

**RULE NO.: R161-13.11##**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: January 3, 2013**

The Director of the Department of Public Works proposes to adopt the following rule after February 4, 2013.

Comments on the proposed rule are requested from the public. Comments should be submitted to Tyleah McGuire; Department of Public Works, 105 W. Riverside Drive, Suite 100, Austin, Texas 78704, (512) 974-6704. To be considered, comments must be submitted before February 4, 2013, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before February 4, 2013 (the 32nd day after the date of this notice) or not after April 3, 2013 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before April 3, 2013, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**BRIEF EXPLANATION OF PROPOSED RULE**

**R161-13.11:##** Proposed revisions to the Transportation Criteria Manual

Formatted: Font: Bold

Revise and clarify the requirements for a variance from Transportation Criteria Manual requirements.

TCM Prologue

Names of departments updates, removed the “or” so now a variance must be submitted and approved by the directors of PWD, ATD, PDRD and WPD.

TCM Section 1.3.1(G)

Revise paragraph regarding variances to reflect the updates to the prologue by updating department names, and include reference to new waiver form.

TCM Appendix I: Form: Request for Variance from Transportation Criteria Manual Requirements

New, to be added as Appendix I. Formalizes the process described in section 1.1.

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Department of Public Works, located at 105 W. Riverside Drive. Suite #100, Austin, Texas. See Tyleah McGuire and:

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

**AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction requirements is established in Section 25-6-267 and Section 25-6-268 of the City Code.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule (~~R161-13.11##~~), the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

**REVIEW AND APPROVED**

\_\_\_\_\_  
Howard Lazarus, Director  
Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen M. Kennard  
City Attorney

Date: \_\_\_\_\_