



INTERNET ADDRESS:
<http://www.txdot.gov>

AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
October 28, 2010

9:00 A.M. CONVENE MEETING

1. **Approval of Minutes** of the September 29th and 30th meetings of the Texas Transportation Commission

2. **I-35 Corridor Report**

Report on the current construction and public involvement activities in the I-35 Corridor ([Presentation](#))

This discussion will include background on why improvements to the I-35 Corridor are necessary and give an update on current projects along the corridor. This discussion will also provide commissioners a status report and update on the activities and tasks of the I-35 segment committees including results of their public workshops.

3. **Aviation**

112465

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.

4. **Public Transportation**

112466

Various Counties – Award federal §5316, Job Access Reverse Commute, grant program funds to Texoma Area Paratransit System, Inc. and West Texas Opportunities, Inc. ([MO](#))

This minute order awards federal grant funds from the Federal Transit Administration, under 49 U.S.C. §5316, Job Access and Reverse Commute Grant Program to Texoma Area Paratransit System, Inc. to provide new routes to employment centers; and to West Texas Opportunities, Inc. to maintain current employment transportation service.

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

Final Adoption

112467

a. **Chapter 1 – Management (MO)**

Repeal of §§1.21-1.33 and New §§1.21 - 1.38 (Procedures in Contested Case)

The existing Procedures in Contested Cases concern the referral of a dispute to the State Office of Administrative Hearings for a contested case hearing. The new rules add provisions on filing documents, serving documents and requesting a subpoena, and change the standards for burden of proof and the standard of review.

112468

b. **Chapter 9 – Contract and Grant Management (MO)**

Amendments to §9.30, Purpose, and §9.31 Definitions, Repeal of §9.32, Provider Services Policy, and Amendments to §9.33 Notice of Intent and Letter of Interest, §9.34, Short List Determination, §9.35, Short List Meeting, Proposals, and Evaluation, §9.36, Short List Interviews and Evaluation, §9.37, Selection, §9.38, Contract Management, §9.39, Selection and Contract Types, §9.41, Precertification, §9.42, Administrative Qualification, and §9.43, Precertification Requirements (Contracting for Architectural, Engineering, and Surveying Services)

The amendments recognize an organizational change within the department and identify the responsibilities of the regions and regional director in the contracting process, clarify who may participate in the short list interview and restrictions on participants, remove provisions that are duplicated elsewhere in the Texas Administrative Code, require an annual update to precertification to assist in maintaining current status and contact information, change the deadline for submission of information regarding administrative qualifications, and reduce the administrative qualifications burden on firms with smaller contracts or those who have a smaller participation in larger contracts.

6. **Transportation Planning**

112469

a. Approve the Gulf Intracoastal Waterway report (MO)

State law requires the commission to continually evaluate the impact of the Gulf Intracoastal Waterway on the state and to publish and present a report to each regular session of the legislature.

112470

b. **Various Counties – Certify eligible counties for the 2011 Economically Disadvantaged Counties Program and establish local match adjustment for each county (MO)**

This minute order certifies the counties to participate in the Economically Disadvantaged Counties Program for Fiscal Year 2011. State law requires the commission to annually certify economically disadvantaged counties as soon as possible after the comptroller reports on the relevant economic indicators.

112471

c. **Webb County – Amend FY 2011 and FY 2014 project lists and allocations in Category 10 (Supplemental Transportation Funding) in the Unified Transportation Program (UTP) (MO)**

The 2010 UTP was adopted by the commission on April 29, 2010 and allocates funding to specific projects and programs for FY 2010 - FY 2020. At the request of the Laredo Metropolitan Planning Organization, the department will present a minute order to amend the UTP by reallocating \$7 million in FY 2011 and FY 2014 Coordinated Border Infrastructure funds in Category 10 to develop a new project on Loop 20 in Webb County. Approximately \$5.4 million will be transferred from the FY 2014 allocation currently in project CSJ# 0086-14-046 and that amount will be assigned to the new project on Loop 20. The remaining funds will come from the FY 2011 Category 10 allocation not programmed for letting in FY 2011.

7. **Proposition 12 Bond Program**
- 112472 a. **McLennan County** – Revise the funding allocation for a previously approved highway improvement project and work to be performed in connection with that project and approve an additional highway improvement project and work to be performed in connection with that 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 bond proceeds on a selected list of projects. Additional work has been identified that would be beneficial to the state to perform. The commission is revising the previously approved list of projects to add an additional project and to revise the funding allocation for a project due to a reduced construction project cost based on a revised estimate.
- 112473 b. Approval of revisions to previously approved work to be performed in connection with highway improvement projects to be funded with the proceeds of general obligation bonds issued under Transportation Code, Section 222.004 (Proposition 12 Bonds) (MO)
The Legislative Budget Board approved the expenditure of \$150 million in bond proceeds for engineering to enable the development of future projects aimed at reducing congestion on some of Texas' most congested corridors. On June 8, 2010, the commission adopted Minute Order 112294, approving a list of projects to advance through the funding of the costs of those projects' associated design work with bond proceeds. In September 2010, the department released a revised list of Texas' most congested corridors that were identified using improved congestion measuring technology. The commission is revising the previously approved work in light of this revised list of Texas' most congested corridors in order to advance work on some of the state's high-priority congested corridors.
8. **Proposition 14 Bond Program**
- 112474 **Various Counties** – Revise funding allocations for previously approved projects and activities and approve additional projects to be funded with the proceeds of State Highway Fund revenue bonds issued under Transportation Code, Section 222.003 (Proposition 14 Bonds) (MO)
The commission is revising the previously approved list of projects and adding additional projects due to lower than estimated bids in other approved projects funded with the proceeds of Proposition 14 bonds.
9. **State Infrastructure Bank (SIB)**
- 112475 **Final Approval**
Smith County – North East Texas Regional Mobility Authority (NETRMA) – Consider granting final approval of an application from the NETRMA to borrow up to \$39.2 million from the SIB to pay for the construction of Segment 3B of Toll 49 (MO)
The NETRMA is requesting a SIB loan to pay for the construction of Segment 3B of Toll 49, from SH 31 north to I-20. The proposed 10-mile toll facility that would be funded with the financial assistance includes two lanes of an ultimate four-lane toll road, with connections to the existing Toll 49 facility at SH 31, and ramp connections to I-20.

10. **Regional Mobility Authorities**

Preliminary Approval

112476

Smith County – **North East Texas Regional Mobility Authority (NETRMA)** – Consider the preliminary approval of a request from the NETRMA for financial assistance in the amount of up to \$90 million to pay for the development and construction of Segment 3B of Toll 49 (MO)

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

11. **Contracts**

a. **Award or reject highway improvement contracts**

Proposed MO will conditionally award contract(s) to low bidders allowing the department to enter into contract(s) for highway improvements, or reject all bids for select projects, allowing the department to re-bid those projects. Conditions required for award may include securing of funding from other sources and the contractor's ability to meet federal DBE contracting requirements.

112477

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

112478

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

112479

b. **Bowie County** – Concur or reject award of Arkansas highway improvement contract on US 59 at Texas/Arkansas border (see attached itemized list) (MO)

Proposed MO will concur in award of contract in the State of Arkansas pursuant to an agreement signed by the State of Texas and the State of Arkansas in 2006. The Texas Transportation Commission is authorized by the authority of the governor to contract with an adjoining state to provide for the improvement of a road or highway that crosses the state boundary.

12. **Routine Minute Orders**

112480

a. **Donations to the Department**

Travel Information Division – Consider a donation from TIDY Northern Ireland for a department employee's travel expenses from November 9-12, 2010 to participate in TIDY Northern Ireland's Annual Litter Summit on November 11, 2010 (MO)

Attendance at this summit allows the department to share experiences and ideas on litter prevention covering cost benefits of investment in campaigning, research, and campaign activities.

112481

b. **Eminent Domain Proceedings**

Various Counties – noncontrolled and controlled access highways (see attached itemized list) (MO)

Commission findings, determinations, and authorizations for the state to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both noncontrolled 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.

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

c. **Load Zones & Postings**

- 112482 **Taylor and Lee Counties** – Revise load restrictions on various bridges on the state highway system (MO)
This minute order authorizes the placement, revision, or removal of load postings on various bridges on the state-maintained highway system.

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.

- 112483 (1) **Atascosa County** – SH 16 south of Jourdanton - Consider the quitclaim of a surplus roadside park to the county (MO)
The park was acquired by the county in its own name for use by the state. It is no longer needed for highway purposes and may be quitclaimed to the county.
- 112484 (2) **Ellis County** – US 287, west of US 77 in Waxahachie - Consider the sale of surplus drainage easements (MO)
The district has determined that the surplus easements are no longer needed for highway purposes, and may be sold to the underlying fee owner.
- 112485 (3) **Jack County** – US 281 at SH 148 in Jacksboro - Consider the sale of surplus right of way to the abutting landowners (MO)
The district has determined that the surplus land is no longer needed for highway purposes. The city has no interest in acquiring the surplus land, and it may be sold to the abutting landowners.
- 112486 (4) **Potter County** – I-40, old Travel Information Center east of Amarillo - Consider the sale of surplus right of way to the abutting landowners (MO)
The district has determined that the surplus land is no longer needed for highway purposes. The county has no interest in acquiring it, and it may be sold to the abutting landowners.

e. **Finance**

- 112487 (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.
- 112488 (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.
- (3) **Annual report on the status of derivative transactions outstanding (Report)**
The commission's derivative management policy requires an annual report to the commission on derivative transactions outstanding. The report includes counterparty credit ratings, a summary of cash flows, and the fair market value of transactions as of the end of fiscal year 2010.

f. **Speed Zones**

- 112489 **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.

13. **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

* * *

NOTE:

Enumerated agenda items are assigned numbers for ease of reference only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action.

Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Roger Polson at (512) 305-9526 at least three working days prior to the meeting so that appropriate arrangements can be made.

TEXAS TRANSPORTATION COMMISSION MEETING

ATTACHED LISTS

OCTOBER 28, 2010

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION

CONTRACTS-STATE LET AGENDA ITEM 11.a.(1)

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ATL	BOWIE	IH 30	RMC - 621341001
CHS	CHILDRESS	US 287	RMC - 621396001
CRP	BEE	FM 888	RMC - 617872001
CRP	NUECES	IH 37	RMC - 621276001
CRP	NUECES	US 77	RMC - 621282001
DAL	NAVARRO	IH 45	RMC - 621531001
ELP	HUDSPETH	IH 10	BPM - 621207001
HOU	GALVESTON	SH 87	RMC - 621070001
HOU	HARRIS	IH 10	RMC - 619868001
HOU	HARRIS	IH 10	RMC - 621214001
HOU	HARRIS	IH 45	RMC - 620489001
HOU	HARRIS	US 290	RMC - 621464001
LBB	LUBBOCK	US 84	RMC - 621418001
PAR	FANNIN	FM 904	RMC - 621169001
PAR	GRAYSON	FM 3356	RMC - 620311001
PAR	HOPKINS	IH 30	RMC - 621415001
PAR	HUNT	FM 512	RMC - 621171001
PAR	LAMAR	US 271	RMC - 620345001
PHR	HIDALGO	US 83	RMC - 620810001
SJT	EDWARDS	RM 674	RMC - 621635001
YKM	VICTORIA	US 59	RMC - 621394001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 11.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	MITCHELL	IH 20	STP 2011(623)ES
AMA	OCHILTREE	US 83	STP 2011(209)ES
AMA	OLDHAM	IH 40	IM 0401(203)
AMA	POTTER	VA	STP 2011(440)ES

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 11.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ATL	TITUS	SH 11	STP 2011(460)
BMT	JEFFERSON	IH 10	STP 2011(620)HES
BMT	JEFFERSON	SH 124	STP 2011(621)ES
BMT	ORANGE	IH 10	IM 0108(169)
BRY	FREESTONE	IH 45	STP 2011(624)ES
BRY	ROBERTSON	FM 1940	STP 2011(315)ES
CRP	SAN PATRICIO	US 181	STP 2011(622)ES
DAL	DALLAS	VA	STP 2011(467)ES
DAL	DENTON	IH 35W	IM 0356(424)
DAL	DENTON	SH 114	C 353-2-62
DAL	ELLIS	FM 813	STP 2011(468)SB
DAL	ELLIS	FM 813	STP 2011(469)SB
DAL	ELLIS	US 287	NH 2011(465)
DAL	KAUFMAN	FM 1641	STP 2011(470)ES
DAL	KAUFMAN	US 80	NH 2011(463)
DAL	KAUFMAN	US 80	STP 2011(464)
DAL	NAVARRO	IH 45	IM 0453(128)
ELP	EL PASO	FM 259	STP 2009(816)ES
FTW	PARKER	US 180	STP 2011(472)
FTW	TARRANT	FM 1187	NH 2011(473)ES
FTW	TARRANT	FM 1187	STP 2011(600)HES
FTW	TARRANT	IH 35W	IM 0355(146)G
HOU	BRAZORIA	CS	STP 2000(584)TE
HOU	BRAZORIA	FM 524	CC 1004-1-40
HOU	HARRIS	CR	STP 2002(160)ESTE
HOU	HARRIS	CS	STP 2002(157)TE
HOU	HARRIS	IH 45	DMO 2006(885)
HOU	HARRIS	IH 610	IM 6107(426)
HOU	HARRIS	VA	CM 2008(495)
HOU	MONTGOMERY	FM 1097	STP 2011(626)ES
HOU	MONTGOMERY	VA	STP 2011(627)ES

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 11.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
LFK	NACOGDOCHES	FM 95	STP 2011(474)
LFK	NACOGDOCHES	FM 95	STP 2011(475)
LFK	SAN AUGUSTINE	FM 1	STP 2011(526)ES
ODA	MIDLAND	FM 1788	STP 2011(476)
PAR	FANNIN	SH 78	STP 2011(632)ES
PAR	GRAYSON	FM 996	C 202-8-50
PAR	GRAYSON	US 82	STP 2011(478)ES
PAR	HOPKINS	BU 67-V	STP 2011(628)ES
PAR	HUNT	FM 36	C 642-2-13
PAR	LAMAR	US 82	STP 2011(379)SB
PHR	CAMERON	US 281	STP 2011(480)
PHR	CAMERON	VA	STP 2011(629)ES
SAT	BEXAR	LP 1604	STP 2011(210)ES
SAT	KERR	RM 783	STP 2011(481)HRR
SAT	KERR	SH 27	STP 2011(428)HES
TYL	GREGG	FM 349	STP 2011(618)HES
TYL	GREGG	SH 149	STP 2011(482)
TYL	SMITH	LP 323	STP 2011(630)ES
WAC	CORYELL	BS 36-E	STP 2011(593)ES
WAC	LIMESTONE	US 84	STP 2011(187)HES
WAC	MCLENNAN	LP 340	STP 2011(454)ES
WFS	WICHITA	VA	STP 2011(487)
WFS	WILBARGER	US 287	STP 2011(486)
YKM	AUSTIN	IH 10	STP 2011(631)ES
YKM	FAYETTE	US 77	STP 2011(634)
YKM	GONZALES	US 90	STP 2011(489)
YKM	WHARTON	BU 59-R	STP 2011(491)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**TEXAS-ARKANSAS JOINT HIGHWAY AND TRANSPORTATION CONSTRUCTION CONTRACT
- LET BY THE STATE OF ARKANSAS AGENDA ITEM 11.b.**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ATL	BOWIE	US 59	NH 2009(645)

EMINENT DOMAIN - [AGENDA ITEM 12.b.]

NONCONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
Dallas	SH 78	7	0009-02-056	26
Dallas	SH 78	8	0009-02-056	27
Dallas	SH 78	9	0009-02-056	21
Dallas	SH 78	10	0009-02-056	19
Denton	FM 2181	6	2054-02-018	148
Denton	FM 2181	3	2054-02-018	20
Denton	FM 2181	13	2054-02-018	8
Denton	FM 2181	11	2054-02-018	146
Denton	US 380	2	0134-09-059	24
Dewitt	US 183	1	0154-03-028	2
Ellis	US 287	15	0172-08-054	39E
Montgomery	FM 1774	5	1400-04-027	108
Pecos	US 285	14	0139-07-021	5X
Smith	SH 155	4	0520-02-046	1
Tarrant	SH 26	12	0363-01-123	3

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
Bell	IH 35	Z	0015-06-082	60
Bell	IH 35	C	0015-06-082	92
Bell	IH 35	DD	0015-06-082	87
Ellis	US 287	B	0172-08-054	16
Ellis	US 287	A	0172-08-054	15
Gregg	SL 281	F	1763-03-039	5
Gregg	SL 281	G	1763-03-039	9
McLennan	IH 35	BB	0014-08-082	30AC
McLennan	IH 35	R	0014-08-082	83
McLennan	IH 35	V	0014-08-082	57
McLennan	IH 35	W	0014-08-082	45
McLennan	IH 35	T	0014-08-082	21
McLennan	IH 35	AA	0014-08-082	44
McLennan	IH 35	U	0014-08-082	49
McLennan	IH 35	Y	0014-08-082	6
McLennan	IH 35	L	0014-08-082	40
McLennan	IH 35	X	0014-08-082	80
Tarrant	IH 820	Q	0008-14-093	9
Tarrant	IH 820	I	0008-14-093	5
Tarrant	IH 820	K	0008-14-093	3
Tarrant	IH 820	M	0008-14-093	181
Tarrant	IH 820	N	0008-14-093	183
Tarrant	IH 820	P	0008-14-093	6
Tarrant	IH 820	O	0008-14-093	182
Tarrant	SH 114	J	0353-03-088	11

MINUTE ORDERS CAN BE ACCESSED BY SELECTING THE LINK (BLUE MO)
AT THE END OF THE SPECIFIC AGENDA ITEM

(CONTINUED) CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Tarrant	SH 121	S	0364-01-119	569
Tarrant	SH 121	H	0364-01-119	587
Tarrant	SH 121	CC	0364-01-119	572
Tarrant	SH 121	D	0364-01-132	43
Tarrant	SH 121	E	0364-01-132	41