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AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street Austin, Texas 78701-2483

THURSDAY April 28, 2011

9:00 A.M. CONVENE MEETING

1. **Public Hearing**

2012 Unified Transportation Program (UTP) - Receive data, comments, views, and testimony concerning the 2012 UTP (Report)

The UTP is a 10-year statewide plan for transportation project development. The purpose of this public hearing is to accept comments on the 2012 UTP. The department opened a 30-day review and comment period on April 8th when the notice of hearing was published in the Texas Register. Written comments will be accepted until May 9th at 5:00 PM. The commission will consider final adoption of the 2012 UTP at the May 26th meeting.

2. **Approval of Minutes** of the March 31 regular meeting and the April 12 special meeting of the Texas Transportation Commission

3. **Discussion Items**

a. Update on TxDOT's modernization project (MO)

At the February commission meeting, senior staff was assigned to lead TxDOT's Modernization Initiative based on the implementation of the Restructure Council's recommendations. An update will be presented on the status of this initiative.

b. Update on nationwide initiatives related to the use of vehicle mileage fee systems (Report)

A research team from the Texas Transportation Institute will present an update of nationwide initiatives in the advancement of vehicle mileage fee legislation, policy, technology, and pilot projects. A representative from the Minnesota pilot project that uses the most technically advanced architecture will be present to provide an overview of the pilot study scope, implementation schedule, and desired outcomes.

4.

Aviation

112656		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.					
	5.	Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:					
		a.	Final	Adoption			
112657			(1)	Chapter 1 - Management (MO)			
				Amendments to §1.85, Department Advisory Committees (Advisory Committees)			
				The rule creates a strategic research oversight advisory committee that will give advice and recommendations to the department on the selection of strategic research and the selection of entities to carry out that research. The advisory committee's members will consist of various members of the transportation industry as deemed appropriate by the commission.			
112658			(2)	Chapter 7 - Rail Facilities and Chapter 31 Public Transportation (MO)			
112650			(3)	New §7.80, Purpose, §7.81, Definitions, §7.82, Program Standard, §7.83, System Safety Program Plan, §7.84, System Security Plan, §7.85, Reviews, §7.86, Accident Notification and Corrective Action Plans, §7.87, Deadlines, and §7.88, Admissibility; Use 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 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 Railroad Division. The provisions on the state oversight program for rail fixed guideway systems are moved to Chapter 7, new Subchapter E.			
112659		b.	(3) Prop	Chapter 25 - Traffic Operations (MO) Amendments to §25.901, Purpose, §25.902, Definitions, §25.903, Scope, and §25.906, Participation (Traffic Safety Program) The proposed rules require entities that receive funds under traffic safety program grant agreements to adopt and enforce internal compliance programs that satisfy the ethical standard provisions in commission rules. To provide entities that do not currently have compliance programs time to comply with the new requirement, the requirement applies only to agreements that are entered into after January 1, 2012.			
112660		υ.	-	ter 9 - Contract and Grant Management (MO)			
114000			_	adments to §9.42, Administrative Qualification (Contracting for			
			Archi These d	tectural, Engineering, and Surveying Services) amendments change the deadline for submission of information regarding administrative cations to reduce the administrative qualifications burden on firms with smaller contracts			

or those who have a smaller participation in large contracts.

6. Audit Subcommittee

a.

112661

Approve changes to the charter of the Texas Transportation Commission Audit Subcommittee (MO)

The Audit Subcommittee was created to oversee and ensure compliance with the intent of Sarbanes-Oxley as to reliability and transparency in financial reporting, as well as to ensure the independence of the department's internal audit program by providing oversight of the internal auditor and evaluating implementation of audit recommendations. The charter sets out the purpose and composition of the Subcommittee, as well as meeting requirements and principal duties and responsibilities of the Subcommittee in carrying out its oversight role. The Subcommittee is required to review and assess the adequacy of the charter annually and request commission approval for proposed changes.

7. **Proposition 12 Bond Program**

112662

Bexar County – Revise the funding allocation for a previously approved highway improvement project and approve an additional highway improvement project to be funded with the proceeds of general obligation bonds issued under Transportation Code, Section 222.004 (Proposition 12 Bonds) (MO)

In Minute Order 112036, dated November 19, 2009, the commission approved the expenditure of Proposition 12 bonds proceeds on a selected list of projects. The commission is revising the funding allocation for one of the projects from the previously approved list and transferring some of those funds to an additional project.

8. Unified Transportation Program (UTP)

- 112663

112664

Approve updates to FY 2011 funding allocations in the 2010 UTP (MO) The UTP is a 10-year statewide plan for transportation project development. The 2010 UTP, which was approved by the commission in April 2010, established funding levels by category and by district. To more effectively manage available funding and optimize construction and maintenance project lettings, the commission adopted Minute Order 112531, dated December 16, 2010, which adjusted the FY 2011, FY 2012, FY 2013 and FY 2014 district/category allocations. This minute order further updates FY 2011 funding levels to account for changes to district allocations based on the distribution of available commission discretionary funds.

b. **Bexar County -** Authorize CONSTRUCT authority for the Wurzbach Parkway project in Category 12, Strategic Priority (MO) To more effectively manage available funding and optimize construction and maintenance project lettings, the commission adopted Minute Order 112531, dated December 16, 2010, which adjusted the FY 2011, FY 2012, FY 2013 and FY 2014 district/category allocations. This minute order authorizes the use of Category 12 funds allocated to the San Antonio District by MO 112531 on the Wurzbach Parkway project.

112665

9.

a.

State Highway 99 (Grand Parkway)

Appoint a member to the Grand Parkway Association Board of Directors (MO) State law requires transportation corporations to have a board in which the powers of the corporation reside. The commission shall appoint each director for a term not to exceed six years. The Grand Parkway Association has nominated the prospective director and submitted the required application, financial statement, and letter of reference. This minute order appoints one member to the board. 112666

9.

b.

a.

State Highway 99 (Grand Parkway) (continued)

Fort Bend County – Authorize the department to enter into an agreement with Fort Bend County pursuant to Transportation Code, §228.0111, for the use of state-owned right of way by Fort Bend County to develop, construct, and operate the portion of the Grand Parkway toll project from US 59 to just north of FM 1093 as part of the Fort Bend County road system (MO) *Transportation Code*, §228.0111 gives Fort Bend County the first option to develop, construct, and operate the portion of the Grand Parkway project between US 59 and FM 1093. Fort Bend *County has exercised that option. Section* 228.0111(k) requires the department to assist Fort Bend County in the development, financing, construction, and operation of a project for which the county has exercised its option by allowing the county to use state highway right of way owned by the department and to access the state highway system.

10. State Infrastructure Bank (SIB) Final Approval

112667

112668

El Paso County – **Camino Real Regional Mobility Authority** (CRRMA) Consider granting final approval of an application from the CRRMA to borrow up to \$20 million from the SIB to pay for a portion of the costs of constructing Loop 375 mainlanes from Business 54 to US 54 in El Paso County (MO) *The CRRMA is requesting a SIB loan to pay a portion of the costs of constructing the Loop 375* (*Northeast*) mainlane extension project from Business 54 to US 54, converting an existing six-lane divided urban collector into an urban freeway with frontage roads. The project includes the design, development, and construction of four mainlanes between existing frontage roads, providing grade separations at the US 54 underpass, Kenworthy Drive, Rushing Boulevard, and Alcan Street.

b. El Paso County – **Camino Real Regional Mobility Authority** (CRRMA) Consider granting final approval of an application from the CRRMA to borrow up to \$20 million from the SIB to pay for a portion of the costs of constructing two direct connectors at the Loop 375/FM 659 interchange in the city of El Paso (MO) *The CRRMA is requesting a SIB loan to pay for a portion of the costs of constructing two direct connectors to and from Loop 375, El Paso's regional beltway surrounding the metropolitan area and FM 659, a major thoroughfare in the city. The project also includes various related interchange improvements and traffic management systems improvements.*

11. **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

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.

	12.	Contra	acts					
		These pr improve commiss awards the cont	ward or reject contracts for maintenance, highway and building construction ese proposed minute orders contain information concerning the receipt of bids for highway provement contracts. The department may reschedule receipt of bids for those projects where the mmission rejects all bids. Those bids accepted by the commission will result in conditional contract ards to the low bidders. Contract award conditions may involve securing funding from other sources contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as tlined in the project bid proposal					
112669		a.						
112670			(see attached itemized list) (MO)					
112670			b. (see a	Highway and Transportation Enhancement Building Construction ttached itemized list) (MO)				
	13.	Routir	ne Mir	nute Orders				
112671		a.	Emin	ent Domain Proceedings				
			Vario	ous Counties – non-controlled and controlled access highways (see				
			Comm domain specifi contro pursue	ned itemized list) (MO) ission findings, determinations, and authorizations for the state to acquire by eminent n, upon the payment of adequate and just compensation, various ownership interests in c parcels of real property that are needed to develop or improve both non-controlled and lled access state highways, to include requesting the state attorney general to bring and c condemnation suits relating to those specific parcels of real property described in the ed itemized list, for which negotiations with the property owners were unsuccessful.				
		b.		Zones & Postings				
				minute orders authorize the placement, revision, or removal of load postings on various				
112672			roadwa (1)	ays and bridges on the state-maintained highway system. Roadways - Various Counties – Revise load restrictions on roadways on the state highway system (MO)				
112673			(2)	Bridges - Various Counties – Revise load restrictions on bridges on the state highway system (MO)				
		с.	Finar					
112674			(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.				
112675			(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.				
		d.	Right	t of Way Dispositions and Donations				
			The co other r	mmission must approve the sales, transfers and exchanges of state rights of way and real properties that are no longer needed for a state highway purpose. It must also re, accept and acknowledge donations to the state of real property that is valued at \$500				
112676			(1)	Dallas County - SH 114 at N. Airfield Drive in Irving - Consider the sale of surplus right of way to the cities of Dallas and Fort Worth (MO) <i>The district has advised that the surplus land is no longer needed for highway purposes. It may be sold to the cities.</i>				

	13.	Routine Minute Orders (continued)			
		d.	Right	of Way Dispositions and Donations (continued)	
112677			(2)	Fort Bend County - US 90A at FM 1092 in Stafford - Consider the	
			. /	amendment of Minute Order 110130, dated June 30, 2005, to correct the	
				legal descriptions and revise the values of surplus and new easements	
				being exchanged (MO)	
				The district has advised that the two easements were surveyed incorrectly. This minute	
				order amends the legal descriptions with the correct legal descriptions and amends the	
				values of the surplus easement and new easement.	
112678			(3)	Hays County - I-35 at Centerpoint Road in San Marcos - Consider the	
				sale of surplus right of way to the abutting landowners (MO)	
				The district has advised that the surplus land is no longer needed for highway purposes.	
				It may be sold to the abutting landowners.	
112679			(4)	Hidalgo County - Old alignment of BUS 281W (Tourist Drive) in	
				Edinburg - Consider the quitclaim of surplus right of way to the City of	
				Edinburg (MO)	
				The district has advised that the surplus land is no longer needed for highway purposes.	
				No record title has been found in the states name, and the surplus land may be	
			<i></i>	quitclaimed to the city.	
112680			(5)	Hood County - FM 4 at US 377 east of Granbury - Consider the sale of	
				surplus right of way to the abutting landowner (MO)	
				The district has advised that the surplus land is no longer needed for highway purposes.	
112681			(6)	It may be sold to the abutting landowner.	
112001			(6)	Schleicher County - US 190 east of the Crockett County line - Consider the guitelaim of sum has right of your to hence a reversionary cloude (MO)	
				the quitclaim of surplus right of way to honor a reversionary clause (MO) <i>As a result of highway realignment, the district has determined that a portion of the land</i>	
				is no longer needed for highway purposes. The instrument of conveyance to the state	
				contains a clause to the effect that if the highway is permanently abandoned, it will revert	
				to the grantor.	
112682			(7)	Tarrant County - I-30 at Center Street in Arlington - Consider the sale of	
				surplus right of way to the abutting landowner (MO)	
				The district has advised that the surplus land is no longer needed for highway purposes.	
				It may be sold to the abutting landowner.	
112683		e.	-	vay Designations	
				ron County – Correct the description of the new location of FM 732 in and	
			near tl	he city of San Benito as set out in Minute Orders 109918 and 109919, dated	
			Decen	nber 16, 2004, and rescind the removal of a portion of FM 732 described in	
				09919 (MO)	
				9918 and 109919 incorrectly described the location of a new alignment of FM 732.	
				9919 also incorrectly removed a portion of the existing alignment of FM 732 when it	
				have been redesignated FM 1577, as ordered in MO 109918. This minute order corrects cription of the new location of FM 732 and rescinds the portion of MO 109919 that	
				s a portion of the existing location of FM 732 from FM 1577 to approximately 0.3 mile	
				the intersection of FM 1577 from the state highway system.	
112684		f.	-	Zones	
			-	us Counties – Establish or alter regulatory and construction speed zones on	
				is sections of highways in the state (MO)	
				inute order establishes or alters regulatory and construction speed zones on various	
				s of highways in the state.	

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 JoLynne Williams 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 April 28, 2011

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-STATE LET AGENDA ITEM 12.a.

STATE LEI	<u>I AGENDA ITEM 12.a</u>	<u>•</u>	
	COUNTY	HIGHWAY	CONTROLLING
DIST	NAME	NUMBER	PROJECT NO.
ATL	UPSHUR	SH 300	RMC - 622128001
ATL	UPSHUR	US 259	BPM - 620862001
AUS	BASTROP	SH 21	RMC - 621251001
AUS	BASTROP	US 290	RMC - 622039001
AUS	TRAVIS	IH 35	BPM - 621299001
AUS	TRAVIS	IH 35	RMC - 622266001
AUS	TRAVIS	IH 35	RMC - 622307001
AUS	TRAVIS	LP 1	RMC - 621975001
AUS	TRAVIS	LP 212	RMC - 621293001
AUS	TRAVIS	US 183	RMC - 622130001
BMT	NEWTON	SH 63	BPM - 621667001
BRY	GRIMES	SH 30	RMC - 622331001
CHS	CHILDRESS	US 287	RMC - 621918001
CRP	ARANSAS	SH 35	RMC - 620131001
CRP	GOLIAD	FM 1726	RMC - 622335001
CRP	KARNES	FM 791	RMC - 622251001
DAL	COLLIN	US 75	RMC - 621380001
DAL	DALLAS	IH 30	RMC - 622181001
DAL	DALLAS	IH 35E	RMC - 621527001
DAL	KAUFMAN	IH 20	RMC - 621943001
DAL	NAVARRO	SH 31	BPM - 622078001
HOU	BRAZORIA	FM 522	RMC - 621998001
HOU	BRAZORIA	FM 1459	RMC - 621996001
HOU	BRAZORIA	SH 288	RMC - 621997001
HOU	MONTGOMERY	SH 75	RMC - 622104001
HOU	WALLER	US 290	RMC - 622004001
ODA	REEVES	IH 20	RMC - 622035001
PAR	HUNT	US 69	RMC - 621760001
PHR	HIDALGO	US 281	RMC - 622396001
SAT	BEXAR	IH 35	RMC - 622298001

(CONTINUED) HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION

<u>CONTRACTS-STATE LET AGENDA ITEM 12.a.</u>						
	COUNTY	HIGHWAY	CONTROLLING			
DIST	NAME	NUMBER	PROJECT NO.			
TYL	SMITH	US 69	RMC - 622230001			
TYL	SMITH	US 69	RMC - 622231001			
WAC	LIMESTONE	FM 2489	RMC - 621948001			
WFS	WICHITA	IH 44	RMC - 622359001			
YKM	COLORADO	IH 10	RMC - 622299001			
YKM	MATAGORDA	FM 2031	RMC - 621218001			
YKM	VICTORIA	US 59	RMC - 622302001			

HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 12 b

<u>CONSTRU</u>	CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 12.b.							
	COUNTY	HIGHWAY	CONTROLLING					
DIST	NAME	NUMBER	PROJECT NO.					
ABL	NOLAN	SH 70	STP 2011(867)					
ATL	CASS	VA	STP 2011(869)					
ATL	PANOLA	US 79	STP 2011(868)HES					
AUS	HAYS	RM 2325	CC 285-2-12					
BMT	CHAMBERS	IH 10	IM 0108(170)					
BMT	LIBERTY	SH 105	STP 2011(940)HES					
BRY	BRAZOS	FM 2154	STP 2011(871)					
BRY	FREESTONE	FM 27	STP 2011(870)SB					
BRY	WALKER	SH 19	C 109-9-47					
CDD	DEE	110 50	NUL 2011(072)					
CRP	BEE	US 59	NH 2011(873)					
CRP	GOLIAD LIVE OAK	FM 622	STP 2011(874)HES					
CRP CRP	NUECES	IH 37 FM 2444	STP 2011(872)HES STP 2011(876)HES					
CRP	NUECES	FM 2444 FM 43	STP 2011(875)HES					
CRP	NUECES	SH 358	NH 2011(961)					
CRP	REFUGIO	US 77	· /					
CRP	REFUGIO	0577	STP 2011(959)HES					
DAL	COLLIN	FM 6	C 619-1-22					
DAL	DALLAS	VA	STP 2011(907)					
DAL	DALLAS	VA	STP 2011(879)					
DAL	KAUFMAN	FM 90	BR 2011(878)					
DAL	KAUFMAN	SH 198	STP 2011(918)HESG					
DAL	ROCKWALL	FM 1139	BR 2011(880)					

(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING

COUNTYHIGHWAY NUMBERCONTROLLING PTF 1102(031)ELPEL PASOLP 375PTF 1102(031)ELPEL PASOLP 375PTF 1102(034)ELPEL PASOLP 375HP 2011(752)FTWJOHNSONFM 4STP 2011(965)HESFTWJOHNSONFM 4STP 2011(963)HESFTWJOHNSONFM 4STP 2011(964)HESFTWJOHNSONFM 51STP 2011(964)HESFTWPARKERUS 180CC 8-3-97FTWPARKERUS 180CC 8-3-97FTWFORT BENDFM 1092STP 2011(966)HESHOUFORT BENDFM 1092STP 2011(984)HOUFORT BENDFM 359STP 2011(984)HOUGALVESTONCSBR 2007(366)HOUWALLERFM 362STP 2011(983)HOUWALLERSH 159STP 2011(983)HOUWALLERFM 362STP 2011(983)HOUWALLERCRBR 2000(344)LFKHOUSTONCRBR 2000(344)LFKNACOGDOCHESCRBR 20008(190)LFKHOUSTONCRBR 2000(344)LFKNACOGDOCHESCRBR 2000(345)PARLAMARFM 38STP 2011(885)HESPARLAMARFM 38STP 2011(886)HRRPHRHIDALGOUS 281C 220-1-29PHRHIDALGOUS 281C 220-1-29PHRHIDALGOFM 303STP 2011(886)HRRPHRHIDALGOK833<	CONSTRUC	CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 12.b.						
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YKM MATAGORDA FM 521 STP 2011(892)HES	YKM	MATAGORDA	FM 521	STP 2011(891)				
	YKM	MATAGORDA	FM 521	STP 2011(892)HES				

EMINENT DOMAIN - [AGENDA ITEM 13.a.]

	ROLLED ACCI			
<u>COUNTY</u>	<u>HIGHWAY</u>	EXHIBIT	ACCOUNT	PARCEL
Bell	SH 317	2	0398-04-064	37
Denton	FM 423	1	1315-02-010	62
Hood	SL 567	6	3524-01-005	7
Hood	SL 567	4	3524-01-005	8
Hood	SL 567	3	3524-01-005	1
Tarrant	SH 26	5	0363-01-123	7
		-		
CONTROL	LED ACCESS			
COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bell	IH 35	II	0015-06-082	64E
Bell	IH 35	EE	0015-07-078	59AC
Bell	IH 35	CC	0015-07-078	48AC
Harris	IH 610	Κ	0271-14-221	203
Harris	IH 610	М	0271-14-221	213
Harris	IH 610	L	0271-14-221	206
Hill	IH 35	BB	0014-07-096	2, 2AC
Hill	IH 35	AA	0014-07-096	10, 10TE
Hill	IH 35	Y	0014-07-096	14E
Hill	IH 35	Х	0014-07-096	29, 29AC
McLennan	IH 35	FF	0014-08-082	19
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