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AGENDA

TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

**WEDNESDAY
November 16, 2022**

NOTE:

Persons with special needs or disabilities who require auxiliary aids or services are requested to contact Nicole Lawson at (512) 936-0908 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. Opening Comments from Commissioners and Executive Director

- a. Commissioner Robert C. Vaughn - Transportation Alternatives Program Call for Projects
- b. Commissioner Alvin New - 2022 TxDOT State Truck Rodeo
- c. Commissioner Laura Ryan - Safety Initiatives, Odessa District Visit
- d. Chairman J. Bruce Bugg, Jr. - 2023 Transportation Forum, FM 3349 at US 79 Groundbreaking, I-35 in Waco Ribbon Cutting, I-35 Capital Express South Groundbreaking
- e. Executive Director Marc Williams - 2022 TxDOT State Truck Rodeo, New Members of TxDOT Administration

3. Consider the approval of the Minutes of the October 27, 2022, regular meeting of the Texas Transportation Commission

4. Contracts

Consider the award or rejection of contracts for highway construction, including a protest to an exclusion of a contract bid, and maintenance, and construction and rehabilitation of buildings, and consider the approval of an increase in funds for certain highway construction projects that received bids with cost overruns. (Presentation)

These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts and a proposal to increase funds from categories 2, 4 and/or 12 for certain projects. The department may reschedule receipt of bids for those projects where the commission rejects all bids or reassess funding proposals. Those bids and funding increases 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)

4. **Contracts (continued)**
 - b. **Highway Improvement Contract Bid Protest (MO)**
Project F 2023(085), Denton County, FM 3524
 - c. **Routine Maintenance**
(see attached itemized list)
 - d. **Construction and Rehabilitation of Buildings**
(see attached itemized list) (MO)
5. **Discussion Item**
Planning and Modal Update (Presentation)
Staff will facilitate a discussion on the agency's multimodal planning and programming activities.
6. **State Infrastructure Bank**
Zapata County - Falcon Rural Water Supply Corporation - Consider final approval of a request from the Falcon Rural Water Supply Corporation for a State Infrastructure Bank loan in the amount of up to \$2,902,000 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen US 83 in Zapata County, Texas (Presentation) (MO)
Falcon Rural Water Supply Corporation (WSC) will secure the loan with a pledge of contract revenues and water revenues. The loan will be used to pay the WSC's costs associated with utility relocation necessary for a non-tolled state highway improvement project to widen US 83 in Zapata County, Texas.
7. **Contested Case**
Austin County - Texas Department of Transportation v. John Gannon, Inc. - Consider action on proposal for decision by administrative law judge concerning the Department's revocation of permit, final order (MO)
The Department issued a cancellation notice to John Gannon, Inc. (JGI) for a permitted sign located in San Felipe, Texas claiming JGI had revised the structure to include an additional sign face, which was not allowed for the non-conforming sign. JGI requested a hearing on the matter. The State Office of Administrative Hearings conducted the hearing and issued a Proposal for Decision recommending that the Department failed to adequately prove the sign had been altered and that the Department's revocation of the permit and assessment of penalties are unwarranted.
8. **Annual Toll Rates (Presentation)**
 - a. **Travis and Williamson Counties** - Consider the approval of a modified toll rate escalation percentage for 2023 for the Central Texas Turnpike System, consisting of SH 130 (Segments 1-4), SH 45N, Loop 1 (from FM 734 to SH 45N), and SH 45SE project elements (MO)
This minute order modifies the toll rate escalation percentage approved in Minute Order 116329, dated September 22, 2022, and approves the resulting toll rates for calendar year 2023 for the Central Texas Turnpike System.
 - b. **Grimes and Montgomery Counties** - Consider the approval of a modified toll rate escalation percentage for 2023 for the SH 249 System, comprised of Segment 1 of the SH 249 Project extending SH 249 from FM 1774 in Pinehurst to FM 1774 in Todd Mission (MO)
This minute order modifies the toll rate escalation percentage approved in Minute Order 116330, dated September 22, 2022, and approves the resulting toll rates for calendar year 2023 for the SH 249 System.

8. **Annual Toll Rates (Continued)**
- c. **Various Counties** - Consider the approval of a modified toll rate escalation percentage for 2023 and Toll Rate Escalation Policy amendment for the portions of SH 99 (Grand Parkway) that comprise the Grand Parkway System, consisting of the tolled portion of Segment D in Harris County, and Segments E, F-1, F-2, G, H, I-1, and I-2 of the Grand Parkway Project (MO)
This minute order modifies the toll rate escalation percentage approved in Minute Order 116331, dated September 22, 2022, and approves the resulting toll rates for calendar year 2023 for the Grand Parkway System, contingent upon all necessary notices, consents, certifications, amendments or waivers relating to and including, but not limited to, an amendment to, or waiver of, the Market Valuation Waiver Agreement for the Grand Parkway Project effective March 25, 2009. This minute order also amends the commission's Toll Rate Escalation Policy for the Grand Parkway System regarding the commission's modification of the toll rate escalation percentage.
9. **Purchase of easements adjoining Safety Rest Areas**
Various Counties - Consider authorizing the executive director to negotiate and acquire by purchase sanitary control easements for the possible use of, or in connection with, four existing safety rest area facilities, located in Live Oak, Sutton, and Culberson Counties, before environmental clearance by the appropriate federal or state authority has been received by the department for the acquisition. (MO)
State law authorizes the commission to acquire real property before environmental clearance has been received. The department desires to purchase sanitary control easements adjacent to four separate safety rest areas to address state environmental regulations.
10. **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.
11. **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. **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.

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

b. **Reports** (continued)

(2) **Quarterly Investment Report for all of the funds invested at the direction of the commission** (Report)

This is a presentation of the quarterly investment report for the investment of: (1) funds held by the Bank of New York Mellon, as trustee, under the Indenture of Trust securing the Central Texas Turnpike System toll revenue obligations; (2) funds for the pre-paid TxTag account held by the Bank of New York Mellon, acting as custodian; (3) funds held by Amegy Bank, a Division of ZB, National Association, as trustee, under the Trust Agreement securing the I-35E Managed Lanes Project toll revenue obligations; and (4) funds held by U.S. Bank National Association, as trustee, under the Master Trust Agreement securing the SH 249 System toll revenue obligations.

(3) **Border West Expressway Toll Rate Escalation**

El Paso County - Report of the toll rate escalation percentage and escalated toll rates for the Border West Expressway Project (formerly known as the Loop 375 Border Highway West Extension Project) (Report)

This report provides the toll rate escalation percentage increase and the annual escalated toll rates for the Border West Expressway Project, from Racetrack Drive near Doniphan Road to the terminus of the existing Loop 375. The commission's Toll Rate Escalation Policy requires that a percentage increase in the toll rates will be determined and reported to the commission each year at or before the commission's October meeting, and that the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director unless the commission affirmatively votes prior to January 1 to modify the percentage.

c. **Transportation Planning**

(1) **Various Counties** - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)
The department has established a separate fund to account for and track projects and project costs funded with the SH 121 payments. This minute order authorizes the funding of additional project costs and changes to the list of previously-approved projects. The project costs to be funded were selected through a cooperative process with the Regional Transportation Council.

(2) **Various Counties** - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 161 Toll Project Agreement (MO)
The department has established a separate fund to account for and track projects and project costs funded with the SH 161 payments. This minute order authorizes the funding of additional project costs and changes to the list of previously-approved projects. The project costs to be funded were selected through a cooperative process with the Regional Transportation Council.

d. **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.

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 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
November 16, 2022

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>
AMA	HEMPHILL	US 60	F 2023(179)
AMA	HEMPHILL	US 83	F 2023(180)
AMA	POTTER	US 60	STP 2023(181)HES
AUS	HAYS	IH 35	C 16-2-168
AUS	HAYS	RM 150	F 2023(176)
AUS	HAYS	SH 21	F 2023(175)
AUS	TRAVIS	FM 973	F 2023(177)
AUS	WILLIAMSON	FM 1660	F 2023(178)
BMT	HARDIN	US 96	BR 2023(188)
BMT	JASPER	US 96	F 2023(186)
BMT	JASPER	VA	STP 2021(242)SRS
BWD	COMANCHE	SH 16	BR 2023(159)
BWD	STEPHENS	US 180	F 2023(156)
CRP	JIM WELLS	US 281	C 255-1-90
DAL	COLLIN	US 380	STP 2023(168)HES
DAL	DALLAS	SL 12	F 2023(169)
DAL	DENTON	FM 1385	F 2023(171)
DAL	ROCKWALL	IH 30	F 2023(166)
ELP	CULBERSON	SH 54	BR 2023(245)
FTW	TARRANT	CS	STP 2022(871)HES
FTW	TARRANT	SH 183	F 2023(174)
FTW	TARRANT	VA	F 2023(240)
HOU	MONTGOMERY	FM 2090	C 1912-1-22
HOU	MONTGOMERY	SH 75	F 2023(184)
HOU	WALLER	US 290	C 114-11-86
LBB	BAILEY	US 70	F 2023(189)
LBB	BAILEY	US 84	F 2023(192)
LBB	LUBBOCK	US 84	CR 2023(042)
LFK	HOUSTON	FM 2781	F 2023(209)
LFK	SHELBY	SH 87	F 2023(196)
ODA	MIDLAND	RM 1492	C 2906-1-6

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>
PAR	GRAYSON	US 82	STP 2023(138)HES
PAR	GRAYSON	VA	F 2023(141)
PHR	HIDALGO	FM 492	BR 2023(199)
PHR	HIDALGO	SH 107	C 528-1-121
SJT	KIMBLE	IH 10	F 2023(137)
SJT	SUTTON	IH 10	C 141-2-33
SJT	TOM GREEN	CS	BR 2021(703)
WAC	BOSQUE	CR	BR 2021(312)
WAC	MCLENNAN	VA	C 909-00-62
WFS	ARCHER	US 281	F 2023(183)
YKM	DEWITT	VA	F 2023(173)
YKM	FAYETTE	CR	BR 2021(266)
YKM	GONZALES	UA 90	F 2023(225)

Highway Improvement and Other Transportation Facilities
State Let (b)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
DAL	DENTON	FM 3524	F 2023(085)

Routine Maintenance
State Let (c)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ABL	SCURRY	FM 612	RMC - 642364001
ABL	TAYLOR	IH 20	RMC - 639203001
ABL	TAYLOR	IH 20	MMC - 642319001
ABL	TAYLOR	IH 20	MMC - 642410001
ABL	TAYLOR	IH 20	MMC - 642416001
AMA	CARSON	IH 40	RMC - 642021001
AMA	POTTER	IH 40	RMC - 642019001
ATL	HARRISON	IH 20	MMC - 641768001
AUS	BASTROP	FM 535	MMC - 640472001
AUS	TRAVIS	IH 35	RMC - 640528001
BMT	JEFFERSON	US 90	RMC - 641451001

Routine Maintenance
State Let (c)

BRY	BRAZOS	SH 6	RMC - 642400001
BRY	FREESTONE	IH 45	RMC - 642183001
BWD	EASTLAND	SH 206	RMC - 636225001
DAL	NAVARRO	IH 45	RMC - 640953001
DAL	NAVARRO	SH 31	RMC - 640951001
ELP	EL PASO	IH 10	RMC - 642187001
FTW	WISE	US 380	RMC - 641425001
HOU	HARRIS	IH 610	RMC - 640170001
HOU	HARRIS	SL 8	RMC - 641841001
LFK	ANGELINA	US 59	RMC - 642490001
LFK	POLK	US 59	RMC - 642492001
LFK	SAN JACINTO	US 59	RMC - 642386001
PHR	HIDALGO	IH 69C	RMC - 641369001
SJT	TOM GREEN	SH 208	RMC - 640209001
SAT	BEXAR	IH 10	RMC - 642422001
TYL	SMITH	US 69	RMC - 642081001
TYL	WOOD	US 80	RMC - 642244001
WAC	BOSQUE	FM 56	RMC - 642099001

Construction and Rehabilitation of Buildings
State Let (d)

<u>Dist.</u>	<u>County</u> <u>Name</u>	<u>Site</u> <u>Number</u>	<u>Project ID</u>
SJT	TOM GREEN	079614	071859-22-01
YKM	WHARTON	139903	131851-23-01

Eminent Domain
Non-Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Bexar	FM 1560	19	2230-01-023	23
Bexar	FM 1560	11	2230-01-024	26
Bexar	FM 1560	22	2230-01-024	27
Bexar	FM 1560	6	2230-01-024	59
Bexar	FM 1560	23	2230-01-024	90
Bexar	FM 1560	7	2230-01-024	126
Cochran	SH 125	9	0461-04-028	1

Eminent Domain (continued)
Non-Controlled Access (continued)

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Cochran	SH 125	8	0461-04-028	2
Denton	FM 1515	10	1951-01-012	P00055445
Fayette	US 77	18	0211-06-066	21
Fayette	US 77	16	0211-06-066	75
Fayette	US 77	17	0211-06-066	77
Fort Bend	FM 723	4	0188-09-052	105
Fort Bend	FM 723	12	0188-09-052	112
Fort Bend	FM 723	13	0188-09-052	118
Fort Bend	FM 723	14	0188-09-052	124
Fort Bend	FM 723	15	0188-09-052	126
Galveston	FM 646	25	3049-01-032	102
Galveston	FM 646	24	3049-01-032	103
Galveston	FM 646	26	3049-01-032	118
Gregg	SH 42	27	0545-04-053	P00057843
Hidalgo	FM 1925	2	1803-01-102	P00060069
Hidalgo	FM 1925	1	1803-01-102	P00060072
Hidalgo	FM 1925	3	1803-01-102	P00060081
Jackson	FM 1593	5	1090-04-019	4
Starr	SL 195	20	3632-01-004	133
Starr	SL 195	21	3632-01-004	135

Eminent Domain
Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Hunt	IH 30	C	0009-13-190	P00065649
Hunt	IH 30	D	0009-13-190	P00065650
Jefferson	IH 10	B	0028-13-138	3
Randall	IH 27	A	0168-09-188	23,23E

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Areté Thomas Ranch Holdings, LLC	AUS	Travis	Design and funds sufficient to cover the state's cost for construction of pavement widening to accommodate right turn lanes at future entrances to Thomas Ranch subdivision on SH 71 in Travis County.
FR Beeson, LLC	HOU	Harris	Design and construction of two left turn lanes from westbound FM 529 into the Anniston development in Katy.
NT Real Estate, LLC	SAT	Medina	Design and construction of pavement widening and striping for the proposed right turn lane and double left turn lane on FM 471 and the proposed right turn lane on I-35 for the commercial truck stop development in Medina County.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Pan Hills Development LLC	AUS	Williamson	Funds towards the state's cost of construction a left turn lane and shoulder on RM 1431 at West Reed Park Road east connection in Jonestown.
Post Oak Clean Green, Inc. by merger from WCN Acquisition Sub January 2017, Inc.	SAT	Guadalupe	Donation of 5.273 acres of land on FM 1150. The property being donated will be utilized to construct a right turn lane and a left turn lane on FM 1150, feeding into the main entrance of the Post Oak Clean Green, Inc. landfill.