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AGENDA

TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

**THURSDAY
June 28, 2018**

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. **Consider the approval of the Minutes** of the May 24, 2018, regular meeting of the Texas Transportation Commission

3. **Contracts**

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)

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)

c. **Construction and Rehabilitation of Buildings**

(see attached itemized list) (MO)

4. **Discussion Items**

a. **Innovation and Cost Efficiency Culture update** (Presentation)

Fiscal responsibility is a part of the department's goal to foster stewardship and ensure the efficient use of state resources. It is inherent to the department's values. This presentation will provide an update on the work that continues to take place regarding the efficient use of fiscal resources through innovation, efficiencies, and cost savings which will allow for the delivery of more projects.

b. **Development of 2019 Unified Transportation Program (UTP) and 2019-2022 Statewide Transportation Improvement Program (STIP)** (Presentation)

The UTP is a 10-year statewide plan for transportation project development. The STIP is a 4-year program of surface transportation projects required by federal law. Staff will provide an update on the development of the 2019 UTP and the 2019-2022 STIP.

5. **Aviation**
Various Counties - Consider the award of federal and state grant funding, and federal non-primary entitlement grant funding for airport improvement projects at various locations (MO)
Federal law authorizes the award of federal state apportionment grant funding and federal non-primary entitlement grant funding to preserve and improve the state's general aviation system. State law authorizes the award of state grant funding for capital improvement projects.

6. **Public Transportation**
Various Counties - Consider the award of FY 2019 state public transportation grant program funds to transit districts serving rural, small urban, and large urban areas of the state and the award of state and federal formula and discretionary grant program funds to multiple entities for a variety of program-eligible purposes (MO)
The awards identified in this minute order reflect the allocation of fiscal year 2019 state funds to large urban, small urban, and rural transit districts; the allocation of Section 5304 funds for Regionally Coordinated Transportation Planning; the second year of awards to various entities for the biennial Section 5310 call for projects; the allocation of Section 5311 funds to rural transit districts based on vehicle miles; the allocation of Section 5311 funds to three agencies to address impacts from changes of transit district boundaries; the allocation of fiscal year 2017 and 2018 Section 5339 funds to rural transit districts; and the allocation of funds to various entities that responded to the biennial Coordinated Call for Projects.

7. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
 - a. **Proposed Adoption**
 - (1) **Chapter 1 - Management**
Amendments to §1.24, Filing of Petition; Procedure for Filing Petition and Other Documents, §1.25, Procedure for Service of Documents, and §1.36, Proposal for Decision; Filing of Exceptions and Replies (MO)
These amendments change the manner that a petition for beginning a contested case may be delivered to the department by deleting the fax option and substituting an email option. The amendments do not affect the delivery of a petition by U.S. mail or overnight delivery service, or by hand.
 - (2) **Chapter 15 - Financing and Construction of Transportation Projects**
New §§15.250-15.261, Ship Channel Improvement Revolving Loan Program (MO)
To implement Senate Bill 28, 85th Legislature, Regular Session, the proposed rules establish a new Ship Channel Improvement Revolving Loan Program to use money from the Ship Channel Improvement Revolving Fund, created under Transportation Code, Chapter 56, to finance qualified projects for navigation districts.
 - (3) **Chapter 25 - Traffic Operations**
Amendments to §25.977, Reporting by Investigating Officers (MO)
These amendments implement the change made to Transportation Code Section 550.062(b) in Senate Bill 312, Section 45, 85th Legislature, Regular Session, requiring web-based filing of a law enforcement officer's written accident report beginning September 1, 2019.

7. **Promulgation of Administrative Rules (continued)**
 - b. **Final Adoption**
Chapter 27 - Toll Projects
Amendments to §27.81, Free Use of Turnpike Project by Military Vehicles, §27.82, Toll Operations, and §27.83, Contracts to Operate Department Toll Projects (Operation of Department Toll Projects) (MO)
The amendments are necessary for more effective management of department toll projects. The amendments delete outdated references to operational elements that are no longer in use and clarify current procedures. The amendments also provide that customer account fees and administrative fees may be waived or dismissed in accordance with operational policies. Additionally, the amendments specify the requirements that apply to the procurement of contracts to operate department toll projects.
8. **Transportation Corporation Appointments**
 - a. **Grand Parkway Transportation Corporation**
Consider the appointment of a director to the Grand Parkway Transportation Corporation (MO)
The commission authorized the creation of the corporation and appointed three directors to the corporation's board in March 2012. After that initial appointment, vacancies on the board have required subsequent appointments. There will be a vacancy on the board.
 - b. **Private Activity Bond Surface Transportation Corporation**
Consider the appointment of a director to the Texas Private Activity Bond Surface Transportation Corporation (MO)
The commission authorized the creation of the corporation and appointed three directors to the corporation's board in October 2008. After that initial appointment, vacancies on the board have required subsequent appointments. There will be a vacancy on the board.
9. **Annual Highway Safety Plan**
Consider approval of funding for the 2019 Highway Safety Plan (MO) (Presentation)
The department develops and implements an annual Highway Safety Plan (HSP). Federal funds are allocated by the National Highway Traffic Safety Administration and are used for traffic safety grants identified in the HSP. The HSP organizes anticipated grants into focus-oriented program areas. This minute order lists the number of grants in each program area and the allocated amounts for FY 2019.
10. **Purchase Order Amendment**
Consider the approval of a material change to a purchase order awarded under Chapter 2155 of the Texas Government Code for the provision of traffic safety services for the Highway Emergency Response Operator (HERO) Program (MO) (Presentation)
This minute order proposes an amendment to a purchase order awarded under Government Code, Chapter 2155 for the provision of traffic safety services for the Highway Emergency Response Operator (HERO) Program. Section 2155.088, Government Code, requires that the governing body of a state agency, at a meeting, consider a material change to the contract for goods or services awarded under Chapter 2155, Government Code, and consider why that change is necessary. The proposed amendment is a material change under Chapter 2155.

11. **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.
12. **Routine Minute Orders and Reports**
- a. **Donations to the Department**
Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)
State statutes require the commission to acknowledge the acceptance of a gift to the department that is valued at \$500 or more. By the adoption of this minute order, the commission acknowledges the receipt and acceptance of the property specified in the minute order.
- 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.
- (1) **Bell County** - FM 439 in Killeen - Consider the transfer of control, jurisdiction, and maintenance and transfer of right of way to the City of Killeen (MO)
Segments of FM 439 were removed from the highway system by Minute Order 108787, passed January 31, 2002. The city has been maintaining these segments as city streets for a number of years and has requested the transfer of the right of way to the city to remain in use for public road purposes. The property 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.
- (2) **Cameron County** - US 83 at old US 77 in Brownsville - Consider the sale of an easement to the City of Brownsville (MO)
The district has determined that the easement is no longer needed for a state highway purpose. The city is the underlying fee owner of the property and has agreed to purchase the easement. The easement may be sold to the city.
- (3) **El Paso County** - US 62/US 85 in El Paso - Consider the removal from the system, transfer of control, jurisdiction, and maintenance to the City of El Paso (city), and quitclaim of right of way to the city (MO)
The district has determined that a segment of the highway is no longer needed as part of the system. The city has agreed to assume control, jurisdiction, and maintenance. There is no record title to the right of way, and any interest that may have accrued to the state may be quitclaimed to the city without cost.
- (4) **Hidalgo County** - FM 396, northeast of US 83 in Mission - Consider the sale of right of way to the abutting landowner (MO)
The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and it may be sold to the requester.

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

c. **Reports**

(1) **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.

(2) **Report on projects being processed under the department's environmental review process (Report)**

The report identifies projects being processed under the department's environmental review process. A report must be submitted twice a year to the commission, as required by Transportation Code, §201.762(a).

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.

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, 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.