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## AGENDA

**TEXAS TRANSPORTATION COMMISSION**  
**Lone Star Convention & Expo Center**  
**9055 Airport Road (FM 1484)**  
**Conroe, Texas 77303**

**THURSDAY**  
**January 26, 2006**

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**9:00 A.M. CONVENE MEETING**

Receive comments from area public officials, community and civic leaders, and private citizens. Report by the Houston District.

- Approved** 1. **Approval of Minutes** of the December 15, 2005, regular meeting of the Texas Transportation Commission
- 110376** 2. **Aviation**  
**Various Counties** – Approve funding for airport improvement projects at various locations (MO)
- 110377** 3. **Public Transportation**
- 110378** a. Award FY 2006 Federal §5310, Elderly and Persons with Disabilities Program, funds to transportation operators serving the elderly and persons with disabilities (MO)
- 110379** b. Award FY 2006 Federal §5311, Nonurbanized Area Formula Program, funds to rural transportation operators providing rural public transportation (MO)
- c. Award federal funds to urban and rural transportation operators for the replacement of public transportation vehicles (MO)
4. **Discussion Item**  
State and federal legislative priorities

5. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. **Proposed Adoption**

(to be published in the Texas Register for public comment)

110380

(1) **Chapter 5 – Finance (MO)**

Amendments to §§5.51-5.59 (Pass-Through Tolls) (relating to pass-through tolls for highway facilities and pass-through fares for rail facilities)

Deferred

(2) **Chapter 17 – Vehicle Title and Registration (MO)**

Amendments to §17.28, Specialty License Plates, Symbols, Tabs, and Other Devices (Motor Vehicle Registration)

110381

(3) **Chapter 21 – Right of Way (MO)**

New §21.23, State Participation in Toll-Related Relocations (Utility Adjustment, Relocation, or Removal)

b. **Final Adoption**

110382

(1) **Chapter 17 – Vehicle Titles and Registration (MO)**

Amendments to §§17.2 - 17.3, concerning Motor Vehicle Certificates of Title, §§17.21 - 17.24, §17.28, §17.30, §17.33, and §17.36, concerning Motor Vehicle Registration, §17.54, concerning Automated Equipment (Registration and Title System), §17.61, §17.62, §17.65, and §17.68, concerning Nonrepairable and Salvage Motor Vehicles, and §17.72, §17.73 and §17.79, concerning Salvage Vehicle Dealers

110383

(2) **Chapter 21 – Right of Way (MO)**

New Subchapter N, Rail Facilities, New §21.801, Acquisition of Real Property, and New §21.802, Disposal of Real Property (relating to rail facilities)

110384

(3) **Chapter 23 – Travel Information (MO)**

New §23.13, Links to Community Web Sites from Rest Areas and Travel Information Centers (Travel Information)

110385

(4) **Chapter 28 – Oversize and Overweight Vehicles and Loads (MO)**

Amendments to §28.11, General Oversize and Overweight Permit Requirements and Procedures, §28.14, Manufactured Housing, and Industrialized Housing and Building Permits, §28.15, Portable Building Unit Permits (General Permits) (concerning highway crossings by oversize and overweight vehicles and loads), and §28.92, Permit Issuance Requirements and Procedures (Port of Brownsville Port Authority Permits), New Subchapter H, Chambers County Permits, New §§28.100 - 28.102

5. **Promulgation of Administrative Rules (continued)**
- Deferred**
- b. **Final Adoption**
- (5) **Chapter 29 – Maintenance (MO)**  
 Repeal of §29.48 and New §29.48, concerning Boarding Priorities (for Galveston/Port Bolivar and Port Aransas Ferries)
- 110386**
- c. **Final Adoption** Under Title 16, and Title 43, Texas Administrative Code and the Administrative Procedure Act, Government Code 2001:  
**Title 16, Part 6, Chapter 101 – Practice and Procedure; Chapter 103 – General Rules; Chapter 105 – Advertising Rules; Chapter 107 – Warranty Performance Obligations; Chapter 109 – Lessors and Lease Facilitators; and Chapter 111 – General Distinguishing Numbers and Title 43, New Chapter 8, Distribution of Motor Vehicles (MO)**
- Title 16, Part 6, Repeal of Chapter 101 - Practice and Procedure; Chapter 103 - General Rules; Chapter 105 - Advertising Rules; Chapter 107 - Warranty Performance Obligations; Chapter 109 - Lessors and Lease Facilitators; and Chapter 111 - General Distinguishing Numbers; and
  - Title 43, New Chapter 8 - Subchapter A, General Provisions; Subchapter B, Adjudicative Practice and Procedure; Subchapter C, Licenses, Generally; Subchapter D, Franchised Dealers, Manufacturers, Distributors, Converters and Representatives; Subchapter E, General Distinguishing Numbers; Subchapter F, Lessors and Lease Facilitators; Subchapter G, Warranty Performance Obligations; Subchapter H, Advertising
6. **Transportation Planning**
- 110392**
- a. Authorize project selection process for the 2007 Statewide Preservation Program and the Statewide Mobility Program (MO)
- 110393**
- b. Authorize a variance in the manner in which federal-aid highway construction funds are distributed to parts of the state versus the manner in which they are distributed by the federal government (MO)
- 110394**
- c. Concur with the allocation formula and FY 2006 distribution of federal planning funds to the metropolitan planning organizations (MO)
- 110395**
- d. Certify eligible counties and establish local match adjustments for the 2006 Economically Disadvantaged County Program (MO)
- 110396**
- e. **Bowie County** – Authorize projects in the Atlanta District in Category 12, Strategic Priority, of the 2006 Statewide Mobility Program and designate West Hooks County Road from I-30 to US 82 as SH Spur 594 (MO)
7. **Toll Road Projects**
- 110387**
- a. **Smith County** – Designate tolled mainlanes on Loop 49 from I-20 south and east to SH 110 as a toll project on the state highway system, and as a controlled-access facility for the purpose of development, maintenance and operation (MO)

- 110388 7. **Toll Road Projects (continued)**  
b. **Smith and Gregg Counties** – Consider final approval of a request for financing from the Northeast Texas Regional Mobility Authority to pay costs associated with the further study and development of the Loop 49 project  
in Smith County, including the costs of certain design and engineering services and legal and financial advisory services (MO)
- 110389 c. **Travis and Williamson Counties** – Accept the General Engineering Consultant quarterly progress report as of November 30, 2005 for the Central Texas Turnpike System (MO)
- 110397 8. **Finance**  
**Various Counties** – Accept the Quarterly Investment Report as of November 30, 2005 as required by the Public Funds Investment Act (MO)
- 110390 9. **Pass-Through Tolls**  
a. **Authority to Negotiate Agreement**  
**Hays County** - Authorize the executive director to negotiate a pass-through toll agreement with Hays County for improvements to various highway projects in the county (MO)
- 110391 b. **Authority to Issue a Request for Competing Proposals**  
El Paso County – Authorize the executive director to issue a request for competing proposals to private entities to design and construct Inner Loop from US 54 to Loop 375 in El Paso County under a pass-through toll agreement. The request for competing proposals relates to a proposal for a project to be developed under a pass-through toll agreement received from J. D. Abrams, L.P. (MO)
- 110398 10. **Right of Way**  
**Denton County** – Authorize the negotiation of options to purchase for advance acquisition of right of way for I-35E (MO)
- 110399 11. **Contracts**  
a. **Award or Reject Highway Improvement Contracts**  
(1) **Maintenance** (see attached itemized list) (MO)  
110400 (2) **Highway and Building Construction** (see attached itemized list) (MO)
- 110401 b. **Contract Claims**  
(1) **Crockett and Irion Counties** – Project RMC 611084001, etc. – Approve a claim settlement with A-Agape Contracting, Inc. for additional compensation (MO)

11. b. **Contract Claims (continued)**
- 110402 (2) **Montgomery County** – Project STP 2003(387), etc. – Approve a claim settlement with C.D.S. Enterprises, Inc. for additional compensation (MO)
- 110403 (3) **Rusk County** – Project RMC 610758001 – Approve a claim settlement with Taylor Mowing Service for additional compensation (MO)
- 110404 (4) **Wood County** – Project RMC 610761001 – Approve a claim settlement with Taylor Mowing Service for additional compensation (MO)
12. **Routine Minute Orders**
- a. **Donations to the Department**
- 110405 (1) **Construction Division** – Consider a donation from the Rubber Pavement Association for a department employee’s travel expenses to attend RPA’s annual meeting to be held in Scottsdale, Arizona from February 9-10, 2006 (MO)
- 110406 (2) **Dallas and Tarrant Counties** – Consider a donation for costs associated with the design, fabrication and installation of signs designating the Ronald Reagan Memorial Highway on I-20 (MO)
- 110407 (3) **Houston District** – Acknowledge a donation of two conference tickets from Surveying and Mapping, Inc. for department employees that attended the 8<sup>th</sup> Annual Damage Prevention Subsurface Solutions Conference and Exposition that was held from December 6-8, 2005 in Houston, Texas (MO)
- 110408 (4) **Hunt County** – Consider a donation from Wal-Mart Stores, Texas, L.P., for engineering and installation costs for a new traffic signal at a proposed Super Wal-Mart shopping center on SH 34 in Quinlan (MO)
- 110409 (5) **Lubbock County** – Consider a donation from Canyon Hub Holdings, L.P., for construction of an auxiliary lane at a proposed retail shopping complex along US 82, Marsha Sharp Freeway, city of Lubbock (MO)
- 110410 (6) **Panola County** – Consider a donation from TXU Mining Company, L.P., for providing easements and all costs associated with constructing a grade separation along FM 1251 (MO)
- 110411 (7) **Texas Turnpike Authority Division** – Acknowledge a donation from Knik Arm Bridge and Toll Authority (KABATA) for a department employee’s travel expenses to participate in KABATA’s Industry Symposium that was held January 11-12, 2006 in Anchorage, Alaska (MO)



**OPEN COMMENT PERIOD** – At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the commission. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

**ADJOURN**

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**NOTE:**

Enumerated agenda items are assigned numbers for ease of reference only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action.

Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Dee Hernandez at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

**TEXAS TRANSPORTATION COMMISSION MEETING  
ATTACHED LISTS  
JANUARY 26, 2006**

**HIGHWAY MAINTENANCE CONTRACTS - STATE LET [AGENDA ITEM 12.a.(1)]**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>	<u>LOW BID AMOUNT</u>	<u>DISTRICT TOTAL</u>
ATL	BOWIE	IH 30	RMC-612631001	\$946,304.40	
ATL	BOWIE	US 59	RMC-613795001	\$455,263.00	\$1,401,567.40
BRY	BRAZOS	US 190	RMC-613708001	\$287,784.01	\$287,784.01
DAL	ROCKWALL	IH 30	RMC-612897001	\$252,530.00	\$252,530.00
HOU	GALVESTON	SH 87	RMC-614025001	\$995,000.00	
HOU	HARRIS	FM 2100	RMC-612627001	\$403,200.00	
HOU	HARRIS	IH 45	RMC-613134001	\$643,750.00	
HOU	HARRIS	US 59	RMC-613802001	\$605,996.14	
HOU	MONTGOMERY	IH 45	RMC-613778001	\$1,021,595.04	\$3,669,541.18
TYL	SMITH	US 69	RMC-613990001	\$1,578,630.00	\$1,578,630.00
WAC	HILL	FM 1946	RMC-614156001	\$506,830.46	\$506,830.46
				----- TOTAL	\$7,696,883.05

**HIGHWAY AND BUILDING CONSTRUCTION CONTRACTS - STATE LET  
[AGENDA ITEM 12.a.(2)]**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>	<u>LOW BID AMOUNT</u>	<u>DISTRICT TOTAL</u>
AMA	DALLAM	US 385	C 225-1-17	\$4,995,318.20	\$4,995,318.20
ATL	BOWIE	FM 991	SFT 10-19-8	\$5,963,878.59	
ATL	CASS	VA	ITS 2000(990)	\$644,844.20	
ATL	MORRIS	FM 144	BR 2004(786)	\$816,603.13	
ATL	UPSHUR	FM 49	SFT 647-4-4	\$5,844,229.74	\$13,269,555.66
AUS	BLANCO	RM 473	STP 2006(178)SFT	\$792,302.31	
AUS	BURNET	FM 2657	STP 2006(174)SFT	\$2,404,088.42	
AUS	BURNET	RM 1174	STP 2006(179)SFT	\$2,272,654.91	
AUS	CALDWELL	FM 1322	BR 2003(185)	\$1,575,610.65	

**HIGHWAY AND BUILDING CONSTRUCTION CONTRACTS - STATE LET (continued)****[AGENDA ITEM 12.a.(2)]**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>	<u>LOW BID AMOUNT</u>	<u>DISTRICT TOTAL</u>
AUS	LLANO	RM 2147	STP 2006(173)	\$4,675,069.76	
AUS	LLANO	RM 2233	STP 2006(175)SFT	\$1,092,950.29	
AUS	TRAVIS	FM 1825	STP 2003(616)SFT	\$121,482.80	
AUS	TRAVIS	IH 35	IM 0353(252)	\$7,265,177.03	
AUS	WILLIAMSON	SH 29	CPM 337-2-36	\$2,209,453.13	\$22,408,789.30
BMT	JASPER	CS	BR 2005(150)	\$573,998.67	
BMT	JEFFERSON	US 69	STP 2006(145)SFT	\$1,526,375.25	
BMT	LIBERTY	FM 160	STP 2006(146)SFT	\$28,820.00	\$2,129,193.92
BWD	BROWN	SH 279	C 480-2-22	\$168,987.13	\$168,987.13
BRY	MILAM	CR	STP 2003(604)TE	\$1,061,097.00	
BRY	ROBERTSON	CR	BR 96(437)	\$550,768.03	
BRY	ROBERTSON	FM 2096	C 1954-1-10	\$1,686,920.69	
BRY	WASHINGTON	BU 290F	CPM 114-10-88	\$429,158.17	\$3,727,943.89
CHS	CHILDRESS	VA	C 925-00-51	\$1,262,186.24	\$1,262,186.24
DAL	COLLIN	SH 160	STP 2006(203)	\$3,471,473.86	
DAL	DALLAS	CS	STP 2006(204)SFT	\$39,400.00	
DAL	DALLAS	FM 1382	STP 2006(206)RGS	\$11,083,070.46	
DAL	DALLAS	IH 20	C 2374-4-61	\$172,327.00	
DAL	DALLAS	IH 45	IM 0453(124)	\$449,753.60	
DAL	DALLAS	VA	NH 2006(205)	\$636,601.91	
DAL	DENTON	CR	BR 2004(224)	\$797,897.80	
DAL	DENTON	FM 1173	STP 2006(207)	\$1,487,709.35	
DAL	ELLIS	IH 45	STP 2006(094)SFT	\$2,896,791.30	
DAL	KAUFMAN	FM 148	STP 2006(210)	\$1,546,444.72	
DAL	NAVARRO	CR	BR 2001(821)	\$697,030.06	
DAL	ROCKWALL	IH 30	STP 2006(093)SFT	\$622,269.00	\$23,900,769.06
ELP	JEFF DAVIS	PW	C 924-10-5	\$2,119,396.75	\$2,119,396.75
FTW	TARRANT	SH 121	CM 2005(907)	\$1,780,239.95	
FTW	TARRANT	VA	NH 2005(970)	\$484,877.01	\$2,265,116.96

**HIGHWAY AND BUILDING CONSTRUCTION CONTRACTS - STATE LET (continued)****[AGENDA ITEM 12.a.(2)]**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>	<u>LOW BID AMOUNT</u>	<u>DISTRICT TOTAL</u>
HOU	FORT BEND	FM 2234	STP 2006(163)SFT	\$835,581.88	
HOU	FORT BEND	US 59	NH 2006(219)	\$42,610,152.93	
HOU	GALVESTON	FM 517	STP 2006(161)SFT	\$438,528.74	
HOU	HARRIS	FM 1960	STP 2006(162)SFT	\$240,999.40	
HOU	HARRIS	IH 45	IM 0451(328)	\$767,735.93	
HOU	HARRIS	SH 3	STP 2006(153)SFT	\$826,227.67	
HOU	HARRIS	US 90	CPM 28-2-80	\$289,150.00	
HOU	HARRIS	VA	STP 2006(159)	\$788,784.20	
HOU	HARRIS	VA	STP 2006(160)	\$1,320,474.50	
HOU	HARRIS	VA	HP 915(1)	\$6,360,965.19	
HOU	MONTGOMERY	IH 45	CM 2006(154)	\$1,210,768.74	
HOU	WALLER	FM 1488	STP 2006(156)SFT	\$437,355.13	\$56,126,724.31
LBB	LUBBOCK	US 82	NH 2006(181)	\$539,264.40	
LBB	PARMER	FM 2290	STP 2006(182)SFT	\$4,485,609.71	\$5,024,874.11
LFK	NACOGDOCHES	FM 343	STP 2006(148)SFT	\$4,620,985.38	
LFK	NACOGDOCHES	US 59	STP 2006(147)SFT	\$142,247.50	
LFK	POLK	US 190	C 213-3-90	\$118,448.95	\$4,881,681.83
ODA	MIDLAND	FM 1379	BR 2005(965)	\$253,938.50	
ODA	MIDLAND	SP 269	STP 2006(138)	\$3,950,722.35	
ODA	PECOS	IH 10	CPM 140-3-42	\$2,799,837.23	
ODA	WARD	IH 20	CPM 4-2-54	\$6,329,833.52	\$13,334,331.60
PAR	FRANKLIN	FM 115	STP 2006(185)SFT	\$1,294,535.92	
PAR	HOPKINS	IH 30	CPM 9-9-90	\$2,466,508.03	
PAR	RAINS	SH 276	BR 2006(184)	\$381,326.20	\$4,142,370.15
PHR	BROOKS	US 281	CPM 255-4-84	\$8,097,936.41	
PHR	HIDALGO	FM 2061	C 1939-1-46	\$5,307,360.99	\$13,405,297.40
SJT	RUNNELS	US 83	CPM 34-3-16	\$6,116,650.53	\$6,116,650.53
SAT	BEXAR	FM 471	STP 2002(317)MM	\$12,089,742.44	
SAT	BEXAR	IH 35	IM 0352(311)	\$1,239,958.81	
SAT	BEXAR	IH 35	C 17-9-87	\$565,172.25	

**HIGHWAY AND BUILDING CONSTRUCTION CONTRACTS - STATE LET (continued)****[AGENDA ITEM 12.a.(2)]**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>	<u>LOW BID AMOUNT</u>	<u>DISTRICT TOTAL</u>
SAT	BEXAR	IH 410	C 521-4-264	\$409,262.00	
SAT	GUADALUPE	FM 3009	CPM 3107-2-25	\$1,335,837.22	
SAT	UVALDE	SH 127	STP 2006(167)SFT	\$1,410,578.60	\$17,050,551.32
TYL	SMITH	FM 849	SFT 429-5-2	\$15,508,323.26	
TYL	VAN ZANDT	FM 279	SFT 245-3-20	\$13,982,912.68	\$29,491,235.94
WFS	BAYLOR	US 183	BR 2006(187)	\$705,695.60	
WFS	BAYLOR	US 277	NH 2006(188)	\$43,978,969.18	
WFS	CLAY	US 82	STP 2006(186)SFT	\$409,912.09	
WFS	COOKE	CR	BR 2002(388)	\$711,451.98	
WFS	MONTAGUE	CR	BR 2001(224)	\$778,905.00	
WFS	WICHITA	FM 1740	STP 2006(209)SFT	\$2,733,705.45	
WFS	WICHITA	US 287	CL 43-9-108	\$209,299.10	\$49,527,938.40
YKM	DEWITT	CR	BR 96(366)	\$733,363.00	\$733,363.00
				-----	
				TOTAL	\$276,082,275.70

**EMINENT DOMAIN - [AGENDA ITEM 13.b.]****NONCONTROLLED ACCESS**

<u>EXHIBIT</u>	<u>COUNTY</u>	<u>HIGHWAY</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
1	Hidalgo	BS 83	0039-02-054	11
2	Falls	SH 6	0049-04-056	12/12E-Pts1&2
3	Falls	SH 6	0049-04-059	18
4	Falls	SH 6	0049-04-059	26
5	Falls	SH 6	0049-04-059	28
6	Bexar	US 281	0253-04-126	1A
7	Bexar	US 281	0253-04-126	1B
8	Dallas	LP 12	0353-05-105	5/5TE-Pts1&2
9	El Paso	FM 76	0674-01-058	60
10	Nacogdoches	FM 225	1810-02-015	35/35TE
11	Nacogdoches	FM 225	1810-02-015	38/38TE-Pts1&2
12	Harris	Gulf Bank Road	8003-12-008	105A

**CONTROLLED ACCESS**

<b><u>EXHIBIT</u></b>	<b><u>COUNTY</u></b>	<b><u>HIGHWAY</u></b>	<b><u>ROW CSJ NO.</u></b>	<b><u>PARCEL</u></b>
A	Hidalgo	US 83	0039-17-144	53
B	Hidalgo	US 83	0039-17-144	72
C	Hidalgo	US 83	0039-17-144	94
D	Hidalgo	US 83	0039-17-144	109
E	Hidalgo	US 83	0039-17-144	146
F	Falls	SH 6	0049-04-056	26AC
G	Falls	SH 6	0049-04-056	26E-Pts1,2&3
H	Travis	SH 71	0113-13-086	62A
I	Travis	SH 71	0113-13-086	63A
J	Travis	SH 71	0113-13-086	133
K	Archer	US 277	0156-05-044	73-Pts1&2
L	Baylor	US 277	0156-15-002	5
M	Baylor	US 277	0156-15-002	7A
N	Baylor	US 277	0156-15-002	7B
O	Baylor	US 277	0156-15-002	8
P	Baylor	US 277	0156-15-002	10
Q	Baylor	US 277	0156-15-002	33/33E
R	Tarrant	SH 199	0171-04-051	408E
S	Angelina	US 59	0176-03-120	12
T	Liberty	SH 105	0338-05-025	11
U	Liberty	SH 105	0338-05-025	25
V	Lubbock	US 82	0380-01-053	358
W	Williamson	SH 130	0440-05-007	1141AC
X	Williamson	SH 130	0440-05-007	1143AC
Y	Johnson	SH 121	0504-05-002	93
Z	Dallas	LP 12	0581-02-115	3
AA	Dallas	LP 12	0581-02-115	21
BB	Dallas	LP 12	0581-02-115	28
CC	Dallas	IH 635	2374-01-149	25
DD	Dallas	IH 635	2374-01-152	1
EE	Dallas	IH 635	2374-01-152	10
FF	El Paso	LP 375	2552-03-043	62