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AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
May 26, 2011

9:00 A.M. CONVENE MEETING

1. **Approval of Minutes** of the April 28 meeting of the Texas Transportation Commission
2. **Resolution**
Present a resolution to recognize Travel Information Division Director Doris Howdeshell who retired from TxDOT on April 30, 2011, with 32 years of service
3. **Discussion Item**
Update on TxDOT's modernization project ([Report](#))
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.
4. **Public Transportation**
Various Counties – Award federal funds to Central Texas Council of Governments to support continuation of coordinated regional public transportation planning for fiscal year 2011([MO](#))
TxDOT has been notified that local stakeholders in Planning Region 23 wish to select the CTCOG as the lead agency to oversee regional public transportation planning.
5. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
 - a. **Final Adoption**
Chapter 25 - Traffic Operations ([MO](#))
Amendments to §25.977, Reporting by Investigating Officers (Crash Records Information System)
This item will amend the department's existing rules regarding the form used by law enforcement officers to report motor vehicle crashes to TxDOT. The department has developed an alternative form to the existing CR-3 form that will streamline completion by law enforcement officers in the field. The department plans to accept crash reports from law enforcement agencies on both the existing and revised CR-3 form.

112686

112687

5. **Promulgation of Administrative Rules (continued)**
- b. **Proposed Adoption**
- 112688 (1) **Chapter 25 - Traffic Operations (MO)**
Amendments to §25.501, Definitions (Safe Routes to School Program)
This amendment deletes the current definition for "political subdivision," currently defined as municipalities and counties. By deleting this definition, the Safe Routes to School Program will be eligible to any entity defined as a political subdivision under state law. Entities such as Municipal Utility Districts have a legitimate need for these types of safety projects, but are currently precluded from participating in the program.
- 112689 (2) **Chapter 27 - Toll Projects (MO)**
Amendments to §27.8, Conflict of Interest and Ethics Policies (Comprehensive Development Agreements)
Section 27.8(c) prescribes department policy on conflicts of interest relating to consultants participating in the department's comprehensive development agreement program. The rules define the circumstances in which services performed by a consultant raise a conflict of interest and the period of time a restriction or prohibition resulting from a conflict of interest would apply. The proposed rules provide that a restriction or prohibition on a consultant firm would continue until the date the performance of services to the department ends and all work product of the consultant and other information and data provided to the consultant in the performance of services is publicly available.
6. **Internal Compliance Program (ICP) Report**
Annual update on the department's 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 department is required to provide an annual report to the commission of accomplishments, costs and plans for the ICP.
7. **Strategic Research Program**
- 112690 Appoint members to the Strategic Research Program Advisory Committee ([MO](#))
The commission has established this committee to give advice and recommendations to the department on the selection of strategic research and selection of appropriate research entities to carry out that research. This minute order names five individuals to serve on the committee.
8. **Toll Road Projects**
- 112691 Accept the annual Inspection Report for the Central Texas Turnpike System (CTTS) ([MO](#))
The General Engineering Consultant's annual Inspection Report relates to the 2002 Project of the CTTS, a toll project composed of the SH 130, SH 45N, and Loop 1 project elements, and is required under the CTTS bond indenture. This report is required following each inspection and on or before the 90th day prior to the end of each fiscal year.

- 112685 9. **Pass-Through Toll Program**
Select pass-through toll proposals submitted under the December 16, 2010, pass-through toll program call in accordance with Minute Order 112526 and authorize the executive director or designee to negotiate the financial terms of a potential pass-through toll agreement with the selected public entity proposers (MO)
The department evaluated proposals submitted under the December 16, 2010 program call using the items of criteria set forth in 43 TAC §5.55, and presented its analyses to the commission. The commission will consider the proposals and may select those, up to a cumulative total of approximately \$250 million that provide the best value to the state, and direct the department staff to attempt to negotiate the financial terms of a potential pass-through toll agreement with the selected public entity proposers. No private entity submitted a proposal.
- 112692 10. **Proposition 14 Bonds**
Grimes, Denton, and Webb Counties – Approval of additional projects to be funded with the proceeds of State Highway Fund revenue bonds issued under Transportation Code, Section 222.003 (MO)
The commission is adding two additional safety projects and one additional mobility project to the list of previously approved projects. Funds are available for these additional projects due to lower than estimated bids on other approved projects.
- 112696 11. **Unified Transportation Program (UTP)**
Approve the 2012 UTP (MO)
UTP is a 10-year statewide plan for transportation project development. This minute order approves the 2012 UTP for FY 2012-2021.
- 112693 12. **State Infrastructure Bank (SIB)**
Preliminary Approval
Hidalgo County – **City of Donna** - Consider granting preliminary approval of an application from the City of Donna (city) to borrow up to \$607,000 from the SIB to pay for utility relocation and right-of-way costs associated with the overlay and reconstruction of FM 493 from Business US 83 to US 281 (MO)
The city is requesting a SIB loan to pay for right-of-way and utility relocation costs associated with the reconstruction of FM 493 from Champion Avenue to US 281 and an overlay from Business US 83 to Champion Avenue. The project ties into the newly opened Donna/Rio Bravo International Bridge, and will become a main thoroughfare for international truck traffic.
13. **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.

14. **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

- 112694 a. **Highway Maintenance and Department Building Construction**
(see attached itemized list) (MO)
- 112695 b. **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) (MO)

15. **Routine Minute Orders**

a. **Donations to the Department**

- 112697 (1) **Bridge Division** – Acknowledge a donation from the National Steel Bridge Alliance for a department employee's travel expenses to attend the North American Steel Construction conference in Pittsburgh, Pennsylvania, on May 10-11, 2011 (MO)
The department is a national leader in the development of steel bridges and attending conference will help the department to improve bridge safety, durability, economy, and construction.

- 112698 (2) **Construction Division** – Acknowledge a donation from the Institute for Multimodal Transportation at Jackson State University for a department employee's travel expenses to speak at the Automated Pavement Distress Seminar in Jackson, Mississippi, on April 21-23, 2011 (MO)
Attending the conference will benefit the department in the development and implementation of its Data Collection Technologies.

b. **Eminent Domain Proceedings**

- 112699 **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. **Load Zones & Postings**

These minute orders authorize the placement, revision, or removal of load postings on various roadways and bridges on the state-maintained highway system.

- 112700 (1) **Roads – Chambers County** – Revise load restrictions on a roadway on the state highway system (MO)

- 112701 (2) **Bridges – Hunt, Nueces and Tarrant Counties** - Revise load restrictions on bridges on the state highway system (MO)

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

d. **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.

112702

- (1) **Hidalgo County** – US 83, southeast corner at Bridge Avenue in Weslaco – 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. The city has no interest in acquiring the surplus land, and it may be sold to the abutting landowner.

112703

- (2) **Montgomery County** – I-45 at FM 1097 north of Conroe - Consider the permitting of access rights (MO)
The designation of a 45-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 south-bound frontage road. The district has determined that access may be permitted at the designated location.

112704

- (3) **Tarrant County** – Business US 287 south of I-820 in Kennedale – Consider the sale of surplus right of way to the City of Kennedale (MO)
The district has advised that the surplus land is no longer needed for highway purposes. The city has requested to purchase the surplus land, and it may be sold to the city.

112705

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.

16. **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** – Deliberate on the search for a new Executive Director and for a new internal auditor for the department

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
May 26, 2011

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS -
STATE LET AGENDA ITEM 14.a.

<u>DIST</u>	<u>COUNTY</u> <u>NAME</u>	<u>HIGHWAY</u> <u>NUMBER</u>	<u>CONTROLLING</u> <u>PROJECT NO.</u>
ATL	BOWIE	US 59	RMC - 622224001
AUS	HAYS	RM 150	RMC - 622344001
AUS	HAYS	RM 967	RMC - 622342001
AUS	TRAVIS	US 290	RMC - 622463001
BMT	LIBERTY	US 90	RMC - 620955001
BMT	ORANGE	IH 10	RMC - 622094001
BWD	BROWN		CBC - 470400845
BWD	COLEMAN	US 67	RMC - 622502001
CRP	NUECES		CBC - 470401005
CRP	SAN PATRICIO	IH 37	BPM - 622008001
DAL	DENTON	IH 35E	RMC - 622057001
DAL	DENTON	IH 35W	RMC - 622056001
DAL	ELLIS	IH 35E	RMC - 622282001
DAL	ELLIS	IH 45	RMC - 622283001
DAL	ELLIS	SH 34	RMC - 622281001
DAL	KAUFMAN	IH 20	RMC - 622075001
FTW	TARRANT	IH 820	RMC - 622151001
HOU	BRAZORIA	FM 655	RMC - 622553001
HOU	GALVESTON	IH 45	RMC - 622192001
HOU	HARRIS	US 59	RMC - 622167001
PAR	HUNT	FM 1903	RMC - 621778001
PAR	LAMAR	US 82	RMC - 622034001
PHR	HIDALGO	US 281	RMC - 622397001
PHR	JIM HOGG		CBC - 470401015
SAT	BEXAR	IH 35	RMC - 622516001

**(CONTINUED) HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION
CONTRACTS-STATE LET AGENDA ITEM 14.a.**

TYL	RUSK	FM 1251	RMC - 622474001
TYL	SMITH	LP 323	RMC - 622275001
TYL	SMITH	SH 110	RMC - 622346001
TYL	SMITH	US 69	RMC - 622430001
WAC	BELL	US 190	RMC - 622378001
WAC	LIMESTONE	SH 171	RMC - 622447001
WAC	MCLENNAN	SH 6	RMC - 622448001
WAC	MCLENNAN	US 84	RMC - 622379001
WAC	MCLENNAN	US 84	RMC - 622483001
YKM	VICTORIA	BU 77S	RMC - 622521001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION
CONTRACTS - STATE LET AGENDA ITEM 14.b.**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AMA	DALLAM	SS 17	STP 2011(992)
ATL	BOWIE	US 259	STP 2011(947)HES
ATL	BOWIE	US 67	STP 2011(945)SB
ATL	MORRIS	US 67	STP 2011(943)HRR
ATL	UPSHUR	FM 1404	STP 2011(946)
AUS	BASTROP	PW	C 914-18-55
AUS	BLANCO	US 281	BR 2011(955)
AUS	BURNET	SH 29	STP 2011(948)
AUS	HAYS	RM 12	STP 2011(953)HES
AUS	HAYS	SH 21	CC 471-2-64
AUS	LEE	SH 21	STP 2011(951)HES
AUS	TRAVIS	IH 35	IM 0353(281)
AUS	TRAVIS	RM 620	STP 1102(132)HES
AUS	TRAVIS	SH 71	STP 2011(949)HES
AUS	TRAVIS	US 290	STP 2011(954)HES
AUS	WILLIAMSON	US 79	CC 320-4-24
BMT	JEFFERSON	FM 365	STP 2011(956)HRR
BRY	BRAZOS	SH 21	HP 2011(957)
BRY	LEON	FM 1146	STP 2011(958)HRR

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 14.b.**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
CRP	ARANSAS	SH 35	STP 1102(113)
CRP	KARNES	SH 80	STP 1102(023)
CRP	NUECES	SH 358	NH 2011(962)
CRP	SAN PATRICIO	US 77	STP 2011(960)HES
DAL	COLLIN	FM 545	BR 2002(616)
DAL	DALLAS	IH 30	IM 0301(056)
DAL	DALLAS	SP 244	NH 1102(030)
DAL	DALLAS	VA	NH 1102(027)G
DAL	ELLIS	FM 983	BR 1102(029)
DAL	NAVARRO	VA	STP 1102(028)
ELP	EL PASO	FM 258	STP 1102(015)HES
ELP	PRESIDIO	CS	C 924-7-11
FTW	HOOD	FM 2580	BR 2011(900)
FTW	PALO PINTO	SH 254	STP 1102(128)
FTW	PALO PINTO	US 180	STP 1102(181)
FTW	TARRANT	BF1187C	BR 2011(971)
FTW	TARRANT	IH 820	IM 8204(278)
FTW	TARRANT	SH 26	NH 1102(180)
FTW	TARRANT	SH 360	STP 2011(994)HES
FTW	TARRANT	VA	NH 1102(127)
HOU	GALVESTON	VA	STP 1102(065)
HOU	HARRIS	CS	HP 2010(930)
HOU	HARRIS	FM 521	STP 1102(061)
HOU	HARRIS	IH 10	IM 0107(430)
HOU	HARRIS	IH 45	C 500-3-462
HOU	HARRIS	IH 45	IM 0451(338)
HOU	HARRIS	IH 610	STP 2011(998)MM
HOU	WALLER	FM 362	STP 2011(969)
LRD	VAL VERDE	US 90	STP 1102(019)HES
LFK	ANGELINA	VA	STP 2011(973)
LFK	SHELBY	FM 139	BR 2011(970)
LFK	SHELBY	FM 2026	BR 2011(974)
LFK	SHELBY	FM 417	BR 2011(972)

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 14.b.**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
PAR	GRAYSON	US 75	STP 1102(021)HES
PAR	HUNT	PW	C 901-22-99
PAR	HUNT	SP 302	STP 2011(996)
PHR	HIDALGO	FM 1426	STP 2011(976)
PHR	HIDALGO	US 281	NH 2011(975)
SAT	BEXAR	VA	STP 2011(978)
SAT	FRIO	IH 35	NH 1102(206)
TYL	SMITH	US 69	STP 2011(979)HES
WAC	CORYELL	US 190	DMO 2011(997)
WAC	HILL	IH 35	STP 2000(297)TE
YKM	VICTORIA	CR	BR 2008(899)

EMINENT DOMAIN - AGENDA ITEM 15b.

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
Collin	SH 289	5	0091-04-057	27
Collin	SH 289	6	0091-04-057	13
Collin	SH 289	15	0091-04-057	9E
Collin	SH 289	10	0091-04-057	15
Collin	US 75	13	0047-06-125	1A
Comal	US 281	7	0253-03-065	8
Comal	US 281	8	0253-03-065	16
Comal	US 281	9	0253-03-065	19
Denton	FM 423	1	1315-02-010	45
Denton	FM 423	4	1315-02-010	29
Denton	SH 114	14	0353-02-067	11E
Harrison	FM 449	12	0640-06-039	5, 5TE
Hood	SL 567	3	3524-01-005	26
Hood	SL 567	2	3524-01-005	20
Hood	SL 567	11	3524-01-005	2

(CONTINUED) EMINENT DOMAIN - AGENDA ITEM 15b

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	IH 35	W	0015-04-083	9
Bell	IH 35	V	0015-04-083	8
Bell	IH 35	Y	0015-04-083	16
Bell	IH 35	X	0015-04-083	14
Bell	IH 35	Z	0015-07-078	27AC
Harris	IH 610	C	0271-14-221	225
Harris	IH 610	B	0271-14-221	202
Harris	IH 610	A	0271-14-221	220
Harris	IH 610	P	0271-14-221	218
Harris	IH 610	Q	0271-14-221	219
Harris	IH 610	R	0271-14-221	222
Harris	IH 610	S	0271-14-221	223
Harris	IH 610	T	0271-14-221	209
Harris	IH 610	U	0271-14-221	226
Hill	IH 35	AA	0014-07-096	8, 8TE
Hill	IH 35	BB	0014-07-096	36AC
McLennan	IH 35	DD	0014-08-083	35, 35AC
McLennan	IH 35	FF	0014-08-083	42
McLennan	IH 35	CC	0014-08-083	17
McLennan	IH 35	EE	0014-08-083	36, 36E
McLennan	IH 35	GG	0015-02-058	30
McLennan	IH 35	KK	0015-01-220	60
Tarrant	IH 820	L	0008-14-093	154
Tarrant	IH 820	M	0008-14-093	107
Tarrant	IH 820	JJ	0008-14-093	15
Tarrant	IH 820	K	0008-14-093	158
Tarrant	SH 121	HH	0364-01-119	576
Tarrant	SH 121	II	0364-01-119	614
Tarrant	SH 121	E	0364-01-119	508
Tarrant	SH 121	F	0364-01-119	605
Tarrant	SH 121	G	0364-01-119	70
Tarrant	SH 121	I	0364-01-119	619
Tarrant	SH 121	J	0364-01-119	521
Tarrant	SH 121	N	0364-01-119	541
Tarrant	SH 121	O	0364-01-119	691
Tarrant	SH 121	H	0364-01-119	683
Tarrant	SH 183	D	0364-05-038	645