



INTERNET ADDRESS:
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September 25, 2009 1:55 p.m.

AGENDA

TEXAS TRANSPORTATION COMMISSION

Modern Art Museum of Fort Worth
3200 Darnell Street
Fort Worth, Texas 76107

THURSDAY
October 29, 2009

9:00 A.M. CONVENE MEETING

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

The district will present a video highlighting projects, safety and maintenance activities, and interviews with key officials throughout the region. Local officials will also speak about area transportation activities.

1. **Approval of Minutes** of the September 23, 2009 and September 24, 2009 meetings of the Texas Transportation Commission
2. **Aviation**
 - a. **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 AVN seeks approval of the awards.
 - b. **Various Counties** – Approve appointment of four members to the Aviation Advisory Committee (MO)
The commission shall appoint each member for a term not to exceed three years. This minute order approves the appointment of four members to the Aviation Advisory Committee.

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

a. **Final Adoption**

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

Specialty License Plates

(2) **Chapter 25 – Traffic Operations (MO)**

Amendments to §25.977, Reporting by Investigating Officers (Crash Records Information System)

This item will amend the department's existing rules regarding the form used by law enforcement officers to report motor vehicle crashes to TxDOT. The department is currently working on changes to the Crash Record Information System that will require changes to the crash form. The revisions will also address the continued collection of phone numbers on the crash form. The department plans to implement the changes to the form on January 1, 2010.

(3) **Chapter 30 – Aviation (MO)**

Repeal of §30.101, Scheduled Intrastate Air Passenger Carriers, §30.102, United States Certificated Air Carriers, §30.103, Nonscheduled Air Carriers, and §30.104, All-Cargo Air Carriers (Air Carriers)

Repeal of rules concerning regulation of air carriers due to passage of SB 334 by the 81st Legislature, 2009, which repealed provisions concerning the department's jurisdiction over air carriers.

b. **Proposed Adoption**

(1) **Chapter 11 – Design (MO)**

Amendments to §11.50, Access Management, §11.51, Definitions, Repeal of §11.52, Delegation of Access Permit Authority to Municipalities or Eligible Counties, and New §11.52, Access Connection Facilities, Amendments to §11.53, Locations Where the Department Controls the Access, and §11.54, Construction and Maintenance of Access Connection Facilities, Repeal of §11.55, Local Access Roads, and New §11.55, Appeal Process, and Repeal of §11.56, Connection with Regionally Significant Highway, and New §11.56, Delegation of Access Permit Authority to Municipalities or Eligible Counties, New §11.57, Local Access Roads, and New §11.58, Connection with Regionally Significant Highway (Access Connections to State Highways)

SB 1609 was enacted by the 81st Legislature and requires the commission to adopt rules for the management of access to or from a controlled access highway to include: procedures for appealing a denial of access to a specific location, the continued application of then existing access management standards to properly platted access points, notification to property owners of a highway construction project and reinstatement of existing access, adoption of criteria for determining when a variance to access management standards may be granted, and clarification that remodeling or demolition and rebuilding of a business does not cause new access management standards to apply unless traffic patterns are significantly impacted.

3. b. **Proposed Adoption (continued)**
 - (2) **Chapter 22 – Use of State Property and Chapter 29 – Maintenance (MO)**
Amendments to §22.17, Memorial Markers (Use of State Highway Right of Way)
This item will amend the department's existing rules regarding private memorials on state highway right of way for Department of Public Safety troopers killed in the line of duty. Senate Bill 2028, 81st Legislature required the department to extend its program to allow placement of these memorials for all peace officers. The proposed amendment will bring the existing rule into compliance with the requirements of Senate Bill 2028.
 - (3) **Chapter 25 – Traffic Operations (MO)**
Amendments to §25.952, Application, and §25.955, Sign Description (Memorial Sign Programs for Victims of Impaired Driving)
Senate Bill 521, 81st Texas Legislature, amends the existing law regarding the sign for the Memorial Sign Program. The legislation allows the sign to contain more than one victim's name as long as the total length of the names do not exceed one line of text. The amendment incorporates the provisions of the legislation into the existing section.

4. **State Infrastructure Bank
Final Approval**

- a. El Paso County – **City of El Paso** – Consider granting final approval of an application from the City of El Paso to borrow \$6,356,000 from the State Infrastructure Bank to pay for improvements to the Paso Del Norte International Port of Entry in El Paso (MO)
The city is requesting a SIB loan to pay for improvements to the Paso Del Norte International Port of Entry, includ construction of a new southbound pedestrian toll collection plaza, improvements to the Lion's Placita, and canopy structures for both the southbound and northbound pedestrian bridge. Improvements to the Lion's Placita are in addition to the work funded by their FY 2009 ARRA funding.
- b. El Paso County – **Camino Real Regional Mobility Authority (CRRMA)** – Consider granting final approval of an application from the CRRMA to borrow \$35 million from the State Infrastructure Bank for the development of 1) a portion of the I-10/Loop 375 (Americas) interchange, which includes four direct connectors, and 2) the I-10 corridor aesthetic project from mile post 6 (Loop 375 – Transmountain Road) through mile post 34 (Loop 375 - Americas Avenue) (MO)
The CRRMA is requesting a \$35 million SIB loan to help pay for construction of four new direct connector ramps of the I-10/Loop 375 (Americas) interchange project as well as for the implementation of the I-10 corridor aesthetics project. The total project cost to implement both is estimated at \$156 million. In addition to the \$35 million SIB loan being requested, the funding package includes \$96 million from ARRA and \$25 million of Category 2. Payment of the SIB loan will come from proceeds from the City of El Paso's Transportation Reinvestment Zone, which was formally established in December 2008.

5. **Toll Project**

- a. **Cameron County** – Authorize the Cameron County Regional Mobility Authority (CCRMA) to make improvements to the state highway system in connection with a project on SH 550, and authorize the executive director to enter into a project development agreement with the CCRMA (MO)

Transportation Code, §370.033(f) authorizes a regional mobility authority (RMA) to develop a project within its boundaries on behalf of the department. The improvement of the state highway system by an RMA is subject to commission approval. American Recovery and Reinvestment Act funding has been approved for the project.

- b. **El Paso County** – Consider final approval of a request for financial assistance from the Camino Real Regional Mobility Authority (CRRMA) to pay for the costs of a Regional Ports of Entry Operations Plan for the El Paso area that will include studies of traffic and revenue, tolling, congestion pricing, economic benefits, air quality, and other issues associated with the development of managed lanes and tolling at the ports of entry (MO)

The CRRMA submitted an application for financial assistance seeking a grant to pay for development of a Regional Ports of Entry Operations Plan for the El Paso area.

6. **Regional Mobility Authority**

- Presidio County** – Authorize the creation of the Presidio County Regional Mobility Authority by Presidio County (MO)

The commission will consider an order to be issued under 43 TAC §26.14 authorizing the creation of the Presidio County Regional Mobility Authority (RMA). The order would find that the applicant has satisfied several criteria specified by statute and rule. The applicant's proposed initial project is to acquire from the department the international bridge located in the City of Presidio, and toll the bridge. Toll revenue would be used to maintain the bridge and to develop additional transportation projects. While the order would describe the initial project, the order is not tantamount to final commission approval of the project or of the transfer of the bridge to the RMA. The tolling of the bridge would require additional federal and state approvals.

7. **Transportation Planning**

- a. Adopt the FY 2010 12-month letting schedule for highway maintenance and construction contracts, including dollar amounts allocated to each district and certain statewide programs (MO)

The minute order adopts an annual schedule of projects that the districts anticipate letting based upon the dollar amount from all funding sources that can be obligated to new and active projects.

- b. **Various Counties** – Certify eligible counties for the 2010 Economically Disadvantaged Counties Program and establish local match adjustment for each county (MO)

This minute order certifies the counties to participate in the Economically Disadvantaged Counties Program for Fiscal Year 2010. State law requires the commission to annually certify economically disadvantaged counties as soon as possible after the comptroller reports on the relevant economic indicators.

7. **Transportation Planning (continued)**
- c. **Various Counties** – Approve revisions to the North Central Texas Council of Governments Metropolitan Area Boundary (MO)
Federal law requires that a metropolitan planning area boundary shall, as a minimum, cover the urbanized area and the contiguous geographic areas that are likely to become urbanized within the 20-year forecast period covered by the metropolitan planning organization's (MPO) metropolitan transportation plan. Revisions to metropolitan planning area boundaries must be approved by the governor or the governor's designee. Governor Perry previously delegated the authority to approve such changes to the Texas Transportation Commission. The North Central Texas Council of Governments (NCTCOG) serves as the MPO for the Dallas-Fort Worth area.
8. **Traffic Operations**
Various Counties – Proposed lane use restrictions for trucks on I-20 in Dallas, Kaufman and Tarrant counties, I-30 in Tarrant County; I-45 in Dallas and Ellis Counties and I-820 in Tarrant County (MO)
This minute order approves restrictions for trucks using designated sections of I-20 in Dallas, Kaufman and Tarrant Counties, I-30 in Tarrant County, I-45 in Dallas and Ellis Counties and I-820 in Tarrant County. The department, working in conjunction with local jurisdictions in Dallas, Ellis, Kaufman and Tarrant Counties, developed a proposed lane restriction for the I-20, I-30, I-45, and I-820 corridors.
9. **Obligation Limit Report**
Status report on the FY 2011 Obligation Limit and report on the actual October 2009 and proposed November 2009 highway maintenance and construction contract letting.
This report will describe the overall obligation status of the FY 2010 Obligation Limit and will also provide a status report concerning the actual monthly obligation limit of highway maintenance and construction letting including variances and number of bidders per contract.
10. **Contracts**
- a. **Award or Reject Highway Improvement Contracts**
Proposed MO will conditionally award contract(s) to low bidders allowing the department to enter into contract(s) for highway improvements, or reject all bids for select projects, allowing the department to re-bid those projects. Conditions required for award may include securing of funding from other sources and the contractor's ability to meet federal DBE contracting requirements.
- (1) **Highway Maintenance and Department Building Construction** (see attached itemized list) (MO)
- (2) **Highway and Transportation Enhancement Building Construction** (see attached itemized list) (MO)

11. **Routine Minute Orders**

a. **Eminent Domain Proceedings**

Various Counties – noncontrolled and controlled access highways (see attached itemized list) (MO)

Commission findings, determinations, and authorizations for the state 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, for which negotiations with the property owners were unsuccessful.

b. **Load Zones & Postings**

Various Counties – Revise load restrictions on various bridges on the state highway system (MO)

This minute order authorizes the placement, revision, or removal of load postings on various bridges on the state-maintained highway system.

c. **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) **Collin County** – FM 545 from SH 5 to SH 121 in Melissa – Consider the transfer of surplus right of way and the quitclaim of surplus right of way to the city, removal of a segment of highway from the state highway system and transfer of control, jurisdiction and maintenance to the city (MO)

The district has determined that the surplus land is no longer needed for highway purposes or as part of the system. The city desires to acquire the land and to assume control, jurisdiction and maintenance. The portion of the surplus land to which the state owns title may be transferred to the city, since the estimated cost of future maintenance exceeds the fair value of the property, and the portion to which there is no record title may be quitclaimed to the city.

(2) **Gaines County** – FM 1066 from FM 303 to FM 1067 north of Cedar Lake – Consider the quitclaim of surplus right of way to the county, transfer of surplus right of way to the county and removal from the state highway system (MO)

The district has determined that the surplus land is no longer needed for highway purposes, and the county has requested that it be removed from the system and turned over to the county for control, jurisdiction and maintenance. A portion of the surplus land is in the county's name and will be quitclaimed to the county. A portion of the surplus land is in the state's name and will be transferred to the county in consideration of the estimated cost of future maintenance.

(3) **Gaines County** – FM 1429 south of US 180 – Consider the removal from the state highway system and transfer of surplus right of way to the county (MO)

The district has determined that the surplus land is no longer needed for highway purposes, and the county has requested that it be removed from the system and turned over to the county for control, jurisdiction and maintenance. The surplus land will be transferred to the county in consideration of the estimated cost of future maintenance.

11. **Routine Minute Orders (continued)**

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

- (4) **Gillespie County** – US 87, old alignment north of Fredericksburg – Consider the amendment of MO 111949, passed August 27, 2009, to correct the interest acquired by and to be sold by the state (MO)
The minute order incorrectly indicated that the state originally acquired an easement interest in the land and authorized the partial release of the surplus land. This minute order will correctly indicate that the state acquired fee title and authorize the conveyance of the surplus land.
- (5) **Somervell County** – US 67 at Mesquite Street in Glen Rose – Consider the sale of surplus right of way to the abutting landowners (MO)
The district has determined that the surplus land is no longer needed for highway purposes. The city has no interest in acquiring it, and it may be sold to the abutting landowners.
- (6) **Tarrant County** – SH 121 at SH 183 in Fort Worth – Consider the amendment of MO 111877, passed June 25, 2009, to revise the size of the tract benefitting from the sale of surplus access rights and to authorize the waiver of the service fee (MO)
The abutting landowner desires for the grant of surplus access rights to benefit the entire abutting property, rather than only the immediate abutting tract of land. The district recommends that the service fee be waived. This minute order will revise the size of the benefitted tract and provide for the waiver of the service fee.

d. **Finance**

- (1) **Accept the quarterly cash report (MO)**
This minute order approves the quarterly cash report relating to the cash receipts and disbursements of the department. The report is required by statute and was prepared using a cash basis of accounting.
- (2) **Accept the Quarterly Investment Report (MO)**
This minute order accepts the quarterly investment report for investments of funds relating to financing of the Central Texas Turnpike System and held by the Bank of New York Mellon, acting as trustee.

e. **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.

12. **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 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.

DRAFT