



AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
November 18, 2010

9:00 A.M. CONVENE MEETING

1. **Approval of Minutes** of the October 27th and 28th meetings of the Texas Transportation Commission
2. **Reports**
 - a. Report on the review of recommendations contained in several documents, including the Grant Thornton management and organizational review
The commission-appointed Restructure Council will report on continuing efforts to review recommendations contained in the Grant Thornton review and other documents.
 - b. **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 to satisfy this requirement.
 - c. Report on the activities of the I-69 segment committees and the Alliance for I-69 Texas ([Report](#))
In September 2008, the commission created five I-69 segment committees to gather recommendations from communities and stakeholders along the I-69 corridor. This is a status report and update on the activities and tasks of the I-69 segment committees. Leaders of the Alliance for I-69 Texas, will also present an update and offer recommendations on how to further advance development of the I-69 project.
 - d. Update on the department's Internal Compliance Program (ICP) ([Report](#))
In November 2007, the commission approved a minute order directing that a department 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.
3. **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.

112490

4. **Texas Rail Plan**

112491

Approval of the Texas Rail Plan (MO)

The federal Passenger Rail Investment and Improvement Act of 2008 requires that states develop state rail plans which include freight and passenger rail to qualify for federal funding. While official guidance or rules for rail plans have yet to be issued, the department has updated and revised the 2005 Texas System Rail Plan to establish a common vision for the state to enhance our opportunities in receiving federal funds. In addition, Transportation Code Section 201.6013 requires the department to prepare a long-term plan for a statewide passenger rail system.

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

a. **Final Adoption**

112492

Chapter 27 - Toll Projects (MO)

Amendments to §27.82, Toll Operations (Operation of Department Toll Projects)

These amendments will remove the specific amounts listed for customer account fees and provide that those fees will be set by the commission. In setting those fees, the commission will consider the estimated costs to the department for labor, materials, storage, and bank fees, as well as the requirements of project bond covenants. The amendments add two new categories of fees - an account reactivation fee and an account maintenance fee. The proposed amendments also remove the requirement that the commission review customer account fees on an annual basis. These amendments add flexibility for the commission to review and adjust customer account fees as necessary to accommodate changes in the department's operational costs.

b. **Proposed Adoption**

112493

(1) **Chapter 7 - Rail Facilities and Chapter 31 - Public Transportation (MO)**

Repeal of §7.1, Definitions (General Provisions); Amendments to §7.10, Definitions, §7.11, Comprehensive Development Agreements, §7.12, Construction and Maintenance Contracts, the Repeal of §7.13, Leasing of Rail Facilities and New §7.13, Contracts with Rail Operators and Leases (Contracts); Amendments to §7.20, Definitions, §7.21, Abandonment of Rail Line by Rural Rail Transportation District, §7.22, Acquisition of Abandoned Rail Facilities (Abandoned Rail); Amendments to §7.30, Definitions, §7.31, Safety Requirements, §7.32, Filing Requirements, §7.33, Reports of Accidents/Incidents, §7.34, Hazardous Materials - Telephonic Reports of Incidents, §7.35, Hazardous Materials - Written Reports, §7.36, Clearances of Structures Over and Alongside Railway Tracks, §7.37, Visual Obstructions at Public Grade Crossings, §7.38, Wayside Detector Map, List, or Chart, §7.39, Right to Inspect Railroad Property, §7.40, Enforcement of Safety Requirements, §7.41, Rail Safety Program Fee, and §7.42, Administrative Review (Rail Safety); New §7.80, Purpose; Application of Subchapter, §7.81, Definitions, §7.82, System Safety Program Plan; System Security Plan, §7.83, Annual Review, §7.84, Audits, §7.85, Certification of Compliance, §7.86, Hazard Management Process, §7.87, Accident Report; Investigations, §7.88, Corrective Action Plan, §7.89, Rail Transit Accident, §7.90, Disclosure of Information (Rail Fixed Guideway System State Safety Oversight Program); Amendments to §31.2, Organization, and §31.3, Definitions (General); Amendments to §31.48, Project Oversight (Program Administration); Repeal of Subchapter F, Rail Fixed Guideway System State Safety Oversight Program, §§31.60 - 31.63

The amendments add exceptions to the general requirement for a competitive procurement for the contracting of a rail operator or lease. Concerning rail safety, the amendments add requirements concerning visual obstructions at signalized crossings of

public roads. The amendments update references, including the references to state rail laws, which have been codified in the Transportation Code (effective April 1, 2011), and references to the recently-created Rail Division. The repeals concern the rail fixed-guideway system state safety oversight program. The repeals are made because the program has been transferred from the Public Transportation Division to the Rail Division. The provisions on the state oversight program for rail fixed-guideway systems are moved to Chapter 7, new Subchapter E.

(2) **Chapter 21 - Right of Way (MO)**

112494

Repeal of Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141-21.163, and Subchapter K, Control of Signs along Rural Roads, §§21.401-21.581; and New Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141-21.203, New Subchapter J, Regulation of Electronic Signs, §§21.251-21.260, New Subchapter K, Control of Signs along Rural Roads, §§21.401-21.446, and New Subchapter Q, Regulation of Directional Signs §§21.941-21.947
These amendments concern changes to the outdoor advertising program to eliminate ambiguous statements, improve consistency between the primary and rural road system, develop a fee and penalty structure, address areas of confusion and concern, such as unzoned commercial areas and clarify what constitutes substantial changes, and other sunset recommendations. The rules also contain non-substantive formatting changes that reorganize and break the sections into smaller more manageable units.

6. **Toll Roads**

DEFERRED

Establish fees to be charged for administering electronic toll collection customer accounts (MO)

State law authorizes the department to charge reasonable fees for administering electronic toll collection customer accounts. Amendments to 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.

7. **Transportation Planning**

112495

a. Adopt the 2035 Statewide Long-Range Transportation Plan (MO)

State and federal laws require the department to prepare a long-range statewide transportation plan that provides for the development and implementation of a multimodal transportation system. The plan must consider connections between public transportation, nonmotorized modes, rail, commercial motor vehicles, waterways and aviation facilities.

112496

b. Accept the 2010 Border Trade Advisory Committee report (MO)

The purpose of the Border Trade Advisory Committee is to define and develop a strategy and make recommendations to the commission and governor for addressing the highest priority border trade transportation challenges. The department is required to address the implementation of the committee's recommendations in the International Trade Corridor Plan. Commission acceptance is requested so that the report may be forwarded to the governor and included in the International Trade Corridor Plan, which is due to the legislature by December 1.

112497

c. **Starr County** - Authorize the department to tender a proposal to Starr County and the City of Rio Grande City to designate FM 755 on a new alignment from US 83, approximately 0.6 mile east of Pete Diaz Boulevard, northward to the current location of FM 755 (MO)

Local officials have requested that FM 755 be realigned to facilitate a safer, more effective movement of people and goods by providing a more direct connection to the Starr-Camargo International Bridge. This minute order rescinds Minute Order 112283, designates FM 755 on a new alignment from US 83 approximately 0.6 mile east of Pete Diaz Boulevard northward to FM 755, and transfers control, jurisdiction and maintenance of the existing alignment of FM 755 to Starr County and the city of Rio Grande City from the beginning of the new alignment to US 83.

8. **Regional Mobility Authorities**

Final Approval

112498

Smith County – **North East Texas Regional Mobility Authority (NETRMA)** –

Consider the final approval of a request from the NETRMA for financial assistance up to \$90 million to pay for the development and construction of Segment 3B of Toll 49 (MO)

The NETRMA is requesting financial assistance in the form of a loan to pay for the development and construction of Segment 3B of Toll 49, from SH 31 north to I-20. The proposed 10-mile toll facility that would be funded with the financial assistance includes two lanes of an ultimate four-lane toll road, with connections to the existing Toll 49 facility at SH 31, and ramp connections to I-20.

9. **Obligation Limit Report**

Status report on the FY 2011 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts (Report)

This report will provide the current overall obligation status, by district, of the FY 2011 Obligation Limit and will also provide the anticipated effect on the obligation limit of remaining proposed highway maintenance and construction letting. The report will also provide an update on motor fuel tax receipts, including estimated versus actual receipts fiscal year to date, and any potential impact on letting volume.

10. **Contracts**

a. **Award or Reject Highway Improvement Contracts**

Proposed MO will conditionally award contracts to low bidders allowing the department to enter into contracts 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 requirements.

112499

- (1) **Highway Maintenance and Department Building Construction**
(see attached itemized list) (MO)

112500

- (2) **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) (MO)

11. **Routine Minute Orders**

a. **Donations to the Department**

112501

- (1) **Administration** – Acknowledge a donation from The Bond Buyer (Source Media) for a Texas Department of Transportation employee's lodging and travel expenses to attend The Bond Buyer's 11th Annual Transportation Finance/P3 Conference in Miami, Florida on November 8-9, 2010 (MO)

The donation will enable the attendees to hear presentations on important transportation issues and milestones.

112502

- (2) **Bryan District** – Acknowledge a donation from the Walker County Proud Communities for wildflower seeds to be planted on state right of way (MO)
The donation allows the department to beautify the community through wildflower planting.

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

- DEFERRED**
- a. **Donations to the Department (continued)**
- (3) **Traffic Division** – Consider a donation from the American Traffic Safety Services Association for a department employees’ registration and travel expenses to attend the 41st Annual Convention & Traffic Expo in San Antonio, Texas on February 14-17, 2011 (MO)
Attendance at this convention will allow the department to share traffic safety issues and solutions with other state department of transportation representatives.
- b. **Eminent Domain Proceedings**
- 112503** **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.
- 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.
- 112504** (1) **Comal County** - FM 1863 at Schoenthal Road - Consider the amendment of MO 112323 to correct the legal description (MO)
The district has advised that an incorrect sketch to accompany field notes was attached to the minute order. This minute order amends the legal description with the correct sketch.
- 112505** (2) **Cooke County** – FM 1306 at FM 51 in Gainesville - Due to the realignment of the intersection, consider removal of the old alignment and transfer of control, jurisdiction and maintenance, and transfer of right of way to the City of Gainesville (MO)
Construction of a segment of FM 1306 on a new alignment at the intersection of FM 51 is complete. The district has determined that the existing alignment at the intersection is no longer needed for state highway purposes or as part of the system. The City of Gainesville has agreed to accept control, jurisdiction and maintenance and has requested that the surplus right of way be transferred to the city.
- 112506** (3) **Jasper County** – US 96 north of Calvert Street in Jasper - 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 the surplus land, and it may be sold to the abutting landowners.
- 112507** (4) **Wichita County** – US 82/277, Kell Boulevard at Arthur Street in Wichita Falls - 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 the surplus land, and it may be sold to the abutting landowner.
- d. **Load Zones & Postings**
- 112508** **Randall County** – Remove load restriction on a bridge on the state highway system (MO)
This minute order authorizes the removal of load posting on a bridge on the state system.

112509

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

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

a. **Section 551.071** – Consultation with and advice from legal counsel regarding any item on this agenda

b. **Section 551.074** - Discuss the duties of one or more persons who fill a position of Deputy Executive Director, Chief Financial Officer, Assistant Executive Director, General Counsel, Audit Office Director, Director of Government and Public Affairs, Director of Strategic Policy and Performance Management, and other division and office directors

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 Roger Polson at (512) 305-9526 at least three working days prior to the meeting so that appropriate arrangements can be made.

TEXAS TRANSPORTATION COMMISSION MEETING

ATTACHED LISTS

NOVEMBER 18, 2010

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION

CONTRACTS-STATE LET AGENDA ITEM 10.a.(1)

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AUS	TRAVIS		CBC - 470400989
BWD	BROWN	US 183	RMC - 621781001
BRY	GRIMES	FM 2620	RMC - 619773001
CRP	JIM WELLS	US 281	RMC - 621279001
CRP	KARNES	FM 81	RMC - 621288001
DAL	ELLIS	FM 875	RMC - 621393001
HOU	FORT BEND	US 59	RMC - 621220001
HOU	GALVESTON	SH 275	RMC - 618573001
HOU	HARRIS	IH 45	RMC - 621163001
ODA	ECTOR	IH 20	BPM - 621181001
PHR	HIDALGO	SH 336	RMC - 621866001
SJT	REAGAN	RM 1555	RMC - 621865001
SAT	GUADALUPE	IH 10	RMC - 621563001
TYL	SMITH	US 69	RMC - 621638001
WFS	WICHITA	IH 44	RMC - 621751001
YKM	WHARTON	US 59	BPM - 621201001

HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION

CONTRACTS - STATE LET AGENDA ITEM 10.a.(2)

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AMA	CARSON	SH 207	STP 2011(691)HES
AUS	BASTROP	FM 535	STP 2011(556)
AUS	BURNET	RM 1431	STP 2011(557)
AUS	GILLESPIE	US 87	STP 2011(555)
AUS	HAYS	RM 32	STP 2011(686)
AUS	TRAVIS	FM 812	STP 2011(687)

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 10.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AUS	TRAVIS	FM 969	STP 2011(688)
AUS	TRAVIS	US 183	NH 2011(681)
AUS	TRAVIS	VA	NH 2008(508)G
AUS	WILLIAMSON	FM 1325	STP 2011(684)
AUS	WILLIAMSON	SH 95	STP 2011(683)
AUS	WILLIAMSON	US 183	NH 2011(682)
BMT	JEFFERSON	VA	STP 2011(509)
BMT	JEFFERSON	VA	STP 2011(510)
BMT	JEFFERSON	VA	STP 2011(511)
BMT	JEFFERSON	VA	STP 2011(512)
BMT	LIBERTY	US 90	STP 2011(559)
BWD	BROWN	US 67	NH 2011(513)
BWD	LAMPASAS	US 190	NH 2011(515)G
BRY	GRIMES	SH 90	STP 2011(563)
BRY	MADISON	IH 45	IM 0452(133)
BRY	WALKER	IH 45	STP 2011(639)SB
CRP	NUECES	FM 43	NH 2011(516)
CRP	SAN PATRICIO	FM 631	STP 2011(680)
DAL	COLLIN	SH 289	C 91-4-54
DAL	DALLAS	CS	STP 2011(413)MM
DAL	DALLAS	IH 20	HP 2011(519)
DAL	DALLAS	SH 352	NH 2008(578)
DAL	KAUFMAN	FM 148	STP 2011(518)
ELP	EL PASO	VA	STP 2011(520)
FTW	TARRANT	FM 157	NH 2011(521)G
FTW	TARRANT	IH 30	IM 0304(091)
FTW	TARRANT	IH 35W	IM 0355(147)G
FTW	TARRANT	VA	STP 2010(937)
HOU	BRAZORIA	FM 521	STP 2011(689)
HOU	BRAZORIA	VA	STP 2011(690)
HOU	GALVESTON	CR	BR 2007(367)
HOU	HARRIS	BW 8	NH 2011(522)
HOU	MONTGOMERY	CR	BR 2006(740)
LRD	LA SALLE	IH 35	IM 0351(082)

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 10.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
LBB	BAILEY	US 84	NH 2011(523)
LBB	HALE	US 70	STP 2011(434)
LFK	NACOGDOCHES	FM 1275	C 1407-1-24
LFK	SHELBY	SH 147	STP 2011(582)
PAR	GRAYSON	FM 121	BR 2011(181)
PHR	BROOKS	SH 285	STP 2011(529)
PHR	HIDALGO	FM 681	C 669-1-48
PHR	HIDALGO	VA	STP 2011(530)G
SJT	REAGAN	US 67	STP 2011(532)
SJT	TOM GREEN	US 67	NH 2011(533)
SAT	BEXAR	IH 35	IM 0353(278)
SAT	KENDALL	CR	BR 2006(747)
SAT	UVALDE	US 90	STP 2011(536)
TYL	WOOD	US 80	STP 2011(549)
WAC	HILL	CR	BR 2007(900)
WAC	MCLENNAN	SH 6	STP 2011(679)HES
WFS	ARCHER	US 82	NH 2011(538)
YKM	WHARTON	US 59	NH 2011(199)

EMINENT DOMAIN - [AGENDA ITEM 11.b.]
NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 545	7	1012-02-031	24
Collin	FM 545	5	1012-02-031	3
Collin	FM 545	6	1012-02-031	6
Dallas	SH 78	3	0009-02-056	2
Denton	FM 2181	11	2054-02-018	108
Denton	FM 2181	1	2054-02-018	9
Denton	FM 2181	10	2054-02-018	82
Denton	FM 2181	9	2054-02-018	81
Denton	FM 2181	8	2054-02-018	78
Denton	FM 423	2	1567-02-030	81
Montgomery	FM 1774	12	1400-04-026	206
Tarrant	SH 26	4	0363-01-123	15A

(CONTINUED) EMINENT DOMAIN - [AGENDA ITEM 11.b.]

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	SL 287	U	2553-01-102	2
Gregg	SL 281	R	1763-03-039	12
McLennan	IH 35	K	0014-08-082	47, 47AC
McLennan	IH 35	H	0014-08-082	13
McLennan	IH 35	G	0014-08-082	65, 65AC
McLennan	IH 35	M	0014-08-082	64
McLennan	IH 35	I	0014-08-082	39
McLennan	IH 35	BB	0014-08-082	38,38E, 38AC
Montgomery	IH 45	AA	0675-08-092	1
Tarrant	IH 820	J	0008-14-093	40
Tarrant	IH 820	F	0008-14-093	118
Tarrant	IH 820	E	0008-14-093	105
Tarrant	IH 820	Q	0008-14-093	120
Tarrant	IH 820	D	0008-14-093	17
Tarrant	IH 820	V	0008-14-093	152
Tarrant	IH 820	W	0008-14-093	110
Tarrant	IH 820	S	0008-14-093	117
Tarrant	SH 121	O	0364-01-119	599
Tarrant	SH 121	C	0364-01-119	623
Tarrant	SH 121	B	0364-01-119	604
Tarrant	SH 121	A	0364-01-119	552
Tarrant	SH 121	N	0364-01-119	591
Tarrant	SH 121	X	0364-01-119	503
Tarrant	SH 121	Y	0364-01-119	558
Tarrant	SH 121	Z	0364-01-119	559
Tarrant	SH 183	L	0364-05-038	660
Tarrant	SH 183	T	0364-05-038	633
Tarrant	SH 183	P	0364-05-038	648
Tarrant	SH 121	CC	0364-01-119	611
Tarrant	SH 183	DD	0364-05-038	652
Tarrant	SH 121	EE	0364-01-119	608
Tarrant	SH 121	FF	0364-01-119	622