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## AGENDA

### TEXAS TRANSPORTATION COMMISSION

125 East 11<sup>th</sup> Street  
Austin, Texas 78701-2483

**THURSDAY**  
**November 19, 2009**

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

1. **Public Hearing**  
Project Selection – Receive data, comments, views and testimony concerning the commission’s highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions relating to the 2011 Unified Transportation Program (Report)  
*The Unified Transportation Program (UTP) is an 11-year statewide plan for transportation project development. The Project Selection Process (PSP) is approved annually and describes the funding categories and process for selecting transportation projects. The purpose of this public hearing is to present the PSP for the 2011 UTP and open a 30-day review and comment period. The Finance Division will present a video and distribute brochures describing the PSP at the hearing. Comments will be accepted from the date of the hearing until December 21, 2009 at 5:00 PM. Following the conclusion of the comment period, a minute order will be presented to the commission seeking approval of the PSP for the 2011 UTP.*
2. **Approval of Minutes** of the October 29, 2009 meeting of the Texas Transportation Commission
3. **Resolution**  
Resolution recognizing Fred Gilliam, outgoing chair of the Public Transportation Advisory Committee
4. **Reports**
  - a. **Grand Parkway Association** – Annual report on the status of projects and activities undertaken during the preceding 12 months. (Report)  
*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 on SH 99 (Grand Parkway) to satisfy this requirement.*

4. **Reports (continued)**

- b. **Annual report on the status of derivative transactions outstanding. (Report)**  
*The commission's derivative management policy, requires an annual report to the commission on derivative transactions outstanding. The report includes counterparty credit ratings, a summary of cash flows, and the fair market value of transactions as of the end of fiscal year 2009.*
- c. **Update of the development of the department's Internal Compliance Program. (Report)**  
*In November 2007, the commission approved a minute order directing that a department Internal Compliance Program (ICP) be developed with the mission to exercise due diligence to prevent and detect criminal conduct and otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law. The minute order requires semi-annual status reports to the commission of accomplishments, costs, and plans for the ICP.*

5. **Promulgation of Administrative Rules** 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 §1.2, Texas Department of Transportation (Organization and Responsibilities) and §1.4, Public Access to Commission Meetings (Public Meetings and Hearings)

*The Secretary of State currently publishes commission open meeting notices on the Secretary's website rather than in the Texas Register. The amendments conform the rules to the Secretary's practice. They also conform the rules relating to the management of TxDOT to the regionalization plan approved by the commission in March of this year and remove the requirement that TxDOT's executive director be a registered professional engineer.*

(2) **Chapter 1 – Management (MO)**

Amendments to §1.82, Statutory Advisory Committee Operations and Procedures, §1.84, Statutory Advisory Committees, and §1.85, Department Advisory Committees (Advisory Committees)

*The Secretary of State currently publishes open meeting notices on the Secretary's website rather than in the Texas Register. The amendments conform the rules to the Secretary's practice. Due to recent legislation, the amendments also change the composition and selection of the public transportation advisory committee.*

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

New §21.24, State Participation in Gas Pipeline Relocations (Utility Adjustment, Relocation, or Removal) and Amendments to §21.31, Definitions, §21.33, Applicability, §21.34, Scope, §21.36, Rights of Utilities, §21.37, Design, and New §21.42, Appeal Process (Utility Accommodation)  
*Legislation passed by the 81st Legislature increases the types of gas pipelines that can be placed longitudinally in state highway right of way. The proposed rule changes authorize installation of the new gas pipelines, provide for verification of Railroad Commission regulation, and establish a formal appeal process.*

5. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001: (continued)
  - b. **Proposed Adoption**  
**(to be published in the Texas Register for public comment)**
    - (1) **Chapter 24 – Trans-Texas Corridor (MO)**  
Withdrawal of proposed amendments to §24.13, Corridor Planning and Development (Development of Facilities)  
*This rule was proposed at the August commission meeting to establish sunset dates for Trans-Texas Corridor segment advisory committees. As a result of the proposal in October that provides changes to §15.9, relating to corridor advisory committees, and the addition of new §15.10, relating to corridor segment advisory committees, §24.13 is unnecessary and the proposed amendments to it are withdrawn.*
    - (2) **Chapter 24 – Trans-Texas Corridor (MO)**  
Repeal of §24.13, Corridor Planning and Development (Development of Facilities)  
*As a result of the rule proposed in October that provides changes to §15.9, relating to corridor advisory committees, and the addition of new §15.10, relating to corridor segment advisory committees, §24.13 is unnecessary and this rule proposes the repeal of that section.*
    - (3) **Chapter 25 – Traffic Operations (MO)**  
Amendments to §25.973, Medical Examiner's Report (Crash Records Information System)  
*Senate Bill 1218, 81st Legislature, requires medical examiners to report to the department fatalities that are a result of a bridge collapse. The proposed amendment will bring the existing rule regarding this report into compliance with the new requirements.*
6. **American Recovery and Reinvestment Act (ARRA)**  
Discussion of the status of ARRA project delivery; approve changes to the list of mobility projects previously approved for funding from Texas' portion of the ARRA (MO)  
*The ARRA created an economic stimulus package that provides for investment in transportation infrastructure projects. Staff will update the commission on the department's efforts to deliver ARRA-funded projects to construction letting. The commission approved a revised list of mobility projects to be funded under the program in Minute Order 111808, dated May 28, 2009. This agenda item will allow the commission to make additional changes to that list.*
7. **Proposition 12 Bond Projects**  
**Various Counties** – Approval of work to be performed in connection with highway improvement projects that will be funded with the proceeds from bonds, notes, and other public securities issued under Transportation Code, Section 222.004 (Proposition 12 Bonds) (MO)  
*The Texas Legislature passed enabling legislation authorizing the commission to issue general obligation bonds, notes, and other public securities for the purpose of paying all or part of the cost of highway improvement projects. For FY 2010-2011, the Legislature appropriated \$90 million for right of way, \$60 million for engineering, and \$850 million for progress payments on no more than \$1.85 billion of non-tolled highway improvement project awards. In cooperation with the state's transportation partners, the department has developed a list of potential projects to be funded with these newly available funds. This minute order provides commission approval of the department's recommendation and a list containing work to be performed in connection with each project.*

8. **Proposition 14 Bond Projects**

**Various Counties** – Approval of additional projects to be funded with the proceeds of State Highway Fund revenue bonds issued under Transportation Code, Section 222.003 (Proposition 14 Bonds) (MO)

*The commission is adding additional mobility and safety projects to the list of previously approved projects. Funds are available for these additional projects due to lower than estimated bids in other approved projects.*

9. **Pass-Through Tolls**

**Authority to Execute Agreement**

**El Paso County** – Authorize the executive director to negotiate and execute a final pass-through toll agreement with Camino Real Regional Mobility Authority (CRRMA) for the design and construction of two projects: (1) a portion of the I-10 at Loop 375 (Americas Interchange) project which includes four direct connectors to/from I-10 to/from Loop 375, 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 department received a pass-through toll proposal from CRRMA dated July 17, 2009 to design and construct the Americas Interchange and the aesthetic project. The requested pass-through toll agreement would be used to supplement the local and American Reinvestment and Recovery Act funding necessary for completion of the previously approved Americas Interchange project. The proposal requests funding for a critical transportation need from a funding source other than Category 12 and is submitted as an exception to the program call issued under Minute Order 111710 on February 26, 2009.*

10. **Transportation Planning**

a. **Starr County** – Approve the transfer of Border Colonias Access Program funds from previously selected colonia projects to other eligible colonia projects (MO)

*The Border Colonias Access Program rules allow a county to use unexpended funds from a project on any other commission-selected county colonia project. Starr County has requested to use under-run population-allocation funds resulting from lower than expected construction prices to fund work on Old Escobares, La Rosita, and West Alto Bonito colonias.*

b. **Various Counties** – Approval to authorize additional projects with CONSTRUCT authority under the work program created by Minute Order 111215 and concurrence in the selection of those projects by the Regional Transportation Council. The project development costs are to be funded with payments received from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (MO)

*The department has established a work program to account for and track projects and project costs that are to be funded with the SH 121 payments. This minute order authorizes the funding of additional project development costs with those payments. The project costs to be funded were selected through a cooperative process by the Regional Transportation Council of the North Central Texas Council of Governments.*

c. Approve funding levels for the Unified Transportation Program for the years 2010 through 2020 (MO)

*The Unified Transportation Program is an 11-year statewide plan for transportation project development. The commission will consider a minute order establishing funding levels, by category, anticipated to be available for the years 2010 through 2020.*

10. **Transportation Planning (continued)**

- d. Approve funding levels for planning purposes for the years 2021 through 2035 (MO)  
*The commission will consider a minute order establishing funding levels, by category, anticipated to be available for long-range plan development for the years 2021 through 2035. This information will be used by metropolitan planning organizations in the development of metropolitan transportation plans and by the department in the development of the statewide transportation plan.*

11. **State Infrastructure Bank  
Final Approval**

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, which includes; 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.*

12. **Obligation Limit Report**

Status report on the FY 2010 Obligation Limit and report on the actual obligations utilized through November 2009 and proposed remaining highway maintenance and construction contract letting for the fiscal year. (Report)

*This report will provide the current overall obligation status, by district, of the FY 2010 Obligation Limit and will also provide the anticipated effect on the obligation limit of remaining proposed highway maintenance and construction letting.*

13. **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)

14. **Routine Minute Orders**

a. **Donations to the Department**

- (1) **Construction Division** – Acknowledge a donation from the Southeastern Asphalt User Producer Group (SEAUPG) for a department employee's travel expenses to speak and participate in SEAUPG's annual meeting. The meeting was held in Hilton Head, South Carolina from November 9-12, 2009 (MO)

*The presentation relating to the development and implementation of the use of RAS in hot-mix asphalt mixes will allow the department to share its advancements and discuss new issues in these fields.*

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

a. **Donations to the Department**

- (2) **Construction Division** – Acknowledge a donation from the Texas Asphalt Pavement Association (TxAPA) for a department employee’s travel expenses to speak and participate in the Southeastern Asphalt User Producer Group’s (SEAUPG) annual meeting. The meeting was held in Hilton Head, South Carolina from November 9-12, 2009 (MO)

*The presentation relating to the development and implementation of the use of warm mix asphalt will allow the department to share its advancements and discuss new issues in these fields.*

b. **Eminent Domain Proceedings**

**Various Counties** – non-controlled 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.*

c. **Highway Designation**

**Grayson County** – Extend the designation of SH 289 on new location from SH 56, north to FM 120 (MO)

*Grayson County has requested that the designation of SH 289 be extended on new location from SH 56 in Southmayd, north to FM 120 in Pottsboro, a distance of approximately 10.7 miles. The department has received resolutions from Grayson County and the cities of Southmayd and Pottsboro supporting this action.*

d. **Load Zones & Postings**

**Various Counties** – Revise load restrictions on the state highway system:

- (1) **Roadways** (MO)  
(2) **Bridges** (MO)

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

e. **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) **Dallas County** – I-20 east of Honeysuckle Lane in Dallas – Consider the sale of surplus access rights to the abutting landowner (MO)

*The sale of four 65-foot breaks in the control-of-access line will allow the abutting landowner to open proposed driveway locations for access to and from the highway frontage road. The district has determined that the surplus access rights may be sold to the abutting landowner.*

- (2) **Dallas County** – I-20 west of Bonnie View Road in Dallas – Consider the sale of surplus access rights to the abutting landowner (MO)

*The sale of a 64-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 highway frontage road. The district has determined that the surplus access rights may be sold to the abutting landowner.*

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

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

- (3) **Lubbock County** – US 84 at I-27 and US 87 in Lubbock – Consider the sale of surplus right of way to the abutting landowner (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 landowner.*

- (4) **Tarrant County** – SH 121 from I-30 to Alta Mesa Boulevard – Consider the acceptance of a donation of land for a highway improvement project (MO)

*This portion of SH 121 is a new location toll way. The property being donated to the department is necessary for construction of the highway improvements and is in lieu of payment for the acquisition. The real property to be donated is valued at more than \$500.*

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.*

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

- a. **Section 551.071** – Consultation with and advice from legal counsel regarding any item on this agenda
- b. **Section 551.074** – Evaluate the performance of the executive director

**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**  
**November 19, 2009**

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-STATE LET AGENDA ITEM 13.a.(1)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ATL	HARRISON	FM 449	BPM – 619872001
AUS	TRAVIS	IH 35	RMC – 619625001
BMT	JEFFERSON	SH 73	RMC – 619984001
DAL	ELLIS	IH 35E	RMC – 618625001
FTW	TARRANT	IH 30	RMC – 619880001
FTW	TARRANT	IH 820	RMC – 619881001
SJT	KIMBLE	IH 10	RMC – 620177001
SAT	FRIO	IH 35	RMC – 620049001
TYL	SMITH	US 69	RMC – 620164001
YKM	AUSTIN	FM 1458	RMC – 620101001
YKM	GONZALES	US 183	RMC – 620159001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 13.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	TAYLOR	FM 89	STP 2010(203)HES
ABL	TAYLOR	LP 322	CC 2398-1-42
ATL	CAMP	FM 557	STP 2010(204)
AUS	CALDWELL	SH 142	STP 2010(208)ES
AUS	HAYS	FM 621	STP 2010(211)ES
AUS	HAYS	SH 123	STP 2010(207)ES
AUS	LLANO	RM 2900	STP 2010(212)ES
AUS	TRAVIS	CR	BR 2004(691)
AUS	TRAVIS	US 183	STP 2010(205)ES
AUS	WILLIAMSON	SH 29	STP 2010(206)ES
BMT	HARDIN	FM 943	STP 2010(214)SB
BMT	LIBERTY	FM 1011	STP 2010(213)SB
BWD	BROWN	VA	STP 2010(367)
BWD	EASTLAND	IH 20	IM 0203(077)

\* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 13.a.(2) (CONTINUED)**

<b><u>DIST</u></b>	<b><u>COUNTY NAME</u></b>	<b><u>HIGHWAY NUMBER</u></b>	<b><u>CONTROLLING PROJECT NO.</u></b>
BRY	BRAZOS	FM 2038	STP 2010(227)SB
BRY	FREESTONE	FM 80	STP 2010(225)SB
BRY	FREESTONE	US 84	STP 2010(221)SB
BRY	GRIMES	FM 244	STP 2010(226)SB
BRY	MADISON	SH 75	STP 2010(222)SB
BRY	MILAM	FM 1331	STP 2010(224)SB
BRY	MILAM	US 79	STP 2010(223)SB
CRP	LIVE OAK	US 281A	STP 2010(228)
CRP	NUECES	SH 44	STP 2010(330)HES
DAL	COLLIN	SH 5	STP 2010(332)SB
DAL	ELLIS	IH 45	IM 0453(127)
DAL	ROCKWALL	IH 30	IM 0301(054)
ELP	CULBERSON	US 62	NH 2010(335)
ELP	EL PASO	LP 375	STP 2010(336)SB
FTW	JOHNSON	US 67	STP 2009(834)ES
FTW	PARKER	FM 113	STP 2010(142)
FTW	TARRANT	SH 121	STP 2009(485)ES
HOU	BRAZORIA	CR	BR 2008(793)
HOU	FORT BEND	FM 2218	STP 2009(895)SB
HOU	HARRIS	VA	CM 2006(071)
LBB	HALE	BI 27-U	STP 2010(341)
LFK	NACOGDOCHES	SH 7	STP 2010(342)
LFK	SHELBY	SH 87	STP 2010(346)SB
ODA	ECTOR	VA	IM 0201(174)
ODA	WARD	BI 20-D	STP 2010(347)
PAR	FANNIN	FM 151	STP 2010(153)SB
PAR	FRANKLIN	FM 71	STP 2010(155)SB
PHR	HIDALGO	US 83	NH 2010(364)
PHR	HIDALGO	VA	STP 2010(363)
SJT	GLASSCOCK	US 87	NH 2010(351)
SJT	TOM GREEN	US 87	STP 2010(370)
SAT	BANDERA	SH 16	STP 2010(359)SB
SAT	COMAL	FM 482	STP 2010(352)
SAT	FRIO	IH 35	IM 0352(331)
SAT	UVALDE	US 83	STP 2010(215)SB
SAT	WILSON	FM 1681	STP 2009(637)ES

\* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 13.a.(2) (CONTINUED)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
TYL	GREGG	SH 300	STP 2009(748)ES
TYL	GREGG	US 259	STP 2010(188)ES
TYL	GREGG	US 80	STP 2010(187)ES
TYL	VAN ZANDT	SH 19	STP 2010(360)
WAC	BELL	US 190	STP 2010(167)SB
YKM	AUSTIN	CR	BR 2006(312)
YKM	VICTORIA	US 87	NH 2009(755)ES

\* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**EMINENT DOMAIN - [AGENDA ITEM 14.b.]**

**NONCONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
Dallas	SS 366	4	0196-07-023	12
Denton	FM 423	1	1567-02-030	83
Montgomery	FM 1774	5	1400-04-026	213
Montgomery	FM 1774	6	1400-04-027	103
Montgomery	FM 1774	3	1400-04-027	215
Montgomery	FM 1774	2	1400-04-027	102
Travis	RM 2769	7	2718-01-011	3

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	IH 35	H	0015-07-079	3
Caldwell	SH 130	K	3583-01-002	499B
Comal	SH 46	L	0215-01-050	15
Dallas	SH 114	J	0353-06-051	2
Dallas	SH 114	D	0353-06-051	10
Lampasas	FM 2657	M	3131-03-008	6A
Lampasas	FM 2657	N	3131-03-008	6B
Lampasas	FM 2657	O	3131-03-008	6C
McLennan	IH 35	E	0015-01-219	20E
McLennan	IH 35	F	0015-01-219	24AC
McLennan	IH 35	G	0015-01-219	29AC
McLennan	IH 35	I	0015-01-219	32AC
Shelby	SL 500	C	3315-01-017	26 & 26AC
Shelby	SL 500	B	3315-01-017	4
Shelby	SL 500	A	3315-01-017	21