial reimbursement of preliminary expense, the Department submits programming documentation to the Federal Highway Administration.

(2) **The Route Stage** is that period in project development during which preliminary planning, identification and analysis of social, economic and environmental factors, investigation of alternatives, and general technical studies are performed. Occasionally it is necessary to perform some design studies during this stage to better evaluate alternative routes. This stage usually culminates with approval of a new highway route or a reaffirmation of an existing highway location. Route approval by the Federal Highway Administration does not commit the project for partial Federal funding; therefore, it is not a Federal-Aid project at this stage.

(3) **The Design Stage** is that period in project development during which detailed design investigations are conducted, specific identification and analysis of social, economic and environmental factors are performed, and specific design alternatives are evaluated. This stage usually culminates in design approval by the Department and the Federal Highway Administration. Design approval by the Federal Highway Administration does not commit the project for partial Federal funding; therefore, it is not a Federal-Aid project at this stage.

(4) **The Right-of-way Acquisition Stage** is that stage in project development during which property appraisals are made, the relocation assistance program is initiated, utilities are adjusted, and right of way is acquired and cleared for construction. Federal funds reimbursement in the cost of right of way is requested only for interstate projects. Such reimbursement is requested as soon after initiation of right-of-way acquisition as the final costs can be determined and Federal funds become available to advance the projects to the project agreement stage. At this stage it is a Federal-Aid right-of-way project.

(5) **The Construction Stage** is that stage of project development which occurs after the Commission awards a contract to the successful bidder. If the Department determines that Federal funds are available for partial reimbursement of construction costs, a request is submitted to the Federal Highway Administration, prior to taking of bids, to ensure partial reimbursement of construction funds and obtain Federal authorization to advertise the project for receipt of bids. It is only upon receipt of the letter of authorization for construction and execution of the project agreement that a project becomes a Federal-Aid project.

Issuance of a work order to the contractor to begin work is made only after the Commission and the Federal Highway Administration concur in the award of contract to the successful bidder.

CATEGORIZATION OF PROJECTS

Because of the wide diversity of projects, it is impractical to specifically categorize them as to the detailed procedures that must be followed. Instead, each project that is expected to be developed must be evaluated based upon the requirements set forth in Appendices B, C, D and E. This evaluation will, in effect, identify the degree of effort that must be exercised in performing the project planning.

PUBLIC INVOLVEMENT AND SYSTEMATIC INTERDISCIPLINARY APPROACH

Public participation and interdisciplinary input for project development are characterized by: (1) the implementation of a public involvement process throughout project planning that includes at least one public meeting and is culminated by a public hearing process, including post-hearing involvement activities; and (2) the utilization of a PROJECT CONCEPT CONFERENCE, at the earliest stage of project planning, that prescribes the degree of interdisciplinary and public involvement activities needed for project development.

The PROJECT CONCEPT CONFERENCE determines the type of interdisciplinary effort that is needed for project development. The Conference is held early in project development (see Appendix P) for those highway projects which are major actions significantly affecting the quality of the human environment. (See **Process Guidelines for Project Development** later in this chapter.) The primary purposes of the Conference are:

- (1) Identify beneficial and detrimental social, economic and environmental effects.
- (2) Determine the fields of specialization (e.g., plant and animal ecology, sociology) that provide the needed interdisciplinary input during project planning, including a determination of what assistance from other agencies may be necessary.
- (3) Evaluate existing data bases to determine the type of studies and analyses needed.
- (4) Make preliminary investigations of most likely alternatives, including the "no build" alternative.
- (5) Make preliminary determinations of the extent of public involvement needed, including identification of special interest groups.
- (6) Evaluate the relationship of the proposed project to community, regional and State goals as set forth by adopted or proposed planning efforts.
- (7) Prepare a PROJECT CONCEPT CONFERENCE Report that reflects the decisions made and the expected course of project development.
- (8) Prepare the Project History and Status (PHAST) file to reflect the degree of planning required.

Based on the actions and decisions made at the Conference, effective and timely interdisciplinary efforts are established and the appropriate level of public involvement to be achieved for the particular project is determined.

PROCESS GUIDELINES FOR PROJECT DEVELOPMENT

The process guidelines for project development described herein are used by the Department in advancing a project from the initial request through monitoring of the operational facility. The project flow diagram presented in Appendix P shows the steps of project development under these process guidelines; however, three important factors, which are not evident in Appendix P are:

- (1) Departmental decision makers may terminate a project at any time. Such an election of the "no build" alternative may be based on expected social, economic and environmental impacts of such magnitude that

the completion of the project would not be in the best overall public interest. If project termination is considered, coordination with affected local governments will be made prior to taking such action.

- (2) At any time, a project and its documentation may be referred to the Project Review Board by the State Engineer-Director, District Engineers or Board members.
- (3) In the event a project is deferred, considerably revised or the “no build” alternative is selected at any time during the project planning, such action must be recognized and accommodated in the systems planning processes.

If for any reason a project is indefinitely deferred or terminated, all appropriate governmental agencies, interested groups and the general public will be so advised.

Initiation of Project Planning

The legal responsibility of providing a comprehensive system of highways is vested in the Commission which authorizes the initiation of highway projects. The primary sources of projects are:

- (1) **Program Formulation** - The District Offices are responsible for the formulation of highway programs in cooperation with local governmental agencies. Projects are included in a program of work as a result of local governmental requests made directly to the District Engineer, as a result of the appearance of a delegation in open hearing before the Commission or as a result of the District Engineer’s knowledge of the deficiencies in the condition and operational characteristics of highways in the area. Projects are included in highway programs on the basis of the condition of the existing facility, the existing and projected traffic, the extent the existing highway facility satisfies recognized safety standards, and planned and projected area-wide developments. The various highway programs are reviewed in the Austin Office to correlate District planning and highway needs, thus insuring continuity of design and development of a statewide highway system. In the Austin Office, the programs are reviewed by the design divisions before action by the Administration and Commission. Approval of a highway program by the Commission means that project planning may be initiated on the individual projects in the program.
- (2) **Individual Project Authority** - The Commission authorizes project planning on some projects on an individual basis as a result of changes in area-wide planning or in specific response to local governmental requests.

To begin project studies, the District Engineer submits a request for an Investigation and Planning Expense (IPE) Authorization to the Austin Office. As soon thereafter as practical, the District Environmental Coordinator shall make an initial social, economic and environmental (S.E.E.) assessment of the expected effects of the project using the criteria set forth in Appendix C.

Purposes of the S.E.E. assessment are: (1) to provide early assessment of social, economic and environmental effects; (2) to indicate whether a project is a nonmajor action or a major action, and if a major action, whether the anticipated social, economic and environmental effects are significant or insignificant; (3) to serve as documentation for determining whether a PROJECT CONCEPT CONFERENCE should be held; and (4) to provide general information relative to the project that may be furnished the public and other agencies if a PROJECT CONCEPT CONFERENCE is not held.

If a PROJECT CONCEPT CONFERENCE Is Not Held - If the project is a nonmajor action, or a major action having insignificant social, economic and environmental effects, a conference is not required. Upon receiving the concurrence of the appropriate design division, the District Engineer proceeds with project development on the basis that the project will result in insignificant social, economic and environmental effects. At this time, the District Engineer, through his Public Affairs Officer, publicizes the initiation of project planning and solicits

views from the public and other governmental agencies, as needed. If no significant social, economic and environmental effects are identified as a result of the public input during this stage, project development proceeds on the basis of insignificant effects.

If significant effects are identified, the District Environmental Coordinator will evaluate the comments, initiate any studies that may be required or request that a PROJECT CONCEPT CONFERENCE be held. The same action by the Environmental Coordinator is required if significant social, economic and environmental effects are later identified during the progress of project planning.

If a PROJECT CONCEPT CONFERENCE Is Held - If the District and the appropriate design division determine that the project represents a major action which will have a significant effect on the quality of the human environment (see Appendix C), the District Engineer is advised that a PROJECT CONCEPT CONFERENCE should be held. Those attending the Conference are the District Environmental Coordinator, appropriate members of the interdisciplinary staff and appropriate District personnel including the Public Affairs Officer and Resident Engineer. Local governmental officials are invited to participate in the PROJECT CONCEPT CONFERENCE. Subsequent to the Conference, a report is prepared containing (1) a general description of the project; (2) a sketch map; (3) a discussion of interdisciplinary studies to be performed; (4) the composition of the Project Staff; (5) identification of the most likely alternatives; (6) the tentative plans for public involvement; (7) a review of the relationship of the project to existing systems plans; and (8) a preliminary determination of the significant social, economic and environmental effects.

The PROJECT CONCEPT CONFERENCE Report is the basis for project publicity and solicitation of views from local, State and Federal governmental agencies, including A-95 Clearinghouse, and interested individuals and private groups. This procedure is initiated at both the District and Austin Office by the District Public Affairs Officer and the Division Environmental Coordinator, respectively. Those individuals and groups interested in the initiation of project development may request notification.

At the same time that project notification is initiated, the social, economic and environmental studies as described in the PROJECT CONCEPT CONFERENCE Report or in the Social, Economic and Environmental (S.E.E.) Assessment are begun, as needed. The studies needed for analysis of each alternative are determined by the District Environmental Coordinator and the appropriate members of the Project Staff and conducted in accordance with the applicable methods and standards selected by staff professionals and specialists. Examples of a relatively comprehensive listing of factors which are appropriate for planning a highway are shown in Appendix A, but evaluation of all of these factors is not intended for every project since some projects may require studies of additional or fewer factors. These determinations are made by the District Environmental Coordinator and Project Staff.

The studies, particularly those related to community factors, undertaken in this phase are coordinated with the techniques used by the Public Affairs Officer in exchanging information with affected citizenry. Particular emphasis is placed upon identifying special groups so that the effects of various alternatives on them can be determined and considered in the final recommendation.

As the interdisciplinary study results become available and comments from reviewing agencies, groups and individuals are received, the Project Staff correlates and analyzes the information. At this stage, the Project Staff: (1) prepares a comparable analysis of each of the alternatives studied including the "no build" alternative; (2) identifies key trade-offs between alternatives; (3) prepares estimates of the costs¹⁰ of reducing or eliminating adverse effects; (4) identifies the expected impacts, both beneficial and adverse, upon the special groups affected by the project; (5)

¹⁰ The "costs" refer to those that can be quantified in a real sense as well as those considerations which cannot be quantified except through a qualitative evaluation.

identifies and incorporates, where appropriate, non-transportation components such as multiple use of right of way; (6) formulates conceptual stage relocation assistance plans; (7) prepares appropriate drawings, maps, models and other graphic aids for the alternatives as needed; and (8) determines if any additional studies or public involvement are needed at this time.

If additional studies are needed, the Project Staff performs the studies and correlates the results with the existing information and analyses. If no additional studies are needed, the Project Staff holds one or more informal meetings to inform the affected citizenry of the results of the project development thus far and obtain from the public any additional information that may bear upon the future development of the project. The Public Affairs Officer initiates and continues the appropriate procedures for exchanging information with individuals, groups, and governmental agencies as set forth in Chapter III.

Under the direction of the District Engineer, the Project Staff conducts the public meeting(s). Existing information is presented for each alternative, including the "no build" alternative, and if a preferred alternative exists, it is identified. Comments from those attending are solicited and received.

After the public meeting(s), the Project Staff analyzes and correlates the information received with the existing data. If additional studies are needed or if other alternatives need analysis, the Project Staff performs the appropriate studies and analyses. If no additional study is needed, the Project Staff prepares the appropriate environmental report.

The guidelines used in determining the significance of effects and whether a draft environmental impact statement or a draft negative environmental declaration should be prepared are listed in Appendix C. The guidelines for preparation of draft negative environmental declarations and draft environmental impact statements are listed in Appendix D.

The District Engineer submits the appropriate environmental report (draft environmental impact statement, or draft negative environmental declaration) to the appropriate design division. If the report identifies potentially adverse social, economic and environmental effects of such a magnitude that the completion of the project would not be in the best overall public interest, the State Engineer-Director may terminate or defer the project. If the environmental report, as submitted, is not considered to describe sufficiently the effects, it is returned to the District for modification. If the environmental report is considered to describe acceptably the effects, the project may receive Administrative approval for the purpose of continuing to the public hearing process. In this event, the appropriate design division submits the draft environmental statement, if required, through the appropriate review channels as outlined in Appendix P. The important features of this review process are: (1) the widespread solicitation of views from governmental agencies at all levels, which includes a separate review procedure as recently established by the Governor's Budget and Planning Office; (2) both the District and Austin Offices have responsibilities for obtaining the needed reviews; and (3) the interdisciplinary staff in Highway Design Division reviews comments submitted by reviewing governmental agencies.

After all comments have been received, they are evaluated by the Project Staff to determine the direction of further development. The feedback mechanisms, as indicated in Appendix P, present the Project Staff with three options: (1) return to the phase in the development where additional studies are performed as needed; (2) re-write and re-submit the environmental statement without conducting additional studies; or (3) begin preparing the final environmental statement (if needed) and preparing for the public hearing process.

The District Engineer, using the criteria in Appendix B and the advice of the Public Affairs Officer in the District and the Division Environmental Coordinator, determines if a public hearing process is needed. If none is needed, the Project Staff begins preparations of Plans, Specifications and Estimates (PS&E).

If a public hearing process is required, the District Engineer either (1) affords the opportunity of holding a public hearing or (2) initiates the process to hold a public hearing. This decision will be based partly upon the public involvement procedures that have been occurring throughout project development. If a public hearing is to be held, the appropriate notification and announcement procedure (as shown in Appendix P and described in Appendix E) is used to apprise the public. If an opportunity for a public hearing is to be afforded, the procedure outlined in Appendix P and set forth in Appendix E is followed. If no request for a hearing is received, the Project Staff prepares the needed documentation for submission by the District Engineer to the Austin Office.

If a request for a public hearing is received, the process for holding a hearing as outlined in Appendix P and set forth in Appendices E and F is followed.

In preparing for and conducting the public hearing, the Project Staff and the District Engineer are guided by the procedures described in Appendix F and by the recommendations of the Public Affairs Officer. After the public hearing, the Public Affairs Officer initiates the appropriate post-hearing public involvement procedures. The Project Staff analyzes the results of the public hearing and exercises one of the following options: (1) if new effects, alternatives, or other considerations are identified at the public hearing, the analyses of such items are made, or (2) if no new alternatives, effects, or other considerations are identified, preparations are begun to submit the needed documentation (see guidelines in Appendix G), including the final negative environmental declaration or the final environmental impact statement, if required, to the Austin Office.

When the first option (1) above is exercised, the process is guided by the relative significance of the newly identified considerations. If the Project Staff determines that they can be evaluated using existing information, the appropriate analyses are made before proceeding with project development. If on the other hand, the newly identified considerations cannot be evaluated without the completion of additional studies and/or development of additional information, the Project Staff will perform such additional studies, as needed.

The District Engineer requests, through either the Highway Design Division or the Secondary Roads Division, project approval from the Departmental Administration. At this point, any one of three possible actions is taken: (1) the Administration may disapprove or defer the project; (2) the Administration may approve the project in which case the final negative environmental declaration or the final environmental impact statement, if required, is processed; or (3) the Administration may submit the project to the Project Review Board for further study and recommendation. The following are likely types of projects that could warrant the latter action: (1) projects containing significant, unresolved social, economic or environmental questions; (2) projects containing difficult trade-offs among alternatives; and (3) projects that have been developed amid significant controversy.

After approval of a project by the Administration, its progression depends upon the prospective source of funding as follows:

Federal Secondary Funds - The final negative environmental declaration or final environmental impact statement, if required, is submitted to the Federal Highway Administration for adoption. After notification that the final negative environmental declaration has been adopted, the District Engineer will be authorized by the Austin Office to initiate right-of-way acquisition procedures and preparation of construction plans. If a final environmental impact statement has been submitted, the District Engineer may not proceed until notified that the final environmental statement has been approved and adopted.

Other Federal-Aid Projects - If the project is to be developed with Federal participation other than Federal Secondary funds, the documentation submitted by the District Engineer is further submitted to the Federal Highway Administration for review and acceptance. After notification that the final negative environmental declaration has been adopted, the District Engineer will be authorized by the Austin Office to initiate right-of-way acquisition procedures and preparation of construction plans. If a final environmental impact statement has been submitted, the District Engineer may not proceed until notified that the final environmental statement has been approved and adopted.

Nonmajor Actions Requiring a Public Hearing Process

For those nonmajor actions which require a public hearing process, but do not require either an environmental impact statement or a negative environmental declaration, the District Engineer may not proceed until notified that the appropriate reports, transcripts and certifications have been received and accepted.

Post-Hearing Public Involvement

Following the Federal Highway Administration's adoption of the appropriate final environmental statement or declaration, and/or acceptance of the appropriate reports, transcripts and certifications, the District Engineer will provide for effective publicizing of the decisions rendered. The emphasis on public involvement after the approval action shifts from an informational exchange to: (1) the routine provision of information to interested parties by the Public Affairs Officer and (2) responding to inquiries from and coordinating with property owners and displacees as to the policies and procedures to be followed in acquiring right of way, including relocation assistance procedures.

Additional Hearing Opportunities

Following the usual approval actions on route and design, additional hearing opportunities will be afforded when there has been substantial change in the proposal, or substantial unanticipated development in the area affected by the proposal, or an unusually long lapse of time since the last hearing, or significant social, economic, or environmental effects are identified that were not previously considered at earlier hearings.

Monitoring and Evaluation During Construction

During construction, the District Environmental Coordinator provides on-site monitoring of the social, economic and environmental effects of construction operations. The Highway Design Division develops and provides additional guidelines for use in monitoring of on-going construction.

If archaeological resources are discovered during construction, they will be investigated by the archaeological staff of the Highway Design Division. If found to be significant resources, a complete archaeological exploration will be conducted by the Highway Design Division.

If no archaeological resources are encountered in construction, the final socio-economic and environmental evaluation of project development is the selection and monitoring of completed projects. These activities are performed under the direction of the District Environmental Coordinator and the interdisciplinary staff of the Highway Design Division. The exact nature and extent of these monitoring efforts is determined on a project-to-project basis.

APPENDIX A

<p>I. TRANSPORTATION</p> <p>A. Local Area Service</p> <p>1. Passenger cars</p> <p>a. Circulation along highway</p> <p>b. Circulation across highway</p> <p>c. Movements in and out of area</p> <p>2. Trucks</p> <p>a. Circulation along highway</p> <p>b. Circulation across highway</p> <p>c. Movements in and out of area</p> <p>3. Public transit</p> <p>a. Service within local area</p> <p>b. Service in and out of area</p> <p>4. Pedestrian movements</p> <p>a. Work</p> <p>b. Shopping</p> <p>c. School</p> <p>d. Church</p> <p>e. Social or recreational</p> <p>5. Railroad service</p> <p>6. Airport</p> <p>7. Waterway</p>	<p>6. Flora effects</p> <p>7. Fauna effects</p> <p>8. Parks</p> <p>9. Playgrounds</p> <p>10. Archeological sites</p> <p>11. Historical sites</p> <p>12. Open space</p> <p>13. Visual aspects</p> <p>a. Adjacent to highway</p> <p>b. General area</p> <p>14. Safety</p> <p>a. Traffic</p> <p>b. Pedestrian</p> <p>B. Highway Motorist Experience</p> <p>1. View of highway</p> <p>2. View of adjacent area</p> <p>3. Panoramic views</p> <p>4. Area hazards</p>	<p>1. Police protection</p> <p>2. Fire protection</p> <p>3. Medical services</p> <p>4. Educational services</p> <p>5. Parks</p> <p>6. Recreation</p> <p>7. Historical sites</p> <p>8. National defense</p> <p>a. Evacuation</p> <p>b. Military movements</p> <p>c. Hazards to critical industry</p>	<p>b. Other businesses</p> <p>(1) Construction period</p> <p>(2) Long run</p> <p>9. New business</p> <p>10. Multiple use of ROW</p>
<p>B. Metropolitan Area Service</p> <p>1. Via highway system</p> <p>a. Passenger cars</p> <p>b. Trucks</p> <p>c. Public transit</p> <p>2. Via other streets</p> <p>a. Passenger cars</p> <p>b. Trucks</p> <p>c. Public transit</p> <p>3. Railroad service</p> <p>4. Airport access</p> <p>5. Waterway effects</p>	<p>III. SOCIOLOGICAL</p> <p>A. Community (Local Area)</p> <p>1. Neighborhood severance</p> <p>2. Cultural patterns</p> <p>3. Crime</p> <p>a. Rate</p> <p>b. Police protection</p> <p>4. Fire hazard</p> <p>a. Hazards</p> <p>b. Fire protection</p> <p>5. Health</p> <p>a. Health factors</p> <p>b. Medical services</p> <p>6. Religious services</p> <p>a. Loss of places</p> <p>b. Access to</p> <p>7. Educational</p> <p>a. Elementary</p> <p>b. Junior High School</p> <p>c. High School</p> <p>d. Trade and College</p> <p>8. Recreational facilities</p> <p>9. Social services</p> <p>10. Public utilities</p> <p>11. Neighborhood livability</p> <p>a. Construction period</p> <p>b. Long run</p>	<p>IV. ECONOMIC IMPACT</p> <p>A. Community (Local Area)</p> <p>1. Employment</p> <p>a. Construction period</p> <p>b. Long run</p> <p>2. Shopping facilities</p> <p>a. Construction period</p> <p>b. Long run</p> <p>3. Residential Values</p> <p>4. Other Property Values</p> <p>5. Property Tax Base</p> <p>a. Construction period</p> <p>b. Long run</p> <p>6. Displaced residents</p> <p>a. Owners</p> <p>(1) Decent, Safe and Sanitary (DSS) housing</p> <p>(2) non-DSS housing</p> <p>b. Renters</p> <p>(1) DSS housing</p> <p>(2) non-DSS housing</p> <p>c. Ease of replacement</p> <p>7. Displaced businesses</p> <p>a. Small businesses</p> <p>(1) Number</p> <p>(2) Number of jobs</p> <p>(3) Ease of relocation</p> <p>b. Other businesses</p> <p>(1) Number</p> <p>(2) Number of jobs</p> <p>(3) Ease of relocation</p> <p>8. Remaining businesses</p> <p>a. Small businesses</p> <p>(1) Construction period</p> <p>(2) Long run</p>	<p>V. PROJECT COSTS AND USER BENEFITS</p> <p>A. Initial Costs</p> <p>1. ROW land costs</p> <p>2. ROW improvement costs</p> <p>3. Relocation costs</p> <p>4. Utility costs</p> <p>5. Engineering costs</p> <p>6. Construction costs</p> <p>B. Annual costs</p> <p>1. Maintenance costs</p> <p>2. Operations costs</p> <p>C. Salvage Value</p> <p>D. Total Costs</p> <p>E. User Benefits</p> <p>1. Travel time savings</p> <p>2. Vehicle operation costs savings</p> <p>3. Accident costs</p> <p>F. Benefit-Cost Ratio</p> <p>G. Other Considerations</p> <p>1. ROW acquisition time</p> <p>2. ROW clearance time</p> <p>3. Construction time</p> <p>4. Project life</p> <p>5. Highway vulnerability to disablement</p> <p>6. Number of families to be displaced</p> <p>a. DSS housing</p> <p>b. non-DSS housing</p> <p>7. Number of businesses to be displaced</p>
<p>II. ENVIRONMENTAL</p> <p>A. Community (Local Area)</p> <p>1. Noise pollution</p> <p>a. Adjacent to highway</p> <p>b. General area</p> <p>2. Air Pollution</p> <p>a. Adjacent to highway</p> <p>b. General area</p> <p>3. Drainage</p> <p>a. Adjacent to highway</p> <p>b. General area</p> <p>4. Water Supply</p> <p>a. Water pollution</p> <p>b. Water Quantity</p> <p>5. Waste disposal</p>	<p>B. Metropolitan Area</p>		

APPENDIX B

PUBLIC HEARING REQUIREMENTS

A public hearing process is required for all projects except those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing structures, installing traffic control devices or similar improvements, unless the project:

- (a) Requires the acquisition of significant or substantial amounts of additional right of way; or
- (b) Would have a significant adverse impact upon abutting real property; or
- (c) Would substantially change the layout or function of connecting roads or streets or of the facility being improved; or
- (d) Would otherwise have a significant social, economic or environmental effect.

Where it is determined that a project would not have a significant effect on the environment or the public as a whole but would affect an isolated property or properties, then in lieu of a public hearing, a meeting shall be held with the owner or owners of such isolated property to discuss the impact and effects of the project on the property and residents and formally obtain the views of the residents and property owners with respect to the project. This type of meeting concerning isolated property would generally be associated with moderate improvement projects and improvements found to be needed subsequent to completing the usual public hearing process.

The minutes and notes of such meetings shall be made part of the records to be forwarded with the recommendation for approval of a project.

APPENDIX C

GUIDELINES FOR DETERMINING MAJOR OR NONMAJOR ACTION (PART 1); AND SIGNIFICANT OR INSIGNIFICANT SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS (PART 2)

Basis for Selecting Type of Environmental Statement

Part 1 - Major and Nonmajor Environmental Actions

- A. A project determined to be a major action will require either an environmental impact statement or negative environmental declaration.

Major actions are those of superior, large and of considerable importance. Any action that is likely to precipitate significant foreseeable alterations in land use, planned growth, development patterns, traffic volumes, travel patterns, transportation services, including public transportation, and natural and manmade resources would be considered a major action. The following are examples of types of actions which are ordinarily considered to be major actions:

- (1) A new freeway or expressway,
- (2) A highway which provides new access to an area and is likely to precipitate significant changes in land use or development patterns,
- (3) A new or reconstructed arterial highway which provides substantially improved access to an area and is likely to precipitate significant changes in land use or development patterns,

(For those projects which will not provide substantially improved access to an area and will not precipitate significant changes in land use or development patterns, a nonmajor action determination may be appropriate, and a S.E.E. assessment should be submitted early enough in project development to assist in the determination of a nonmajor action to avoid the possibility of delaying other phases of project development should the project be determined to be a major action.)

- (4) A new circumferential or belt highway which bypasses a community,
- (5) A highway which provides new access to areas containing significant amounts of exploitable natural resources,
- (6) Added interchanges to a completed freeway or expressway which provide new or substantially improved access to an area and are likely to precipitate significant changes in land use or development patterns, and
- (7) A highway project which requires the taking of land from any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge, or any land from a historic site.

- B. Nonmajor actions do not require an environmental impact statement, nor a negative environmental declaration. A S.E.E. assessment should be prepared covering those types of projects indicated in (1) below. For those types of improvements categorized in (2) below, the majority of the projects will permit the determination of nonmajor action to be deferred until submission of PS & E; however, some modernization projects may involve features which may cause a delay in nonmajor action concurrence at that late date. Therefore, where there is doubt, nonmajor action concurrence should be obtained by submission of a S.E.E. assessment early enough in project planning to avoid the possibility of delaying other phases of project development should the project be determined to be a major action. For all of the types of projects or actions identified below in (3) through (11), a statement shall be included in the request for Federal Highway Administration authorization for construction that the proposed improvement is a nonmajor action. It will not be necessary to obtain this concurrence of nonmajor action prior to the submission of PS & E unless there is some doubt the project is a nonmajor action.

The following are examples of types of actions which are ordinarily considered to be nonmajor actions:

- (1) Construction of a new rural two-lane highway which does not provide new access to an area and which would not be likely to precipitate significant changes in land use or development patterns,
- (2) Modernization of an existing highway by resurfacing, widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.), and correcting substandard curves and intersections,
- (3) Lighting, signing, pavement marking, signalization, freeway surveillance and control systems, and railroad protective devices,
- (4) Safety projects such as grooving, glare screen, safety barriers, energy attenuators, etc.,
- (5) Reconstruction of existing crossroad or railroad separations and existing stream crossings,
- (6) Highway landscaping and rest area projects,
- (7) Construction of bus shelters and bays,
- (8) Alterations to existing buildings to provide for noise attenuation and installation of noise barriers,
- (9) Temporary replacement of a highway facility which is commenced immediately after the occurrence of a natural disaster or catastrophic failure to restore the highway for the health, welfare, and safety of the public,
- (10) Approval of utility installations along or across a highway or approval of grade separated crossings of highways by railroads or highways, and
- (11) Highway safety work programs.

Part 2 - Significant and Insignificant Social, Economic and Environmental Effects - Basis for Selecting Type of Environmental Statement

- A. An environmental impact statement (draft and final) is required for those major actions “significantly affecting the quality of the human environment”. For a highway section which is determined to be a major action, the District Environmental Coordinator shall make a recommendation on the significance of the action on the quality of the human environment and recommend the processing procedure (EIS or negative declaration). In evaluating the significance, the changes which may be caused by the action and the importance and scale of those changes are to be considered.

The information developed during the highway studies, other available information, and the consultations and coordination with the public and governmental agencies shall be the basis for determining the need for an EIS or a negative declaration.

- B. The following are examples of types of major actions which ordinarily have a significant effect on the quality of the human environment; and therefore will require draft and final environmental statements:

- (1) An action that has more than minimal effect on and requires the taking of land from any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge, or any land from a historic site,
- (2) An action that is likely to be highly controversial on environmental grounds or with respect to the availability of adequate relocation housing,
- (3) An action that is likely to have a significantly adverse impact on natural, ecological, cultural or scenic resources of national, State or local significance,
- (4) An action that (a) causes significant division or disruption of an established community or disrupts orderly, planned development, or is determined to be significantly inconsistent with plans or goals that have been adopted by the community in which the project is located, as determined by a responsible official(s); or (b) causes a significant increase in traffic congestion, or
- (5) An action which (a) is determined to be inconsistent with any law or regulation relating to the environment; or (b) has a significant detrimental impact on air or water quality or on ambient noise levels for adjoining areas; or (c) may contaminate a public water supply system.

- C. A negative environmental declaration (draft and final) shall be prepared for those major actions which will not have a significant impact upon the quality of the human environment of such a magnitude as to require the processing of an EIS.

APPENDIX D

NEGATIVE ENVIRONMENTAL DECLARATIONS AND ENVIRONMENTAL IMPACT STATEMENTS

Part 1 - Negative Environmental Declaration Processing

- A. A draft negative declaration is a written document which records the determination that implementing the proposed action will not have a significant effect upon the quality of the human environment. The negative declaration is to include pertinent information about the highway section such as:
- (1) A description of the proposed action, need for the action, alternatives considered, and basis for the recommendation that the proposed action is not anticipated to have a significant impact upon the quality of the human environment,
 - (2) The social, economic, environmental and other effects considered,
 - (3) Map(s) showing the alternative(s),
 - (4) Other comparative data, such as costs, transportation requirements, engineering factors, etc.,
 - (5) A discussion of the issues and comments received from other agencies, organizations and the public during the highway section's development and coordination.
- B. The draft negative declaration shall be submitted to the appropriate design division for review, concurrence and handling.
- C. A draft negative declaration need not be circulated for comment, but its public availability shall be included in the notice of the public hearing or opportunity for public hearing.
- D. When a public hearing notice is not required, the District Office shall place a notice in a local newspaper (s) similar to a public hearing notice and at a similar stage of development, advising the public of the availability of a draft negative declaration, where to obtain information concerning the undertaking and that any written comments are to be furnished to the Department within 30 days of the notice in the newspapers.
- E. The final negative declaration shall include a summary and disposition of the public hearing comments and/or any other comments received on the social, economic, environmental, and other effects of the proposed action, including alternatives raised at the public hearing, or when the notice of availability was published.
- F. The final negative declaration shall be submitted to the appropriate design division for review, concurrence and handling. For those projects which may utilize Federal funds, the FHWA will review the final negative declaration, and if in agreement with the scope and content, indicate FHWA adoption of the final negative declaration by signing and dating.
- G. A draft EIS shall be prepared and processed in lieu of a negative declaration if significant impacts are identified prior to finalizing the negative declaration or at a subsequent time. It would not be necessary in such instance to hold a public hearing for the sole purpose of presenting the draft EIS. Circulation of the draft EIS affords the public and governmental agencies an opportunity to express their views on the anticipated environmental impacts should the proposed action be implemented.

- H. The negative declaration shall be reevaluated by the Department periodically, and in all cases prior to proceeding with major project activities, for the purpose of determining whether there has been a substantial change in the social, economic and environmental effects of the proposed action. If there are substantial changes in the proposed action that would significantly affect the quality of the human environment, draft and final EIS's shall be prepared and processed.

Part 2 - Draft Environmental Impact Statement Processing

- A. The draft EIS shall be prepared for major actions which significantly affect the quality of the human environment, and shall be submitted to the appropriate design division for review and handling.
 - (1) Environmental impact statements will contain detailed information regarding:
 - a. The environmental impact of the proposed action.
 - b. Any adverse environmental effects which cannot be avoided should the proposal be implemented.
 - c. Alternatives to the proposed action.
 - d. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
 - e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
 - (2) If the proposed project will require the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge, or historic site of local, State or national significance as determined by the local, State or Federal officials having jurisdiction thereof, the following information will be submitted as a separate document or in a special section of an EIS. The information shall be self-contained to the extent practicable. It may be necessary to repeat information contained in the EIS to eliminate unnecessary references to the EIS.
 - a. A description of the public park, recreation area, wildlife refuge, or historic site.
 - b. A description of the manner in which the highway project will effect such land(s).
 - c. Discussion of feasible and prudent alternatives to the use of such land(s).
 - d. Discussion of planning to minimize harm to such land(s).
- B. For those projects which may utilize Federal funds, the FHWA shall review the draft EIS and if in agreement with the scope and content, take responsibility for the draft EIS by signing and dating the title page before it is released for comment.
- C. The draft EIS shall be circulated by the Department for comment and made available to the public approximately 30 days before the public hearing and no later than the publication of first notice for the hearing or opportunity thereof.

- D. The Department shall circulate the draft EIS for review and comment to: Federal, State and local agencies with jurisdiction by law and special expertise with respect to any environmental impact involved; the State and areawide clearinghouse; and the affected city or county.
- E. The Department shall also circulate copies of the draft EIS to public and private organizations and individuals with special expertise with respect to the environmental impact involved, to those which are known to have an interest in the highway section, and to those who request an opportunity to comment.
- F. The draft EIS shall be available for review by the public at the Main Office of the Department and appropriate District offices and at any public hearing.
- G. The availability of the draft EIS shall be included in the public hearing notice.
- H. Circulation of the draft EIS affords the public and governmental agencies the opportunity to express their views on the anticipated environmental impact should the proposed action be implemented. Therefore, a public hearing or public meeting will not ordinarily be required for the sole purpose of presenting and receiving comments on a draft EIS. When a hearing is not held where the draft EIS may be discussed, a notice shall be placed in the newspaper similar to the public hearing notice advising where the draft EIS is available for review, how copies may be obtained, and where comments should be sent.
- I. The draft EIS shall, if necessary, be revised unless the final EIS is adopted within 3 years from the date the draft EIS was circulated. If the draft EIS is revised, it shall also be recirculated for comment. Such recirculation shall be in the same manner as an original draft EIS.
- J. A draft EIS may be changed to a negative declaration if the review process and public hearing comments indicate the anticipated environmental impacts are not considered significant. All agencies and individuals that received copies or commented on the draft statement must be informed by the Department that a negative declaration was substituted for the draft EIS and given a brief explanation of the reason.

Part 3 - Final Environmental Impact Statement Processing

- A. The final EIS shall be prepared for major actions which significantly affect the quality of the human environment, and shall be submitted to the appropriate design division for review and handling.
- B. The final EIS shall contain the same supporting information required in the draft EIS with appropriate revisions and additions to reflect consideration of comments received from circulation of the draft EIS and the public hearing process.
- C. For those projects which may utilize Federal funds, the FHWA shall review the final EIS and, if in agreement with the scope and content, indicate FHWA adoption of the final EIS by signing and dating.

Part 4 - Supplemental Statement Processing

- A. A draft EIS or final EIS may be supplemented at any time. Supplements will be necessary when substantial changes are made in the proposed project that will introduce a new or changed environmental effect of significance to the quality of the human environment or significant new information becomes available concerning the project's environmental aspects.
- B. A supplement is to be processed in the same manner as a new EIS (draft and final).

APPENDIX E

OPPORTUNITY FOR AND NOTICES OF PUBLIC HEARING

A. Opportunity for public hearings

- (1) The requirements for a public hearing may be satisfied by either holding a public hearing, or publishing two notices of opportunity for public hearing and holding a public hearing in those instances where written requests for such a hearing are received which cannot be otherwise satisfied. The initial notice shall be published approximately 30 days in advance of the deadline for submission of a written request to hold a hearing. The second notice shall be published approximately 10 days before the deadline. The procedures for requesting a public hearing shall be explained in the notice.
- (2) If no requests are received in response to the notices of opportunity for a public hearing within the time specified for the submission of those requests, that fact shall be certified by the Department.

B. Notices of public hearings

- (1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language newspapers and local community newspapers. The initial notice shall be published approximately 30 days in advance of the date of the hearing. The second notice shall be published approximately 10 days before the date of the hearing. The timing of additional publications is optional except in the case where a project requires the use of land designated as a park, recreation area, scientific area, wildlife refuge or historic site; State law requires that public hearing notices be published for three consecutive weeks. These notices shall be in addition to the two required above.
- (2) In addition to publishing a notice of public hearing, the Department shall furnish copies of the notice to the Federal Highway Administration Division Engineer, appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of the Interior and Housing and Urban Development. The Department shall also furnish copies to other Federal agencies, local public officials, public advisory groups, and public agencies or individuals who have requested notice of hearing and other groups, or agencies who, by nature of their function, interest, responsibility or prehearing public involvement, the Department knows or believes might be interested in or affected by the proposal.
- (3) Each notice of public hearing shall specify the date, time and place of the hearing and shall contain a narrative description of the proposal. Notices shall indicate that verbal and written comments from the public regarding the project are requested and that comments may be presented either at the hearing or within 10 days after the hearing. The address where written comments may be submitted shall be included in each notice. To promote public understanding, the inclusion of a map or other drawing as part of the notice is particularly desirable and strongly encouraged. The notice of public hearing shall specify the maps, drawings, environmental studies and other pertinent information developed by the Department and written views received will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest Department office or at some other convenient location in the vicinity of the proposed project.
- (4) Notices of public hearings shall indicate that relocation assistance information will be available and tentative schedules of right-of-way acquisition and construction will be discussed.

APPENDIX F

CONDUCTING AND TRANSCRIBING PUBLIC HEARINGS

A. Conduct of public hearings

- (1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.
- (2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure of the submission shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.
- (3) At each required public hearing, pertinent information concerning the social, economic and environmental effects of location and design alternatives studied by the Department shall be made available.
- (4) The Department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which arise.
- (5) The Department shall describe the State-Federal relationship in the Federal-Aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.
- (6) The Department may arrange for local public officials or other qualified individuals to conduct a required public hearing.
- (7) The Department shall discuss the relocation assistance program and relocation assistance payments available as appropriate for the project being considered (see Appendix M) and the proposed time schedule of project development, including tentative schedules of right-of-way acquisition and construction.
- (8) At each public hearing the Department shall announce or otherwise explain that all information developed in regard to the proposed location or design will be available upon request for public inspection and copying.

B. Transcript of public hearings

The Department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the Federal Highway Administration within a reasonable period of time after the public hearing, together with:

- (1) copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing; and
- (2) a summary or index of all information made available to the public before the public hearing.

The Department shall make copies of these materials available for public inspection and copying not later than the date the transcript is submitted to the Federal Highway Administration.

APPENDIX G
CERTIFICATION AND
REPORTING OF PUBLIC HEARINGS

At the time the results of the public hearing process are reported, the following should be submitted:

- (1) A certification that:
 - (a) The Department has held at least one public hearing (or separate public hearings), or has afforded the opportunity for such public hearing covering the project's location and design (if a public hearing is required).
 - (b) The Department has considered the economic and social effects of the project's location and design and its impact on the environment.
 - (c) The Department has considered the statutory provisions of the Civil Rights Act of 1964 in determining economic, social and environmental effects.
 - (d) The Department has considered the project's consistency with the goals and objectives of such urban planning as has been promulgated by the community.
- (2) The appropriate environmental statement or declaration, if required.
- (3) A summary and analysis, when appropriate, of the views received as a result of earlier coordination and in connection with public hearings or opportunity for public hearings. This summary and analysis should be a part of the appropriate environmental statement or declaration if one is required.

APPENDIX H

POLICY AND REVIEW COMMITTEE*

Chairman - Robert L. Lewis, Chief Engineer of Highway Design, THD
Administration Liaison - Marcus L. Yancey, Jr., Assistant State Highway
Engineer (Administration) THD
Personnel - H. D. DeBerry, Jr., Personnel and Wage Administrator, THD
Maintenance - Archie J. Sherrod, Chief Engineer of Maintenance Operations, THD
Structures - Wayne Henneberger, Bridge Engineer, THD
Right of Way - L. E. Clarke, Right-of-Way Engineer, THD
Construction - Theodore E. Ziller, Construction Engineer, THD
Urban Highway Considerations - William V. Ward, Houston Urban Project
Engineer-Manager, THD
Rural Highway Considerations - Joe G. Hanover, District Engineer, Bryan, THD
Governor's Office Liaison - Walter G. Tibbitts, Acting Director, Division of Planning
Coordination, Office of the Governor
Public Information - Tom Taylor, Director, Travel and Information, THD
Secondary Roads - H. L. Arno, Engineer of Secondary Roads, THD

* Ad Hoc Policy and Review Committee which was responsible for initial development of the 1973 Action Plan.

APPENDIX I

INTERDISCIPLINARY TEAM*

Team Director - Phillip L. Wilson, Assistant Engineer of Highway Design, THD
Economic Considerations - Dr. William Frank McFarland, Research Economist,
TTI, Texas A&M
Ecological Systems - Dr. Charles L. Leinweber, Director, Environmental Quality
Program, Texas A&M
Natural Sciences - Bob Carlisle, Chief of Environmental Affairs, Parks and
Wildlife
Governor's Staff Liaison - John Staha, Division of Planning Coordination, Office
of the Governor
Natural Sciences - Lonnie J. Peters, Chief of Inland Fisheries, Parks and
Wildlife
Urban Transportation Systems - Walter F. Frey, Engineer of Urban Planning, THD
Land Service Roads - George W. West, Supervising Designing Engineer, THD
Environmental Design - B. H. Balfour, Engineer of Project Planning, THD
Economic Considerations - Eddie El Shafie, Economist, THD
Environmental Sciences - Dr. Alfred J. D'Arezzo, Environmental Sciences Analyst
Texas Water Rights Commission
Architecture - Robert M. Hays, Architect, THD
Aesthetics - Roy S. Rodman, Landscape Architect, THD
Right of Way - Max A. Fariss, Engineer of Right-of-Way Operations, THD
Sociological Considerations - Dr. W. G. Adkins, Economist-Sociologist, TTI,
Texas A&M
Public Participation - Hilton Hagan, Public Information Officer, THD
Socio-Economic Considerations - Dock D. Burke, Research Economist, TTI, Texas
A&M
Archaeological Considerations - Frank A. Weir, Archaeologist, THD
FHWA Liaison - John J. Conrado, Assistant Division Engineer, FHWA
Municipalities - Dan Davidson, Austin City Manager, Texas Municipal League
Water Resources - Lewis Seward, Project Development, Texas Water Development Board
Historical Considerations - Curtis Tunnell, State Archaeologist, Texas State
Historical Survey Committee
Mass Transportation - Russell Cummings, Texas Mass Transportation Commission
Legal Considerations - Jim Frasier, Attorney, Right of Way Division, THD
Processes and Procedures - James W. Barr, Administrator, Technical Programs, THD

* Ad Hoc Interdisciplinary Team which was responsible for initial study and development of 1973 Action Plan.

APPENDIX J

LIST OF URBAN TRANSPORTATION STUDIES

Corpus Christi Urban Transportation Study
Jefferson-Orange Regional Transportation Study
Midland-Odessa Regional Transportation Study
El Paso Urban Transportation Study
Lubbock Urban Transportation Study
Dallas-Fort Worth Regional Transportation Study
Waco Urban Transportation Study
Austin Urban Transportation Study
San Antonio-Bexar County Urban Transportation Study
Wichita Falls Urban Transportation Study
Laredo Urban Transportation Study
Amarillo Urban Transportation Study
Abilene Urban Transportation Study
San Angelo Urban Transportation Study
Houston-Galveston Regional Transportation Study
Tyler Urban Transportation Study
Texarkana Urban Transportation Study
Harlingen-San Benito Urban Transportation Study
McAllen-Pharr Urban Transportation Study
Sherman-Denison Urban Transportation Study
Brownsville Urban Transportation Study
Bryan-College Station Urban Transportation Study
Killeen-Temple Urban Transportation Study
Longview Urban Transportation Study

APPENDIX K

RESOURCES AVAILABLE FOR IMPLEMENTING AND OPERATING IN ACCORDANCE WITH THE ACTION PLAN

Resources of the State Department of Highways and Public Transportation

The Constitution of the State of Texas provides that subject to certain specific allocations contained therein and further subject to Legislative appropriation, allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees and all taxes, except gross production and ad valorem taxes on motor fuels and lubricants used to propel motor vehicles over public roadways, shall be used for the sole purpose of acquiring right of way, constructing, maintaining, and policing such public roadways and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads. In addition, the statutes provide highway funds from such sources as license fees, registration fees, certificate of title fees, motor fuel taxes, motor lubricant taxes, oversize and overweight vehicle permits and deposition of interest on time deposits. Other sources of the State Highway Fund are Legislative appropriations to the Farm to Market Road Fund and voluntary contributions from cities and counties for expenditures by the Commission in the proper development and construction of the public roads and State highway system within the cities and counties.

Senate Bill 762 enacted by the 64th Texas Legislature established a Public Transportation Fund, thus ensuring availability of State money to match local and Federal funds for public transportation improvements.

It is anticipated that sufficient resources will be available to the Department for the organizational expansion provided in the Action Plan and for the additional interdisciplinary studies incorporated into systems and project planning to assure full consideration of all social, economic and environmental effects of all alternative courses of action. However, the required expenditure of increased funds in the planning of projects will result in a corresponding decrease in the availability of funds for construction and maintenance of projects.

Resources of Other Agencies

It is anticipated that the resources of other State and Federal agencies will be sufficient to provide the services (input and review) under their area of expertise or jurisdiction in accordance with the extent of their participation as outlined in the Action Plan. Prior to the development of a full inhouse interdisciplinary capability by the Department, any substantial resource contribution by any agency would be covered by interagency contract which usually provides for reimbursement of funds by the contracting agency, i.e., the Department would bear the cost of the other agencies input into systems and project planning. After full implementation of the Action Plan and the establishment of the full inhouse interdisciplinary capability in the Department, it would be anticipated that the use of interagency consultants would be limited to special areas of expertise and as required to handle an increased volume of work on an interim basis.

APPENDIX L

IMPLEMENTATION AND REVISION OF THE ACTION PLAN

Implementation

Upon approval of the Department's Action Plan by the Governor of Texas and the Federal Highway Administration, the development of the Department's organization and the processes and procedures as outlined in the Action Plan will be implemented as quickly as possible. Full implementation of the Action Plan will be contingent upon the organizational adjustments necessary to incorporate all disciplines envisioned by the Plan but not a part of the present organization. Every effort will be made to obtain fully qualified individuals to serve the interdisciplinary capacities provided in the organizational arrangement in the approved Action Plan; however, where qualified professionals are not immediately available, the Department by the execution of interagency contracts with other State agencies will obtain the services of other disciplines. The development of full interdisciplinary capabilities should be completed by November 1, 1974.

Responsibility for Implementations and Revision

Under the direction of the State Highway and Public Transportation Commission and the State Engineer-Director, it will be the responsibility of the Chief Engineer of Highway Design and the State Planning Engineer of the Transportation Planning Division to implement the organizational structure, processes and procedures outlined in the Action Plan.

The Highway Design Division will serve as the clearinghouse for future revisions of the Action Plan as may be required.

All recommended revisions to the Action Plan will be submitted through the Chief Engineer of Highway Design who will submit recommendations to the Administration of the Department. All future revisions required in the Action Plan will be approved by the Engineer-Director, acting for the Commission. All revisions which affect policy, concern the involvement or responsibilities of other agencies or levels of government, or are intermodal in scope will be coordinated with the appropriate agencies. In general, significant changes will be subjected to the same public review and coordination as was used in the initial plan. Federal Highway Administration approval of all revisions will be obtained.

APPENDIX M

PUBLIC INFORMATION ON RELOCATION ASSISTANCE

A. General Requirements

In order to assure that the public has adequate knowledge of the relocation program, the Department shall present information and provide opportunity for discussion of relocation services and payments at public hearings, and give full and adequate public notice of the relocation assistance program. A relocation assistance brochure is available in both English and Spanish. In order to give proper information and assistance to relocatees, efforts shall be made to communicate with them in their language.

B. Public Hearings

The discussion shall include but not necessarily be limited to the following:

- (1) Departmental policy that:
 - (a) No person shall be displaced by the Department's construction projects unless and until adequate replacement housing has already been provided for or is in place and has been made available to all affected persons.
 - (b) Replacement housing must be offered to all affected persons regardless of their race, color, religion, sex or national origin.
 - (c) All replacement housing must be fair housing, open to all persons regardless of race, color, religion, sex or national origin.
- (2) The relocation assistance eligibility requirements and payment procedures including:
 - (a) Eligibility requirements and payment limits for moving costs.
 - (b) Replacement housing payment eligibility requirements and payment limits.
 - (c) Mortgage interest rate differential eligibility requirements and payment.
 - (d) Payment of closing costs incident to the purchase of a replacement dwelling.
 - (e) Appeal procedures.
- (3) Discussion of the services available under the Department's relocation assistance advisory program; and the address and telephone number of the local relocation office and the name of the relocation officer in charge.
- (4) Discussion of the studies that have been or will be made and the methods that will be followed to assure that housing needs of the relocatees will be met.
- (5) The estimated number of individuals, families, businesses, and non-profit organizations to be relocated by each location and/or design alternative.
- (6) The estimated number of dwelling units presently available that meet replacement housing requirements.

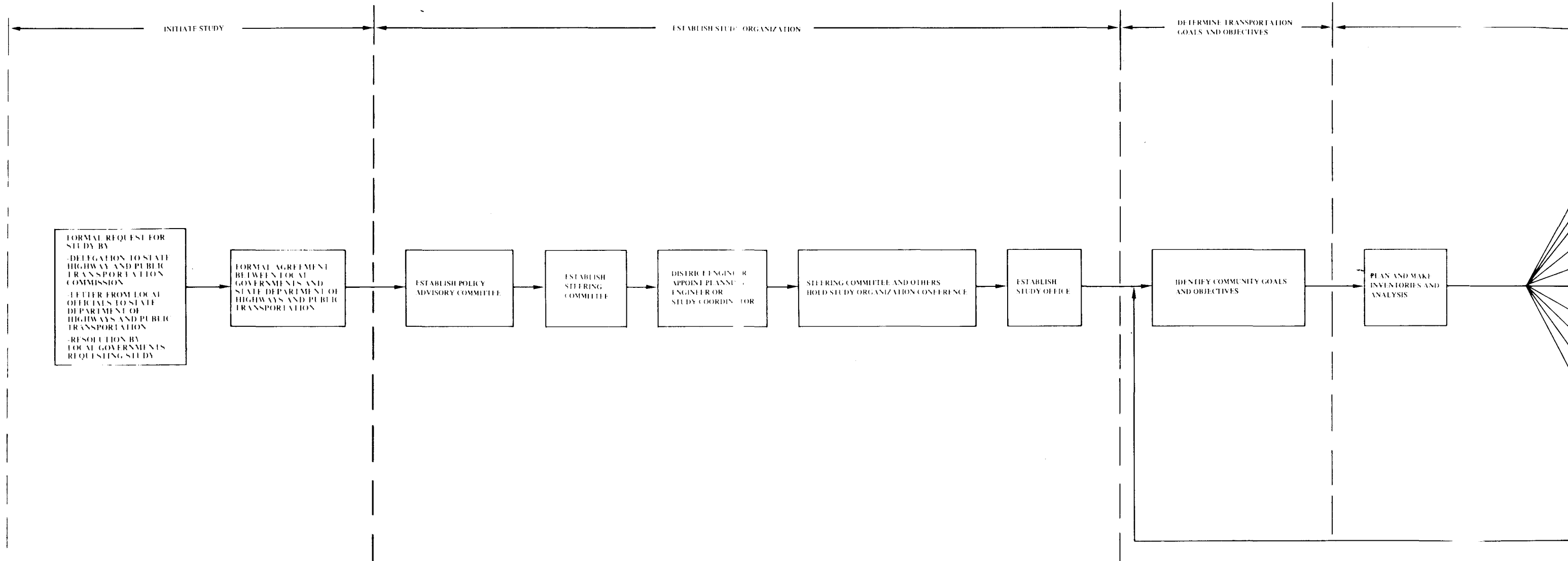
- (7) An estimate of the time necessary for relocation and of the number of dwelling units meeting the replacement housing requirements that will become available during that period.
- (8) The depth of presentation would be influenced by the comprehensiveness of the brochure. If the brochure covers a particular item in sufficient detail, it would be satisfactory to highlight what the brochure contains without going into any great detail. If a particular item is not applicable to the project it would not be necessary to discuss the item beyond the mere mention that the law makes provision for such item.

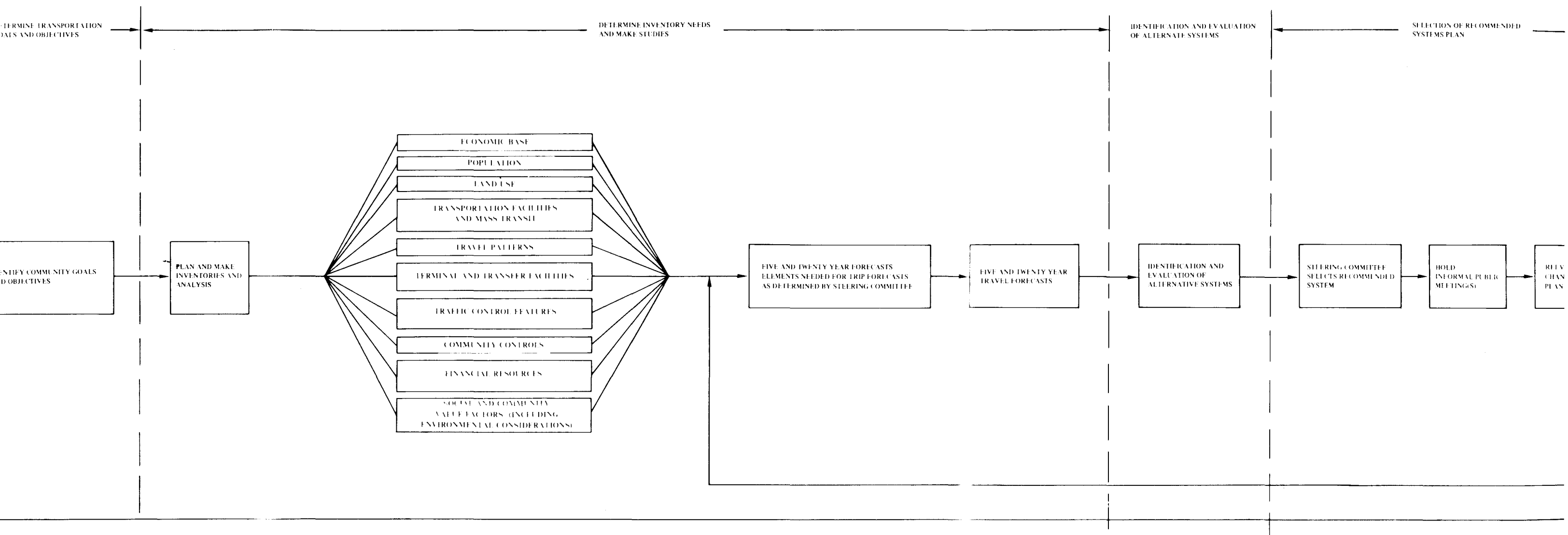
C. Brochure

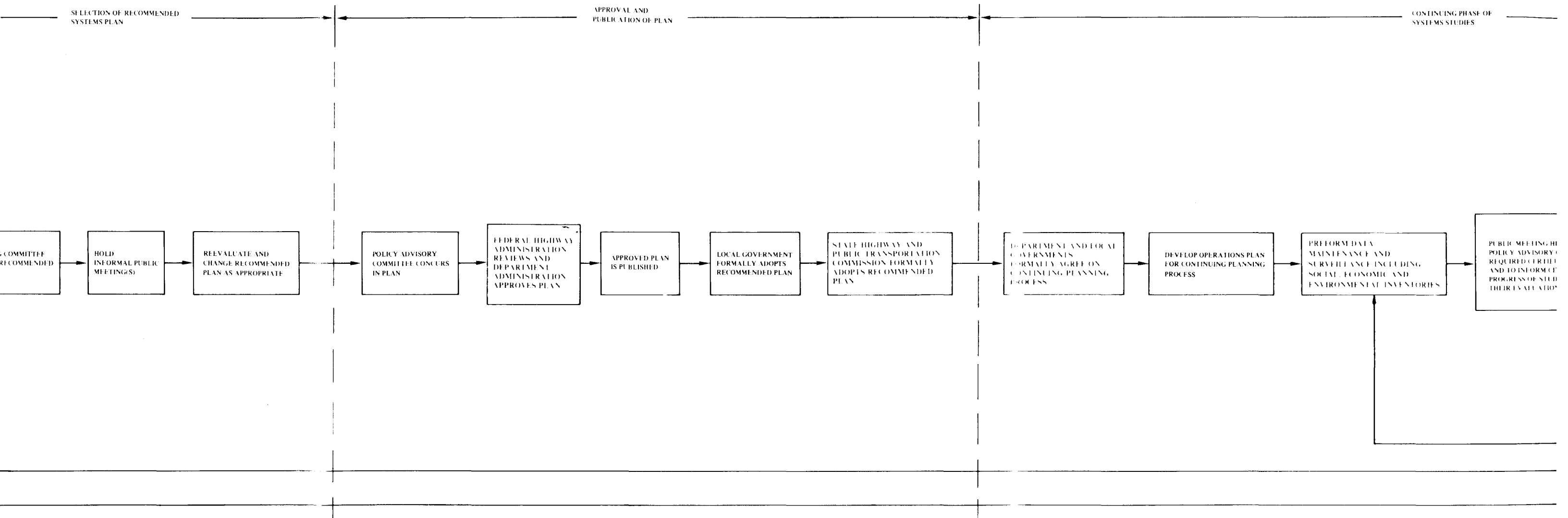
The relocation assistance brochure, available in both English and Spanish, describes the Department's relocation program. The brochure shall be distributed without cost at all public hearings and to all other individuals and organizations as appropriate. The brochure states where copies of any State regulations implementing the relocation assistance program can be obtained.

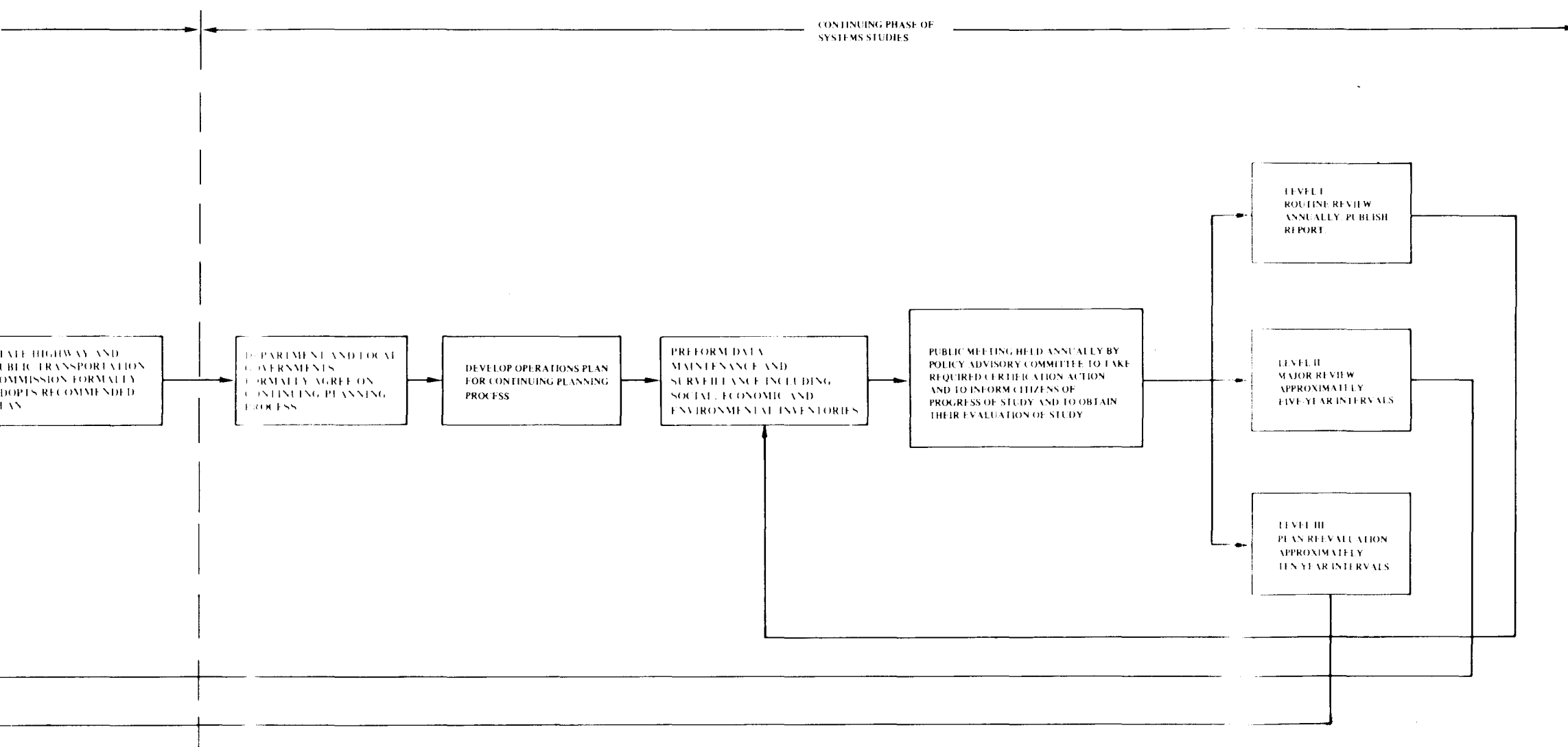
APPENDIX N

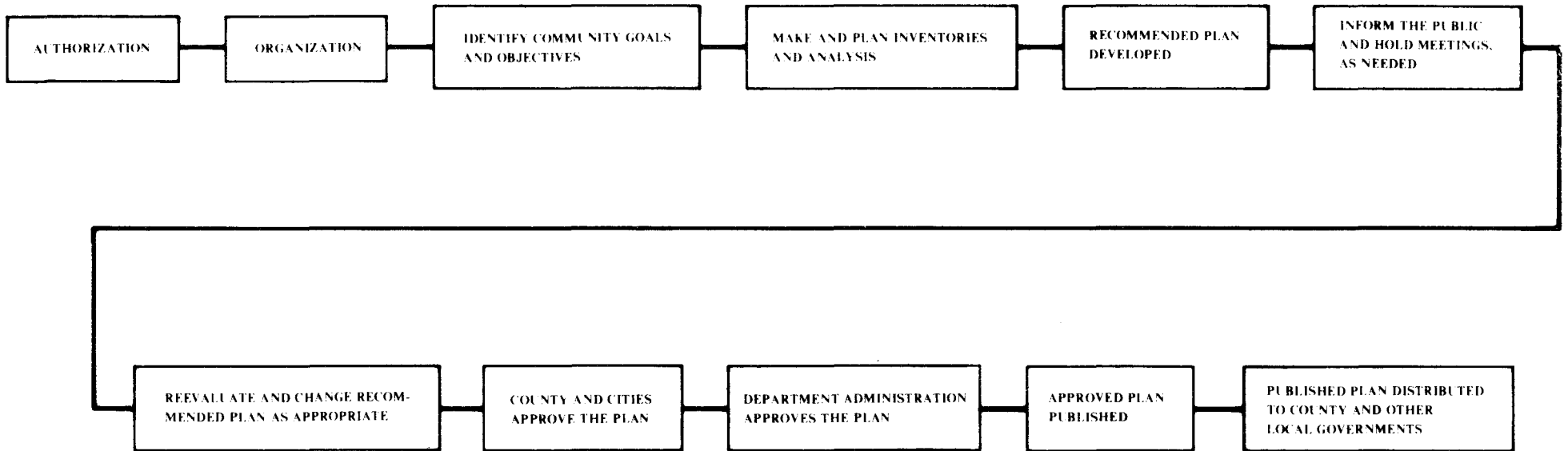
FLOW CHART SHOWING
PROCESS GUIDELINES
FOR SYSTEMS PLANNING











I-0

COUNTY TRANSPORTATION SYSTEMS PLANNING FLOW CHART

APPENDIX 0

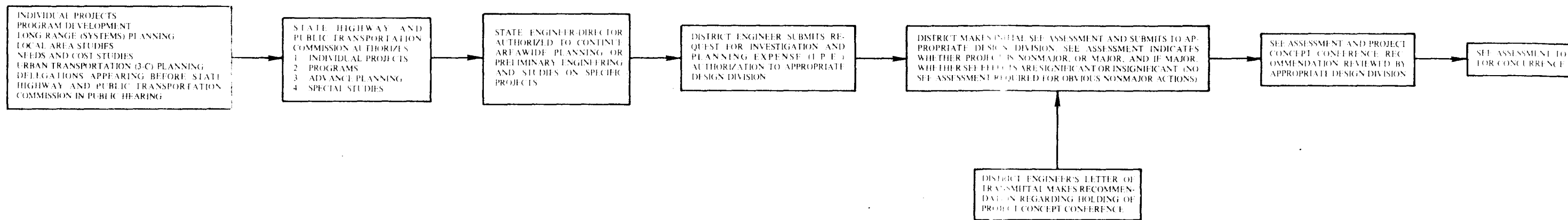
APPENDIX P

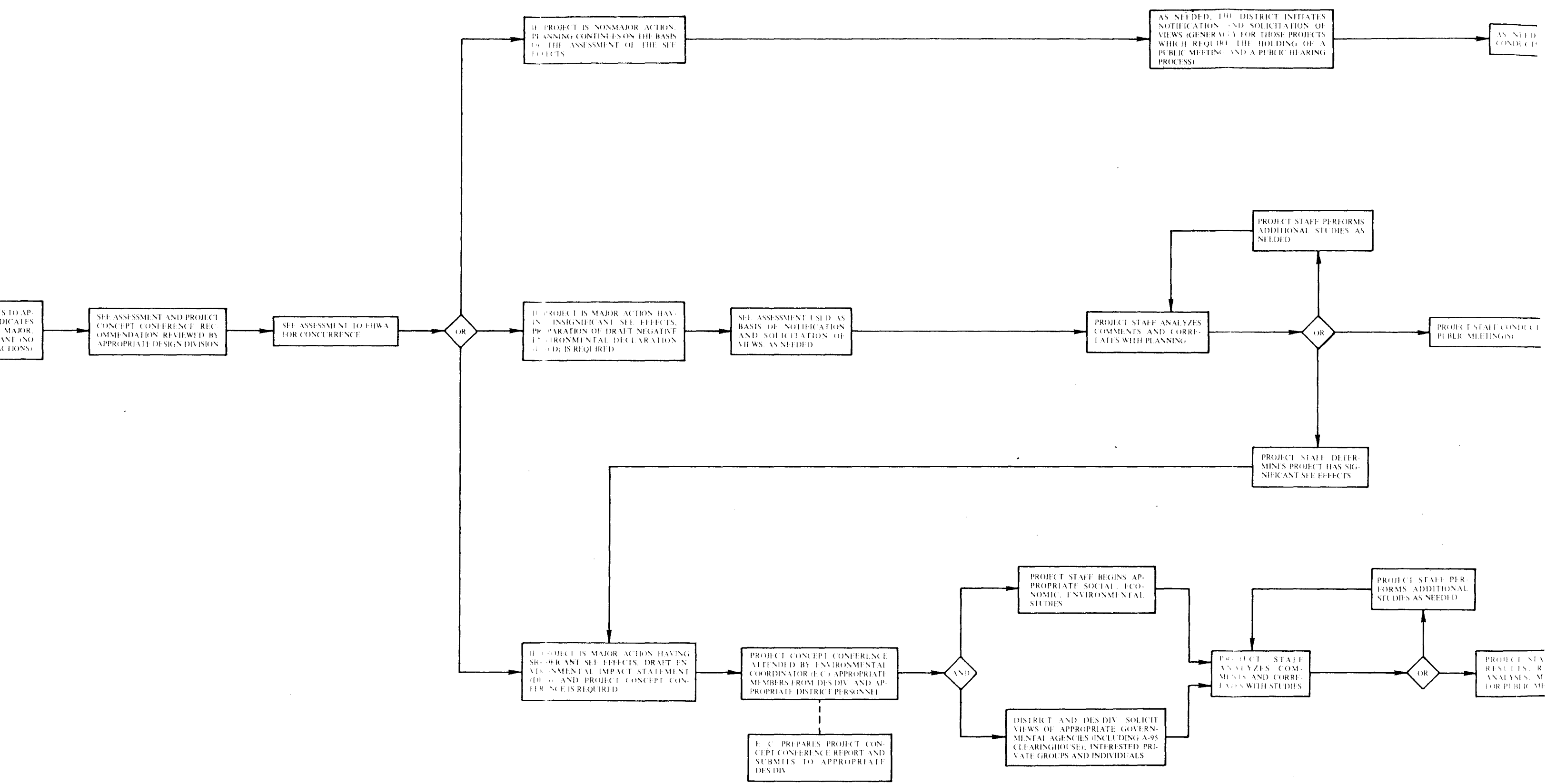
FLOW CHART SHOWING PROCESS GUIDELINES FOR PROJECT DEVELOPMENT EMPHASIZING PUBLIC INVOLVEMENT AND SOCIAL, ECONOMIC & ENVIRONMENTAL CONSIDERATIONS

ABBREVIATIONS

DES. DIV.	DESIGN DIVISIONS
E C.	ENVIRONMENTAL COORDINATOR
IPE	INVESTIGATION AND PLANNING EXPENSE
SEE	SOCIAL, ECONOMIC AND ENVIRONMENTAL
DNED	DRAFT NEGATIVE ENVIRONMENTAL DECLARATION*
FNED	FINAL NEGATIVE ENVIRONMENTAL DECLARATION*
DEIS	DRAFT ENVIRONMENTAL IMPACT STATEMENT*
FEIS	FINAL ENVIRONMENTAL IMPACT STATEMENT*
BPO	GOVERNOR'S BUDGET AND PLANNING OFFICE
COG	COUNCIL OF GOVERNMENTS
FHWA	FEDERAL HIGHWAY ADMINISTRATION
PS&E	PLANS, SPECIFICATIONS AND ESTIMATES

* TO BE ACCOMPANIED BY SECTION 4(f) DOCUMENTATION
IF SECTION 4(f) LANDS ARE INVOLVED.





SEE ASSESSMENT AND PROJECT CONCEPT CONFERENCE RECOMMENDATION REVIEWED BY APPROPRIATE DESIGN DIVISION

SEE ASSESSMENT TO FHWA FOR CONCURRENCE

OR

IF PROJECT IS NONMAJOR ACTION. PLANNING CONTINUES ON THE BASIS OF THE ASSESSMENT OF THE SEE EFFECTS

AS NEEDED, THE DISTRICT INITIATES NOTIFICATION AND SOLICITATION OF VIEWS (GENERALLY FOR THOSE PROJECTS WHICH REQUIRE THE HOLDING OF A PUBLIC MEETING AND A PUBLIC HEARING PROCESS)

AS NEEDED CONDUCTS

IF PROJECT IS MAJOR ACTION HAVING INSIGNIFICANT SEE EFFECTS. PREPARATION OF DRAFT NEGATIVE ENVIRONMENTAL DECLARATION (NED) IS REQUIRED

SEE ASSESSMENT USED AS BASIS OF NOTIFICATION AND SOLICITATION OF VIEWS, AS NEEDED

PROJECT STAFF ANALYZES COMMENTS AND CORRELATES WITH PLANNING

PROJECT STAFF PERFORMS ADDITIONAL STUDIES AS NEEDED

OR

PROJECT STAFF CONDUCTS PUBLIC MEETINGS

PROJECT STAFF DETERMINES PROJECT HAS SIGNIFICANT SEE EFFECTS

IF PROJECT IS MAJOR ACTION HAVING SIGNIFICANT SEE EFFECTS. DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) AND PROJECT CONCEPT CONFERENCE IS REQUIRED

PROJECT CONCEPT CONFERENCE ATTENDED BY ENVIRONMENTAL COORDINATOR (E.C.) APPROPRIATE MEMBERS FROM DES DIV. AND APPROPRIATE DISTRICT PERSONNEL

E.C. PREPARES PROJECT CONCEPT CONFERENCE REPORT AND SUBMITS TO APPROPRIATE DES DIV

AND

PROJECT STAFF BEGINS APPROPRIATE SOCIAL, ECONOMIC, ENVIRONMENTAL STUDIES

DISTRICT AND DES DIV SOLICIT VIEWS OF APPROPRIATE GOVERNMENTAL AGENCIES (INCLUDING A-95 CLEARINGHOUSE), INTERESTED PRIVATE GROUPS AND INDIVIDUALS

PROJECT STAFF ANALYZES COMMENTS AND CORRELATES WITH STUDIES

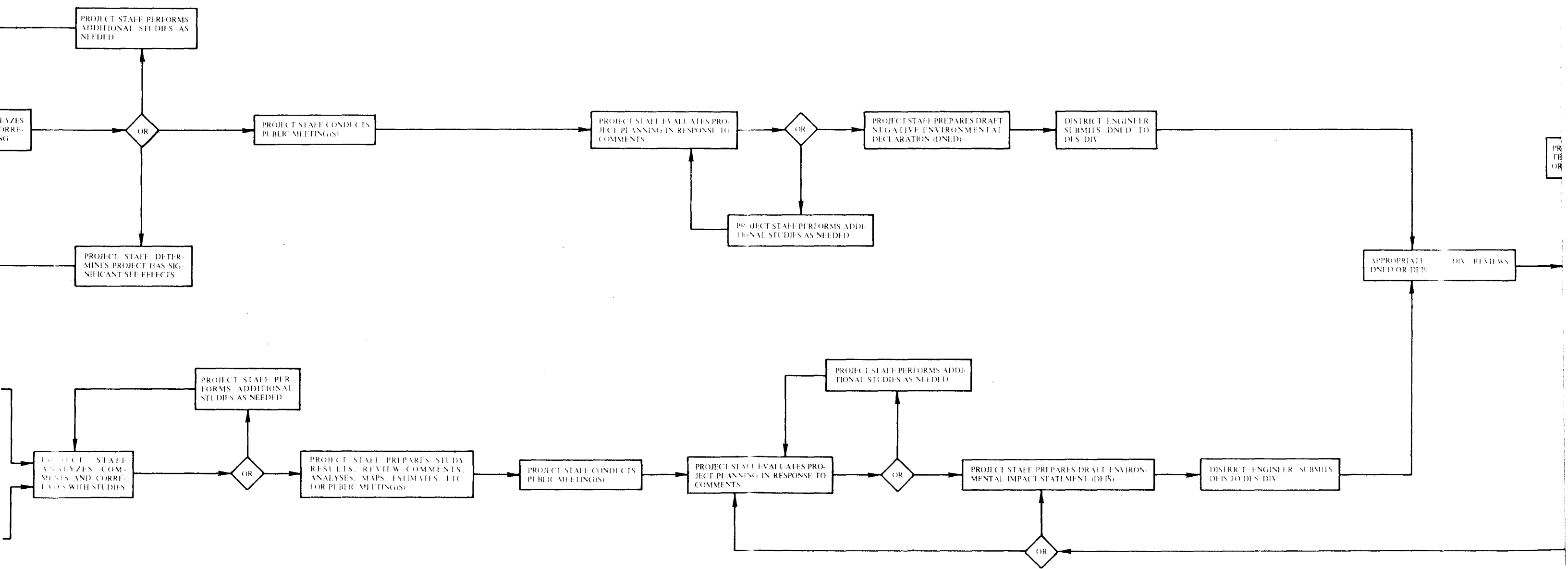
PROJECT STAFF PERFORMS ADDITIONAL STUDIES AS NEEDED

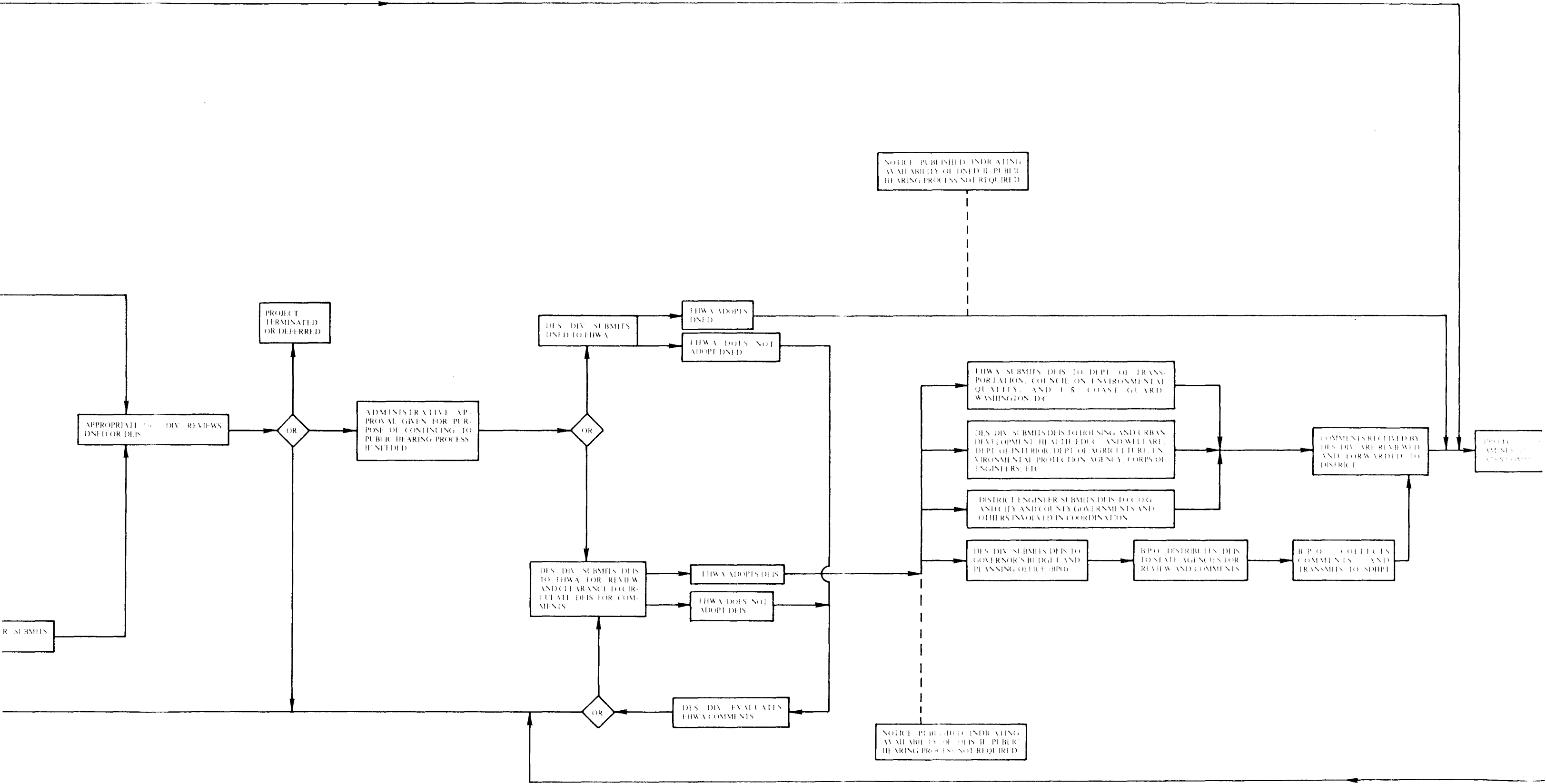
OR

PROJECT STAFF PREPARES RESULTS REPORT ANALYSIS FOR PUBLIC MEETING

AS NEEDED, THE DISTRICT INITIATES IDENTIFICATION AND SOLICITATION OF PROJECTS (GENERALLY FOR THOSE PROJECTS WHICH REQUIRE THE HOLDING OF A PUBLIC MEETING AND A PUBLIC HEARING (SEE PAGE 15))

AS NEEDED, THE DISTRICT CONDUCTS PUBLIC MEETING(S)





NOTICE PUBLISHED INDICATING AVAILABILITY OF DNEI IF PUBLIC HEARING PROCESS NOT REQUIRED

PROJECT TERMINATED OR DEFERRED

APPROPRIATE DIV REVIEWS DNEI OR DEIS

ADMINISTRATIVE APPROVAL GIVEN FOR PURPOSE OF CONTINUING TO PUBLIC HEARING PROCESS, IF NEEDED

DES DIV SUBMITS DNEI TO FHWA

FHWA ADOPTS DNEI

FHWA DOES NOT ADOPT DNEI

DES DIV SUBMITS DEIS TO FHWA FOR REVIEW AND CLEARANCE TO CIRCULATE ALL DEIS FOR COMMENTS

FHWA ADOPTS DEIS

FHWA DOES NOT ADOPT DEIS

FHWA EVALUATES COMMENTS

FHWA SUBMITS DEIS TO DEPT. OF TRANSPORTATION, COUNCIL ON ENVIRONMENTAL QUALITY, AND U.S. COAST GUARD WASHINGTON, DC

DES DIV SUBMITS DEIS TO HOUSING AND URBAN DEVELOPMENT, HEALTH, EDUC., AND WELFARE, DEPT. OF INTERIOR, DEPT. OF AGRICULTURE, ENVIRONMENTAL PROTECTION AGENCY, CORPS OF ENGINEERS, ETC.

DISTRICT ENGINEER SUBMITS DEIS TO COG AND CITY AND COUNTY GOVERNMENTS AND OTHERS INVOLVED IN COORDINATION

DES DIV SUBMITS DEIS TO GOVERNOR'S BUDGET AND PLANNING OFFICE - BPO

BPO DISTRIBUTES DEIS TO STATE AGENCIES FOR REVIEW AND COMMENTS

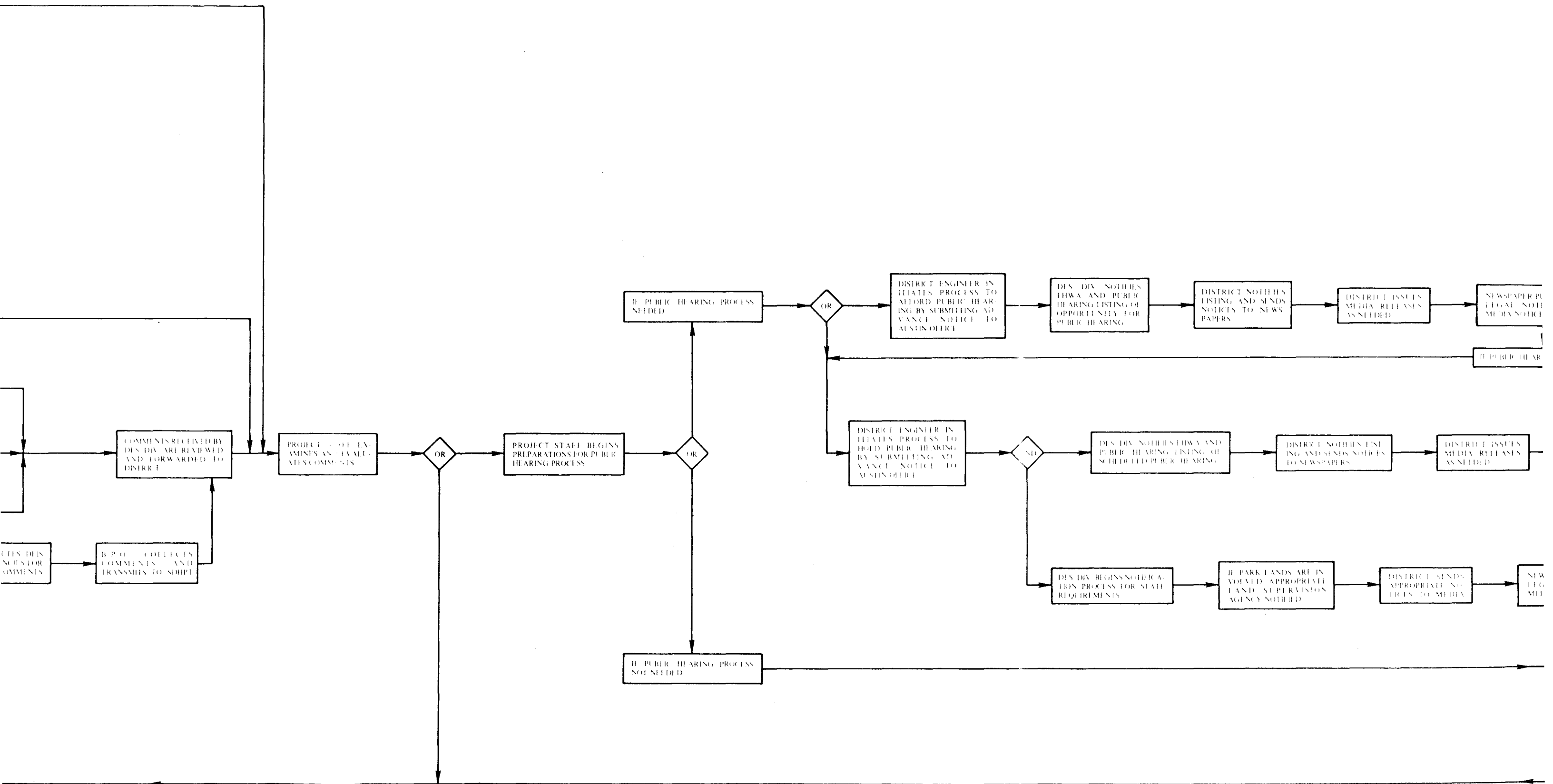
BPO COLLECTS COMMENTS AND TRANSMITS TO SDHPT

COMMENTS RECEIVED BY DES DIV ARE REVIEWED AND FORWARDED TO DISTRICT

PROJECT AMENDED OR APPROVED

NOTICE PUBLISHED INDICATING AVAILABILITY OF DEIS IF PUBLIC HEARING PROCESS NOT REQUIRED

SUBMIT



UTILS DIVS REQUEST FOR COMMENTS

B.P.D. COLLECTS COMMENTS AND TRANSMITS TO SDHPT

COMMENTS RECEIVED BY DES DIV ARE REVIEWED AND FORWARDED TO DISTRICT

PROJECT - SEE EXAMINES AND EVALUATES COMMENTS

PROJECT STAFF BEGINS PREPARATIONS FOR PUBLIC HEARING PROCESS

IF PUBLIC HEARING PROCESS NEEDED

DISTRICT ENGINEER INITIATES PROCESS TO HOLD PUBLIC HEARING BY SUBMITTING ADVANCE NOTICE TO AUSTIN OFFICE

DISTRICT ENGINEER INITIATES PROCESS TO AFFORD PUBLIC HEARING BY SUBMITTING ADVANCE NOTICE TO AUSTIN OFFICE

DES DIV BEGINS NOTIFICATION PROCESS FOR STATE REQUIREMENTS

IF PARK LANDS ARE INVOLVED, APPROPRIATE LAND SUPERVISION AGENCY NOTIFIED

DES DIV NOTIFIES FHWA AND PUBLIC HEARING LISTING OF SCHEDULED PUBLIC HEARING

DISTRICT NOTIFIES LISTING AND SENDS NOTICES TO NEWSPAPERS

DISTRICT NOTIFIES LISTING AND SENDS NOTICES TO NEWSPAPERS

DISTRICT ISSUES MEDIA RELEASES AS NEEDED

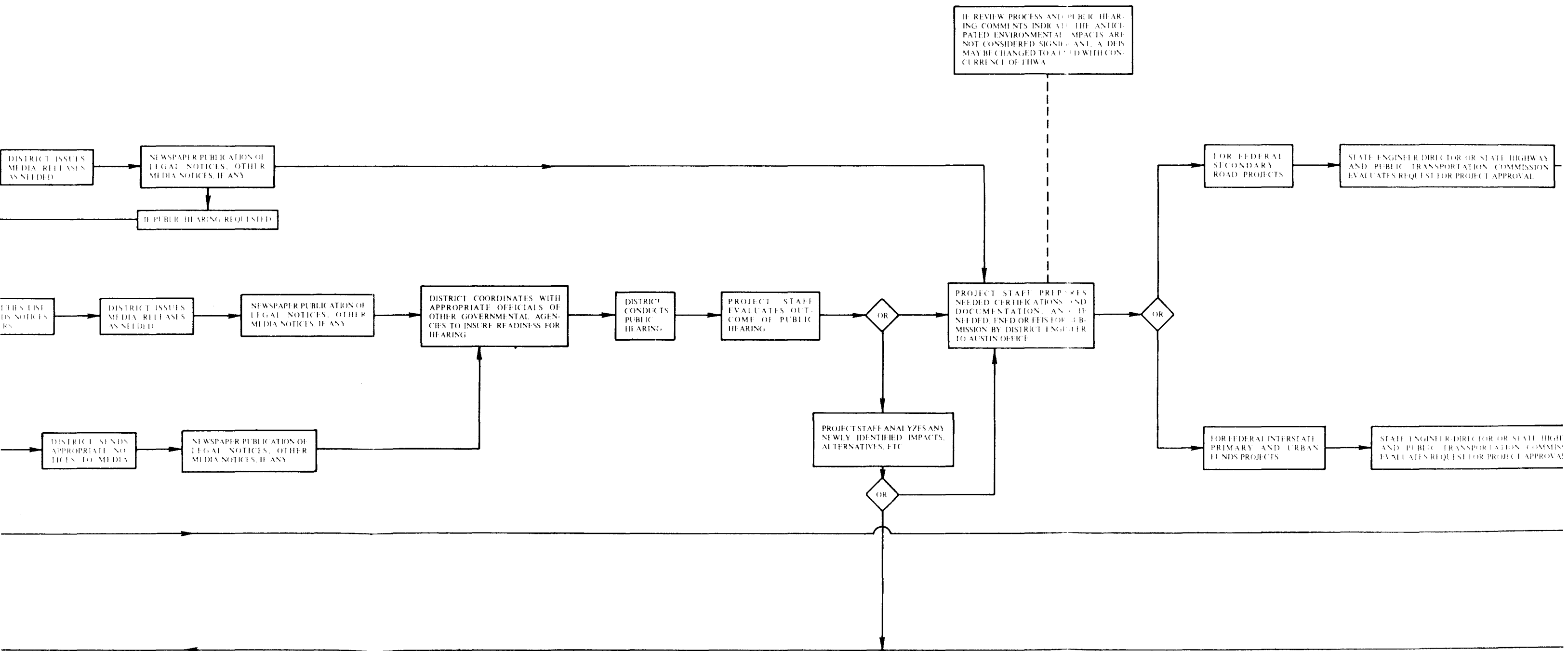
DISTRICT SENDS APPROPRIATE NOTICES TO MEDIA

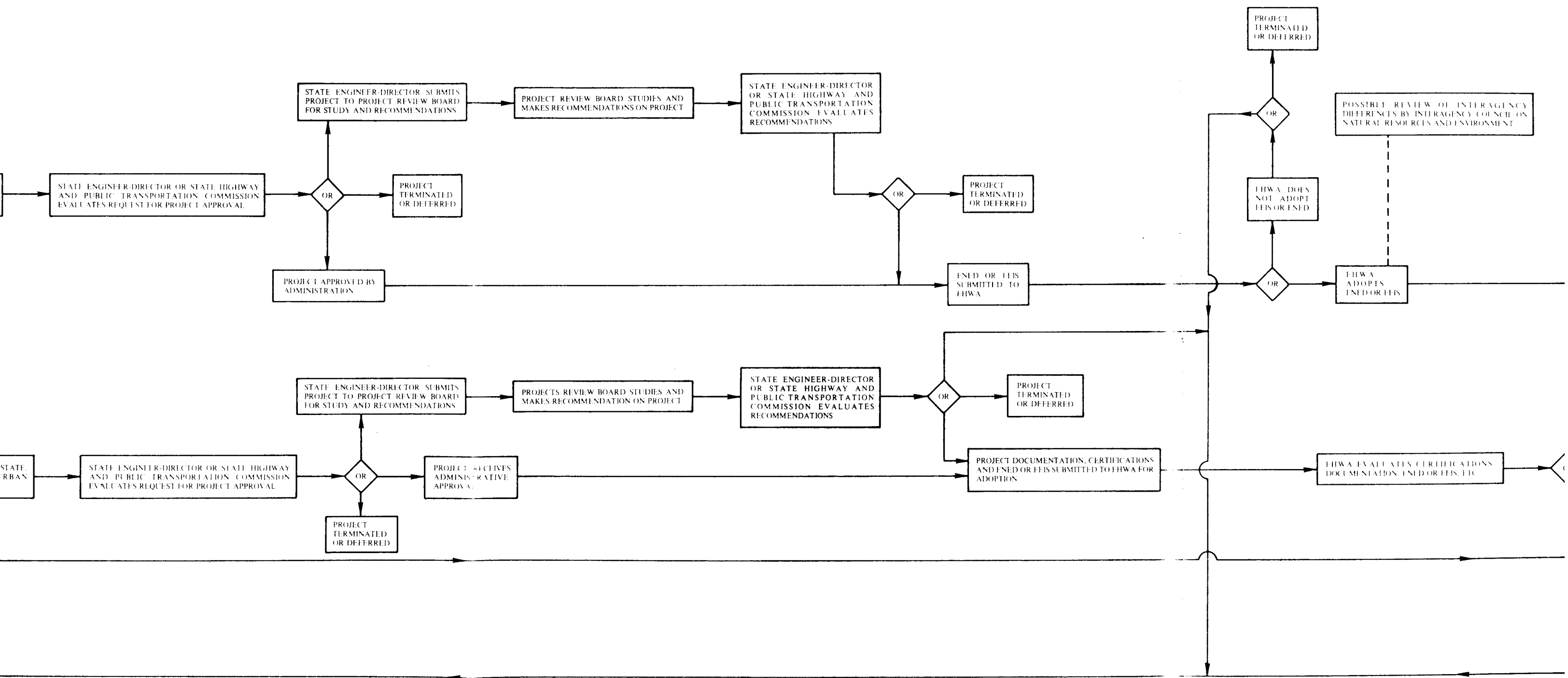
DISTRICT ISSUES MEDIA RELEASES AS NEEDED

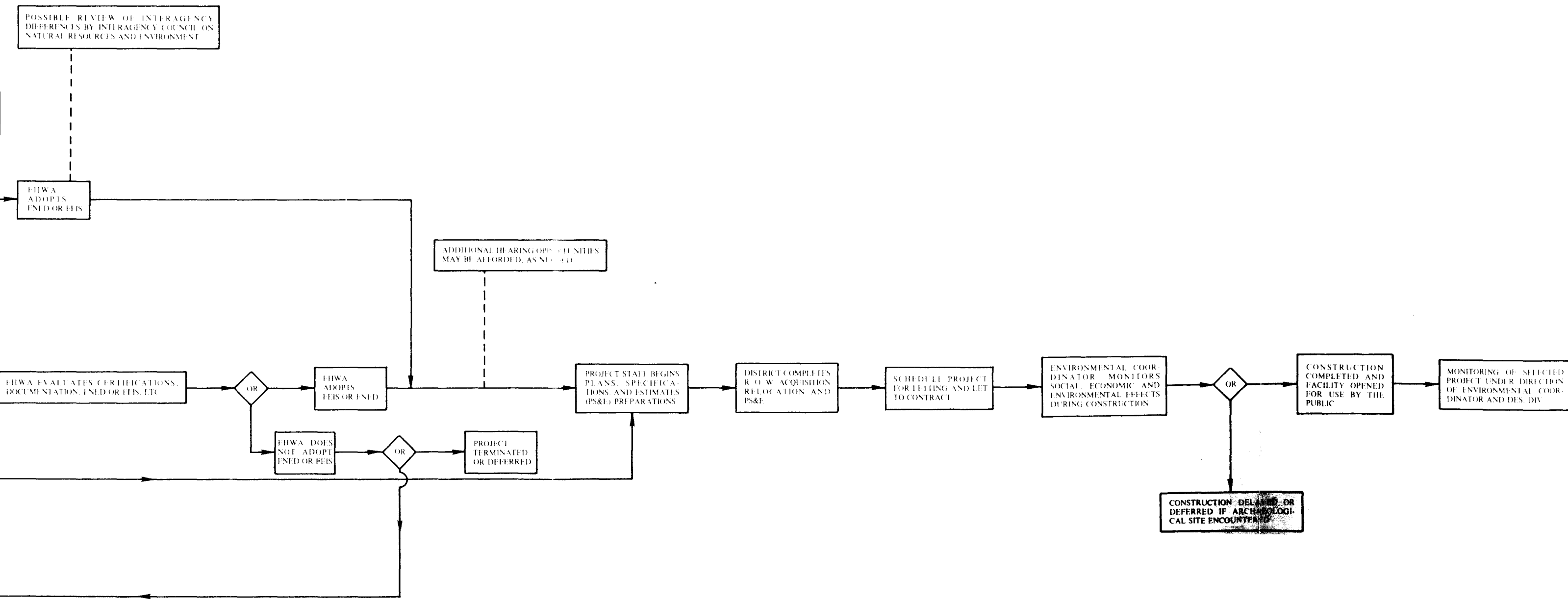
NEWSPAPER/LEGAL NOTICE MEDIA NOTICE

IF PUBLIC HEARING

NEW LEGAL NOTICE







APPENDIX Q

PROCEDURES FOR DESIGNATION OF SINGLE METROPOLITAN PLANNING ORGANIZATIONS FOR TRANSPORTATION PLANNING

I. Purpose

To provide guidelines for the Governor in designating Metropolitan Planning Organizations. The guidelines should allow for (1) maximum local government participation both in the designation process and in transportation planning, (2) the use of areawide planning agencies which are responsible for conducting comprehensive planning, and (3) minimum duplication of effort through the utilization of existing planning efforts and capabilities.

II. Authority

The authority for this designation procedure rests in Section 112 of the Federal-Aid Highway Act of 1973. Section 112 states in part that: "funds apportioned to any State...be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of Section 134. . ."

Section 134 of Chapter 1 of Title 23, United States Code, requires each state to establish and maintain in its urban areas a continuing comprehensive transportation planning process carried on cooperatively by States and local communities. Section 134 was added to Title 23 by the Federal-Aid Highway Act of 1962 and has been a requirement for receipt of Federal Highway Funds since 1966.

III. Definitions

The following definitions will apply to the designation process:

- A. Signatory members - Local units of government which are signatory members to the Urban Transportation Planning Agreements established by the State Department of Highways and Public Transportation pursuant to Section 134 of Chapter 1 of Title 23, United States Code.
- B. Steering committee - A committee composed principally of elected officials, formed in accordance with the Urban Transportation Planning agreements established by the State Department of Highways and Public Transportation pursuant to Section 134 of Chapter 1 of Title 23, United States Code. The committee provides routine guidance to the planning process and coordination between transportation modes.
- C. Regional council of governments - A voluntary association of local governments established under State enabling legislation to make studies and plans to guide the unified, far-reaching development of an area.

IV. Conditions for Designation

- A. The regional council of governments in each State Planning Region will be designated as the single metropolitan planning organization subject to the following conditions:
 - 1. All signatory members must concur with the Governor's designation.
 - 2. The regional council of governments agrees that the Steering Committee will approve the use of Section 112 funds.

Section 112 of the 1973 Federal-Aid Highway Act authorizes additional funds for the purpose of carrying out the provisions of Section 134 of Chapter 1, of Title 23, U.S.C. Therefore, first consideration for the distribution of Section 112 funds should be given to existing planning efforts being conducted by cities, counties and regional councils of governments who are assigned responsibility for basic elements of the Urban Transportation Study Agreements established by the State Department of Highways and Public Transportation pursuant to Section 134 of Chapter 1 of Title 23, U.S.C.

- B. If these conditions are not met in any metropolitan area, then the signatory members will recommend to the Governor the appropriate agency to be designated as the single metropolitan planning organization.

V. Procedure

- A. The Governor's Budget and Planning Office will notify the chairmen of the regional councils of governments of their designation as a Metropolitan Planning Organization subject to the conditions as set forth in Section IV. The regional councils must accept or reject the designation within a time period specified by the Governor's Budget and Planning Office. Acceptance of the designation will be accomplished when the regional councils of governments transmit to the Governor's Budget and Planning Office:
 - 1. A resolution from the governing body of the regional council accepting the designation.
 - 2. A resolution or other formal document concurring with the Metropolitan Planning Organization designation from all signatory members.
- B. After receipt of the resolution from a regional council accepting the designation offer and the resolutions or minute orders from the signatory members approving the designation offer, a two-party agreement will be negotiated between the regional council of governments and the Governor's Budget and Planning Office. The agreement will establish the terms under which the Section 112 funds can be used.
- C. If a regional council declines the offer for designation or does not receive ratification from the signatory members, the signatory members will be responsible for recommending to the Governor's Office an alternative agency to serve as the Metropolitan Planning Organization for that metropolitan area. The Governor's Budget and Planning Office will then negotiate an agreement with the recommended agency.
- D. Redesignation procedure requires a resolution from the Steering Committee concurring with the existing Metropolitan Planning Organization or recommending a new agency to be designated.

VI. Administration

- A. The Governor's Budget and Planning Office will represent the Governor and provide overall coordination in the designation process pursuant to Section 112 of the Federal-Aid Highway Act of 1973.
- B. The Governor's Budget and Planning Office will prepare the notification for designation offers, develop designation agreements, insure close coordination between all affected and interested parties to the Metropolitan Planning Organization designation, and monitor the transportation planning conducted by the Metropolitan Planning Organization.
- C. This agreement shall in no way establish any activity or process that would infringe upon or interfere with the statutory obligation of the State Department of Highways and Public Transportation.

VII. Rescission of the Metropolitan Planning Organization Designation

The Governor retains the right to designate or redesignate the Metropolitan Planning Organization at any time if, in the Governor's opinion, it is necessary to do so. The Governor's decision to rescind a Metropolitan Planning Organization's designation shall be administratively final. The Governor's Budget and Planning Office will notify all affected parties that the agreement for Metropolitan Planning Organization designation is void.