



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

AGENDA

TEXAS TRANSPORTATION COMMISSION
125 East 11th Street
Austin, Texas

THURSDAY
September 18, 2014

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**
Staff will provide general safety instruction.
2. **Approval of Minutes** of the August 27, 2014 workshop meeting and the August 28, 2014, regular meeting of the Texas Transportation Commission
3. **Discussion**
 - a. **Implementation of 3D Design and ProjectWise (Presentation)**
Presentation and discussion of efforts to implement 3D Design and ProjectWise within the department on selected projects to increase design efficiency and provide more complete construction information to contractors during the letting process.
 - b. **Proposition 1 Stakeholder Committee Report (Presentation)**
Provide report to the Texas Department of Transportation on the distribution of potential funding provided by the Transportation Funding Ballot Proposition using existing formulas adopted by the Texas Transportation Commission.
 - c. **Assessment and discussion of historic and future project delivery and priorities of the Unified Transportation Program (Presentation)**
Staff will present a summary of historic results of project delivery through the Unified Transportation Program (UTP) and an assessment of future opportunities based on current forecasted funding levels and potential additional impacts that federal funding extensions and Proposition 1 may have on new project opportunities for the state. Priorities for future updates to the UTP, including consideration of existing project and program funding commitments, will be discussed.
4. **Speed Restrictions**
Montgomery County - Issue an order to extend speed restrictions to Grand Harbor Boulevard (MO)
Issue an order to extend speed restrictions to Grand Harbor Boulevard, which is a private road, from Walden Road to Peel Road based on a petition from affected area residents.

5. **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.

6. **Advisory Committee Appointment**
Appoint members to the Bicycle Advisory Committee (MO)
The Bicycle Advisory Committee advises the commission on bicycle issues and matters of mutual concern between the department and the bicycling community. By involving representatives of the public, including bicyclists and other interested parties, the department helps ensure effective communication with the bicycle community, and that the bicyclist's perspective will be considered in the development of departmental policies affecting bicycle use, including the design, construction, and maintenance of highways.

7. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
 - a. **Final Adoption**
 - (1) **Chapter 11 - Design (MO)**
New §§11.300-11.317 (Transportation Alternatives Program)
The proposed sections implement the Transportation Alternatives Program (TAP) as authorized by the Moving Ahead for Progress in the 21st Century Act (also known as MAP-21). The TAP provides funding for a variety of alternative transportation projects, including many that were previously eligible under separately funded programs.
 - (2) **Chapter 16 - Planning and Development of Transportation Projects (MO)**
Amendments to §16.153, Funding Categories, and §16.154, Transportation Allocation Funding Formulas (Transportation Funding)
The amendments to §16.153 reflect changes to the descriptions of Category 8 (Safety) and Category 9 (formerly Transportation Enhancements) as needed to implement the Transportation Alternatives Program. The amendments to §16.154 describe the method by which funds will be allocated under Category 9.
 - (3) **Chapter 21 - Right of Way (MO)**
Amendments to §§21.31-21.40 (Utility Accommodation), and new §§21.961-21.968 (Leasing of Right of Way to Saltwater Pipeline Operators)
These amendments add new Subchapter R to 43 TAC Chapter 21 to provide leasing requirements to implement Senate Bill 514 of the 83rd Regular Session, which authorized the placement of saltwater pipeline facilities within the right of way by a lease agreement. In addition, minor or non-substantive changes are made to Chapter 21, Subchapter C, Utility Accommodations, to modify definitions and terms of relocation for salt water pipeline facilities in conformance with Senate Bill 514 provisions.

7. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
- a. **Final Adoption (continued)**
- (4) **Chapter 21 - Right of Way (MO)**
Amendments to §21.146, Exempt Signs, §21.187, Spacing of Signs, and §21.189, Sign Height Restrictions, (Regulation of Signs Along Interstate and Primary Highways); and §21.405, Exemptions (Control of Signs Along Rural Roads)
These amendments propose changes to rules regulating signs along roadways in the state. They include changes being made in response to public comments that were received for the sign rules proposed in January 2014 and scheduled for final adoption this month and that were beyond the scope of that rulemaking.
- (5) **Chapter 25 - Traffic Operations (MO)**
Amendments to §25.1, Uniform Traffic Control Devices
This amendment revises the Texas Manual on Uniform Traffic Control Devices adopted by reference in §25.1 to accommodate changing transportation needs, provide new traffic control tools and to clarify and maintain consistency with the National Manual on Uniform Traffic Control Devices.
- (6) **Chapter 27 - Toll Projects (MO)**
Amendments to §27.80, Definitions, and §27.82, Toll Operations (Operation of Department Toll Projects)
These amendments would authorize the executive director of the department or designee to establish toll rates for the use of a department toll project where dynamic pricing is in effect. During the dynamic pricing phase, tolls are continually adjusted according to traffic conditions to maintain a free-flowing level of traffic, generally based on a prescribed algorithm.
- b. **Proposed Adoption**
- (1) **Chapter 23 - Travel Information (MO)**
Repeal of §§23.1 - 23.2, General Provisions, §23.10 and §§23.12 - 23.14, Travel Information, §§23.28 - 23.29, Texas Highways Magazine, §§23.51 - 23.59, Promotional Product Program, and §§23.101 - 23.105, Merchandising Program; and simultaneously proposing new §§23.1 - 23.2, General Provisions, §§23.11 - 23.20, Travel Information, §§23.41 - 23.50, Travel Information Centers, §§23.61 - 23.73, Promotional Product Program, and §§23.81 - 23.85, Subscriber and Purchaser Information.
These new rules concern changes to policies and procedures of the Travel Information Division. The rules repeal 43 TAC Chapter 23 in its entirety and replace it with a new chapter. Generally, the changes are non-substantive formatting changes that improve consistency and streamline the Travel Division's programs by combining the Promotional Product Program and Merchandising Program. The major substantive change allows for the selling of limited commercial advertising at travel information centers in accordance with new federal and state law.

7. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
- b. **Proposed Adoption (continued)**
- (2) **Chapter 25 - Traffic Operations (MO)**
Amendments to §25.401, Definitions, §25.404, Specifications for Information Logo Signs, §25.405, Commercial Establishment Eligibility, §25.407, Logo Sign Program Operation, and §25.408, TOD Sign Program Operation (Information Logo Sign and Tourist-Oriented Directional Sign Program)
These amendments propose changes to the Logo and TOD sign program to update and streamline the administrative processes and to make changes necessary to comply with the current Texas Manual on Uniform Traffic Control Devices.
- (3) **Chapter 28 - Oversize and Overweight Vehicles and Loads (MO)**
Amendments to §28.100, Purpose, and §28.102, Authority's Powers and Duties (Hidalgo County Regional Mobility Authority Permits)
These amendments designate additional routes to the oversize/overweight corridor used by the Hidalgo County Regional Mobility Authority for the issuance of oversize/overweight permits.
8. **Audit Plan**
Approve the Audit Plan for Fiscal Year 2015 and determine whether adequate resources have been dedicated to the internal audit program (MO)
State law requires the internal auditor to create an annual audit plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The audit plan must be approved by the commission. In addition, the commission must review the resources dedicated to the internal audit program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are covered in a reasonable timeframe.
9. **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.
10. **Toll Roads**
- a. **Various Counties** - Revise fees to be charged for administering electronic toll collection customer accounts (MO)
State law authorizes the department to charge reasonable fees for administering electronic toll collection customer accounts. The department's administrative rules related to toll operations provide that those fees will be set by order of the commission. Customer account fees may include fees for various types of tags, account statements, account maintenance, returned checks, and account reactivation. This minute order revises the amount of the returned check fee and suspends use of the account reactivation fee.

10. **Toll Roads (continued)**

- b. **Various Counties** - Consider the repeal of requirement for guidelines for evaluating state highway system mobility projects for development as toll roads (MO)

Minute Order 109519, which was adopted in 2003, provided for the establishment and implementation of guidelines for evaluating state highway system mobility projects for development as toll roads. The resulting guidelines were implemented, but the requirement that added capacity projects be evaluated for the feasibility of being a toll road is now obsolete and unnecessary. Therefore, Minute Order 109519 is being considered for repeal.

11. **Transportation Infrastructure Finance and Innovation Act**

- Dallas and Denton Counties** - Approve the negotiation with the United States Department of Transportation (USDOT) of a loan to the commission in an aggregate principal amount not to exceed \$300 million pursuant to the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA loan) to pay a portion of the eligible project costs of the I-35E Managed Lanes Project (project) comprising the redevelopment of approximately 28 miles of I-35E between I-635 and US 380; authorize the execution of a TIFIA loan agreement, a TIFIA loan note, a master trust agreement and first supplemental agreement for the project and ancillary documents; and authorize the designated commission representative to take all action necessary to permit the execution and delivery of the TIFIA loan agreement, the TIFIA loan note, trust agreement documents and ancillary documents on such terms as the commission representative designated under this minute order shall approve (MO)

This minute order gives final approval to the TIFIA loan documents and trust agreement documents authorized pursuant to Minute Order 113744, dated October 31, 2013, to be negotiated with the TIFIA loan office of USDOT, executed and delivered, and authorizes the issuance of a TIFIA loan note in an aggregate principal amount not to exceed \$300 million, with such changes in the TIFIA loan documents and trust agreement documents as the commission representative designated under the minute order shall approve.

12. **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.

13. **Routine Minute Orders**

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)

The donations will ensure the safety of the traveling public.

b. **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) **Bastrop County** - SH 71 at FM 20 west of Bastrop - Consider the sale of right of way to the abutting landowners (MO)

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

(2) **Bexar County** - US 281 south of Bulverde Road - Consider an exchange of drainage easements (MO)

The fee owner of the property has requested the department to release an existing drainage easement to facilitate development of the property and has granted a new easement to the state for realignment of the drainage facility. The district has determined that a portion of the existing drainage easement is no longer needed for highway purposes and recommends the exchange.

(3) **El Paso County** - SL 375 adjacent to Union Pacific Railroad (UPRR) tracks near S. Park Street - 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, UPRR, is undertaking a track extension. UPRR has requested to purchase the land, and it may be sold to the abutting landowner.

(4) **Harris County** - I-10 at Barker-Clodine Road - 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. One abutting landowner has waived interest in purchasing any portion of the land, and the land may be sold to the abutting landowner making the request to purchase it.

(5) **Harris County** - US 290 at SH 99 - Consider an exchange of right of way (MO)

The property owner of land needed for a highway project is willing to exchange the land for existing right of way no longer needed for highway purposes. The district has recommended the exchange.

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

c. **Transportation Planning**

Various Counties - Certify eligible counties for the 2015 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

This minute order certifies the counties to participate in the Economically Disadvantaged Counties Program for Fiscal Year 2015 and sets forth the local match adjustment for each county and certain cities participating in the program. State law requires the commission to annually certify economically disadvantaged counties as soon as possible after the comptroller reports on the relevant economic indicators.

d. **Professional Services Contracts**

Approval to amend certain limitations of Minute Order 110543 to allow for work performed under indefinite deliverable contracts authorized under that minute order to be utilized on any statewide alternative delivery projects, including projects developed under comprehensive development agreements (CDA), design-build agreements, or other innovatively funded or developed methods (MO)

The expeditious delivery, oversight and management of CDA, Design-Build, and other innovatively delivered projects will require the assistance and support of various professional services consultant contracts. This minute order authorizes the revised use of certain indefinite deliverable consultant contracts that will deliver and implement these projects.

e. **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.

14. **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

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

* * *

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
September 18, 2014

EMINENT DOMAIN
NON-CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Dallas | US 75 | 12 | 0047-07-222 | 6 |
| Dallas | US 75 | 11 | 0047-07-222 | 11 |
| Dallas | US 75 | 9 | 0047-07-222 | 7 |
| Denton | FM 156 | 1 | 0718-01-065 | 11 |
| Denton | FM 156 | 4 | 0718-01-065 | 42 |
| Denton | FM 156 | 5 | 0718-01-065 | 36 |
| Denton | FM 156 | 6 | 0718-01-065 | 17 |
| Denton | FM 156 | 7 | 0718-01-065 | 40 |
| Denton | FM 156 | 3 | 0718-01-065 | 41 |
| Denton | FM 156 | 2 | 0718-01-065 | 10 |
| Denton | FM 156 | 8 | 0718-01-065 | 43 |
| El Paso | SS 1966 | 15 | 3628-01-002 | 3X |
| Grimes | SH 30 | 13 | 0212-04-034 | 6 |
| Harris | US 290 | 14 | 0050-08-090 | 817 |
| Montgomery | SH 99 | 10 | 3510-07-007 | 760 |

EMINENT DOMAIN
CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Denton | IH 35E | C | 0196-01-100 | 31 |
| Denton | IH 35E | B | 0196-02-115 | 149 |
| Harris | IH 45 | A | 0500-03-546 | 301A |
| Harris | SH 99 | D | 3510-06-006 | 356 |

DONATIONS TO THE DEPARTMENT

| <u>DONOR</u> | <u>DIST</u> | <u>COUNTY</u> | <u>DONATION DESCRIPTION</u> |
|--|--------------------|----------------------|--|
| American Legion Post 474 | TRF | Gregg & Upshur | An amount sufficient to design, fabricate and install two memorial designation signs. |
| Friendswood Development Company, LLC | HOU | Fort Bend | Design and construction of a right-turn deceleration lane from eastbound FM 1093 into the Lakemont Superstore development in Richmond. |

DONATIONS TO THE DEPARTMENT (continued)

| <u>DONOR</u> | <u>DIST</u> | <u>COUNTY</u> | <u>DONATION DESCRIPTION</u> |
|---|--------------------|----------------------|---|
| Geltmore Aldea, LLC | ELP | El Paso | Site improvements at Mesa Park Drive and Executive Center Drive in El Paso to include a drainage culvert extension, bridge abutment, retention walls, and placing embankment/fill at grade level. |
| Generations Subdivision Owners Association, Inc. | SAT | Comal | Design and construction for the addition of a right turn lane at the proposed street intersection with FM 1101 for the Generations Subdivision in New Braunfels. |
| HOLT Texas, Ltd. dba HOLT CAT | FOD | N/A | One HOLT ProTech's Electronic Troubleshooting (DE205) course. |
| International Regional Magazine Association, Inc. | TRV | N/A | Travel costs to include airfare, lodging and meals for Joan Henderson, Publisher of Texas Highways Magazine, to attend familiarization site visit to San Diego on August 22-25, 2014. |
| RH of Texas Limited Partnership and Ashton Houston Residential L.L.C. | HOU | Fort Bend | Design and construction of a right-turn deceleration lane and a left-turn deceleration lane along FM 359 at the Creekside Ranch development in Fulshear. |
| Stripes LLC | BWD | Brown | The sum of \$123,749 for the construction of new traffic signal at Crockett Dr. and US 377 in Brownwood. |