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AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
March 28, 2013

9:00 A.M. CONVENE MEETING

1. **Safety Briefing (A/V)**
Staff will provide general safety instruction.
2. **Approval of Minutes** of the February 28, 2013, meeting of the Texas Transportation Commission (A/V)
3. **Appointments (A/V)**
 - 113522 a. Freight Advisory Committee
Appoint Members to the Freight Advisory Committee (MO)
The Freight Advisory Committee was established on January 31, 2013, by Minute Order 113421, to facilitate effective planning for freight transportation. This minute order approves the appointment of three new members to the committee. One of the new members will replace a current committee member from the same organization.
 - 113523 b. Private Activity Bond Surface Transportation Corporation
Appoint a director to the Texas Private Activity Bond Surface Transportation Corporation (MO)
The commission appointed three directors to new six-year terms in August 2011. There is now a vacancy on the board.
 - 113524 c. Grand Parkway Transportation Corporation
Appoint a director to the Grand Parkway Transportation Corporation (MO)
The commission authorized the creation of the corporation and appointed three directors to the corporation's board in March 2012 for initial terms expiring August 31, 2015. There is now a vacancy on the board.
4. **Aviation (A/V)**
Various Counties - Award federal and state grant funding for airport improvement projects at various locations (MO)
Federal law authorizes the award of federal funding to preserve and improve the state's general aviation system. State law authorizes the award of state funding for capital improvement projects. The airports listed in Exhibit A are eligible for award of these grant funds and the department seeks approval of the awards.

- 113526 5. **Unified Transportation Program (A/V)**
 Approve updates to the 2013 UTP (MO)
The Unified Transportation Program (UTP) is a 10-year statewide plan for transportation project development. This minute order updates funding allocations based on funds transfer requests and the allocation of remaining fiscal year 2013 funds. In addition, this minute order updates project specific program lists, incorporates information regarding transportation development credits and includes minor revisions and technical corrections.
- 113527 6. **Toll Roads (A/V)**
 a. **Travis County** - Establish new toll rate tables on SH 45 Southeast and the the Cameron Ramps along SH 130 to align the tolling system with other locations on the Central Texas Turnpike System (MO)
This minute order authorizes new toll rate tables for SH 45 Southeast and the Cameron Ramps along SH 130. This change is necessary to reflect modifications being made to the vehicle classification system used at those locations. The new system will classify vehicles based on the number of axles, like the rest of the Central Texas Turnpike System, rather than classifying vehicles by shape as had been done previously at these locations.
- 113528 b. **Travis and Williamson Counties-** Establish temporary toll rate tables on SH 130, Segments 1-4 and SH 45 Southeast to charge the two-axle rate for all vehicles, regardless of classification (MO)
This minute order authorizes a truck discount pilot program and establishes temporary toll rates for Segments 1-4 of SH 130 and SH 45 SE. During the pilot period, all truck toll rates will be the same as passenger car toll rates. The purpose of the pilot program is to reduce traffic congestion on I-35 by encouraging greater through trips of trucks on Central Texas toll roads.
- 113529 7. **Contested Case (A/V)**
Hill County - Fairway Outdoor Advertising v. Texas Department of Transportation - Consider action on proposal for decision by administrative law judge concerning cancellation of an outdoor advertising permit, final order (MO)
The executive director issued an order that cancelled Outdoor Advertising Permit No. 20457 located along I-35E in Hill County. The recommendation by the State Office of Administrative Hearings is that the Commission should not cancel the permit but instead impose a \$500 administrative penalty.
- 113530 8. **Promulgation of Administrative Rules (A/V)** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
 a. **Final Adoption**
 (1) **Chapter 1 - Management (MO)**
 Amendments to §1.85, Department Advisory Committees (Advisory Committees)
The proposed amendments to §1.85 create a freight advisory committee, which will serve as a forum for discussion regarding transportation decisions affecting freight mobility and promote the sharing of information between the public and private sectors on freight issues.
- 113531 (2) **Chapter 7 - Railroad Facilities (MO)**
 Amendments to §7.31, Safety Requirements (Rail Safety)
As a result of the department's review of its rules outdated references to some laws were discovered. The changes merely update and consolidate the references to reflect current law.

- 9. **Office of Compliance and Ethics (A/V)**
 - a. **Office of Compliance and Ethics Report**
State law requires the commission to establish a compliance program, which must include a compliance office to oversee the program. The compliance office is responsible for acting to prevent and detect serious breaches of department policy, fraud, waste, and abuse of office, including any acts of criminal conduct within the department. The compliance office is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.
 - 113532 b. **Consider amendments to the employee ethics policy (MO)**
This minute order revises Minute Orders 84437 and 113114 to change the employee ethics policy to align it more closely with ethics laws for state employees.

- 113533 10. **Finance (A/V)**
El Paso County - Consider the preliminary approval of a request for financial assistance in the form of a loan from the Camino Real Regional Mobility Authority (CRRMA) to cover certain operations and maintenance expenses of the managed lanes on Loop 375 César Chávez—Border Highway Project, from US 54 to Zaragoza Road in El Paso County (MO)
CRRMA submitted an application for a loan in the amount of \$9.4 million to pay for certain operations and maintenance costs for the managed lanes on Loop 375, César Chávez—Border Highway Project, during the first decade of operation.

- 11. **Contracts (A/V)**
Award or reject contracts for maintenance, highway and building construction
These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts. The department may reschedule receipt of bids for those projects where the commission rejects all bids. Those bids accepted by the commission will result in conditional contract awards to the low bidders. Contract award conditions may involve securing funding from other sources, the contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as outlined in the project bid proposal.
- 113534 a. **Highway Maintenance and Department Building Construction**
 (see attached itemized list) (MO)
- 113535 b. **Highway and Transportation Enhancement Building Construction**
 (see attached itemized list) (MO)

- 113536 12. **Eminent Domain Proceedings (A/V)**
Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached list) (MO)
Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18 (82nd Legislature), to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list.

13. **Routine Minute Orders (A/V)**

113537

a. **Donations to the Department**

Various Districts - Consider the acceptance of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner's land. (See attached itemized list) **(MO)**

The donation will ensure the safety of the traveling public.

113538

b. **Right of Way Dispositions and Donations**

Falls County - I-35 at Old Blevins Road - Consider the conveyance of surplus right of way (surplus land) in exchange for needed right of way (new land) and acceptance of a donation to the state **(MO)**

The district has advised that the new land is needed for a highway improvement project and that the surplus land is no longer needed for highway purposes. The owner of the new land has agreed to the exchange of land and donation to the state of the difference in value.

113539

c. **Highway Designations**

1. **Erath County** - Redesignate SH 267 as US 67/US 377 along a new location and extend the Business US 67-K designation along the old alignment of US 67/US 377, in and around the city of Dublin **(MO)**

The Fort Worth District has requested that SH 267 be redesignated as US 67/US 377 (concurrent routes) along a new location in the city of Dublin from CR 234 approximately 1.6 miles north of FM 219 southwestward to approximately 1.8 miles north of the Comanche county line, a total distance of approximately 5.0 miles. This minute order will also extend the Business 67-K designation along the old alignment of US 67/US 377 in Dublin, from approximately 0.8 mile north of FM 219 northward approximately 0.8 mile to CR 234.

113540

2. **Smith County** - Rescind Minute Order 84162, dated February 26, 1986, extending the designation of FM 345 near the community of Omen, and remove the extension from the state highway system **(MO)**

The Tyler District has requested the rescission of a previous minute order extending the designation of FM 345 from the community of Omen southwestward along existing County Road 2142 to FM 346, a distance of approximately 2.9 miles. The minute order was accepted by Smith County on March 10, 1986; however, the county has not furnished the required right-of-way in accordance with the terms of the minute order.

113541

3. **Titus County** - In and near the city of Mount Pleasant, redesignate the segment of FM 1000 from US 271 to FM 1735 as FM 4000, and remove the segment from FM 1735 to SH 49 from the state highway system **(MO)**

Previous minute orders extended the designation of FM 1000 from US 271 eastward to SH 49. Due to a change in project scope, the Atlanta District has requested the redesignation of a segment of FM 1000 from the US 271 Relief Route in the city of Mount Pleasant eastward approximately 4.8 miles to FM 1735, and the removal of a second segment from FM 1735 eastward approximately 1.1 miles to SH 49.

- 13. **Routine Minute Orders** (continued)
 - 113542 d. **Release of Access**
Brazoria County - SH 288, immediately south of Discovery Bay Drive in Pearland - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)
The designation of a 65-foot break in the control-of-access line will allow the abutting landowner to open a proposed driveway location for access to and from the southbound frontage road. The district has determined that access may be permitted at the designated location.
 - 113543 e. **Finance**
Travis and Williamson Counties - Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (CTTS) (MO)
Report of actual traffic and revenue for the CTTS as of Feb 28, 2013, as required by the CTTS Indenture of Trust.
 - 113544 f. **Speed Zones**
Various Counties - Establish or alter regulatory and construction speed zones on various sections of highways in the state (MO)
This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.
- 14. **Executive Session** Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

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 department. 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 Kristen Webb 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
March 28, 2013

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	KENT	SH 70	BPM - 621555001
AMA	POTTER	IH 40	RMC - 623725001
AUS	BASTROP	SH 95	RMC - 624515001
AUS	LEE	FM 696	RMC - 624513001
AUS	TRAVIS	LP 1	RMC - 624686001
AUS	TRAVIS	MR 678	RMC - 624332001
AUS	WILLIAMSON	US 183	RMC - 625362001
BMT	CHAMBERS	IH 10	RMC - 625495001
BMT	JASPER	US 96	RMC - 625500001
BMT	JEFFERSON	US 90	RMC - 625245001
BMT	LIBERTY	US 90	RMC - 625493001
BMT	ORANGE	FM 1006	RMC - 625186001
CRP	KARNES	FM 1353	RMC - 625213001
CRP	KARNES	US 181	RMC - 625414001
DAL	ELLIS	IH 35E	RMC - 625215001
DAL	ELLIS	IH 35E	RMC - 625217001
DAL	ELLIS	IH 45	RMC - 625184001
DAL	ELLIS	SH 34	RMC - 625208001
DAL	NAVARRO	FM 709	RMC - 624082001
FTW	PARKER	FM 2257	RMC - 624764001
FTW	WISE	FM 2264	RMC - 624076001
HOU	BRAZORIA	SH 288	RMC - 625255001
HOU	GALVESTON	FM 517	RMC - 625006001
HOU	GALVESTON	SH 87	RMC - 625518001
LFK	NACOGDOCHES	US 59	RMC - 625101001
ODA	ANDREWS	US 385	RMC - 625558001
SAT	BEXAR	US 281	BPM - 624987001

**(CONTINUED) HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION
CONTRACTS-STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
TYL	CHEROKEE	FM 347	RMC - 625379001
TYL	HENDERSON	SH 31	RMC - 625141001
WFS	WILBARGER	US 287	BPM - 625295001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	HOWARD	US 87	NH 2013(488)
ABL	SCURRY	US 84	NH 2013(487)
AMA	OCHILTREE	SH 15	STP 2013(442)
ATL	HARRISON	IH 20	IM 0207(071)
AUS	CALDWELL	FM 20	STP 2013(473)
AUS	CALDWELL	US 90	STP 2013(471)
AUS	HAYS	RM 150	STP 2013(475)
AUS	TRAVIS	FM 1325	STP 2013(478)
AUS	TRAVIS	FM 734	CC 3417-3-19
AUS	TRAVIS	FM 973	STP 2013(477)
AUS	TRAVIS	LP 275	STP 2013(470)
AUS	TRAVIS	VA	STP 2013(476)
AUS	WILLIAMSON	FM 971	STP 2013(479)
AUS	WILLIAMSON	US 183	NH 2013(474)
BRY	FREESTONE	FM 1848	BR 2013(445)
BRY	MADISON	SH 75	STP 2013(444)HES
CRP	LIVE OAK	IH 37	IM 0371(136)
CRP	NUECES	PR 22	NH 2013(447)
CRP	NUECES	SH 358	NH 2013(446)
DAL	COLLIN	FM 1461	STP 2013(560)
DAL	COLLIN	FM 455	C 816-4-44
DAL	COLLIN	SH 289	STP 2013(566)
DAL	COLLIN	SH 5	NH 2013(448)
DAL	DALLAS	LP 12	NH 2013(449)
DAL	DALLAS	VA	STP 2013(452)

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
DAL	DENTON	FM 1171	C 1311-1-34
DAL	ELLIS	CS	BR 1102(575)
DAL	ELLIS	FM 66	STP 2013(450)
DAL	ELLIS	FM 663	PTF 2013(451)
DAL	KAUFMAN	FM 741	STP 2013(453)
ELP	PRESIDIO	FM 170	STP 2013(480)HES
FTW	PALO PINTO	US 281	STP 2013(456)
FTW	PARKER	IH 20	IM 0204(288)
FTW	TARRANT	FM 1938	STP 2013(458)
FTW	TARRANT	VA	STP 2013(552)
HOU	BRAZORIA	SH 35	STP 2013(459)
HOU	FORT BEND	FM 1093	STP 2013(461)
HOU	HARRIS	US 290	C 50-8-86
HOU	HARRIS	VA	STP 2012(021)
HOU	HARRIS	VA	STP 2013(460)
LFK	ANGELINA	CS	BR 2012(259)
LFK	SABINE	CR	BR 2012(490)
LFK	SABINE	SH 87	STP 2013(463)HES
ODA	ANDREWS	US 385	C 228-4-40
ODA	ECTOR	VA	STP 2013(481)
ODA	ECTOR	VA	STP 2013(482)
ODA	MIDLAND	FM 868	STP 2013(483)
PAR	GRAYSON	FM 120	STP 2013(465)
PAR	HOPKINS	SH 154	STP 2013(464)
TYL	SMITH	CR	BR 96(534)
TYL	SMITH	CR	BR 2012(185)
TYL	SMITH	LP 323	NH 2013(466)
WAC	BELL	US 190	NH 2013(407)
WAC	FALLS	CR	BR 1102(565)
WAC	HILL	SH 22	STP 2013(467)
WFS	COOKE	FM 51	STP 2013(469)

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
WFS	WICHITA	CS	STP 1102(526)SRS
WFS	WICHITA	IH 44	IM 0448(015)
YKM	AUSTIN	CR	BR 2007(533)
YKM	DEWITT	CR	BR 2011(921)
YKM	WHARTON	FM 1161	STP 2013(486)HES
YKM	WHARTON	SH 60	STP 2013(485)

**EMINENT DOMAIN
NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 2786	8	3392-01-010	17
Collin	US 75	14	0047-14-071	42
Dallas	SL 12	9	0581-02-115	82
Dallas	SL 12	15	0581-02-115	85
Dallas	SH 183	20	0094-03-098	84
Dallas	SH 183	18	0094-03-098	81E
Dallas	SH 183	3	0094-03-100	44
Dallas	SH 183	19	0094-03-100	5
Dallas	SH 183	11	0094-03-100	29
Dallas	SH 183	16	0094-03-100	86
Dallas	SH 183	4	0094-03-100	19
Dallas	SH 183	17	0094-03-100	64
Dallas	SH 183	10	0094-03-100	18
Denton	FM 2499	13	2681-01-018	24
Denton	FM 2499	5	2681-01-018	29E
Denton	FM 2499	6	2681-01-018	9
Denton	FM 2499	12	2681-01-018	21
Denton	FM 2499	7	2681-01-018	13,13E
Denton	US 377	2	0081-04-036	10
McLennan	FM 1637	21	0833-03-040	9
McLennan	FM 1637	22	0833-03-040	18,18E
McLennan	FM 1637	23	0833-03-040	45
McLennan	FM 1637	24	0833-03-040	46
Travis	FM 973	1	1200-03-048	7

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	IH 35	A	0015-14-123	66
Bell	IH 35	B	0015-14-124	29
Dallas	SH 121	D	0364-02-020	13,13AC
Dallas	SH 121	C	0364-02-020	15,15AC
Dallas	SH 183	H	0094-03-100	92
Dallas	SH 183	E	0094-03-100	88
Dallas	SH 183	J	0094-03-100	33
Dallas	SH 183	K	0094-03-100	10
Dallas	SH 183	L	0094-03-100	9
Dallas	SH 183	N	0094-03-100	24
Dallas	SH 183	I	0094-03-100	28
Harris	IH 45	G	0500-03-546	305
Harris	IH 45	M	0500-03-546	306
Harris	SH 99	O	3510-06-005	147
Harris	SH 99	P	3510-06-005	114
Harris	SH 99	Q	3510-06-005	120
McLennan	IH 35	R	0015-01-220	30,30E
Tarrant	SH 121	F	0364-01-129	78

DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
BRY	BRAZOS	Gingercrest, Inc.	The design and construction of a right-turn deceleration lane from eastbound FM 158 into the Raceway convenience store development in Bryan, Texas.
BRY	BRAZOS	Woodbridge College Station I, LLC	The design and construction of right-turn deceleration lanes on BS 6-R and FM 60 into the new Plaza development, a right-turn deceleration lane from BS 6-R to FM 60, an additional left-turn lane from FM 60 to BS 6-R and necessary raised median adjustments.
YKM	CALHOUN	Gavilon Midstream Energy, LLC	Two solar flashing warning assemblies with plant entrance signs on SH 185 at the entrance to the Gavilon plant.
YKM	DEWITT	Kinder Morgan Crude & Condensate, LLC	The design, materials and construction of left turn lanes at Bell Road on SH 72 in Dewitt County.

(CONTINUED) DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
CRP	KARNES	Plains Exploration & Production Company	Installation of various roadside flashing beacon assemblies on state highway right-of-way in advance of driveways providing access to the donor's facilities located in Karnes County.