

Benefits of TxDOT Involvement in Local Development Review: Summary Report

Many cities in Texas have a process in place to review development plans. Depending on the size of the city and its approach to development regulation, the process may range from loose and informal to structured and formalized. Counties in Texas have authority to regulate subdivision plats, but unlike cities they have little authority to regulate important elements of site development such as access, parking, and drainage.

The review of subdivisions and land development in the state of Texas has historically been the responsibility of cities and counties. With the exception of perhaps a few districts, over the years there has been limited collaboration between local jurisdictions and the Texas Department of Transportation (TxDOT) in the *planning stages* of development along state roadways.

TxDOT involvement in local development review is important because decisions related to access and right-of-way along state roadways are made during the site development and platting stages of development. TxDOT's involvement in this process is key to implementation of a statewide access management program and important to ensure that TxDOT right-of-way needs and interests are considered in local development review. The agency's involvement in

this activity also provides the important benefit of increased and improved coordination in local and metropolitan planning organization (MPO) thoroughfare planning.

This research provided recommendations and guidelines for how TxDOT can most effectively be involved in local development review to ensure that TxDOT interests are considered. It provided insight into the local development process and a clearer understanding of the impacts that local decisions have on state roadways. The project also recommended changes to existing TxDOT policy and new legislation to facilitate and enhance TxDOT-local cooperation in development review.

What We Did...

The research examined the development review processes of cities and counties in Texas to evaluate and identify opportunities for TxDOT involvement and coordination with local jurisdictions in review of developments that impact state roadways. It assessed TxDOT's current level of involvement in the local development process and identified current districts coordinating with local entities, how and why they coordinate, and when in the development process their coordination takes place. The project included a similar assessment of involvement in local development review on the part of departments of transportation

(DOTs) of numerous other states. An illustration and description of the typical development review process of Texas cities is shown in [Figure 1](#).

The research examined county authority to address concerns such as access and drainage for development occurring in unincorporated areas. It also evaluated recent legislation (both successful and unsuccessful) that speaks to a county's ability to develop thoroughfare plans and address development impacts along both state and county roadways.

The research examined if and how local jurisdictions, particularly cities, obtain or preserve right-of-way along state roadways as part of regulation of local development and redevelopment. The project identified and assessed local development regulations that have a significant effect on state facilities and future TxDOT right-of-way needs. The research also evaluated how local jurisdictions can be involved in TxDOT's environmental clearance and/or advanced planning process for the purpose of expediting state projects that are a local high priority.

Surveys of Texas cities and counties, TxDOT districts, and select DOTs were the primary source of information for the project. Four major surveys canvassed Texas cities, Texas counties, TxDOT districts, and DOTs of selected states. A total of 225 cities in Texas were mailed a



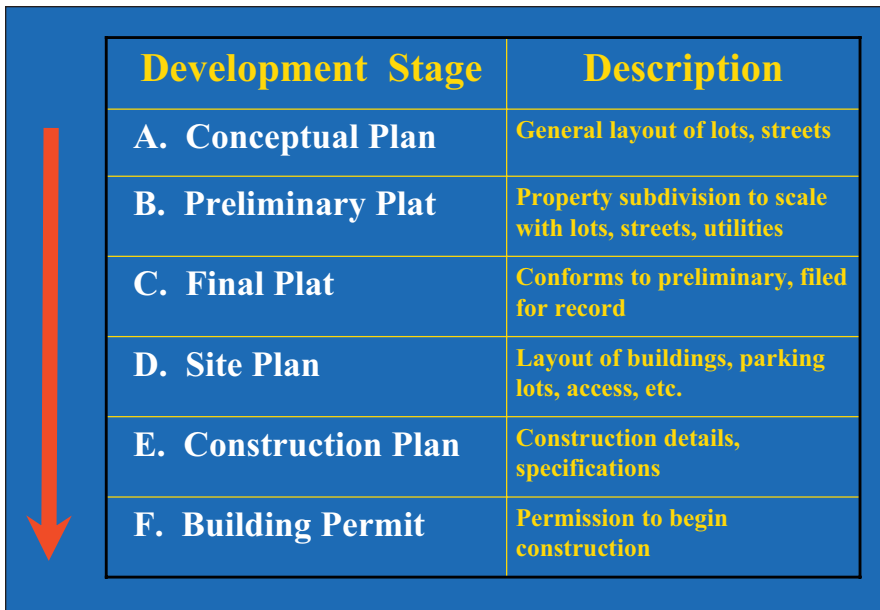


Figure 1. Typical Development Review Process of Cities in Texas.

survey, and 97 cities returned surveys, which resulted in an overall response rate of 43 percent. The survey sent included a representative sample of cities from within each of the 25 TxDOT districts.

The survey to Texas counties was mailed to all 254 counties in the state. A total of 94 counties completed and returned surveys, resulting in a response rate of 37 percent. Twelve of the 25 TxDOT districts returned surveys, resulting in a response rate of 48 percent. The state DOT survey was sent to 30 selected states, and responses were obtained from 17 states, resulting in a response rate of 57 percent.

What We Found...

The research found that cooperative efforts between TxDOT and local jurisdictions for local development review are voluntary and informal. More often than not, the coordination takes place between staff members in cities and districts where cooperative efforts have evolved over time. The research found several states where statutes are in place that make local and DOT coordination on development review mandatory.

District Findings

The research found that the majority of districts have at least some or limited input with cities on development plans and plats adjacent to state

roadways, with a small percentage of districts routinely providing review and comment on this activity. A large majority of responding districts reported that cities coordinated with them on development along state roadways. Research found that the primary purpose for TxDOT's involvement was for driveway review and right-of-way matters. Much of TxDOT's input occurred at the time of application for a driveway permit, some presumably after the site plan was already approved. Most districts responded that they had little involvement with counties on platting and development adjacent to state roadways.

City Findings

The research found that most cities in Texas utilize a similar development review process that follows generally the same chronological order. About one-third of cities surveyed said they forwarded development plans to TxDOT for review and comment, and about another third said they coordinated with TxDOT regarding driveway permits and/or right-of-way location. The majority of cities surveyed responded that they acquire or preserve right-of-way along state facilities as part of their platting process. Similarly, about two-thirds of the DOTs surveyed indicated that cities in their states acquired property along DOT roadways as part of platting.

County Findings

Just under half of counties surveyed indicated that they coordinated with TxDOT on platting adjacent to state roadways. Regarding a county's authority to regulate development, about half of responding counties indicated that they needed more authority to regulate development. For counties that desire more authority, the areas of development regulation cited most frequently as being needed were land use and drainage. About two-thirds of counties surveyed said that they had agreement(s) in place with municipalities for platting in the extraterritorial jurisdiction of a city in fulfillment of recent legislation (House Bill 1204).

The Researchers Recommend...

TxDOT should review all local development plans and plats that affect state roadways and should establish development review as a routine work activity. TxDOT area engineers should become more active in coordinating and communicating with local staffs, councils, and commissions.

Cooperative Development Review Agreements

Researchers recommend the use of cooperative development review agreements between TxDOT and local jurisdictions to acknowledge and require TxDOT input on all developments that affect state facilities. A key element of the agreement should be the designation of staff positions within each organization to serve as liaisons or contact persons and stewards over local-state efforts in thoroughfare planning and development review.

TxDOT Involvement in Local Platting

TxDOT should be involved in local platting to undertake and assist in planning and management of driveways and access points along state roadways. Consideration of access as part of the platting process is imperative to implementation of a statewide access management program. TxDOT should review plats and work with local jurisdictions to require shared and cross-access easements to manage



and consolidate driveways where possible. Figure 2 shows an example of development where joint and cross-access easements have been used along a state highway to manage access.

TxDOT should be involved in local platting to coordinate in thoroughfare planning and to ensure that local and MPO transportation plans are carried out considering the plans and needs of state roadways as well as local thoroughfares. The agency should allow property that is dedicated as part of the local platting process to count toward a city's or county's locally required funding match to the state project for which the right-of-way was acquired.

Importantly, TxDOT should be involved in local plat review to protect and preserve state right-of-way. Without TxDOT input, local jurisdictions may not consider future state right-of-way needs when processing plats along state facilities.

TxDOT Involvement in Site Development Plans

TxDOT should be involved early in site plan review and in coordination with local staff to review the number and location of driveways for compliance with proper spacing requirements and the site's approved plat. Its involvement should take place well in advance of the driveway permitting stage. TxDOT should have input and assist in decisions related to structures, parking, circulation, drainage, and in some cases landscaping and signage. Such input could help reduce potential negative impacts on state right-of-way, preclude improvements being made that would be in conflict with future state improvements, or help improve aesthetics along on-system facilities. Figure 3 shows an example of a site development where there was good local-TxDOT coordination in platting and site planning.

Changes to TxDOT Policy and Potential Legislation

The research found that changes to TxDOT policy and new legislation are needed to implement and/or facilitate TxDOT's involvement in local development review and transportation planning. TxDOT should consider



Figure 2. Development with Access Easements.

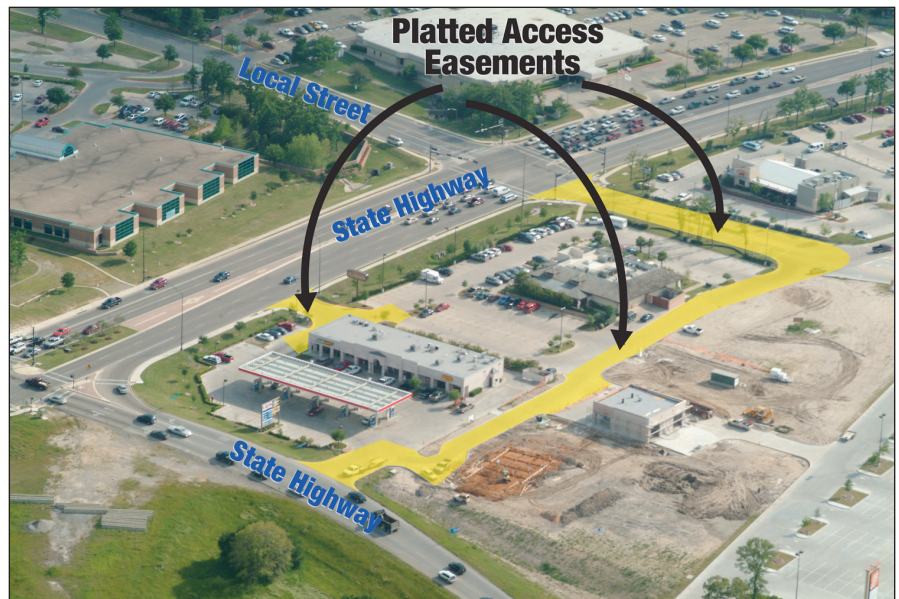


Figure 3. Example of Good Local-TxDOT Coordination in Development Review.

and/or support policy changes and new legislation in the following areas:

- changes to TxDOT policy and/or the Texas Administrative Code (Title 43, Transportation) that would allow property that is dedicated as part of the local platting process to be credited toward the local funding match to the state project for which the right-of-way was acquired; and
- legislation giving counties enhanced authority to regulate the number, location, and design of driveways and access.
- changes to TxDOT policy and/or the Texas Administrative Code (Title 43, Transportation) that would allow property that is dedicated as part of the local platting process to be credited toward the local funding match to the state project for which the right-of-way was acquired; and
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- changes to TxDOT policy and/or the Texas Administrative Code (Title 43, Transportation) that would allow property that is dedicated as part of the local platting process to be credited toward the local funding match to the state project for which the right-of-way was acquired; and
- legislation giving counties enhanced authority to regulate the number, location, and design of driveways and access.



For More Details...

The research is documented in:

Report 0-4429-1, *Methods and Benefits of TxDOT Involvement in Local Development Review*

Product 0-4429-P1, *Guidelines for TxDOT Involvement in Local Development Review*

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TxDOT Implementation Status—March 2005

The guidebook has been distributed to the districts. In addition, to further the implementation of the guidebook and its contents, nine, one-day workshops are scheduled to begin in the spring of 2005. The workshops will cover the contents of the guidebook, focusing on local development processes and regulations and how these processes impact existing and planned state facilities. The workshops will also provide useful information related to TxDOT involvement in local platting and site plan review for the purpose of protecting and preserving state rights-of-way, managing on-system access via site plans and plats, and improving local-state coordination related to the inclusion of state roadways in local and regional thoroughfare plans.

For more information, contact Andrew Griffith, P.E., Research and Technology Implementation Office at (512) 465-7403 or email agriffi@dot.state.tx.us.

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Disclaimer

This research was performed in cooperation with the Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA). The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of TxDOT or FHWA. This report does not constitute a standard, specification, or regulation. Trade names are used solely for information and not for product endorsement.

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