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AGENDA

TEXAS TRANSPORTATION COMMISSION
125 East 11th Street
Austin, Texas

THURSDAY
November 17, 2016

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**
Staff will provide general safety instruction.
2. **Approval of Minutes** of the October 27, 2016, regular meeting of the Texas Transportation Commission
3. **Aviation**
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.
4. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
Proposed Adoption
 - a. **Chapter 9 - Contract and Grant Management**
Amendments to §9.3, Protest of Department Purchases under the State Purchasing and General Services Act (General) (MO)
This minute order proposes the adoption of changes to the procedure for protesting purchases to reflect the title change of the Chief of Procurement & Field Support Operations to Chief Administrative Officer and the name change of the Comptroller of Public Accounts Texas Procurement and Support Services division to Statewide Procurement division.

4. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
Proposed Adoption (continued)
- b. **Chapter 26 - Regional Mobility Authorities**
 Amendments to §26.15, Creation (Creation of a Regional Mobility Authority) (MO)
These amendments correct a citation regarding the appointment of additional Regional Mobility Authority board members.
- c. **Chapter 30 - Aviation**
 Amendments to §30.203, Definitions, §30.204, Facilities Development Program, §30.205, Eligibility for Financial Assistance, and §30.214, Grant and Loan Agreement Payments (Aviation Facilities Development and Financial Assistance Rules) (MO)
These amendments make several non-substantive changes to the department's aviation rules to correct errors identified during the rule review process.
5. **Financial Assistance for Projects**
- a. **Various Counties** - Consider authorizing the executive director to enter into a second amendment to the toll equity loan agreement (TELA) for the SH 99 (Grand Parkway) toll project between the department and the Grand Parkway Transportation Corporation (GPTC) to modify the maximum amount permitted to be made available to GPTC each year during the term of the TELA (MO)
The department entered into the TELA with the GPTC for the payment of mutually-approved projected facility costs of the Grand Parkway toll project. The second amendment to the TELA will amend the maximum amount that can be borrowed each year but will not amend the total amount of the toll equity loan commitment under the TELA. The borrowed funds may be used by GPTC for debt service payments and for certain budgeted operation and maintenance costs and certain major maintenance costs if revenues are insufficient to make those payments.
- b. **Brazoria County** - Brazoria County - Consider granting final approval of a request from Brazoria County for financial assistance in the form of a grant in the amount of up to \$10,000,000, from concession payment money received under the comprehensive development agreement for the SH 288 Toll Lanes Project in Harris County, to pay for costs of developing and designing a toll facility in the median of SH 288, from just south of the south abutment of the Clear Creek Bridge at the Harris County/Brazoria County line to CR 58 in Brazoria County (MO)
Brazoria County and Brazoria County Toll Road Authority are constructing a toll facility in the median of SH 288 from just south of the south abutment of the Clear Creek Bridge at the Harris County/Brazoria County line to CR 58, all in Brazoria County, to include two northbound toll lanes and two southbound toll lanes, separated from the general purpose lanes by a hard barrier.

6. **County Toll Road Authority**
Brazoria County - Brazoria County and Brazoria County Toll Road Authority - Approve the connection of the Brazoria County Expressway to the State Highway System; approve payment for use of State-owned right-of-way; approve the Brazoria County Expressway Project; provide that the Project will become part of the State Highway System when the bonds issued by the County for the Project are paid; authorize the executive director to enter into a project development agreement with the County and the Toll Road Authority for the Project (MO)

This minute order approves the Brazoria County and Brazoria County Toll Road Authority's construction of a new toll facility that will connect to the State Highway System, approves payment for use of State-owned right-of-way, provides that the Project will become part of the State Highway System when the bonds issued by the County for the Project are paid off, and also authorizes the executive director to enter into a project development agreement with the County and the Toll Road Authority for the Project. The Brazoria County Expressway project includes two toll lanes in each direction in the median of SH 288, separated from the general purpose lanes by a hard barrier, from just south of the south abutment of the Clear Creek Bridge at the Harris County/Brazoria County line to County Road 58.

7. **Maritime Report**
Approve the Gulf Intracoastal Waterway Report (MO) (Report)

The Gulf Intracoastal Waterway (GIWW) is an important component of the Texas multimodal transportation system. The department is the non-federal sponsor of the GIWW and works closely with the U.S. Army Corps of Engineers on the GIWW and other Texas waterways issues. State law requires the commission to continually evaluate the impact of the GIWW on the state and to publish and present a report to each regular session of the legislature.

8. **Minute Order Review**
Rescind Minute Orders 108544, 108545, 111358, 111410, and 112523 (MO)

As a result of a review of the commission's minute orders that appear to have continuing effect, the department determined that several minute orders should be rescinded. Minute Orders 108544 and 108545, each adopted June 2001 and relating to controlled access highway projects, should be rescinded because of subsequent changes to the commission's rules. Minute Order 111358, adopted May 2008 and relating to the development, construction, and operation of the Trans-Texas Corridor and toll roads, Minute Order 111410, adopted June 2008 and relating to the market valuation of a toll project, and Minute Order 112523, adopted December 2010 and relating to the sale or transfer of access rights to or from a highway on the state highway system, should be rescinded because of subsequent changes made to the state's statutes.

9. **Contracts**
Award or reject contracts for maintenance, and 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. **Construction of Highways, Department Buildings, and Other Transportation Facilities**
(see attached itemized list) (MO)
 - b. **Highway Maintenance**
(see attached itemized list) (MO)

10. **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 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.

11. **Routine Minute Orders and Reports**

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. **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) **Bowie County** - US 59, southwest corner at US 82 in Texarkana -

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 abutting owner.

(2) **Dallas County** - SH 356 in Irving - Consider the removal from the system, transfer of control, jurisdiction, and maintenance to the City of Irving (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 and has requested to acquire the right of way. Control, jurisdiction, and maintenance may be transferred to the city, and the right of way may be quitclaimed to the city.

(3) **Eastland County** - FM 2214, old alignment east of FM 2461 - 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. The owners of another abutting property have declined to purchase any of the land, and it may be sold to the requester.

(4) **Ector County** - SL 338 at I-20 in Odessa - 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 abutting owner.

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

b. **Real Estate Dispositions (continued)**

- (5) **Johnson County** - US 67 in Cleburne - Consider the transfer of right of way to the City of Cleburne (MO)

The district has determined that the land is no longer needed for highway purposes, and the city has requested to acquire the land. The cost of future maintenance exceeds the value of the land, and it may be transferred to the city without cost.

- (6) **Lampasas County** - FM 580, old alignment at County Road 1403 - 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 abutting owner.

- (7) **Randall County** - I-27 at McCormick Road south of Amarillo - 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 abutting owner.

c. **Reports**

Compliance Division

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. **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.

12. **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 512-936-0942.

TEXAS TRANSPORTATION COMMISSION AGENDA

Attached Lists
November 17, 2016

Construction of Highways, Department Buildings, and Other Transportation Facilities - State Let (a)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
AMA	OCHILTREE	US 83	NH 2017(260)
ATL	BOWIE	SL 14	STP 2017(233)HES
ATL	HARRISON	US 59	STP 2017(235)HESG
ATL	HARRISON	IH 20	NH 2017(236)
ATL	TITUS	IH 30	STP 2017(239)HES
AUS	TRAVIS	IH 35	NH 2017(275)
AUS	TRAVIS	VA	NH 1602(493)
BMT	ORANGE	IH 10	C 28-11-179
BWD	COLEMAN	US 67	NH 2017(262)
CRP	JIM WELLS	FM 624	STP 1602(264)HES
DAL	COLLIN	FM 455	STP 2017(243)
DAL	ELLIS	FM 878	STP 2017(242)
ELP	PRESIDIO	FM 170	STP 1602(291)
FTW	TARRANT	US 287	CC 172-9-33
FTW	TARRANT	CS	STP 2012(777)MM
FTW	TARRANT	CS	BR 2006(543)
FTW	TARRANT	SH 199	NH 1602(430)
HOU	FORT BEND	SH 99	NH 2017(247)
HOU	HARRIS	SH 225	NH 2016(415)
HOU	HARRIS	CS	STP 2017(440)
LBB	BAILEY	US 70	NH 2017(265)
LFK	HOUSTON	VA	C 911-28-37
LFK	NACOGDOCHES	SH 7	STP 2017(249)
LFK	NACOGDOCHES	BU 59-F	CC 175-8-44
LFK	SAN JACINTO	VA	STP 2017(251)
LFK	POLK	CR	BR 2016(770)

Construction of Highways, Department Buildings, and Other Transportation Facilities - State Let (a) (continued)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ODA	MIDLAND	SH 349	NH 1602(523)
ODA	WARD	IH 20	NH 2017(276)
PAR	HUNT	SS 1570	STP 1602(136)MM
PHR	CAMERON	CS	STP 1602(198)TP
PHR	HIDALGO	FM 1016	STP 2017(094)
SAT	WILSON	SH 123	STP 2017(285)
SAT	MEDINA	US 90	STP 1602(527)HES
SAT	UVALDE	US 83	STP 2017(277)HES
SJT	TOM GREEN	US 67	NH 1602(524)
TYL	RUSK	VA	STP 2017(245)
TYL	SMITH	VA	STP 1602(439)
WAC	CORYELL	SH 36	STP 2017(268)
WFS	COOKE	FM 1201	STP 2017(273)
WFS	MONTAGUE	US 81	NH 2017(269)
YKM	DE WITT	SH 119	STP 2017(258)
YKM	FAYETTE	SH 71	STP 2017(256)HES
YKM	GONZALES	US 90A	STP 2017(255)
YKM	GONZALES	FM 443	BR 2017(259)
YKM	WHARTON	BU 59-R	BR 1602(449)

Highway Maintenance - State Let (b)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ABL	NOLAN	FM 1170	RMC - 630192001
ATL	BOWIE	FM 1397	RMC - 630592001
AUS	TRAVIS	IH 35	RMC - 630437001
AUS	TRAVIS	IH 35	RMC - 630485001
AUS	TRAVIS		CBC - 470401610
BMT	CHAMBERS	IH 10	RMC - 630243001
BMT	JASPER	FM 254	RMC - 630826001

Highway Maintenance - State Let (b) (continued)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
BRY	BRAZOS	SH 21	RMC - 630547001
BRY	BRAZOS	BS 6R	RMC - 630641001
BRY	MADISON	SHOSR	RMC - 630642001
CHS	CHILDRESS	US 287	RMC - 630625001
CHS	KNOX	US 82	RMC - 630452001
DAL	DALLAS	IH 30	RMC - 630457001
DAL	DALLAS	SL 12	RMC - 630888001
DAL	DALLAS	US 80	RMC - 630890001
DAL	DALLAS	IH 35E	RMC - 630068001
DAL	DALLAS	IH 35E	RMC - 630069001
DAL	DALLAS	SH 352	RMC - 630778001
DAL	DALLAS	SH 78	RMC - 630889001
DAL	DALLAS	US 67	RMC - 630891001
DAL	DENTON	FM 1385	RMC - 629469001
DAL	ELLIS	FM 1182	RMC - 629929001
DAL	KAUFMAN	FM 3094	RMC - 626397001
DAL	NAVARRO	SH 31	RMC - 630596001
DAL	NAVARRO	SH 31	RMC - 630613001
DAL	ROCKWALL	IH 30	RMC - 630432001
HOU	GALVESTON	SH 87	RMC - 628337001
HOU	GALVESTON	FM 2351	RMC - 629696001
HOU	GALVESTON	IH 45	RMC - 628441001
HOU	GALVESTON	FM 1764	RMC - 629270001
HOU	HARRIS	IH 610	RMC - 630189001
HOU	HARRIS	SL 8	RMC - 630617001
LBB	FLOYD	US 70	RMC - 630935001
ODA	ECTOR	IH 20	RMC - 630784001
PAR	LAMAR	US 82	RMC - 630845001
PHR	CAMERON	FM 1847	RMC - 630945001
PHR	HIDALGO	FM 490	RMC - 630944001
SJT	RUNNELS	US 67	RMC - 630971001

Highway Maintenance - State Let (b) (continued)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
SAT	BEXAR	IH 35	RMC - 630498001
SAT	KERR	IH 10	RMC - 630932001
TYL	HENDERSON	SH 31	RMC - 628045001
TYL	SMITH	SH 64	RMC - 630616001
WAC	BELL	FM 2184	RMC - 630306001
WAC	MCLENNAN		CBC - 470401518
YKM	DE WITT	US 77	RMC - 630663001
YKM	FAYETTE	SH 71	RMC - 630591001

Eminent Domain

Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Dallas	IH 35E	H	0442-02-144	15
Dallas	IH 35E	G	0442-02-144	16
Dallas	IH 35E	I	0442-02-144	21
Fort Bend	US 90A	B	0027-06-054	4
Galveston	IH 45	J	0500-04-120	9
Galveston	IH 45	K	0500-04-120	13
Galveston	IH 45	L	0500-04-120	14
Galveston	IH 45	M	0500-04-120	16
Galveston	IH 45	E	0500-04-120	18
Galveston	IH 45	F	0500-04-120	21
Galveston	IH 45	C	0500-04-120	25
Galveston	IH 45	D	0500-04-120	28
Hunt	IH 30	A	0009-13-165	2,3

Eminent Domain

Non-Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Bexar	US 281	19	0253-04-149	16
Bexar	US 281	12	0253-04-149	31
Bexar	US 281	9	0253-04-149	37
Bexar	US 281	11	0253-04-149	38
Bexar	US 281	10	0253-04-149	35,35E
Burleson	FM 60	13	0648-03-064	4
Burleson	FM 60	29	0648-03-064	17
Burleson	FM 60	28	0648-03-064	22
Burleson	FM 60	30	0648-03-064	31
Burleson	FM 60	31	0648-03-064	36

Eminent Domain (continued)

Non-Controlled Access (continued)

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Ector	FM 3503	6	3570-01-010	3
Galveston	SH 146	18	0389-06-092	413
Grayson	FM 121	3	0729-01-044	3
Grayson	FM 121	2	0729-01-044	19
Grayson	FM 121	5	0729-01-044	20
Harris	SH 146	24	0389-05-095	117
Harris	SH 146	17	0389-05-095	127
Harris	SH 146	25	0389-05-095	131
Harris	SH 146	20	0389-05-095	132
Harris	SH 146	23	0389-05-095	133
Harris	SH 146	22	0389-05-095	135
Harris	SH 146	21	0389-05-095	139
Harris	SH 146	4	0389-05-095	209
Harris	SH 146	27	0389-05-095	210
Harris	SH 146	14	0389-05-095	215
Harris	SH 146	15	0389-05-095	216
Harris	SH 146	16	0389-05-095	217
Hidalgo	US 83	33	0039-02-059	2
Hidalgo	US 83	34	0039-02-059	3
Hidalgo	US 83	36	0039-02-059	5
Kaufman	FM 740	32	5500-00-023	1E
Nacogdoches	FM 2609	8	2590-01-027	1
Rockwall	FM 3549	26	1015-01-077	3
Rockwall	FM 3549	7	1015-01-077	35E
Waller	FM 1774	1	1400-03-008	7
Zapata	US 83	35	0038-04-063	4

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
WS-COS Investments, LLC	AUS	Travis	Design and construction of an additional approach for an existing traffic signal on SH 71 at Serene Hills Drive in Austin