



AGENDA

TEXAS TRANSPORTATION COMMISSION

200 East Riverside Drive, Room 1A-1
Austin, Texas 78704

THURSDAY
October 27, 2011

9:00 A.M. CONVENE MEETING

1. **Approval of Minutes** of the September 29 meeting of the Texas Transportation Commission
2. **Resolution**
Recognize Laredo District Engineer Albert Quintanilla, P.E., upon his retirement from the department after 26 years of service
3. **Reports**
 - a. 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, including a presentation of the high-level implementation plan required by TxDOT's Sunset legislation.
 - b. Strategic Research Program Advisory Committee Report ([Report](#))
The commission created the Strategic Research Program Advisory Committee to assist the department in selecting research topics of a strategic nature. The committee held its first meeting in August and will appear before the commission to update them on their first meeting and the ideas they are proposing for research. This will also provide them an opportunity to directly communicate with and exchange ideas with the commission.
 - c. Report on the activities and recommendations of the I-35 Advisory Committee ([Report](#))
In March 2008, the commission created the I-35 Corridor Advisory Committee to study the I-35 corridor and compile a plan for improving the I-35 corridor based on the recommendations of citizens, stakeholders, and the four I-35 Corridor Segment Committees. The I-35 Corridor Advisory Committee issued a preliminary report in January 2011 and is now issuing the final findings and recommendations of the I-35 Corridor Advisory Committee and presenting the committee's final report, the My 35 Plan.

4. **Aviation**
112867 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. **Public Transportation**
112868 Various Counties – Award transportation development credits to LULAC Project Amistad and Mounting Horizons to match federal awards for capital projects for information technology, fleet procurement and purchase of service (MO)
The commission previously approved awards of state and federal grants in a coordinated call for projects. Transportation development credits (TDC) were awarded to various agencies to assist with the match of federal funds for capital projects. The TDC awards to LULAC Project Amistad and Mounting Horizons were incorrectly listed in the minute order exhibit and need to be corrected. This agenda item supersedes the awards for LULAC Project Amistad and Mounting Horizons under the June 30, 2011, Minute Order 112709; all other awards remain unchanged.
6. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
- a. **Final Adoption**
- 112869 (1) Chapter 1 - Management (MO)**
New §1.12, Negotiated Rulemaking (Procedure for Adoption of Rules)
TxDOT's sunset bill, enacted during the 82nd Regular Session, added Transportation Code, Section 201.118, which requires the commission to develop and implement a policy to encourage the use of negotiated rulemaking. These amendments encourage the use of negotiated rulemaking, when appropriate, and designate TxDOT's general counsel as the coordinator of TxDOT's negotiated rulemaking process.
- 112870 (2) Chapter 9 - Contract and Grant Management (MO)**
Amendments to §9.13, Notice of Letting and Issuance of Bid Forms (Highway Improvement Contracts)
The rule amendments retitle subsection (c) to "Notice of Bids" and change the method of providing the notice of bids from newspaper advertisements to the Electronic State Business Daily operated by the Comptroller of Public Accounts. Senate Bill 1420 amended Transportation Code §223.002 (Notice by Publication). The amendments create a requirement for the commission to establish the method for providing notice of bids by rule.
- 112871 (3) Chapter 9 - Contract and Grant Management (MO)**
Amendments to §9.21, Purchase of Service (Highway Improvement Contracts)
This amendment to §9.21 increases the limit for maintenance contracts the department may procure under the Purchasing Act from amounts estimated as less than \$15,000 to amounts estimated as less than the Comptroller's delegated purchase limits for informal bidding (currently \$25,000).
- 112872 (4) Chapter 21 - Right of Way (MO)**
Amendments to §21.38, Construction and Maintenance (Utility Accommodation)
These amendments clarify the circumstances under which the department may include in its construction contract for a state highway improvement project the relocation of a utility facility based on plans designed by the utility company.

- 112873
6. **Promulgation of Administrative Rules (continued)**
b. **Proposed Adoption**
Chapter 3 - Public Information (MO)
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; and New §3.25, Complaint Resolution and §3.26, Complaint Data Collection, Analysis, and Reporting (Complaint Resolution)
The 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.
7. **Internal Compliance Program (ICP) Report (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.
- 112874
8. **Design-Build Projects**
Dallas County – Authorize the department to issue a request for qualifications for the development, design, construction and, potentially, maintenance of a project with estimated construction costs of \$700 million, providing for the replacement and addition of bridges and lanes on I-35E and I-30 in Dallas County at the Trinity River (MO) (Presentation)
Transportation Code, §223.242 authorizes the department to enter into, in each fiscal year, up to three design-build contracts for highway projects with a construction cost estimate of \$50 million or more. The Horseshoe Project is a high priority for the state and meets the conditions necessary for design-build delivery. The project will replace I-30 and I-35E bridges over the Trinity River and connecting roadways, and will upgrade outdated roadway geometry. Completion of the project will improve mobility on two of the 20 most congested roadways in the state.
- 112875
9. **Transportation Planning**
a. **Nueces County** – Designate a segment of US 77 from I-37 in Corpus Christi to SH 44 in Robstown as Interstate 69 (MO)
During its October 2011 meeting the American Association of State Highway and Transportation Officials Special Committee on US Route Numbering approved an application by TxDOT requesting the recognition of I-69 along the designated portion of US 77. Local officials have requested the I-69 designation concurrent with US 77 from I-37 in Corpus Christi to SH 44 in Robstown, a distance of approximately 6.2 miles.
- 112876
- b. **Various Counties** – Certify eligible counties for the 2012 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)
This minute order certifies the counties to participate in the Economically Disadvantaged Counties Program for Fiscal Year 2012 and sets forth the local match adjustment for each county and certain cities participating in the program. State law requires the commission to annually certify economically disadvantaged counties as soon as possible after the comptroller reports on the relevant economic indicators.

- 112877 9. **Transportation Planning (continued)**
- c. **Appoint members to the Bicycle Advisory Committee (MO)**
The Bicycle Advisory Committee advises the commission on bicycle issues and matters related to the Safe Routes to School Program. By involving representatives of the public, including bicyclists and other interested parties, the department helps ensure effective communication with the bicycle community, and that the bicyclist's perspective will be considered in the development of policies affecting bicycle use, including the design, construction and maintenance of highways.
10. **Obligation Limit and Quarterly Cash Status Reports**
- a. **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 (Report)**
This report will provide the current overall obligation status, by district and metropolitan planning organization, of the FY 2012 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.
- b. **Quarterly report on FY 2011 State Highway Fund 6 cash status (Report)**
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.
11. **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.*
- 112878 a. **Highway Maintenance and Department Building Construction**
(see attached itemized list) (MO)
- 112879 b. **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) (MO)
- 112880 12. **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 (see attached list) (MO)
Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18 (82nd Legislature), 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 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.

13. **Routine Minute Orders**

a. **Donations to the Department**

- 112881 (1) **Bridge Division** – Acknowledge a donation from the Precast/Prestressed Concrete Institute (PCI) for a department employee’s travel expenses to attend the 2011 National Bridge Conference in Salt Lake City, Utah, October 20 – 26, 2011 (MO)
Attendance at this meeting allows the department to share ideas and state-of-the-art information and technology for concrete bridge design, fabrication and construction.
- 112882 (2) **Bryan District** – Consider a donation from HEB Grocery Company, LP, for the cost to design and construct a raised median and protected left turn lane from SH 21 to the new HEB grocery store and commercial development located in Bryan, Texas (MO)
The donation will address safety concerns and access issues related to HEB site development along this roadway section for the traveling public.
- 112883 (3) **Houston District** – Consider a donation from HEB Grocery Company, LP, for the cost to design and modify a raised median opening and protected left turn lane from SS 261 to the new HEB grocery store and commercial development located in Houston, Texas (MO)
The donation will address safety concerns and access issues related to HEB site development along this roadway section for the traveling public.
- 112884 (4) **Houston District** – Consider a donation from Trendmaker Development Company for the cost to construct right and left turn lanes to access a new subdivision and commercial sites located on FM 1463 in Fulshear, Texas (MO)
The donation will benefit the state and traveling public by adding turn lanes to increase safety in this area.
- 112885 (5) **Houston District** – Consider a donation from the Waffle House, Inc., for the cost of constructing a right turn lane on the north side of FM 518 between FM 1128 and Max Road in Pearland, Texas (MO)
The donation will benefit the state and traveling public by adding turn lanes to increase safety in this area.
- 112886 (6) **Traffic Operations Division** – Consider a donation from the 95th Division Foundation for the cost associated with the design, creation and installation of two highway signs designating a portion of SH 71 between the eastern municipal boundary of Bastrop and its intersection with County Road 329 as the 95th Division Memorial Highway (MO)
Senate Bill 743, 82nd Legislative Session designated this portion of SH 71 as the 95th Division Memorial Highway.
- 112887 (7) **Various Districts** – Consider a donation from SH 130 Concession Company, LLC to provide funding for the cost associated with equipment and services to install and maintain microwave vehicle detection sensors (MO)
The donation will enable the department to facilitate collection of traffic data which can be used for traffic operations and transportation planning.

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

b. **Public Transportation**

112888

- (1) **Various Counties** – Approve changes to public transit projects previously approved for funding from Texas' portion of the American Recovery and Reinvestment Act (ARRA) (MO)

The ARRA created an economic stimulus package that provides for investment in transportation infrastructure projects. This agenda item will allow the commission to make changes to approve revisions to public transit projects previously approved for funding under the program.

112889

- (2) **Taylor County** – Award transportation development credits to the City of Abilene to provide a match to a federal discretionary public transportation grant to replace transit fleet (MO)

The City of Abilene received a federal discretionary grant to replace part of its aged public transportation fleet. The award identified in this minute order will assist with the non-federal match to the federal funds awarded under the discretionary grant.

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.

112890

- (1) **McLennan County** – FM 1637 east of County Road 406 - Consider the sale of surplus right of way with reservation of an easement interest (MO)

The district has advised that realignment of the highway facility has resulted in surplus right of way and that an easement interest should be retained for drainage purposes. The abutting landowner has requested to purchase the surplus land, and the surplus land may be sold to the abutting landowner subject to the easement reservation.

112891

- (2) **Tarrant County** – SH 360 at East Harwood Street in Euless - 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 abutting landowner has requested to purchase the surplus land, and it may be sold to the abutting landowner.

112892

- (3) **Tarrant County** – SH 121, now designated Chisholm Trail Parkway, along Union Pacific Railroad (UP) in Fort Worth - Consider the conveyance of reciprocal easements from UP to the state and from the state to UP for access to maintain retaining wall structures and drainage and water runoff systems in accordance with a multi-party agreement (MO)

The district has advised that certain easements along UP land are needed for maintenance of the highway facility, and UP needs easements along state land for maintenance of its Davidson Yard facility. In accordance with a multi-party agreement, UP will convey the easements to the state, and the state will convey easements to UP. UP has cooperated with TxDOT and other entities for the reconstruction of bridge and drainage structures on highway right of way adjacent to UP facilities.

112893

d. **Finance**

- 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.

13. **Routine Minute Orders (continued)**
- 112894 e. **Highway Designation**
Polk County – Extend the designation of FM 2665 along a new location east of US 59 north to FM 1988, in the city of Goodrich (MO)
A safety project on US 59 eliminated the intersection of FM 2665 and US 59 in southeast Goodrich. This minute order extends the designation of FM 2665 north to FM 1988, approximately 0.7 mile, where drivers can enter US 59 via a new interchange.
- 112895 f. **Transportation Development Credit (TDC)**
Award TDC for air quality programs to the Alamo Area Council of Governments funded by the Surface Transportation Program - Metropolitan Mobility (MO)
This minute order awards TDC to be used as the non-federal match to federal funds to support several of the adopted MTP goals and programs. The Alamo Area Commute Solutions Program has been successfully managing and reducing the mobile source emissions, reducing single occupancy vehicles, relieving congestion and improving air quality.
- 112896 g. **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.
14. **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 and compensation of one or more persons who fill a senior leadership position of the department, other than the position of executive director.
- 112897 15. **Compensation of Senior Leadership Positions**
Set the compensation for five or fewer senior leadership positions of the Texas Department of Transportation below the position of executive director (MO)
The General Appropriations Act authorizes the commission to set the compensation of up to five senior leadership positions below the executive director of the department within a range set by that Act for certain exempt positions. This minute order sets the amounts of compensation of those positions.

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
October 27, 2011

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-STATE
LET AGENDA ITEM 10.a.

<u>DIST</u>	<u>COUNTY</u> <u>NAME</u>	<u>HIGHWAY</u> <u>NUMBER</u>	<u>CONTROLLING</u> <u>PROJECT NO</u>
ABL	TAYLOR	IH 20	RMC - 622501001
ATL	BOWIE	IH 30	RMC - 622946001
BMT	HARDIN	US 96	RMC - 622979001
BMT	JEFFERSON	SH 326	RMC - 622908001
BMT	LIBERTY	US 59	RMC - 622997001
BWD	BROWN	US 377	RMC - 623113001
BWD	BROWN	US 377	RMC - 623168001
BWD	COMANCHE	SH 36	RMC - 622749001
BRY	FREESTONE	FM 1848	RMC - 622808001
BRY	ROBERTSON	US 79	RMC - 622998001
DAL	COLLIN	US 75	RMC - 622906001
DAL	ELLIS	FM 85	RMC - 622995001
DAL	KAUFMAN	IH 20	RMC - 622438001
DAL	KAUFMAN	IH 20	RMC - 622741001
FTW	TARRANT	SH 360	RMC - 623163001
HOU	BRAZORIA	FM 523	RMC - 622986001
HOU	BRAZORIA	SH 288	RMC - 622985001
HOU	HARRIS	IH 610	RMC - 620575001
HOU	HARRIS	IH 610	RMC - 622766001
HOU	HARRIS	US 59	RMC - 622909001
HOU	MONTGOMERY	US 59	RMC - 622961001
LBB	TERRY	US 62	RMC - 623125001
PAR	FANNIN	FM 897	RMC - 622737001
PAR	FANNIN	FM 3297	RMC - 622525001
PAR	GRAYSON	US 75	RMC - 623064001
PHR	CAMERON	US 77	RMC - 623275001
PHR	HIDALGO	US 83	RMC - 623265001
SJT	TOM GREEN	FM 1692	RMC - 623251001

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

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO</u>
TYL	VAN ZANDT	SH 243	RMC - 623016001
TYL	WOOD	FM 2869	RMC - 623017001
WAC	BOSQUE	SH 6	RMC - 622586001
WAC	FALLS	SH 6	RMC - 622585001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS – STATE LET AGENDA ITEM 10.b.**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AMA	HARTLEY	US 385	STP 2012(050)
AMA	POTTER	VA	STP 2012(052)
ATL	BOWIE	US 67	STP 2012(053)
AUS	WILLIAMSON	IH 35	IM 0353(284)
AUS	WILLIAMSON	RM 2243	DMO 1102(515)
BMT	HARDIN	US 96	CM 2012(056)
BMT	JEFFERSON	IH 10	IM 0108(172)
BMT	JEFFERSON	SH 347	CM 2012(057)
CHS	MOTLEY	US 62	STP 2012(058)
CRP	NUECES	US 77	NH 2012(059)
DAL	DALLAS	VA	NH 2012(061)
DAL	KAUFMAN	IH 20	IM 0205(127)
DAL	NAVARRO	IH 45	IM 0453(130)
ELP	CULBERSON	SH 54	STP 2012(062)
FTW	TARRANT	IH 20	IM 0204(282)
HOU	HARRIS	IH 10	C 271-7-303
HOU	HARRIS	MH	HP 2008(049)
HOU	HARRIS	VA	STP 2012(066)
HOU	HARRIS	VA	NH 2012(067)
ODA	REEVES	IH 20	IM 0202(233)
PAR	FRANKLIN	CR	BR 2011(300)
PAR	GRAYSON	FM 406	STP 2012(071)
PAR	GRAYSON	FM 922	STP 2012(070)

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS – STATE LET AGENDA ITEM 10.b.**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
PAR	GRAYSON	SH 56	STP 2012(069)
PHR	CAMERON	US 77	STP 2012(072)HES
PHR	HIDALGO	FM 2062	STP 2012(075)
PHR	HIDALGO	SH 107	STP 2012(073)
SAT	UVALDE	RM 1050	STP 2007(845)
SAT	UVALDE	SH 127	STP 2012(077)
WAC	CORYELL	SH 36	STP 2012(079)
WAC	MCLENNAN	IH 35	IM 0354(235)
WFS	COOKE	CR	BR 2005(905)
YKM	COLORADO	SH 71	STP 2012(083)
YKM	WHARTON	SH 60	STP 2012(081)

EMINENT DOMAIN - [AGENDA ITEM 11]

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
Bell	IH 35	F	0015-04-083	24
Bell	IH 35	E	0015-07-078	8
Denton	IH 35E	B	0196-02-115	162
Harris	IH 610	A	0271-14-225	313
McLennan	IH 35	H	0015-02-058	25, 25E
McLennan	IH 35	D	0015-02-058	19
McLennan	IH 35	C	0015-02-058	1, 1E
McLennan	IH 35	G	0015-01-220	51
Rusk	US 259	I	0138-05-053	5