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AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas

THURSDAY

November 16, 2017

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. **Consider the approval of the Minutes** of the October 25, 2017, workshop meeting and the October 26, 2017, regular meeting of the Texas Transportation Commission

3. **Discussion Item**

2018 Unified Transportation Program (UTP) December updates (Presentation)

The UTP is a 10-year statewide plan for transportation project development. The commission approved the 2018 UTP in August of 2017. Staff will provide an overview of the proposed December updates to the program.

4. **Texas Freight Mobility Plan 2017**

Consider the adoption of the Texas Freight Mobility Plan 2017 ([MO](#))

The Texas Freight Mobility Plan 2017 (TFMP) fulfills a federal FAST Act requirement to develop a performance-based, statewide, multimodal freight plan. The Fast Act mandated the development of state freight plans and added three required components: 1) designation of Critical Rural Freight Corridors, 2) designation of Critical Urban Freight Corridors, and 3) development of a 5-year Fiscally Constrained Freight Investment Plan. This minute order adopts the TFMP 2017 as the department's current statewide freight plan. The TFMP 2017 is an update to the department's first Texas Freight Mobility Plan, which was adopted on January 28, 2016.

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

Final Adoption

a. **Chapter 1 - Management**

Amendments to §1.82, §§1.84 - 1.87 and new §1.88 (Advisory Committees)

([MO](#))

The amendments extend the sunset dates for statutory and department advisory committees and add a new activity reporting requirement for each advisory committee. The amendments also change the rules relating to the membership of the port authority advisory committee in accordance with statutory amendments made by Senate Bill 28, 85th Legislature, Regular Session.

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5. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
Final Adoption (continued)
- b. **Chapter 10 - Ethical Conduct by Entities Doing Business with the Department**
Amendments to §10.6 (Conflict of Interest) ([MO](#))
In accordance with Senate Bill 533, 85th Legislature, Regular Session, the revolving door laws have been revised. Amendments to §10.6 revise the definition of conflict of interest for entities who hire former department employees who participated on behalf of the department in a procurement or contract negotiation involving their new employer. The amendments also revise the definition of conflict of interest in Chapter 10 to align with the definition of conflict of interest used in other chapters of the department's rules.
- c. **Chapter 31 - Public Transportation**
Repeal of §31.17, Section 5316 Grant Program and §31.18, Section 5317 Grant Program (Federal Programs) and Amendments to §31.3, Definitions (General); §31.11, Formula Program (State Programs); §31.30, Section 5339 Grant Program, §31.31, Section 5310 Grant Program, and §31.36, Section 5311 Grant Program (Federal Programs); §31.42, Standard Federal Requirements, §31.43, Contract Requirements, §31.44, Procurement Requirements, §31.45, Accounting and Financial Recordkeeping Requirements, 31.47, Audit and Project Close-Out Standards, and §31.48, Project Oversight (Program Administration); §31.50, Recordkeeping and Inventory Requirements, and §31.57, Disposition (Property Management Standards) ([MO](#))
The amendments address the impact of changes in House Bill 1140, 85th Legislature, Regular Session, and appropriations, revise funding allocation formulas, address the impacts of revised federal program guidance, remove obsolete text, and update references to current authorizing statutes. These revised rules will impact urban and rural areas of the state.
6. **Capital Budget Appropriation Request**
Consider approving a request to the governor and the Legislative Budget Board to increase the capital budget appropriation to the Facilities Capital Program ([MO](#))
This minute order authorizes the chairman to submit to the governor and the Legislative Budget Board, on behalf of the commission and in accordance with the prescribed guidelines, a request for the transfer of amounts to the department's Facilities Capital Program.
7. **Contracts**
Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings.
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.
- a. **Construction of Highways and Other Transportation Facilities**
(see attached itemized list) ([MO](#))
- b. **Highway Maintenance**
(see attached itemized list) ([MO](#))

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8. Eminent Domain Proceedings

Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached itemized 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 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.

9. Routine Minute Orders and Reports

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner's land (see attached itemized list) ([MO](#))

b. Real Estate Dispositions

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.

(1) **Collin County** - US 75, southwest corner at Eldorado Parkway in McKinney - Consider the sale of right of way to an abutting landowner ([MO](#))

The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.

(2) **Taylor County** - SL 322 and SH 36 in Abilene - Consider the transfer of right of way to Taylor County ([MO](#))

The district has determined that the land is no longer needed for highway purposes. Taylor County (county) has requested the land to be transferred to the county. Future maintenance costs exceed the value of the property, and the land may be transferred to the county without cost.

(3) **Tom Green County** - US 67 at FM 2288 in San Angelo - Consider the transfer of right of way to the City of San Angelo ([MO](#))

The district has determined that the land is no longer needed for a state highway purpose. The City of San Angelo (city) will assume control, jurisdiction, and maintenance and has requested the land be transferred to the city for local road purposes. The land may be transferred to the city without cost, with the provision that it reverts to the state if it ceases to be used for public road purposes.

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9. **Routine Minute Orders and Reports (continued)**

c. **Reports**

Compliance Division report

State law requires the commission to establish a compliance program, which must include a Compliance Division to oversee the program. The Compliance Division 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 Division is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.

d. **Speed Zones**

Various Counties - Consider the establishment or alteration of 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.

10. **Executive Session** Pursuant to Government Code, Chapter 551

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

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 department. 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 Robin Carter at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-936-0928.

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TEXAS TRANSPORTATION COMMISSION AGENDA

**Attached Lists
November 16, 2017**

Construction of Highways and Other Transportation Facilities - State Let (a)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ABL	HOWARD	IH 20	STP 2018(314)HES
AMA	HEMPHILL	US 83	STP 2018(282)
AMA	POTTER	IH 40	NH 2018(284)
ATL	BOWIE	US 71	STP 1702(446)HES
AUS	GILLESPIE	US 87	STP 2018(270)
AUS	HAYS	SH 21	NH 2018(272)
AUS	LEE	US 290	BR 2018(271)
BWD	EASTLAND	SH 206	STP 1702(798)
BWD	STEPHENS	US 183	STP 2018(244)
CHS	HALL	US 287	NH 2018(306)
CRP	BEE	FM 351	STP 2018(273)
DAL	DALLAS	VA	STP 2018(303)
DAL	DALLAS	IH 635	C 2374-1-180
ELP	EL PASO	VA	STP 2018(265)
HOU	HARRIS	MH	HP 1702(559)
HOU	HARRIS	CS	STP 2002(151)TP
HOU	HARRIS	SL 8	STP 2018(292)TP
HOU	MONTGOMERY	SH 249	STP 2018(315)
LBB	LAMB	US 84	NH 2018(286)
LFK	ANGELINA	FM 1194	STP 2018(254)HES
LFK	HOUSTON	SH 7	NH 2018(252)
ODA	MARTIN	IH 20	NH 2018(266)
PAR	HUNT	FM 1569	STP 2018(280)
PAR	RED RIVER	FM 1158	STP 2018(279)

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Construction of Highways and Other Transportation Facilities - State Let (a)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
PHR	BROOKS	US 281	NH 2018(316)
SAT	GUADALUPE	SH 123	NH 2017(562)
SJT	KIMBLE	IH 10	NH 2018(061)
TYL	SMITH	CS	STP 2017(443)TAPS
WAC	BELL	FM 817	BR 2017(899)
WAC	BELL	US 190	STP 2018(251)HES
WFS	WILBARGER	US 287	NH 2018(247)
WFS	YOUNG	SH 114	NH 2018(249)
YKM	AUSTIN	SH 36	NH 2018(332)
YKM	DEWITT	FM 237	STP 2018(256)HES
YKM	GONZALES	SH 97	STP 2018(255)

Highway Maintenance - State Let (b)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ABL	HOWARD	IH 20	RMC - 632123001
ATL	BOWIE	FM 44	RMC - 631922001
ATL	BOWIE	US 67	RMC - 632228001
AUS	BASTROP	SH 71	RMC - 632254001
AUS	TRAVIS	IH 35	RMC - 632110001
AUS	TRAVIS	IH 35	RMC - 632342001
AUS	TRAVIS	IH 35	RMC - 632419001
BMT	JEFFERSON	US 69	RMC - 632077001
BMT	ORANGE	BU 90Y	RMC - 631706001
BRY	WASHINGTON	US 290	RMC - 632302001
DAL	DALLAS	IH 20	RMC - 631521001
DAL	DALLAS	IH 30	RMC - 631522001
DAL	DALLAS	US 80	RMC - 631751001
DAL	DALLAS	US 67	RMC - 631752001
DAL	DALLAS	SH 78	RMC - 631905001
DAL	DALLAS	IH 30	RMC - 632022001

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Highway Maintenance - State Let (b)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
DAL	DALLAS	US 80	RMC - 632053001
DAL	DALLAS	IH 35E	RMC - 632062001
DAL	DALLAS	IH 35E	RMC - 632091001
DAL	ROCKWALL	IH 30	RMC - 632071001
HOU	GALVESTON	SH 87	RMC - 631139001
HOU	GALVESTON	SH 146	RMC - 632184001
HOU	HARRIS	IH 610	RMC - 631649001
PHR	HIDALGO	IH 2	RMC - 632180001
WAC	CORYELL	US 84	BPM - 632305001
WAC	MCLENNAN	US 84	RMC - 631244001
WFS	ARCHER	US 82	RMC - 632400001
WFS	WICHITA	FM 368	RMC - 632020001
YKM	GONZALES	UA 90	RMC - 632014001
YKM	GONZALES	UA 90	RMC - 632065001

Eminent Domain

Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
El Paso	FM 659	J	1046-01-033	11
Ellis	US 287	D	0172-05-120	6,6AC
Harris	IH 610	F	0271-16-141	108
Harris	IH 610	G	0271-16-141	109
Potter	IH 40	A	0275-01-196	1
Potter	IH 40	B	0275-01-196	2
Potter	IH 40	H	0275-01-196	4
Potter	IH 40	I	0275-01-196	5
Potter	IH 40	C	0275-01-196	6
Potter	IH 40	E	0275-01-196	8

Eminent Domain

Non-Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Bexar	US 281	24	0253-04-151	9
Burnet	US 281	33	0252-02-055	3
Burnet	US 281	34	0252-02-055	4
Burnet	US 281	32	0252-02-055	5
Burnet	US 281	37	0252-02-055	7

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Eminent Domain

Non-Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Comal	FM 1103	31	1268-01-014	27
Ellis	US 287	8	0172-05-120	4
Ellis	US 287	13	0172-05-120	5
Ellis	US 287	18	0172-05-120	8
Fort Bend	SH 36	36	0188-02-038	105
Fort Bend	SH 36	39	0188-02-038	228
Gregg	FM 2206	38	2073-01-012	30
Gregg	FM 2206	16	2073-01-012	45
Gregg	FM 2206	10	2073-01-012	51
Gregg	FM 2206	9	2073-01-012	58
Gregg	FM 2206	11	2073-01-012	67
Gregg	FM 2206	12	2073-01-012	69
Guadalupe	FM 1103	30	1268-02-028	17
Guadalupe	FM 1103	29	1268-02-028	58
Harris	FM 2100	35	1062-04-059	314
Harris	FM 2100	40	1062-04-059	316
Harris	FM 2100	20	1062-04-059	335
Lubbock	FM 179	25	0880-04-034	7
Lubbock	FM 179	2	0880-04-034	32
Lubbock	FM 179	17	0880-04-034	40
Lubbock	FM 179	21	0880-04-034	41
Lubbock	FM 179	22	0880-04-034	43
Lubbock	FM 179	19	0880-04-034	45
Lubbock	FM 179	27	0880-04-034	51
Lubbock	FM 179	23	0880-04-034	52
Lubbock	FM 179	4	0880-04-034	56
Montgomery	FM 2978	28	3050-02-030	2
Nueces	US 181	14	0101-06-109	205
Potter	SL 335	7	0904-02-039	12
Randall	SL 335	1	0904-11-060	3
Randall	SL 335	3	0904-11-060	5
Randall	SL 335	26	0904-11-060	9
Randall	SL 335	15	0904-11-060	18
Roberts	FM 282	5	0798-01-027	1
Roberts	FM 282	6	0798-01-027	2

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Archway WC59. Humble, Ltd	HOU	Harris	Design and construction of a right turn deceleration lane from northbound I-69 Feeder into the Park Air 59 development in Humble.

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Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
British Embassy Washington	PFD	N/A	Full travel costs, to include course costs, airfare, transportation, lodging for 5 nights, meals, and incidentals, for Marcus Coronado, P.E., PPP Project Manager to attend and participate in a round table discussion at the UK Infrastructure and Projects Authority's Public Private Partnership (PPP) and Infrastructure Foundation Course in London, England.
Formula Market, Inc.	AUS	Bastrop	Design and construction of the installation of a center turn lane and right turn lane on FM 812 at Stork Road in Del Valle.
Graham Memorial Post 8567, Veterans of Foreign Wars of the United States, Graham, Texas	TRF	Jack & Young	Funds to design, fabricate and install two memorial highway designation signs on US 380 between the municipal limits of Graham to the municipal limits of Bryson, within Young County and Jack County.
La Bala De Plata Investments, LLC dba West Henly Materials	AUS	Blanco	Design and construction of a left turn lane and a right turn/deceleration lane on US 290 for access to donor's business in Henly.
Lone Star Film Society, Inc.	CMD	N/A	Two all access badges to the 2017 Lone Star Film Festival in Fort Worth, Texas.
McMillin Texas Development, LLC	SAT	Kendall	Design and construction of highway improvements for the northbound left turn lane on FM 1376 approximately 1.8 miles north of US 87 BUS in Boerne.
Vanbrooke, LLC	HOU	Fort Bend	Design and construction of a northbound left-turn lane and southbound right-turn lane on FM 359 into the Vanbrooke development in Houston.
Veteran Outdoors, Inc.	TRF	Leon	Funds to design, fabricate and install two memorial highway designation signs on the portion of I-45 between mile marker 151 and mile marker 168 within Leon County.

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Donations to the Department

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Westlake Bible Church dba Austin Ridge Bible Church	AUS	Travis	Design and construction of a deceleration lane and installation of a traffic signal within TxDOT's right of way on RM 2244 in Austin.