

# AGENDA

# TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

#### THURSDAY September 29, 2016

## 9:00 A.M. CONVENE MEETING

- 1. **Safety Briefing** Staff will provide general safety instruction.
- 2. **Approval of Minutes** of the August 25, 2016, regular meeting of the Texas Transportation Commission

#### 3. Acknowledgement of Service

- a. Recognize by resolution Carol Rawson, Traffic Operations Division Director, for 30 years of service to the department
- b. Recognize by resolution Paul Montgomery, P.E., Paris District Engineer, for nearly 29 years of service to the department
- c. Recognize by resolution Jerral Wyer, Occupational Safety Division Director, for 25 years of service to the department

## 4. Aviation

**Various Counties** - Award federal and state grant funding for airport improvement projects at various locations (<u>MO</u>)

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.

## 5. **Public Transportation**

# **Various Counties** - Award federal §5311(b)(3) Rural Transit Assistance Program funds to Southwest Area Regional Transit District (MO)

This minute order awards \$37,000 to support a training event focused on safety, security, and federal requirements, targeted specifically to transit providers in Texas, as well as a regional "roadeo" event to assist the driver training program in evaluating driver performance.

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

## (a) Chapter 9 - Contract and Grant Management

Amendments to §9.11, Definitions, §9.13, Notice of Letting and Issuance of Bid Forms, §9.15, Acceptance, Rejection, and Reading of Bids, §9.17, Award of Contract, and §9.18, After Contract Award (Highway Improvement Contracts) and §9.227, Information from Bidders (Disadvantaged Business Enterprise (DBE) Program) (MO)

These amendments incorporate the Disadvantaged Business Enterprise (DBE) bidding requirements of federal regulation, 49 CFR §26.53 (What are the good faith efforts procedures recipients follow in situations where there are contract goals?), and are necessary to comply with the requirements of that section.

## (b) Chapter 11 - Design

New §§11.400 - 11.418 (Transportation Alternatives Set-Aside Program) (MO) The proposed new subchapter implements the Transportation Alternatives Set-Aside Program (TA Set-Aside) as authorized by the federal Fixing America's Surface Transportation Act (FAST Act). The FAST Act establishes the TA Set-Aside as part of the Surface Transportation Block Grant, and replaces the Transportation Alternatives Program (TAP) which was established as an independent funding category under the Moving Ahead for Progress in the 21st Century Act (MAP-21). Like the TAP, the TA Set-Aside provides funding for a variety of alternative transportation projects.

 (c) Chapter 16 - Planning and Development of Transportation Projects Amendments to §16.105, Unified Transportation Program (Transportation Programs), and §16.152, Cash Flow Forecast, §16.153, Funding Categories, §16.154, Transportation Allocation Funding Formulas, and §16.160, Funding Allocation Adjustments (Transportation Funding) (MO)

These amendments implement requirements established by House Bill 20, which was enacted during the 84th Legislative Session, and update certain planning process associated with the development of the UTP. The amendments affect fiscal constraint requirements, organizational goal changes, performance management and metrics, cash flow forecast terminology, funding distribution methodology, and letting management.

## 7. **Toll Operations**

# **Various Counties** - Reduce the fee to be charged for standard tags for electronic toll collection customer accounts that do not participate in auto-replenishment (MO)

State law authorizes the department to charge reasonable fees for administering electronic toll collection customer accounts. The department's administrative rules related to toll operations provide that those fees will be set by order of the commission. Customer account fees may include fees for various types of tags, account statements, account maintenance, returned checks, and account reactivation. This minute order revises the amount to be charged for standard tags for accounts that do not participate in auto-replenishment.

## 8. **Financial Assistance for Projects**

**Hays and Travis Counties** - Central Texas Regional Mobility Authority -Consider granting final approval of requests from the Central Texas Regional Mobility Authority to receive: (1) a loan of up to \$60,000,000; and (2) a grant of up to \$28,920,000 previously allocated by the Capital Area Metropolitan Planning Organization, all to be used for construction of the SH 45 Southwest Project, a four-lane, divided toll road between Loop 1 and FM 1626 (MO)

The SH 45 Southwest Project is approximately four miles in length and would include a four-lane, divided toll road between Loop 1 and FM 1626.

# 9. **Regional Mobility Authority**

**Hays and Travis Counties -** Central Texas Regional Mobility Authority - Approve the connection of the SH 45 Southwest Project to the State Highway System; approve the SH 45 Southwest Project; approve the waiver of any reimbursement from the CTRMA for the use of state-owned right-of-way; designate the SH 45 Southwest Project as a toll project on the State Highway System; authorize the executive director to execute an agreement with the CTRMA (MO)

The Central Texas Regional Mobility Authority is developing the SH 45 Southwest Project, which is approximately four miles in length and includes four new tolled lanes between LP 1 and FM 1626. The project is a new alignment that includes an at-grade intersection at FM 1626, an overpass at Bliss Spillar Road, and a grade-separated interchange at LP 1. The project also includes a continuous bicycle/pedestrian shared-use path. This minute order approves the Project and the connection of the Project with the State Highway System; approves the waiver of any reimbursement from the CTRMA for the use of state-owned right-of-way; designates the Project as a toll project on the State Highway System; and authorizes the executive director to execute an agreement with the CTRMA for the development, construction, operation, and maintenance of the Project.

## 10. Contracts

Award or reject contracts for maintenance, and 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.

#### a. Construction of Highways, Department Buildings, and Other Transportation Facilities (see attached itemized list) (MO)

b. **Highway Maintenance** (see attached itemized list) (MO)

#### 11. 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 itemized list) (MO)

Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18 (82<sup>nd</sup> 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.

## 12. Routine Minute Orders and Reports

## a. **Donations to the Department**

**Various Districts -** Consider the acknowledgment 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.* 

#### b. Real Estate Dispositions

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.

- Bell County FM 2483, south side, east of Morgan's Point Resort -Consider the sale of a drainage easement (MO) The district has determined that the easement is no longer needed for highway drainage purposes. The owner of the property has requested to purchase the easement, and it may be sold to the owner.
- (2) **Burnet County** US 281, portions of city streets in Marble Falls -Consider the transfer of right of way to the City of Marble Falls (MO) *The district has determined that the land is no longer needed for highway purposes. The City of Marble Falls (city) has requested the land to be transferred to the city. Future maintenance costs exceed the value of the property, and the land may be transferred to the city.*
- (3) Ellis County FM 663, old alignment in Midlothian Consider the quitclaim of right of way to honor a reversionary clause (MO) The district has determined that right of way on an old alignment of the highway is no longer needed for highway purposes. The instrument of conveyance contained a provision that should the land be abandoned as a public highway, title reverts to the grantor, his heirs, and assigns.
- (4) **Montgomery County** SH 242 west of US 59 Consider a reciprocal quitclaim to correct an error in a conveyance to the state (MO) The district has determined that the state acquired fee title to certain property, when only an easement interest for highway drainage purposes was intended. In addition, the property was conveyed subject to a reversionary interest which is ambiguous. A reciprocal quitclaim deed will correct the error and the ambiguity.

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## 12. Routine Minute Orders and Reports (continued)

## b. **Real Estate Dispositions (continued)**

- (5) **Tarrant County** I-30 at Lancaster Avenue in Fort Worth Consider the exchange of right of way with the City of Fort Worth (city) and acknowledgement of the acceptance of a donation (MO) The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and the state-owned land may be sold to the abutting owner. There is no record title to part of the land, and it may be quitclaimed to the abutting landowner at the request of the city.
- (6) Travis County SL 360, northwest corner at Ben White/S. Lamar Blvd. in Austin - Consider the sale of right of way to the abutting landowner (MO)

The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and it may be sold to the abutting owner.

c. Reports

## **Compliance Division**

#### Compliance Division report

State law requires the commission to establish a compliance program, which must include a Compliance Division to oversee the program. The Compliance Division 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 Division is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.

## d. Rail Clearance Deviations

## Request for Approval of Rail Clearance Deviations (MO)

This minute order authorizes approval of applications for rail clearance deviations, which are waivers from clearance provisions for structures over and alongside railway tracks. The department has reviewed the applications and seeks approval of these waivers.

## e. Highway Designations

- (1) Collin County In and near the cities of McKinney and Weston, redesignate SS 195 as FM 543 and redesignate FM 543 as SS 195 (MO) This minute order redesignates SS 195 as FM 543 from FM 455 southward to County Road 206, a distance of approximately 7.6 miles, and redesignates FM 543 from US 75 to SH 5 as SS 195, a distance of approximately 1.0 mile.
- (2) Hill County Near the City of Mount Calm, designate FM 339 along a new location and redesignate a segment of FM 339 as FM Spur 339 (MO) This minute order designates FM 339 along a new location west of SH 31 to its intersection with FM 3258 and then eastward to the intersection of SH 31-K, a total distance of approximately 0.8 miles, and redesignates a segment of FM 339 as FM Spur 339 from the intersection of FM 339 southward, a distance of approximately 0.2 miles.

## 12. Routine Minute Orders and Reports (continued)

# f. **Designation of Access Control**

- (1) **Dallas County** I-635, approximately 330 feet east of Luna Road -Consider the designation of one location on the frontage road at which access will be permitted to the abutting property (<u>MO</u>) *The designation of one 48.40-foot break in the control-of-access line will allow the abutting landowner to open one proposed driveway location for access, permitting access to and from the eastbound frontage road. The district has determined that access may be permitted at the designated locations.*
- (2) **Jefferson County** US 69, approximately 2000 feet east of Jerry Ware Drive - Consider the designation of a location on the highway at which access will be permitted to the abutting property (<u>MO</u>) *The designation of a 90-foot break in the control-of-access line will allow the abutting landowner to open a proposed driveway location for access to the southbound frontage road. The district has determined that access may be permitted at the designated location.*

## g. 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.* 

13. **Executive Session** Pursuant to Government Code, Chapter 551

**Section 551.071** - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

**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 AGENDA Attached Lists September 29, 2016

<u>Construction of Highways, Department Buildings, and Other Transportation Facilities -</u> <u>State Let</u>				
<u>Dist.</u> ABL	<u>County</u> <u>Name</u> HOWARD	<u>Highway</u> <u>Number</u> VA	<u>Controlling</u> <u>Project No.</u> DMO 1102(493)	
AMA	POTTER	VA	STP 2017(002)	
ATL	TITUS	US 67	STP 2017(053)HESG	
ATL AUS	UPSHUR BASTROP	SH 154 CR	STP 2017(072)HESG BR 2017(112)	
AUS AUS	BURNET CALDWELL	RM 1431 SH 142	STP 1602(491) STP 2017(021)	
AUS AUS	WILLIAMSON WILLIAMSON	IH 35 VA	C 15-9-179 C 914-5-182	
BMT BMT	CHAMBERS JEFFERSON	IH 10 US 90	NH 1602(470) STP 2017(041)	
BRY	ROBERTSON	SH 6	STP 2017(080)HES	
CHS	CHILDRESS	US 62	NH 2017(004)	
CHS CHS	HARDEMAN HARDEMAN	SH 6 US 287	STP 2016(373) NH 2017(005)	
CRP	KARNES	SH 123	NH 2017(043)	
DAL DAL	DALLAS DALLAS	US 75 VA	NH 2017(082) NH 2017(084)	
DAL DAL DAL	DENTON NAVARRO ROCKWALL	IH 35E CR IH 30	STP 2017(083)MM BR 2013(501) CM 2017(081)	

Construction of Highways, Department Buildings, and Other Transportation Facilities -				
<u>State Let (co</u>				
	<u>County</u>	<u>Highway</u>	Controlling	
<u>Dist.</u>	<u>Name</u>	Number	Project No.	
ELP	EL PASO	BU 54-A	STP 2017(024)HES	
ELP	EL PASO	IH 10	NH 2017(025)	
FTW	JOHNSON	IH 35W	NH 2017(085)	
FTW	TARRANT	IH 20	STP 2016(994)HES	
HOU	FORT BEND	FM 360	<b>STD 2017(112)</b>	
			STP 2017(113)	
HOU	FORT BEND	US 90A	STP 2017(044)	
HOU	GALVESTON	SH 146	NH 2017(122)	
HOU	MONTGOMERY	FM 1097	STP 2017(115)	
LRD	DUVAL	SH 339	STP 2017(029)	
LRD	MAVERICK	US 57	STP 2017(027)	
			× /	
LFK	HOUSTON	SH 19	STP 2017(045)HES	
ODA	ANDREWS	FM 181	STP 2017(032)	
ODA	WARD	IH 20		
ODA	WARD	IH 20	NH 2017(031)	
PAR	HUNT	CR	BR 2015(643)	
PAR	LAMAR	FM 196	STP 2017(086)	
PHR	HIDALGO	FM 2220	STP 2017(050)	
PHR	HIDALGO	US 281	NH 2017(123)	
PHR	WILLACY	IH 69E	NH 2017(047)	
SJT	CONCHO	FM 765	STP 2017(033)	
C A T		EM 1202		
SAT	BANDERA	FM 1283	STP 2017(036)HES	
SAT	BEXAR	VA	STP 2014(167)TE	
SAT	BEXAR	FM 1957	STP 2017(037)HES	
SAT	COMAL	IH 35	STP 2017(088)HES	
SAT	KERR	IH 10	NH 1602(227)	
SAT	UVALDE	US 83	STP 2017(093)HES	
SAT	WILSON	US 87	STP 2017(035)	

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Construction of Highways, Department Buildings, and Other Transportation Facilities -				
State Let (co	<u>County</u>	<u>Highway</u>	<u>Controlling</u>	
<u>Dist.</u>	<u>Name</u>	Number	Project No.	
TYL	SMITH	SH 155	STP 2017(087)	
WAC	BELL	SS 290	NH 2017(008)	
WAC	CORYELL	US 281	NH 2017(009)	
X777X 6			DD 0017(050)	
YKM	AUSTIN	US 90	BR 2017(052)	
Highway Ma	aintenance - State Let	<u></u>		
	<u>County</u>	<u>Highway</u>	<b>Controlling</b>	
<u>Dist.</u>	<u>Name</u>	<u>Number</u>	<u>Project No.</u>	
AUS	TRAVIS	IH 35	RMC - 630330001	
AUS	TRAVIS	US 290	RMC - 629924001	
BMT	ORANGE	IH 10	RMC - 630048001	
DIVIT	OMINOL	11110	Кис 0500+0001	
CHS	CHILDRESS	US 287	RMC - 630450001	
DAL	DALLAS	IH 20	RMC - 630646001	
DAL	DALLAS	IH 35E	RMC - 630587001	
DAL	DALLAS	SH 78	RMC - 630190001	
DAL	DALLAS	SH 78	RMC - 630214001	
DAL	DALLAS	SL 12	RMC - 630193001	
DAL	DALLAS	SL 12	RMC - 630283001	
DAL	DALLAS	US 67	RMC - 629947001	
DAL	DALLAS	US 67	RMC - 629982001	
DAL	DALLAS	US 80	RMC - 629944001	
DAL	DALLAS	US 175	RMC - 629987001	
DAL	KAUFMAN	IH 20	RMC - 629216001	
ELP	EL PASO	IH 10	RMC - 629838001	
ELP	EL PASO	IH 10	RMC - 630729001	
FTW	TARRANT	IH 20	RMC - 630147001	
FTW	TARRANT	IH 30	RMC - 630539001	
FTW	TARRANT	SH 199	RMC - 630108001	

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<u>Highway Maintenance - State Let (continued)</u>				
	<b>County</b>	<b>Highway</b>	<b>Controlling</b>	
<u>Dist.</u>	Name	<u>Number</u>	Project No.	
HOU	BRAZORIA	FM 2852	RMC - 629853001	
HOU	FORT BEND	US 59	RMC - 630578001	
HOU	GALVESTON	FM 517	RMC - 630556001	
HOU	GALVESTON	FM 1764	RMC - 630497001	
HOU	GALVESTON	FM 2004	RMC - 630455001	
HOU	GALVESTON	SH 146	RMC - 630534001	
HOU	HARRIS	IH 10	RMC - 630543001	
HOU	HARRIS	IH 10	RMC - 630580001	
HOU	HARRIS	IH 10	RMC - 630624001	
HOU	HARRIS	IH 69	RMC - 629705001	
HOU	HARRIS	SL 8	RMC - 630361001	
HOU	WALLER	US 290	RMC - 630443001	
LRD	WEBB	SL 20	RMC - 630221001	
LBB	LUBBOCK	IH 27	RMC - 630622001	
LBB	LUBBOCK	IH 27	RMC - 630623001	
PHR	HIDALGO		CBC - 470401775	
PHR	HIDALGO	IH 69C	RMC - 630696001	
PHR	HIDALGO	US 281	RMC - 629678001	
SAT	BEXAR	IH 35	RMC - 630303001	
SAT	FRIO	IH 35	RMC - 630481001	
SAT	MEDINA	FM 462	RMC - 627789001	
TYL	HENDERSON	SH 31	RMC - 630336001	
TYL	SMITH	US 69	RMC - 630339001	
TYL	WOOD	US 80	RMC - 630337001	
WFS	ARCHER	FM 2846	RMC - 629473001	
YKM	DEWITT	US 77	RMC - 630662001	
YKM	FAYETTE	SH 71	RMC - 630591001	
YKM	WHARTON	US 59	RMC - 630566001	

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RockwallFM 354921015-01-07752RockwallFM 354931015-01-07750	Navarro	SH 31	8	0162-11-002	25B,25BE	
RockwallFM 354931015-01-07750	Rockwall	FM 3549	1	1015-01-077	46	
RockwallFM 354931015-01-07750	Rockwall	FM 3549	2	1015-01-077	52	
RockwallFM 354951015-01-07745	Rockwall	FM 3549	3	1015-01-077	50	
	Rockwall	FM 3549	5	1015-01-077	45	

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<u>Eminent Domain (continued)</u> Non-Controlled Access (continued)					
County	<u>High</u>		Exhibit	ROW CSJ No.	<b>Parcel</b>
Rockwall	FM 3		6	1015-01-077	43
Rockwall	FM 3		14	1015-01-077	51
Rockwall	FM 3	549	15	1015-01-077	41
Rockwall	FM 3	549	19	1015-01-077	5
Rockwall	FM 3	549	20	1015-01-077	8
Rockwall	FM 3	549	24	1015-01-077	6
Rockwall	FM 3	549	35	1015-01-077	33,33E
Rockwall	FM 3	549	36	1015-01-077	36,36E
Waller	<b>FM</b> 1	774	7	1400-03-008	9A
Donations to t	he Depar				
<u>Donor</u>	_	<u>Dist</u>	<u>County</u>	<b>Donation Description</b>	
CTMGT Ranch	lo Del	SAT	Bexar	U	on of the installation of a
Lago, LLC					on FM 1957 (Potranco
				Road) East of State Hig intersection of Potrance	
				Ridge/Bella Vista Pl in	
E.ON Climate		AMA	Carson &	Fixed amount for State's costs to repair	
Renewables North			Gray	roadway damage and	
North America, LLC				1	n FM 293, FM 294, FM
					ring and after wind farm
				construction.	
Fikes Wholesal	e, Inc.	ATL	Upshur	Funds sufficient to pa	-
					poles at the intersection
				of US 271 and SH 30	0 in Gilmer, Texas.
HEB Grocery		WAC	Bell	Design and construct	ion of a deceleration
Company, LP					and signal improvements
					Stan Schlueter and Old
				FM 440 in Killeen.	
Keep Brazos		BRY	Brazos	135 pounds of wildfl	ower seed.
Beautiful, Inc.					
LG SH 114 &		DAL	Denton	Design and construct	ion of a right-turn lane
IH 35, LLC				U	35W frontage road into
				the Speedway develo	-
Stafford Coyote	es LLC	HOU	Fort Bend	Design and construct	ion of a deceleration lane
		I OIT DOIL	from eastbound US 9		
				development in Staff	
				1	

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## **Donations to the Department (continued)**

<b>Donor</b>	<b>Dist</b>	<b>County</b>
Tuscan Lakes	HOU	Galveston
Development, L.P.		

**Donation Description** 

Design and construction of a right-turn lane from northbound FM 270 into Sarpi Lane in League City.