

Texas Transportation Commission 12-month Rolling Agenda

This information is provided for planning purposes only and is subject to change. The next update will be posted November 9, 2011.

January 26, 2012 – Austin, Texas

Public Hearing

Project Selection Process and 2013 Unified Transportation Program (UTP) – Receive data, comments, views and testimony concerning the commission's highway project selection process and the development of the 2013 Unified Transportation Program.

The UTP is a 10-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 and preliminary 2013 UTP funding levels and to accept comments.

Administrative rules

Final Adoption

Chapter 3 - Public Information

Repeal of §3.20, Purpose, and New §3.20, Purpose; Amendments to §3.21, Applicability, §3.22, Definitions, §3.23, Filing a Complaint, and §3.24, Notice to Consumers and Service Recipients; Repeal of §3.25, Complaint Resolution; New §3.25, Complaint Resolution and §3.26, Complaint Data Collection, Analysis, and Reporting (Complaint Resolution)

The proposed amendments, repeals, and new sections standardize TxDOT's policies and procedures to formally document and effectively manage customer complaints from receipt to disposition. In addition, they update the standard language requiring the department to maintain information on complaints and notify the parties about policies for and status of complaints.

Proposed Adoption

Chapter 1 - Management

Amendments to §1.4, Public Access to Commission Meetings, and §1.5, Public Hearings (Public Meetings and Hearings)

Chapter 6 - State Infrastructure Bank

Amendments to §6.21, Department Contact, §6.22, Requested Financial Assistance, §6.23, Application Procedure, §6.24, Limitation on Applications - Loans from General Obligation Bond Proceeds, §6.25, Suspension of Applications (Procedures)

Chapter 12 - Public Participation Programs

Amendments to §§12.01 - 12.05, New Subchapter B, Adopt-a-Highway Program, §§12.21 - 12.27, New Subchapter C, Adopt-a-Highway for Landscaping Program, §§12.51 - 12.57, New Subchapter D, Landscape Cost Sharing Program, §§12.81 - 12.88, New Subchapter E, Adopt-a-Freeway Program, §§12.101 - 12.107, New Subchapter F, Landscape Partnership Program, §§12.121 - 12.126, and New Subchapter G, Adopt-an-Airport Program, §§12.141 - 12.147

These changes reformat but make no substantive changes to the existing programs. The amendments will include a new program on adopt a highway sponsorship program. The program will include donations to offset costs for litter pickup, mowing, and vegetation management. The new language will provide guidelines on how the new program will be managed.

Internal Compliance Program (ICP) 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 to avoid future complaints.

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Aviation – Approve funding for airport improvement projects at various locations

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.

Public Transportation

Award federal §5311 funds, Nonurbanized Area Formula Program for FY 2012

The awards identified in this minute order reflect the allocation of federal grant funds from the Federal Transit Administration §5311, Nonurbanized Area Formula Program to rural public transportation providers.

Award federal §5310 funds, Special Needs of Elderly Individuals and Individuals with Disabilities Program, and award transportation development credits for FY 2012

The awards identified in this minute order reflect the allocation of federal grant funds from the Federal Transit Administration §5310, Elderly Individuals and Individuals with Disabilities Program to various public transportation providers. Transportation development credits are awarded to various transportation agencies to assist with the match of federal funds for capital projects.

Traffic Operations

Finance

Debt & Portfolio Management

Approve the replacement of the liquidity provider for the Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2005-B; approve the substantially final form and distribution of a remarketing memorandum for the remarketing of the Series 2005-B Bonds with the new liquidity facility; authorize an amendment to the remarketing agreement with Jefferies and Company, Inc.; take all other actions necessary, including the approval of a liquidity facility agreement and any other agreements relating to the replacement of the liquidity provider

The Series 2005-B Mobility Fund Bonds were issued as variable rate obligations and owners of the bonds have the right to sell them back to the commission on one week notice. Bonds sold back to the commission are remarketed to new investors by the remarketing agent or purchased and held by the liquidity provider until they can be remarketed. The current liquidity agreement with DEPPFA expires on April 8, 2012. This action by the commission will allow the replacement of DEPPFA with a new liquidity provider and extend the term of liquidity support for the bonds.

Rail Transportation

Appoint a public member to the board of directors of the Lone Star Rail District

The Lone Star Rail District is governed by a board of directors, which is responsible for the management, operation and control of the district. State law provides that the commission shall appoint two public members to the board of directors. This minute order approves the appointment of a public member to the board for a two-year term beginning February 1, 2012.

Toll Roads

Transportation Planning

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Contracts – Award or reject contracts for maintenance, highway and building construction

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Obligation Limit and Cash Fund 6 Report

Status report on the FY 2012 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

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Quarterly report on FY 2011 State Highway Fund 6 cash status

Staff will update the commission on year-to-date cash balance and activity of Fund 6. The report will include original projections and actual revenues/inflows and expenditures/outflows on a cash basis for the quarter ended August 31, 2011.

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

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 each specific minute order.

Routine Minute Orders

Donations

Highway Designations

Finance

Accept the Quarterly Investment Report

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.

Accept the annual continuing disclosure report for the State Highway Fund revenue bonds
Under provisions of the Supplemental Resolutions to the Master Resolution for the State Highway Fund bonds, the commission agreed to provide annual updates for operating and financial information provided in the official statements. Updates are due within six months of each fiscal year end.

Accept the annual continuing disclosure report for the Texas Mobility Fund
Under provisions of the Supplemental Resolutions to the Master Resolution for the Texas Mobility Fund, the commission agreed to provide annual updates for operating and financial information provided in the official statements. Updates are due within six months of each fiscal year end.

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Travis and Williamson Counties – Accept the annual continuing disclosure report for the Central Texas Turnpike System

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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.

El Paso County – Loop 375 Border Highway West Extension Project -
Consider acceptance of a donation of land for a highway improvement project

The property being donated to the department is part of one of the reasonable alternatives currently being studied for the Border Highway West Extension Project. The donor is the Trustee of the Asarco Bankruptcy Estate, and the real property is part of the former smelter facility. The property being donated is in lieu of payment for the acquisition and is valued at more than \$500, and includes the department's agreement to accept and reuse copper slag for road base and embankment fill. The donation would be an advance acquisition of property for the project because the environmental review document for the highway project is not complete.

Speed Zones

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

February 23, 2012 – Austin, Texas

Administrative rules

Final Adoption

Chapter 2 - Environmental Policy

Repeal of §§2.1-2.20 (Environmental Review and Public Involvement for Transportation Projects), §§2.21-2.24 (Memoranda of Understanding with Natural Resource Agencies) and §2.44 and §2.48 (Additional Requirements For Certain Types of Transportation Projects); New §§2.1-2.14 (General Provisions), New §§2.21-2.32 (Environmental Review Process for Highway Projects), New §§2.51-2.56 (Requirements for Classes of Projects), New §§2.81-2.90 (Public Participation), New §§2.101-2.104 (Requirements for Specific Types of Projects and Programs), New §§2.121-2.124 (Memoranda of Understanding with Natural Resource Agencies)

The repeals and new sections reorganize the department's rules on the environmental review and public participation, concerning a proposed transportation project. The action will improve the general organization of the department's rules. The rules also implement Senate Bill 1420, Senate Bill 548, and House Bill 630, 82nd Legislature, Regular Session, concerning deadlines by which the department must complete the technical review of a draft environmental document.

Chapter 9 - Contract and Grant Management

New §9.150, Purpose, §9.151, Definitions, §9.152, General Rules for Design-Build Contracts, §9.153, Solicitation of Proposals, §9.154, Protest Procedures, §9.155, Conflict of Interest and Ethics Policies, and §9.156, Sanctions (New Subchapter I, Design-Build Contracts)

TxDOT's sunset bill (Senate Bill 1420), enacted during the 82nd Regular Session, added Subchapter F to Chapter 223, Transportation Code, authorizing the department to enter into contracts for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project. The rules implement new Subchapter F and define the process for the procurement of a design-build contract.

Internal Compliance Program (ICP) Report

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Public Transportation

Finance

Rail Transportation

Transportation Planning

Appoint two members to the Port Authority Advisory Committee

State law requires the commission to appoint a seven-member Port Authority Advisory Committee to advise the commission and the department on port issues and to provide a forum for exchange of information between the commission, the department, and committee members representing the Texas port system. The terms of two members representing upper

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Approve the Fiscal Year 2012 Annual Report on the Economically Disadvantaged Counties Program
This report documents the use of matching funds and local incentives as well as the savings to counties participating in the Economically Disadvantaged Counties Program. State law requires the commission to provide an annual report on the program to the governor, the lieutenant governor and the speaker of the House of Representatives.

Contracts – Award or reject contracts for maintenance, highway and building construction

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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

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 each specific minute order.

Routine Minute Orders

Donations

Travel Information Division - Consider a donation from the Waco Convention and Visitors Bureau to provide food, beverages, admission and transportation to area attractions, by various sponsors, to the department for distribution to attendees of the 57th Annual Texas Travel Counselors Conference in Waco on April 16-19, 2012 which the department is hosting.

The donation allows the department to exchange information and ideas with those in attendance which will be a great benefit to the department.

Highway Designations

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.

Speed Zones

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March 29, 2012 – Austin, Texas

Administrative rules

Final Adoption

Chapter 9 - Contract and Grant Management

Amendments to §9.50, Purpose, §9.51, Definitions, §9.52, Policy, §9.53, Disadvantaged Business Enterprise (DBE) Program, §9.54, Historically Underutilized Business (HUB) Program, §9.55, Small Business Enterprise (SBE) Program, §9.56, Contract Compliance, §9.57, Business Opportunity Programs Complaints (Business Opportunity Programs)

These amendments rewrite the current rules on Historically Underutilized Businesses (HUB), Disadvantage Business Enterprises (DBE), and Small Business Enterprises (SBE). The changes will bring these rules into compliance with new federal regulations, address concerns raised in both state and federal audits of the programs, and remove outdated references to the Business Opportunities Program (BOP) office which no longer exists.

Chapter 15 - Financing and Construction of Transportation Projects

Amendments to §15.51, Definitions, §15.52, Agreements, §15.55, Construction Cost Participation (Federal, State, and Local Participation)

This minute order proposes the adoption of amendments concerning 43 TAC Sections 15.51 15.52, and 15.55 to clarify existing language, make changes to authority to approve certain work that is not on the state highway system and to clarify that in kind contributions may be used by local governments to satisfy their match requirements for non-construction projects funded under Chapter 15.

Chapter 21 - Right of Way

Amendments to §21.144, §21.146, §21.149, §§21.152 - 21.156, §21.158, §21.159, §21.160, §21.163, §21.164, §21.169, §§21.172 - 21.176, §21.179, §21.180, §21.182, §21.183, §21.187, §§21.189 - 21.193, §21.196 - §21.198, and §21.203, and New §21.204 (Regulation of Signs Along Interstate and Primary Highways); Amendments to §21.404, §21.405, §21.409, §21.411 - §21.413, §21.415, §21.416, §21.419, §§21.420 - 21.426, §21.428, §21.429, §§21.432 - 21.434, and §§21.436 - 21.440, and New §§21.447 - 21.457 (Control of Signs Along Rural Roads); and Amendments to §§21.941-21.947 (Regulation of Directional Signs)

TxDOT's sunset bill, Senate Bill 1420, made several changes to the outdoor advertising program, including administrative penalties and requiring a license for rural road billboard permits. This rule implements those new requirements. These rules also make changes to address clarifications and corrections needed due to the recent revision of the outdoor advertising rules.

Chapter 31 - Public Transportation (MO)

Amendments to §31.11, Formula Program (State Programs)

The 82nd Texas Legislature, 2011, appropriated additional state funds for public transportation grants to assist rural and urban transit districts with impacts of using 2010 census data in state grant formula allocations. The amendments to §31.11 will allow the Texas Transportation Commission (commission) to target the distribution of additional grant funding to those systems needing additional resources because of decreased funding allocations, startup system needs for newly designated urbanized areas, and other related impacts.

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Public Transportation

Unified Transportation Program (UTP)

Approve the 2013 UTP

UTP is a 10-year statewide plan for transportation project development. This minute order approves the 2013 UTP for FY 2013-2022.

Finance

Rail Transportation

Transportation Planning

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Various Counties – Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways

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Routine Minute Orders

Donations

Highway Designations

Right of Way Dispositions and Donations

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Speed Zones

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

April 26, 2012 – Austin, Texas

Administrative rules

Final Adoption

Chapter 1 - Management

Amendments to §1.4, Public Access to Commission Meetings, and §1.5, Public Hearings (Public Meetings and Hearings)

Chapter 2 - Environmental Policy and New Chapter 12 - Public Participation Programs

Amendments to §§12.01 - 12.05, New Subchapter B, Adopt-a-Highway Program, §§12.21 - 12.27, New Subchapter C, Adopt-a-Highway for Landscaping Program, §§12.51 - 12.57, New Subchapter D, Landscape Cost Sharing Program, §§12.81 - 12.88, New Subchapter E, Adopt-a-Freeway Program, §§12.101 - 12.107, New Subchapter F, Landscape Partnership Program, §§12.121 - 12.126, and New Subchapter G, Adopt-an-Airport Program, §§12.141 - 12.147

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Proposed Adoption

Chapter 16 - Planning and Development of Transportation Projects

Amendments to §§16.1 - 16.4 (General Provisions), §§16.51 - 16.56 (Transportation Planning), §§16.101 - 16.105 (Transportation Programs), §§16.151 - 16.160 (Transportation Funding), and §§16.201 - 16.205 (Project and Performance Reporting)

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May 31, 2012 – Austin, Texas

Administrative rules

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June 28, 2012 – Austin, Texas

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July 26, 2012 – Austin, Texas

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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.

Speed Zones

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

August 30, 2012 – Austin, Texas

Administrative rules

Internal Compliance Program (ICP) 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 to avoid future complaints.

Aviation – Approve funding for airport improvement projects at various locations

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.

Public Transportation

Finance

Toll Road Projects

Travis and Williamson Counties – Approval of the Central Texas Turnpike System annual operating and management budget (MO)

This minute order approves the annual operating, maintenance and capital budgets for the CTTS which consists of SH 130, segments 1-4, SH 45N and Loop 1 extension. Some costs of the CTTS were financed with debt obligations. The Indenture of Trust stipulates that the commission will adopt annual budgets by August 31 of the preceding fiscal year.

Rail Transportation

Transportation Planning

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.

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

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 each specific minute order.

Routine Minute Orders

Donations

Highway Designations

Finance

Accept the Quarterly Investment Report

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.

Texas Transportation Commission 12-month Rolling Agenda

This information is provided for planning purposes only and is subject to change. The next update will be posted November 9, 2011.

Annual review of debt management policy and derivative management policy for financing programs of the department, and authorization for department personnel to execute certain derivative transactions for financing programs of the department

This minute order approves the debt management policy which establishes parameters for the commission's financing programs considering acceptable levels of risk, minimizing interest costs and optimizing future flexibility with consideration to achieving and maintaining the best possible credit ratings. Additionally, this minute order approves the derivative management policy which establishes responsibilities, objectives and guidelines for use of derivatives such as interest rate swaps and similar products to efficiently and prudently manage the commission's asset/liability profile. This minute order also authorizes department personnel to execute certain derivative transactions pursuant to the terms of specified resolutions for each financing program until August 25, 2013.

Annual review and approval of the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller

This minute order approves the department's investment policy and investment strategies. The Public Funds Investment Act requires the commission to review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategies.

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Speed Zones

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September 27, 2012 – Austin, Texas

Administrative rules

Internal Compliance Program (ICP) Report

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Public Transportation

Finance

Toll Road Projects

Rail Transportation

Transportation Planning

Contracts – Award or reject contracts for maintenance, highway and building construction

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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

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 each specific minute order.

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October 25, 2012 – Austin, Texas

Administrative rules

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Texas Transportation Commission 12-month Rolling Agenda
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Obligation Limit and Cash Fund 6 Report

Status report on the FY 2013 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

This report will provide the current overall obligation status, by district and metropolitan planning organization, of the FY 2013 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.

Quarterly report on FY 2012 State Highway Fund 6 cash status

Staff will update the commission on year-to-date cash balance and activity of Fund 6. The report will include original projections and actual revenues/inflows and expenditures/outflows on a cash basis for the quarter ended August 31, 2012.

Routine Minute Orders

Donations

Highway Designations

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