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AGENDA

TEXAS TRANSPORTATION COMMISSION
125 East 11th Street
Austin, Texas

THURSDAY
May 30, 2019

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**
Staff will provide general safety instruction.
2. **Consider the approval of the Minutes** of the April 25, 2019, regular meeting of the Texas Transportation Commission
3. **Acknowledgment of Service**
Recognize by resolution Terry G. McCoy, P.E., Austin District Engineer, for 31 years of service to the department
4. **Road to Zero**
All Counties - Consider establishing the Road to Zero traffic safety goal to reduce the number of deaths on Texas roadways to zero by 2050 ([MO](#)) (Presentation)
5. **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. **Fannin County** - Consider concurring with the award of Oklahoma highway improvement project contract on SH 78 at the Texas/Oklahoma border
The proposed minute order will concur with the award of a contract in the State of Oklahoma pursuant to an agreement signed by Texas Governor Rick Perry and the State of Oklahoma on September 22, 2014. Under this agreement, the Texas Transportation Commission is authorized by 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.
(see attached itemized list) ([MO](#))

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5. **Contracts (continued)**
 - b. **Highway Improvements and Other Transportation Facilities**
(see attached itemized list) ([MO](#))
 - c. **Routine Maintenance**
(see attached itemized list) ([MO](#))
 - d. **Construction and Rehabilitation of Buildings**
(see attached itemized list) ([MO](#))

6. **Design-Build Contracts**
 - a. **Dallas County** - Consider approving the selection of the proposer who submitted the best value proposal to design, develop, construct, and potentially maintain the I-635 LBJ East Project, which is comprised of improvements to the I-635 corridor from US 75 to I-30 in Dallas County, and which includes the full reconstruction of the facility with the addition of one general purpose lane in each direction, authorization to “grandfather” and permit the reconstruction of the existing one tolled managed lane in each direction, construction of continuous frontage roads, and improvements to the I-635/I-30 interchange. Furthermore, consider authorizing the executive director of the department to negotiate and execute a design-build contract and associated capital maintenance agreement with the selected proposer, subject to funding availability in excess of estimated costs. The project will not include funding from sources commonly known as Proposition 1 or Proposition 7. (MO) (Presentation)
On November 9, 2018, the department issued a request for proposals for the design, development, construction, and potential maintenance of the I-635 LBJ East Project (a Texas Clear Lanes project). The project includes the full reconstruction of the facility with the addition of one general purpose lane in each direction, authorization to “grandfather” and permit the reconstruction of the existing one tolled managed lane in each direction, construction of continuous frontage roads, and improvements to the I-635/I-30 interchange. The department has completed its review and evaluation of proposals and is presenting its best value recommendation to the commission.
 - b. **Hidalgo County** - Consider approving the selection of the proposer who submitted the best value proposal for the design, development, construction, and maintenance of the I-2/I-69C Interchange Project as a non-tolled project, which provides for improvements to the I-2/I-69C interchange and operational improvements to I-2 and I-69C in McAllen, Pharr, and San Juan; and consider authorizing the executive director of the department to negotiate and execute a design-build contract and associated capital maintenance contract with the selected proposer, subject to funding availability in excess of estimated costs. (MO) (Presentation)
On August 30, 2018, in Minute Order 115304, the commission authorized the department to issue a request for proposals for the design, development, construction, and potential maintenance of the I-2/I-69C Interchange Project. The department has completed its review and evaluation of proposals and is presenting its best value recommendation to the commission.

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6. **Design-Build Contracts (continued)**
- c. **Jefferson County** - Consider authorizing the department to issue a request for qualifications to design and construct the I-10 Interchanges Project, consisting of non-tolled improvements along I-10 from approximately Walden Road (CR 131) to 7th Street, including the reconstruction of the Cardinal Drive and Eastex Freeway interchanges that includes constructing two-lane direct connectors and widening the roadway approaches to the interchanges on I-10 and US 69, in the City of Beaumont. (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 \$150 million or more. The two I-10 interchanges at US 69 in Beaumont are a critical part of the strategic freight network and hurricane evacuation capacity in Southeast Texas. With the rapid growth of industry in the area, it has become imperative that these interchanges be improved to meet state freight standards and capacity be increased to match the remaining segments of I-10 throughout the Beaumont District. This project will complete an initiative to provide six lanes of interstate traffic from Houston to Louisiana. This project meets the requirements for design-build delivery.*
7. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
- Final Adoption**
- Chapter 9 - Contract and Grant Management**
- Amendments to §9.34, Comprehensive Process ([MO](#))
- The department proposes the adoption of amendments to Texas Administrative Code Title 43, Subchapter C, §9.34 Comprehensive Process. These amendments modify administrative qualification requirements for professional services contracts by establishing the requirements for bonus and incentive compensation to be allowed. The amendments also establish a process for the department to review and approve labor rates for use in negotiations for a 12-month period and clarify that this information will not be provided to negotiators before selection. Additionally, the amendments permit the department to extend the use of an approved indirect cost rate for an additional 90 days beyond the expiration date, if the department has received the provider's annual administrative qualifications information prior to the expiration date. Finally, the amendments clarify that the indirect cost rate in effect at the time negotiations commence is the rate that will be utilized.*
8. **Prohibition Order**
- Various Counties** - Consider issuing an order prohibiting the operation of certain motor vehicles on Texas Department of Transportation toll projects (MO)
- Transportation Code, Section 372.110, authorizes the commission to issue an order prohibiting the operation of a motor vehicle on a department toll project if the registered owner of the vehicle has been finally determined to be a habitual violator, subject to certain notice requirements. A person commits an offense if the person operates a motor vehicle on a toll project in violation of the order. Subsequent offenses may result in impoundment of the vehicle.*
9. **Regional Mobility Authority**
- Brazos County** - Consider authorizing Brazos County to create the Brazos County Regional Mobility Authority ([MO](#))
- In accordance with Chapter 370 of the Transportation Code and 43 TAC §26.11, in November 2018, Brazos County submitted a petition seeking authorization to form the Brazos County Regional Mobility Authority. A public hearing was held on May 7, 2019, to receive public comment on the proposed regional mobility authority.*

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10. **Acquisition of Parcel**
Brazoria County - Consider the approval of the acquisition of a parcel of land along the Gulf Intracoastal Waterway for dredge material placement area 88 ([MO](#))
This minute order authorizes the department to purchase a 355.26-acre parcel of land for the placement of material dredged from the Gulf Intracoastal Waterway, in accordance with the department's role as the non-federal sponsor as designated by the Texas Coastal Waterways Act.

11. **Deed Restriction for Mitigation**
Fannin County - US 82 from SH 121 to SH 56 - Consider authorizing the executive director to execute a deed restriction as required by the United States Army Corps of Engineer's permit ([MO](#))
A deed restriction limiting the use of a 0.9305-acre mitigation tract owned by the department to activities consistent with an aquatic ecosystem preserve is a required condition of the authorization issued by the United States Army Corps of Engineers for this highway project.

12. **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.

13. **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. It must also approve, accept, and acknowledge donations to the state of real property that is valued at \$500 or more.
 - (1) **Brown County** - US 67 - Consider the release of an easement to the underlying fee owner, Leeco Energy & Investments, Inc., a Texas Corporation ([MO](#))
The district has determined that the easement is no longer needed for highway purposes. The easement may be released to Leeco Energy & Investments, Inc.
 - (2) **Fort Bend County** - US 59 - 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.

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13. **Routine Minute Orders and Reports (continued)**
- b. **Real Estate Dispositions (continued)**
- (3) **Fort Bend County - US 59 - (EAST)** - Consider the sale of right of way to a governmental entity ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The governmental entity has requested to purchase the land, and it may be sold to the requester.
- (4) **Fort Bend County - US 59 - (WEST)** - Consider the sale of right of way to a governmental entity ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The governmental entity has requested to purchase the land, and it may be sold to the requester.
- (5) **Williamson County - US 183A** - Consider the sale of a tract to the successful bidder ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The local governmental entities and abutting landowners declined to purchase the land, and it was advertised for sale by sealed bid. A successful bidder has been identified, and the land may be sold to the successful bidder.
- 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. **Finance**
Travis and Williamson Counties - Consider the acceptance of the annual Inspection Report for the Central Texas Turnpike System ([MO](#))
The General Engineering Consultant's annual Inspection Report relates to the 2002 Project of the Central Texas Turnpike System (CTTS), a toll project composed of the SH 130 (Segments 1-4), SH 45N, Loop 1, and SH 45SE project elements, and is required under the CTTS bond indenture. This report must be submitted to the commission following each inspection and on or before the 90th day prior to the end of each fiscal year.
- e. **Highway Designation**
Montgomery County - In the City of Magnolia, consider designating FM 1488 on a new location, designating FM 1488 concurrent with proposed SH 249 and redesignating FM 1488 as BF 1488-P ([MO](#))
This minute order designates FM 1488 on a new location from approximately 1.8 miles west of Magnolia, northward and eastward to the intersection of proposed SH 249, a distance of approximately 4.2 miles; designates FM 1488 concurrent with proposed SH 249 from the intersection of proposed FM 1488 and proposed SH 149 southward to the intersection of existing FM 1488, a distance of approximately 0.9 mile; and redesignates the existing FM 1488 as BF 1488-P from approximately 1.8 miles west of Magnolia eastward to the intersection of proposed SH 249, a distance of approximately 3.4 miles.

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13. **Routine Minute Orders and Reports (continued)**
- f. **Designation of Access Control**
- (1) **Harris County** - SH 99, just east of the City of Katy - Consider the designation of one location on the SH 99 southbound frontage road at which access will be permitted to the abutting property ([MO](#))
The designation of one 30.27-foot break in the control-of-access line will allow the abutting landowner to open one commercial driveway for access to and from the SH 99 southbound frontage road. The district has determined that access may be permitted at the designated location.
- (2) **Smith County** - I-20, in the City of Lindale - Consider the designation of one location on the I-20 westbound frontage road at which access will be permitted for one proposed city street (“Avenue B”) ([MO](#))
The designation of one 185.73-foot break in the control-of-access line will allow the City of Lindale to open a street for access to and from the I-20 westbound frontage road. The district has determined that access may be permitted at the designated location.
- (3) **Smith County** - I-20, in the City of Tyler - Consider the designation of two locations on the I-20 eastbound frontage road at which access will be permitted for two proposed city streets (“Military Drive” and “Declaration Ridge”) ([MO](#))
The designation of two 60-foot breaks in the control-of-access line will allow the City of Tyler to open two streets for access to and from the I-20 eastbound frontage road. The district has determined that access may be permitted at the designated locations.
- g. **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.
14. **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 and will not necessarily be considered by the commission in that order. Agenda items with (MO) are those for 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 such as interpreters for persons who are deaf or hearing impaired, readers, large print, or Braille 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.