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AGENDA

TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

**THURSDAY
July 29, 2021**

NOTE:

Persons with special needs or disabilities who require auxiliary aids or services are requested to contact Robin Carter at (512) 305-9536 at least three working days before the day of the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-305-9500.

10:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. **Consider the approval of the Minutes** of the June 30, 2021, special meeting and the June 30, 2021, regular meeting of the Texas Transportation Commission

3. **Acknowledgment of Service**

- a. Recognize by resolution Director of Engineering and Safety Operations Michael Lee, P.E. for nearly 24 years of service to the department
- b. Recognize by resolution Environmental Affairs Division Director Carlos Swonke, for nearly 21 years of service to the department

4. **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. **Highway Improvement and Other Transportation Facilities**
(see attached itemized list) (MO)
- b. **Routine Maintenance**
(see attached itemized list) (MO)
- c. **Construction and Rehabilitation of Buildings**
(see attached itemized list) (MO)

5. **Ysleta Bridge and Bridge of the Americas (BOTA) International Ports of Entry**
El Paso County - City of El Paso - Consider approval of participation by the state in the form of a grant to the City of El Paso in the amount of up to \$18,000,000 for the payment of a portion of the costs of a project generally described as the Intelligent Transportation Systems Infrastructure project at the Ysleta Bridge (commonly known as Zaragoza Bridge) and Bridge of the Americas (BOTA) International Ports of Entry (MO)
This minute order will authorize the department to participate in the form of a grant in a project generally described as the Intelligent Transportation Systems Infrastructure project. Rider 44 in the General Appropriations Act, 86th Legislature, Regular Session, 2019, requires the allocation of funds in an amount not to exceed \$32,000,000 from any available source of revenue to provide funding for the design, construction, acquisition, and installation of an intelligent transportation system, and the design and construction of infrastructure projects at the international ports of entry at the Bridge of the Americas (BOTA) and at the Ysleta Bridge, also known as the Zaragoza Bridge, in El Paso, on right of way or other property that is part of or outside the state highway system, to increase security measures and expedite border crossings and trade.
6. **Financial Management**
Consider the adoption of the Fiscal Year 2022 Texas Department of Transportation Budget (MO)
This minute order adopts the department's annual budget as prescribed by the General Appropriations Act.
7. **Design-Build Contract**
Dallas County - I-35E Phase 2 Project - Consider approving the selection of the proposer who submitted the best value proposal and the conditional award of a design-build contract and a corresponding capital maintenance contract to the selected proposer, for the design, construction, and maintenance of the I-35E Phase 2 Project, consisting of the full reconstruction and widening of the I-35E corridor from I-635 to the Denton County line in Dallas County; 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. The project includes the addition of one general purpose lane and one frontage road lane in each direction, and will "grandfather" and permit the reconstruction of the two existing reversible toll managed lanes, with no new toll lanes. The project will not include funding from either Proposition 1 or Proposition 7 (MO) (Presentation)
On July 30, 2020, in Minute Order 115793, the commission authorized the department to issue a request for proposals to design, construct, and maintain the I-35E Phase 2 Project. The department has completed its review and evaluation of proposals and is presenting its best value recommendation to the commission.
8. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
Rule Proposals
- a. **Chapter 9 - Contract and Grant Management**
Amendment to §9.8 relating to Enhanced Contract and Performance Monitoring (MO)
The proposed rule amendment changes the dollar value from \$5 million to \$50 million, at which all contracts, other than low bid construction contracts, must be reported to the commission as constituting a high risk to the department without regard to any other risk factors, as part of the department's comprehensive risk management program.
- b. **Chapter 9 - Contract and Grant Management**
Amendments to §§9.31-9.35 and §§9.38-9.41 and the repeal of §§9.36 and 9.37, relating to Contracting for Architectural, Engineering, and Surveying Services (MO)
These amendments streamline the selection process for all professional services contracts by eliminating the Request for Qualifications and using only the Request for Proposals as the solicitation and response method. The amendments allow a non-federal indefinite deliverable contract to be extended beyond five years and increase the period to issue work from three to four years. The evaluation requirement is also amended to authorize evaluations on individuals other than the project manager.

9. **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.

10. **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) **Bexar County** - PA 1502 - 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) **Bexar County** - FM 1560 - Consider an exchange of easements encumbering real property (MO)

The district has determined that a certain easement encumbering real property is no longer needed for a state highway purpose. PSAA Properties LLC has entered into an exchange agreement with the department whereby it would acquire the unneeded easement encumbering the real property (Tract 1) in exchange for an easement encumbering certain real property that is needed for a state highway purpose (Parcel 1). PSAA Properties LLC will pay the department the \$86,430 difference in values in cash at closing.

(3) **Haskell County** - US 277 - 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.

(4) **Starr County** - US 83 - Authorize the department to enter into a lease agreement with the Rio Grande City Grulla ISD to lease land on US 83 (MO)

This minute order authorizes the department to enter into a lease of real property with the Rio Grande City Grulla ISD, which real property is to be used to raise funds to refurbish and promote Fort Ringgold for an educational, historical, and cultural benefit. The commission waives the fair market value requirement for social mitigation purposes.

(5) **Wise County** - US 81 - 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.

10. **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) **Letting Allocation Status Report**

Quarterly status report on the FY 2021 letting allocation, the actual allocation utilized through the current month, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)
This report will provide the current overall allocation status, by district, metropolitan planning organization, and statewide program, of the FY 2021 letting allocation and will also provide the anticipated effect on the letting allocation of remaining proposed highway maintenance and construction letting.

(3) **Quarterly Cash Report**

Quarterly report on FY 2021 State Highway Fund 6 cash status (Report)
This report updates the commission on the year-to-date cash balance and activity of Fund 6. The report will include original projections and actual revenues/inflows and expenditures/outflows on a cash basis.

d. **Finance**

(1) **State Highway Fund Bonds**

Consider approving the Tenth Supplemental Resolution authorizing the issuance of State Highway Fund revenue refunding bonds in one or more series, the documents relating to the issuance of such bonds, and the refinancing or remarketing of certain outstanding State Highway Fund revenue bonds without incurring additional debt and without extending the final maturity if financial market conditions are favorable for refinancing; and designating department officials to take all actions necessary to deliver the bonds (MO)
This action provides final authorization for the chief financial officer and other designated department officials to move forward with the issuance of one or more series of State Highway Fund revenue refunding bonds to refund and/or refinance all or any portion of outstanding bonds and approve official statements, reoffering memoranda, bond purchase contracts, escrow agreements, and other related documents, as authorized under Section 49-n, Article III of the Texas Constitution, Transportation Code §222.003, and Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded and/or provide for the refinancing of outstanding variable rate bonds.

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

d. **Finance (continued)**

(2) **Texas Mobility Fund Bonds**

Consider approving the Fourteenth Supplemental Resolution authorizing the issuance of Texas Mobility Fund refunding bonds in one or more series, the documents relating to the issuance of such bonds, and the refinancing or remarketing of certain outstanding Texas Mobility Fund bonds without incurring additional debt and without extending the final maturity if financial market conditions are favorable for refinancing; and designating department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with the issuance of one or more series of Texas Mobility Fund refunding bonds to refund and/or refinance all or any portion of outstanding bonds, and approve official statements, reoffering memoranda, bond purchase contracts, escrow agreements, and other related documents, as authorized under Section 49-k, Article III of the Texas Constitution, Transportation Code Chapter 201, Subchapter M, and Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded and/or provide for the refinancing of variable rate bonds.

(3) **Highway Improvement General Obligation Bonds**

Consider approving the Sixth Supplemental Resolution authorizing the issuance of Highway Improvement General Obligation (HIGO) refunding bonds in one or more series, the documents relating to the issuance of such bonds, and the refinancing of certain outstanding HIGO bonds without incurring additional debt and without extending the final maturity if financial market conditions are favorable for refinancing; and designating department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with the issuance of one or more series of general obligation refunding bonds to refund all or any portion of outstanding bonds and approve official statements, bond purchase contracts, escrow agreements, and other related documents, as authorized under Section 49-p, Article III of the Texas Constitution, Transportation Code §222.004, and Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded.

(4) **Central Texas Turnpike System Bonds**

Consider approving the Ninth Supplemental Indenture authorizing the issuance of one or more series of Central Texas Turnpike System (CTTS) revenue refunding bonds to refund all or any portion of the outstanding CTTS bonds, the documents relating to such bonds including any additional supplemental indentures necessary to comply with the CTTS master trust indenture, and the refinancing or remarketing of certain outstanding CTTS bonds without incurring additional debt and without extending the final maturity if financial market conditions are favorable for refinancing; and designating department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with remarketing outstanding CTTS bonds subject to mandatory tender, the issuance of one or more series of CTTS revenue refunding bonds to refund and/or refinance all or any portion of outstanding bonds and approve official statements, bond purchase contracts, escrow agreements, and other related documents as authorized by Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded and/or provide for the refinancing of variable rate bonds.

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

e. **Land Acquisitions for Facilities**

Various Counties - Consider the grant of authority to the department to acquire real property for facilities (MO)

The department is in the process of acquiring real property for the construction of new facilities and the expansion of existing facility sites. Funds for the purchase of these properties were appropriated by the 86th Legislature, General Appropriations Act for the 2020-21 Biennium. The department requests the commission's authorization to enter into purchase contracts and related documents to complete the acquisition of the listed properties.

f. **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.

11. **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.

TEXAS TRANSPORTATION COMMISSION AGENDA

Attached Lists

July 28, 2021

Highway Improvement 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	FM 1785	F 2021(744)
ABL	SCURRY	US 84	F 2021(743)
AMA	CARSON	SH 152	BR 2021(709)
AMA	DEAF SMITH	US 60	F 2021(708)
AMA	MOORE	US 287	F 2021(699)
ATL	TITUS	CR	BR 2019(354)
AUS	BASTROP	PR 1A	C 530-1-7
AUS	CALDWELL	US 183	STP 2021(682)FRS
AUS	HAYS	IH 35	F 2021(618)
AUS	HAYS	US 290	CC 113-7-75
AUS	LEE	SH 21	F 2021(684)
AUS	TRAVIS	RM 1431	F 2021(686)
AUS	WILLIAMSON	RM 2243	F 2021(687)
BMT	HARDIN	FM 943	F 2021(725)
BMT	JASPER	RE 255	F 2021(758)
BMT	LIBERTY	FM 1010	STP 2020(655)HES
BMT	NEWTON	SH 12	F 2021(723)
BMT	ORANGE	SH 87	F 2021(757)
BWD	BROWN	US 377	F 2021(450)HES
BWD	EASTLAND	US 183	F 2021(747)
BRY	BURLESON	FM 166	STP 2021(719)HES
BRY	BURLESON	FM 60	STP 2021(543)
BRY	WALKER	SH 75	F 2021(717)
CRP	KARNES	FM 81	F 2021(753)
CRP	LIVE OAK	FM 3162	F 2021(754)
CRP	NUECES	VA	C 916-00-234
CRP	SAN PATRICIO	SH 188	F 2021(755)
DAL	COLLIN	FM 545	F 2021(790)
DAL	DALLAS	FD	C 918-47-96
DAL	DALLAS	IH 635	F 2021(732)
DAL	DALLAS	SL 12	C 581-2-151
DAL	DALLAS	SL 9	F 2021(858)
DAL	DENTON	IH 35	F 2021(900)
DAL	KAUFMAN	FM 148	F 2021(906)