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AGENDA

TEXAS TRANSPORTATION COMMISSION

**Texas A&M International University
Student Center Ballroom (2nd Floor)
5201 University Boulevard
Laredo, Texas 78041**

**THURSDAY
February 27, 2014**

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. **Approval of Minutes** of the January 26, 2014, regular meeting of the Texas Transportation Commission

Receive comments from area public officials, community and civic leaders, and private citizens.

3. **Federal Legislative Priorities**

Adopt federal policy priorities document (MO)

Adopt federal policy priorities document that will be used in discussions with the Texas Congressional Delegation, federal agencies, and others as transportation legislation is developed by the United States Congress or as new opportunities are created by federal agencies. Staff has worked with key Texas transportation stakeholders to draft a set of guiding principles for the Commission's consideration.

4. **Regional Mobility Authority**
Webb County and the City of Laredo - Authorize Webb County and the City of Laredo to create the Webb County - City of Laredo Regional Mobility Authority (MO)
In January 2014, Webb County and the City of Laredo submitted a joint petition seeking authorization to form the Webb County - City of Laredo Regional Mobility Authority. A public hearing was held on February 4, 2014 to receive public comment on the proposed regional mobility authority (RMA). At the public hearing, one elected official, the Laredo City Manager and three individuals spoke in favor of the creation of the RMA. One individual spoke in opposition to a specific project. Two individuals submitted written comments, one in favor of creation of the RMA and one opposing the development of a specific toll road.

5. **Transportation Planning**
 - a. **Hidalgo County - Approve the transfer of Border Colonias Access Program funds from previously selected colonia projects to other eligible colonia projects (MO)**
The Border Colonias Access Program rules allow a county to use unexpended funds from a project on any other commission-selected county colonia project. Hidalgo County (county) has requested approval to transfer the remaining portion of the funds previously awarded to the county to other eligible colonia projects.
 - b. **Webb County - In the city of Laredo, redesignate a segment of State Loop 20 as US 59 and redesignate a segment of US 59 as Business US 59-Z (MO)**
This minute order redesignates a segment of State Loop 20 as US 59 from the World Trade Bridge to the junction of State Loop 20 and US 59 in Laredo, a distance of approximately 10.9 miles and redesignates a segment of US 59 as BU 59-Z from the junction of State Loop 20 and US 59 to the southern terminus of US 59 in Laredo, a distance of approximately 3.6 miles. This begins the process of designating US 59 concurrent with the I-69 system in Laredo.

6. **Advisory Committee Appointments**
Appoint members to the Port Authority Advisory Committee (MO)
Created by state law, the purpose of the Port Authority Advisory Committee is to offer advice and recommendations that will provide the commission and the department with a broad perspective regarding maritime ports and transportation-related matters to be considered in formulating department policies concerning the Texas maritime port system.

7. **Aviation**
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.

8. **Public Transportation**
Various Counties - Award transportation development credits to various transit agencies for public transportation projects (MO)
This minute order awards transportation development credits to transit agencies for projects serving urbanized areas in the Corpus Christi and San Antonio areas for use as local match for federal Section 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities.
9. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
- a. **Final Adoption**
- (1) **Chapter 9 - Construction and Grant Management (MO)**
Amendments to §9.3, Protest of Department Purchases under the State Purchasing and General Services Act (General)
This minute order proposes the adoption of changes to the procedure for protesting purchases resulting from the reorganization of the General Services Division within TxDOT.
- (2) **Chapter 9 - Construction and Grant Management (MO)**
Amendments to §9.17, Award of Contract (Highway Improvement Contracts)
These rules apply a bid preference against an out of state manufacturer that manufactures construction materials in a state that applies a similar preference against Texas manufacturers. In addition, the rules provide for a 5% bidding preference to Texas contractors. This preference will not be applied to a contractor from a bordering state if that state does not give a bidding preference to its own resident contractors.
10. **Office of Compliance, Ethics, and Investigations**
Office of Compliance, Ethics, and Investigations 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.

11. **Design-Build Agreements**

- a. **Various Counties** - Consider approval of a project agreement between the department and the North Texas Tollway Authority (NTTA), and a financial backstop agreement between the department, the NTTA, and the Regional Transportation Council (RTC), the transportation policy body of North Central Texas Council of Governments (NCTCOG), relating to the development, financing, design, construction, operation and maintenance of the SH 360 Project in Ellis, Tarrant and Johnson Counties, providing for the construction of toll lanes and other improvements to SH 360 from just south of I-20 to US 287, and authorize the department to issue a request for qualifications for the development, design, construction, and maintenance of the SH 360 Project (MO)

By Minute Order 113802, dated December 19, 2013, the commission authorized the department to negotiate the project agreement for the development of SH 360 from just south of I-20 to US 287 in Tarrant, Ellis and Johnson counties (SH 360 Section 1) and the financial backstop agreement. Under the financial backstop agreement, the RTC will effectively repay the unpaid amount of loan payments and pay certain project operating and maintenance costs through the commission's reduction of any shortfall from the region's Unified Transportation Program (UTP) allocation, or from other available funding, if revenues are insufficient for those purposes. 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. Development of the SH 360 Section 1 Project will provide significant congestion relief within the developing areas of south Arlington, Mansfield and Grand Prairie while providing an improved north/south alternative to DFW regional motorists. The project meets the conditions necessary for design-build delivery.

- b. **Nueces County** – Authorize the department to issue a request for qualifications to develop, design, construct, and potentially maintain the US 181 Harbor Bridge Project in Nueces County (MO) (Presentation)

Transportation Code § 223.201 authorizes the department to enter into a comprehensive development agreement for the U.S. 181 Harbor Bridge project in Nueces County on U.S. Highway 181 between Beach Avenue and Agnes Street on SH 286. The development and completion of the U.S. 181 Harbor Bridge project can be expedited through the use of a public-private partnership agreement, and the employment of innovative methods for the development and financing of projects that are available with a public-private partnership agreement. Development of the US 181 Harbor Bridge Project is a high priority for the state and will help improve safety conditions in Nueces County.

12. **State Infrastructure Bank (SIB)**

- Collin County** - Greater Texoma Utility Authority - Consider granting final approval of an application from the Greater Texoma Utility Authority to borrow up to \$340,000 from the State Infrastructure Bank (SIB) to pay for waterline relocation required for the widening of SH121 (MO)

The department has entered into a standard utility agreement with Greater Texoma Utility Authority regarding waterline relocation within the right of way of planned improvements to widen SH 121 from SH 5 to 1.65 miles east of FM 455. Greater Texoma is requesting SIB financial assistance to pay for costs of relocating the waterlines. Greater Texoma Utility Authority will perform this utility relocation work.

13. **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.

(a) **Highway Maintenance and Department Building Construction**

(see attached itemized list) (MO)

(b) **Highway and Transportation Enhancement Building Construction**

(see attached itemized list) (MO)

14. **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 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.

15. **Routine Minute Orders**

a. **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.

(1) **Bell County** – FM 2410, southwest corner at FM 439 – 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.

(2) **Brazos County** – FM 2154, old alignment at SH 6 – Consider the sale of surplus right of way to an abutting landowner (MO)

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

(3) **McLennan County** – SS 396 west of Lake Air Drive in Waco – 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.

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

a. **Right of Way Dispositions and Donations (continued)**

- (4) **Potter County** – I-40 at Tee Anchor Boulevard in Amarillo – Consider the sale of access rights to the abutting landowner (MO)

A property owner has requested a break in the control-of-access line for a driveway location on the westbound frontage road. The district has determined that access may be allowed to and from the highway facility at the requested location, and access rights may be sold to the abutting landowner.

b. **Finance**

- (1) Accept the annual continuing disclosure report for the State Highway Fund revenue bonds (MO)

Under provisions of the Supplemental Resolutions to the Master Resolution for the State Highway Fund bonds, the commission agreed to provide annual updates for operating and financial information provided in the official statements. Updates are due within six months of each fiscal year end.

- (2) Accept the annual continuing disclosure report for the Texas Mobility Fund (MO)

Under provisions of the Supplemental Resolutions to the Master Resolution for the Texas Mobility Fund, the commission agreed to provide annual updates for operating and financial information provided in the official statements. Updates are due within six months of each fiscal year end.

- (3) **Travis and Williamson Counties** - Accept the annual continuing disclosure report for the Central Texas Turnpike System (MO)

Under provisions of the Indenture of Trust for the Central Texas Turnpike System bonds, the commission agreed to provide annual updates for operating and financial information provided in the official statements. Updates are due within six months of each fiscal year end.

c. **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.

16. **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** - Deliberate on the search for a new executive director of the Texas Department of Transportation

- c. **Section 551.074** - Interview selected applicants for and discuss the employment of the executive director of the Texas Department of Transportation

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 512-936-0942.

TEXAS TRANSPORTATION COMMISSION MEETING
ATTACHED LISTS
February 27, 2014

EMINENT DOMAIN
NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Archer	US 277	24	0156-05-047	12
Archer	US 277	22	0156-05-047	11A
Archer	US 277	23	0156-05-047	13
Dallas	SH 183	4	0094-03-100	38
Dallas	SH 183	18	0094-03-100	37
Dallas	SH 183	32	0094-07-042	33
Dallas	SH 183	33	0094-07-042	34
Harris	FM 1960	17	1685-01-096	1403
Harris	SH 99	20	3510-06-006	215
Harris	SH 99	19	3510-06-006	250B
Harris	SH 99	31	3510-06-006	226
Harris	US 290	13	0050-08-096	709
Harris	US 290	7	0050-09-086	2019
Harris	US 290	14	0050-09-086	2004
Harris	US 290	15	0050-09-086	2052
Harris	US 290	6	0050-09-086	2010
Harris	US 290	5	0050-09-086	2020
Harris	US 290	9	0050-09-086	2005
Harris	US 290	16	0050-09-090	441
Harris	US 290	10	0050-09-090	403
Harris	US 290	11	0050-09-090	404
Montgomery	SH 99	25	3510-07-007	727
Montgomery	SH 99	26	3510-07-007	629, 629TE
Nacogdoches	US 59	8	0176-01-099	5
Nueces	US 77	2	0102-02-100	19
Nueces	US 77	3	0102-02-100	12
Nueces	US 77	1	0102-02-100	11
Randall	SL 335	27	2635-02-027	3C
Randall	SL 335	21	2635-02-027	4
Randall	SL 335	29	2635-02-027	3F
Randall	SL 335	28	2635-02-027	3D
Randall	SL 335	30	2635-02-027	3G
Zapata	US 83	12	0038-04-063	2

EMINENT DOMAIN (continued)
CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	SH 183	Z	0094-07-042	38
Denton	IH 35E	N	0196-02-110	27
Denton	IH 35E	M	0196-01-097	31
Harris	SH 99	S	3510-06-005	146
Harris	SH 99	Q	3510-06-005	148B
Harris	SH 99	R	3510-06-005	109
Harris	SH 99	P	3510-06-006	233
Harris	SH 99	Y	3510-06-006	220, 220TE
Harris	SH 99	X	3510-06-006	346
Harris	SH 99	O	3510-06-006	275B
Harris	US 290	C	0050-08-096	704
Harris	US 290	D	0050-08-096	721
Harris	US 290	F	0050-08-096	701
Harris	US 290	H	0050-08-096	705
Harris	US 290	I	0050-08-096	706
Harris	US 290	J	0050-08-096	726
Harris	US 290	G	0050-09-086	2025
Harris	US 290	B	0050-09-086	2038
Harris	US 290	K	0050-09-086	2029
Harris	US 290	E	0050-09-086	2001
Harris	US 290	L	0050-09-090	438
Harris	US 290	A	0050-09-090	412
Montgomery	SH 99	W	3510-07-007	615
Tarrant	IH 35W	T	0014-16-266	832
Tarrant	IH 35W	V	0014-16-266	825
Tarrant	IH 35W	U	0014-16-266	822

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET

<u>DIST</u>	<u>COUNTY</u> <u>NAME</u>	<u>HIGHWAY</u> <u>NUMBER</u>	<u>CONTROLLING</u> <u>PROJECT NO.</u>
ATL	BOWIE	US 59	RMC - 626812001
AUS	BASTROP	SH 304	RMC - 625575001
AUS	BLANCO	US 281	RMC - 626495001
AUS	GILLESPIE	SH 16	RMC - 626496001
AUS	TRAVIS	IH 35	RMC - 626662001
BMT	JASPER	FM 252	RMC - 626034001
BMT	JASPER	FM 1007	RMC - 626017001
BMT	JEFFERSON	IH 10	RMC - 626516001
BRY	BRAZOS	SH 6	RMC - 626226001
BRY	MILAM	US 79	BPM - 626157001
BRY	WALKER	IH 45	RMC - 626253001
BRY	WALKER	SH 30	RMC - 626225001
CHS	CHILDRESS	US 287	BPM - 625675001
CRP	KARNES	FM 2724	RMC - 626664001
DAL	COLLIN	FM 75	RMC - 626289001
DAL	NAVARRO	SH 31	RMC - 626299001
ELP	EL PASO	IH 10	BPM - 625918001
ELP	EL PASO	IH 10	RMC - 626806001
FTW	TARRANT	SH 360	BPM - 625939001
HOU	GALVESTON	FM 2094	RMC - 626604001
HOU	HARRIS	IH 10	RMC - 626240001
HOU	HARRIS	SH 225	RMC - 626642001
HOU	HARRIS	US 290	RMC - 626336001
HOU	MONTGOMERY	US 59	RMC - 626428001
HOU	WALLER	US 290	RMC - 626549001
LRD	VAL VERDE	US 90	RMC - 624472001
LBB	HALE	IH 27	RMC - 626436001
LBB	LUBBOCK	US 84	BPM - 626706001
LFK	HOUSTON	US 287	RMC - 622640001

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET (continued)**

ODA	MIDLAND	IH 20	RMC - 626836001
PAR	GRAYSON	SH 91	RMC - 626282001
PHR	CAMERON	SH 100	RMC - 626829001
PHR	CAMERON	US 77	RMC - 626858001
SAT	BEXAR	US 281	BPM - 626194001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	SCURRY	US 84	NH 2014(388)
AMA	CARSON	IH 40	IM 0401(211)
AMA	OLDHAM	IH 40	IM 0401(210)
AMA	POTTER	VA	STP 2014(389)G
ATL	CAMP	SH 11	STP 2014(409)HESG
ATL	CASS	SH 8	STP 2014(401)HESG
ATL	HARRISON	US 59	STP 2014(448)HESG
ATL	PANOLA	FM 1971	STP 2014(447)HES
ATL	PANOLA	SH 149	STP 2014(408)
ATL	PANOLA	US 59	STP 2014(450)HESG
AUS	GILLESPIE	CR	BR 2012(703)
AUS	HAYS	SH 21	STP 2013(286)MM
AUS	WILLIAMSON	FM 487	STP 2014(420)
AUS	WILLIAMSON	FM 685	C 757-1-20
BMT	JEFFERSON	SP 215	STP 2014(509)
BMT	LIBERTY	LP 573	STP 2014(412)
BMT	NEWTON	SH 87	STP 2014(413)
BMT	ORANGE	IH 10	BR 2013(226)
BWD	SAN SABA	PW	C 923-25-022
BRY	BRAZOS	SH 6	NH 2014(455)
CHS	HALL	CR	BR 2011(863)
CHS	HARDEMAN	CR	BR 2002(752)

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET (continued)**

CRP	SAN PATRICIO	IH 37	IM 0371(137)
DAL	COLLIN	US 380	NH 2014(392)
DAL	DALLAS	US 175	NH 2014(391)
DAL	DALLAS	VA	STP 2014(390)
DAL	DENTON	FM 720	C 1567-1-25
ELP	EL PASO	SH 20	STP 2013(978)
FTW	ERATH	CR	BR 2009(105)
FTW	JOHNSON	FM 917	STP 2014(394)
FTW	TARRANT	IH 30	IM 0304(099)
HOU	FORT BEND	IH 10	IM 0107(444)
HOU	GALVESTON	VA	C 912-73-190
HOU	HARRIS	CR	STP 2002(149)TE
HOU	HARRIS	IH 45	IM 0451(346)
HOU	HARRIS	SH 6	NH 2014(300)
LRD	WEBB	FM 1472	STP 2014(425)
LBB	LUBBOCK	SH 114	C 130-5-78
LBB	LUBBOCK	US 84	NH 2014(395)
LBB	LUBBOCK	VA	STP 2014(396)
LBB	LUBBOCK	VA	STP 2014(397)
LFK	SAN AUGUSTINE	CR	BR 2013(437)
LFK	SAN JACINTO	US 59	STP 2013(916)
LFK	SHELBY	US 84	STP 2013(516)
PAR	GRAYSON	US 82	NH 2014(441)
PAR	HOPKINS	CR	BR 2013(721)
PHR	HIDALGO	BU 83-S	STP 2014(423)
PHR	HIDALGO	VA	STP 2014(446)
SJT	TOM GREEN	US 87	NH 2014(419)
SAT	COMAL	BS 46-C	C 215-2-48
TYL	VAN ZANDT	SH 198	STP 2014(415)HES

WAC	HILL	SH 81	BR 2014(457)
<u>HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING</u>			
<u>CONSTRUCTION CONTRACTS - STATE LET (continued)</u>			
WFS	COOKE	FM 922	STP 2014(357)
WFS	COOKE	VA	C 903-15-98
YKM	MATAGORDA	CR	BR 2014(299)
YKM	VICTORIA	US 59	NH 2014(454)
YKM	WHARTON	FM 1301	STP 2014(418)