



AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
December 19, 2013

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**
Staff will provide general safety instruction.
2. **Approval of Minutes** of the November 21, 2013, meeting of the Texas Transportation Commission
3. **Report**
Grand Parkway Association Report - Annual report on the status of projects and activities undertaken during the preceding 12 months
The department's administrative rules require transportation corporations to appear annually before the commission to report on the status of projects. The Grand Parkway Association is making its annual presentation to satisfy this requirement.
4. **Transportation Planning**
 - a. **Discussion - Development of Supplemental Program Authority (Presentation)**
Presentation and discussion on the on-going work to develop supplemental program authority for projects and its relationship to the Unified Transportation Program.
 - b. **Approve updates to the 2014 Unified Transportation Program (MO)**
The Unified Transportation Program (UTP) is a 10-year statewide plan for transportation project development. The commission approved the 2014 UTP in August 2013. This minute order updates funding allocations based on funds transfer requests, including applied carry-over amounts from fiscal year 2013. It also addresses the reconciliation of category 5 (Congestion Mitigation and Air Quality Improvement) and category 7 (Metropolitan Mobility and Rehabilitation), and revised federal funding levels in fiscal year 2014. In addition, this minute order updates project specific program lists, and includes other minor revisions or technical corrections.

113791

**ACCESS APPROVED MINUTE ORDERS BY SELECTING THE BLUE (MO)
AT THE END OF THE DESIRED AGENDA ITEM**

- 113792 5. **Aviation**
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.
- 113793 6. **Public Transportation**
a. **Various Counties** - Award state funds to public transportation providers as appropriated by the 83rd Texas Legislature **(MO)**
Award state funding to transit agencies to address impacts of the 2010 Census beyond the formula-based awards previously awarded by the Texas Transportation Commission in June 2013.
- 113794 b. **Various Counties** - Award federal §5311(b)(3), Rural Transportation Assistance Program funds to Texoma Area Paratransit System, Inc. **(MO)**
The award identified in this minute order provides assistance to the Texoma Area Paratransit System, Inc., acting as the lead agency for a multi-regional effort to research, capture, and produce a video series that conveys information on the positive socio-economic impact that public transit provides to a given region/community.
- 113795 7. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
a. **Final Adoption**
(1) **Chapter 28 - Maintenance (MO)**
*New §§28.100-28.107 (Hidalgo County Regional Mobility Authority)
These new sections provide the authority for the Hidalgo County Regional Mobility Authority (authority) to issue permits for the operation of oversize and overweight vehicles on specific roads within Hidalgo County. The sections also establish the guidelines for the agreement between the authority and the department and the requirements the authority must follow to issue the permits.*
- 113796 b. **Proposed Adoption**
(1) **Chapter 5 - Finance (MO)**
*Amendments to §5.11, Charges for Dishonored Checks (Collection of Debts) and §5.43, Methods of Payment and Repeal of §5.44, Exceptions (Payment of Fees for Department Goods and Services)
These amendments provide rule changes related to charges for dishonored checks and to credit card acceptance limits and fees. They provide clarity to policy and remove barriers associated to the public using credit card as a payment method. Agency fiscal impact is minimal.*
- 113797 (2) **Chapter 12 - Public Donation and Participation Program (MO)**
*Amendments to §12.5, Landscape Cost Sharing Program, and §12.7, Landscape Partnership Program (Public Participation Programs)
These amendments update existing rules to allow individuals to participate as a type of eligible entity in the Landscape Cost Sharing Program and the Landscape Partnership Program in order to comply with House Bill 3422 from the 83rd Legislature. These amendments also standardize sign requirements through compliance with the Texas Manual on Uniform Traffic Control Devices.*

7. Promulgation of Administrative Rules (Continued)

b. Proposed Adoption (Continued)

- 113798 (3) **Chapter 21 - Right of Way (MO)**
Amendments to §21.23, State Participation in Toll-Related Relocations (Reimbursement of Utilities for Relocation of Utility Facilities)
House Bill 2585, 83rd Legislature, amended Sections 203.092(a-1), (a-2), and (a-3), Transportation Code, that deal with shared responsibility for the cost of relocating utility facilities on toll projects, to remove the September 1, 2013, expiration dates and make those provisions permanent. This amendment conforms the rule to changes in the statute.
- 113799 (4) **Chapter 28 - Oversize and Overweight Vehicles and Loads (MO)**
Amendments to §§28.20-28.22 (Port of Brownsville Permits)
These amendments alter the overweight corridor route used by the Port of Brownsville for the issuance of overweight permits as authorized by House Bill 3125 of the 83 Legislative Session. This change will allow the Port of Brownsville to accommodate the permitting needs of additional businesses that are located in the port area.

8. Office of Compliance and Ethics

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.

9. Design-Build Agreements

- 113800 a. **Various Counties** - Approve the selection of the developer who submitted the Best value proposal to design and construct the Energy Sector Roadway Repair Project, comprised of improvements to identified roadways in the Corpus Christi, Yoakum, Laredo, and San Antonio Districts of the department, authorize the executive director of the department to execute a Design-Build Contract with the selected proposer, and discuss the remaining House Bill 1025 funded projects **(MO) (Presentation)**
On September 27, 2013, the department issued a request for proposals to design and construct the Energy Sector Roadway Repair Project. The department has completed its review and evaluation of proposals, and is presenting its best value recommendation to the commission and providing an update on the remaining HB 1025 funded projects.
- 113801 b. **Various Counties** - Approval to exceed the contract term restrictions in 43 TAC §9.32(b)(1) for the procurement under indefinite deliverable contracts of general engineering consultant services, right-of-way acquisition services, and right-of-way lease procurement services for projects developed under comprehensive development agreements, design-build agreements, or other innovatively funded or developed methods **(MO)**
The expeditious delivery of CDA, Design/Build, and other innovatively delivered projects will require the assistance and support of various consulting engineering contracts. This minute order authorizes the procurement of indefinite deliverable consultant contracts that will deliver and implement these projects.

9. **Design-Build Agreements (Continued)**

113802

- c. **Various Counties** - Consider the approval of the department's determination to exercise its option to develop, finance, and construct the SH 360 Project in Ellis, Tarrant and Johnson Counties, from just south of I-20 to US 287, and authorize the department to negotiate a final project agreement with the North Texas Tollway Authority (NTTA), and a financial backstop agreement with the NTTA and the North Central Texas Council of Governments (NCTCOG), based on the term sheet for the development, financing, construction, operation and maintenance of the SH 360 Project approved by the NTTA Board of Directors [\(MO\)](#)

The department has negotiated a term sheet with NTTA and NCTCOG describing the basic terms upon which the agencies will partner to develop the SH 360 project. The NTTA Board of Directors is scheduled to approve the term sheet at its December 18, 2013 meeting. The final project agreement and financial backstop agreement will be subject to commission approval.

10. **SH 99 (Grand Parkway) Toll Project**

113803

- Various Counties** - Consider authorizing the executive director to enter into an amendment to the toll equity loan agreement (TELA) for the Grand Parkway toll project between the department and the Grand Parkway Transportation Corporation (GPTC), dated July 17, 2013, to modify the maximum amount permitted to be made available to GPTC each year during the term of the TELA [\(MO\)](#)

The department has entered into a toll equity loan agreement with the GPTC for the Grand Parkway toll project. The loan is limited to payment of mutually-approved projected facility costs, including the costs of design, construction, operation, and maintenance of the project. The amounts that can be borrowed each year may not exceed a maximum permitted amount defined in the loan agreement, not to exceed 100% of the projected toll revenue stream for that period in the mutually-approved investment grade traffic and revenue study. The borrowed funds may be used by GPTC for debt service payments and for certain budgeted operations and maintenance expenses and budgeted capital expenditures if toll revenue, money in certain reserve funds and accounts, and other revenue derived from the project are insufficient to make those payments. The expected issuance of refunding bonds by GPTC will require an adjustment in the maximum permitted amount that can be borrowed each year by GPTC. The amendment to the TELA will not change the total amount of the toll equity loan commitment under the TELA.

11. **Contracts**

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.

113804

- (a) **Highway Maintenance and Department Building Construction**
(see attached itemized list) [\(MO\)](#)

113805

- (b) **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) [\(MO\)](#)

**ACCESS APPROVED MINUTE ORDERS BY SELECTING THE BLUE (MO)
AT THE END OF THE DESIRED AGENDA ITEM**

- 113806 12. **Eminent Domain Proceedings**
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.
- 113807 13. **Routine Minute Orders**
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 donations will ensure the safety of the traveling public.
- 113808 b. **Right of Way Dispositions and Donations**
The commission must approve the sales, transfers and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept and acknowledge donations to the state of real property that is valued at \$500 or more.
(1) **Brazos County** - Southbound BS-6R at FM 60 in College Station - Consider the acceptance of a donation of land for a highway improvement project. [\(MO\)](#)
The property being donated to the department is necessary for construction of a right turn lane on BS-6R and FM 60. The property being donated is in lieu of payment for the acquisition and is valued at more than \$500.
- 113809 (2) **Collin County** - FM 543 in McKinney - Consider a removal from the system, re-designation, and transfer of right of way
The district has advised that a segment of FM 543 now functions as a city street. The district recommends that it be removed from the system and the surplus right of way be transferred to the city in consideration of the cost of future maintenance. The city has agreed to assume control, jurisdiction, and maintenance. The remaining segment of FM 543 will be re-designated as State Spur 195. [\(MO\)](#)
- 113810 (3) **Galveston County** - I-45 from 0.452 miles south of FM 518 to north of FM 517 - Consider the acceptance of a donation of land for a highway improvement project. [\(MO\)](#)
The property being donated to the department is necessary for construction of a ramp reversal on I-45. The property being donated is in lieu of payment for the acquisition and is valued at more than \$500.

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13. Routine Minute Orders (continued)

c. Reports

113811

- (1) **Travis and Williamson Counties** - Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (CTTS)
Report of actual traffic and revenue for the CTTS as of November 30, 2013, as required by the CTTS Indenture of Trust. (MO)
- (2) [Report on Environmental Review of Projects](#)
A report on projects processed under the procedures of Transportation Code, Chapter 201, Subchapter I-1, Environmental Review Process, enacted by the 82nd Texas Legislature. This report is required by Transportation Code §201.762(a).

113812

d. Highway Designation

Fort Bend County - Between the cities of Beasley and Needville, extend the designation of FM 360 from US 59 northwestward to State Loop 540 (MO)
This minute order extends the designation of FM 360 from its intersection at US 59 northwestward to SL 540, a distance of approximately 0.1 mile.

e. Speed Zones

113813

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 Robin Carter at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-936-0942.

TEXAS TRANSPORTATION COMMISSION MEETING
ATTACHED LISTS
December 19, 2013

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

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO</u>
AMA	HEMPHILL	US 60	RMC - 626065001
ATL	CASS	US 59	RMC - 626452001
ATL	HARRISON	US 59	RMC - 626453001
ATL	UPSHUR	US 259	RMC - 626454001
AUS	TRAVIS	IH 35	RMC - 626218001
BMT	CHAMBERS	IH 10	RMC - 626247001
BMT	JEFFERSON	SH 87	RMC - 625738001
BMT	ORANGE	FM 1130	BPM - 613797001
BWD	BROWN	US 377	RMC - 626627001
BWD	MCCULLOCH	FM 2028	RMC - 626433001
BRY	MADISON	US 190	RMC - 625917001
CRP	KARNES	FM 887	RMC - 626018001
CRP	LIVE OAK	FM 99	RMC - 625853001
CRP	NUECES	IH 37	RMC - 625693001
CRP	NUECES	IH 37	RMC - 626582001
CRP	SAN PATRICIO	US 181	RMC - 626583001
ELP	EL PASO	IH 10	RMC - 626382001
ELP	EL PASO	IH 10	RMC - 626590001
FTW	JOHNSON	SH 174	RMC - 626348001
FTW	PALO PINTO	US 281	RMC - 626356001
FTW	PARKER	FM 51	RMC - 626444001
FTW	PARKER	IH 20	RMC - 626355001
FTW	TARRANT	IH 30	RMC - 626544001
FTW	TARRANT	IH 820	RMC - 626545001
HOU	GALVESTON	FM 517	RMC - 625998001
HOU	GALVESTON	SH 87	RMC - 626168001

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

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO</u>
HOU	HARRIS	IH 45	BPM - 626077001
LRD	DIMMIT	FM 1867	RMC - 622170001
LRD	WEBB	IH 35	RMC - 619544001
LRD	ZAVALA	FM 1025	RMC - 617430001
LRD	ZAVALA	FM 2691	RMC - 625647001
LBB	SWISHER	IH 27	RMC - 626532001
PAR	FANNIN	FM 898	RMC - 625632001
PAR	GRAYSON	US 75	RMC - 625931001
PAR	LAMAR	US 271	RMC - 626318001
PHR	CAMERON	FM 1561	RMC - 626441001
TYL	SMITH	SH 155	RMC - 626217001
TYL	WOOD	US 80	RMC - 626214001
YKM	FAYETTE	US 77	RMC - 626187001
YKM	VICTORIA	US 59	RMC - 626179001
YKM	WHARTON	BU 59R	RMC - 626617001

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

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO</u>
ABL	HOWARD	IH 20	IM 0202(240)
ABL	HOWARD	VA	BOR 2004(670)
ABL	NOLAN	IH 20	NH 1302(041)
AMA	HEMPHILL	US 83	STP 2014(267)
AMA	RANDALL	LP 335	DMO 2012(189)
ATL	PANOLA	US 79	NH 2014(293)
AUS	HAYS	IH 35	IM 0353(289)
AUS	TRAVIS	FM 973	BR 2013(930)
AUS	TRAVIS	IH 35	CC 15-13-360
AUS	TRAVIS	RM 620	STP 2014(304)
AUS	TRAVIS	US 183	NH 2014(303)
BMT	HARDIN	BU 96-F	STP 2014(316)
BWD	EASTLAND	IH 20	STP 2014(439)SB
BRY	BURLESON	FM 60	C 648-3-50
DAL	COLLIN	US 75	C 47-6-139
DAL	DALLAS	IH 35E	IM 0356(444)
ELP	BREWSTER	US 67	NH 2014(308)
ELP	EL PASO	IH 10	STP 2014(127)TE
ELP	EL PASO	LP 375	STP 2013(868)MM
ELP	PRESIDIO	FM 170	STP 2014(310)
FTW	JACK	CR	BR 2008(528)
HOU	FORT BEND	US 59	NH 2014(273)
HOU	HARRIS	VA	NH 2014(297)
HOU	HARRIS	VA	STP 2014(298)
LRD	DUVAL	SH 359	STP 2014(305)
LRD	KINNEY	RM 334	STP 2014(306)
LFK	POLK	US 59	NH 2014(292)

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

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO</u>
ODA	MIDLAND	FM 307	C 887-1-36
PAR	DELTA	SH 24	TCSP 2010(387)
PAR	FANNIN	CR	BR 2013(424)
PAR	LAMAR	FM 196	STP 2014(295)
PAR	RAINS	FM 514	STP 2014(296)
SJT	TOM GREEN	VA	STP 2014(302)G
SAT	COMAL	IH 35	IM 0352(347)
SAT	MEDINA	IH 35	IM 0352(348)
TYL	RUSK	US 259	STP 2014(278)HES
WAC	CORYELL	FM 1113	STP 2014(080)
WFS	MONTAGUE	FM 1758	STP 2014(271)HRR
WFS	MONTAGUE	US 82	NH 2014(270)
YKM	GONZALES	CR	BR 2012(230)

**ACCESS APPROVED MINUTE ORDERS BY SELECTING THE BLUE (MO)
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DONATIONS TO THE DEPARTMENT

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
AMA	HEMPHILL	Devon Energy Corporation	Roadway design and funds sufficient to pay TxDOT's direct and indirect costs for construction engineering and construction of a deceleration lane, center left turn lane, access driveway and all other itemized roadway work related to the entrance into the donor's field operations complex located on US 60 in Hemphill County.
AUS	TRAVIS	Circuit of the Americas	Sufficient funding to be used for the design and installation of a large wayfinding sign on SH 130 to help process vehicles exiting off of SH 130 to travel to COTA.
BRY	GRIMES	Wal-Mart Real Estate Business Trust	Design and construction of intersection improvements for SH 90 and SH 6 into the Walmart development in Navasota, Texas.
PHR	CAMERON	Wal-Mart Real Estate Business Trust	Design and construction of a dedicated right turn lane, the delineating of a left turn lane, and roadway signing and pavement markings for driveways into the Walmart property off of FM 802 and Hudson Blvd., as well as, construction of a full traffic actuated traffic signal at the intersection of FM 802 at Hudson Blvd. in Brownsville, Texas.
PHR	HIDALGO	Wal-Mart Real Estate Business Trust	Design and construction of two dedicated right turn lanes and roadway signing and pavement markings for the driveways into the Walmart property off of FM 3461 and FM 2061, as well as, provide a GPS time clock in the existing traffic signal along FM 3461 in McAllen, Texas.

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DONATIONS TO THE DEPARTMENT (CONTINUED)

<u>DIST</u>	<u>COUNTY</u>	<u>DONOR</u>	<u>DONATION DESCRIPTION</u>
PHR	HIDALGO	Wal-Mart Real Estate Business Trust	Design and construction of a dedicated right turn lane and roadway signing and pavement markings for the southbound driveway into the Walmart property off of FM 88 and 18th St., as well as, rebuild/upgrade the existing traffic signal at the intersection of FM 88 at 18th St. to a full traffic actuated installation in Weslaco, Texas.
SAT	BEXAR	Sam's East, Inc.	Design and construction of traffic signal upgrades and an additional left turn lane on US 281 at Marshall Road in San Antonio, Texas.
SAT	MEDINA	Wal-Mart Real Estate Business Trust	Design, construction, and installation of a left turn lane, a right turn lane, and a traffic signal at the intersection of US 90 with a future public street that is proximal to the donor's proposed development in Castroville, Texas.