



TRANSPORTATION POLICY BOARD MEETING

Monday, November 2, 2020

2:00 p.m.

Livestream at www.campotexas.org

AGENDA

PURSUANT TO SECTION 551.127 OF THE TEXAS GOVERNMENT CODE, AND IN CONJUNCTION WITH THE GUIDANCE AND PROVISIONS PROVIDED BY THE GOVERNOR OF TEXAS IN THE DECLARATION OF DISASTER ENACTED MARCH 13, 2020, MEMBERS OF THE TRANSPORTATION POLICY BOARD MAY BE PARTICIPATING REMOTELY IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, AS TEMPORARILY MODIFIED BY THE GOVERNOR, AND POLICY BOARD BYLAWS.

1. Certification of Quorum – Quorum requirement is 11 members
..... Commissioner Cynthia Long, Chair

2. Public Comments
Individuals wishing to speak during Public Comments must contact the CAMPO office via email at TPBcomments@campotexas.org or call 512-215-9351 by 1:00 p.m., Monday, November 2, 2020. A call or confirmation email will be sent with information on how to offer comments. Speakers must adhere to the three (3) minute time limit.

This is an opportunity for the public to address the Transportation Policy Board concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Board. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Public Comments is limited to a statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda.

3. Chair Announcements Commissioner Cynthia Long, Chair

4. [Report from the Technical Advisory Committee \(TAC\) Chair](#)..... Mr. Mike Hodge
Mr. Hodge will provide an overview of TAC discussion items and recommendations to the Transportation Policy Board.

EXECUTIVE SESSION:

Under Chapter 551 of the Texas Government Code, the Board may recess into a closed meeting (an executive session) to deliberate any item on this agenda if the Chairman announces the item will be deliberated in executive session and identifies the section or sections of Chapter 551 that authorize meeting in executive session. A final action, decision, or vote on a matter deliberated in executive session will be made only after the Board reconvenes in an open meeting.

5. Executive Session Commissioner Cynthia Long, Chair
The Transportation Policy Board will recess to an Executive Session, if necessary.

ACTION:

THE PUBLIC IS INVITED TO COMMENT ON ITEMS 6-8 IN THE SECTION BELOW. INDIVIDUALS WISHING TO SPEAK MUST CONTACT THE CAMPO OFFICE VIA EMAIL AT TPBCOMMENTS@CAMPOTEXAS.ORG OR CALL 512-215-9351 BY 1:00 P.M., MONDAY, NOVEMBER 2, 2020. A CALL OR CONFIRMATION EMAIL WILL BE SENT WITH INFORMATION ON HOW TO OFFER COMMENTS. SPEAKERS MUST ADHERE TO THE THREE (3) MINUTE TIME LIMIT.

- 6. [Discussion and Take Appropriate Action on October 12, 2020 Meeting Minutes](#)
.....Mr. Ashby Johnson, CAMPO
Mr. Johnson will present the October 12, 2020 meeting minutes and request Transportation Policy Board approval.
- 7. [Discussion and Take Appropriate Action on Open Roads Policy for CAMPO Region](#)
.....Mr. Tom Fowler, P.E., Kimley-Horn
Mr. Fowler will request Transportation Policy Board approval of an Open Roads Policy for the CAMPO region.
- 8. [Discussion and Take Appropriate Action on Transportation Development Credit \(TDC\) Application for City of Kyle Center Street Union Pacific \(UP\) Siding Relocation](#)
.....Mr. Ryan Collins, CAMPO
Mr. Collins will request Transportation Policy Board approval of the TDC application for the City of Kyle Center Street UP Sidings Project.

INFORMATION:

- 9. [Discussion on Potential Changes to CAMPO Transportation Policy Board \(TPB\) Bylaws](#)
..... Chair Cynthia Long, CAMPO
Chair Long will facilitate a discussion on potential changes to the current TPB bylaws.
- 10. Executive Director’s Report on Transportation Planning Activities
 - a. [CAMPO and TxDOT Executive Directors Dialogue on Agency Cooperation at AASHTO Annual Meeting](#)
 - b. [Updated Thoroughfare Plan Presented to Burnet County Commissioners Court](#)
 - c. [2021 Technical Advisory Committee Membership Appointments](#)
- 11. Announcements
 - a. Next Technical Advisory Committee Meeting, November 16, 2020 – 2:00 p.m.
 - b. Next Transportation Policy Board Meeting, December 7, 2020 – 2:00 p.m.
- 12. Adjournment

Persons with Disabilities:

Upon request, reasonable accommodations are provided. Please call 512-215-8225 at least three (3) business days prior to the meeting to arrange for assistance.



**Capital Area Metropolitan Planning Organization
Technical Advisory Committee Meeting**

**Held remotely online and by phone in accordance with local and state Stay at Home Orders
Livestream at: www.campotexas.org**

**Meeting Minutes
September 28, 2020**

1. Certification of Quorum..... Vice Chair Julia Cleary

The CAMPO Technical Advisory Committee was called to order by the Vice Chair at 2:08 p.m.

Following an introduction of the Committee, a quorum was announced present.

Present:

| | Member | Representing | Member Attending | Alternate Attending |
|-----|-----------------------------|----------------------------------|-------------------------|----------------------------|
| 1. | Stevie Greathouse | City of Austin | N | Warner Cook |
| 2. | Cole Kitten | City of Austin | N | Liane Miller |
| 3. | Robert Spillar | City of Austin | N | Eric Bollich |
| 4. | Tom Gdala | City of Cedar Park | Y | |
| 5. | Ray Miller | City of Georgetown | Y | |
| 6. | Terri Crauford | City of Leander | N | Mike O’Neal |
| 7. | Emily Barron | City of Pflugerville | Y | |
| 8. | Gary Hudder | City of Round Rock | N | Gerald Pohlmeier |
| 9. | Laurie Moyer | City of San Marcos | Y | |
| 10. | Julia Cleary, Vice Chair | Bastrop County | Y | |
| 11. | Amy Miller | Bastrop County (Smaller Cities) | Y | |
| 12. | Greg Haley | Burnet County | Y | |
| 13. | Mike Hodge, Chair | Burnet County (Smaller Cities) | Y | |
| 14. | Will Conley | Caldwell County | Y | |
| 15. | Dan Gibson | Caldwell County (Smaller Cities) | Y | |

| | | | | |
|-----|--------------------|------------------------------------|---|--------------------|
| 16. | Jerry Borcharding | Hays County | N | Winton Porterfield |
| 17. | John Nett | Hays County (Smaller Cities) | Y | |
| 18. | Charlie Watts | Travis County | Y | |
| 19. | Amy Pattillo | Travis County (Smaller Cities) | Y | |
| 20. | Bob Daigh | Williamson County | Y | |
| 21. | Samuel Ray | Williamson County (Smaller Cities) | N | |
| 22. | David Marsh | CARTS | N | Ed Collins |
| 23. | Justin Word | CTRMA | Y | |
| 24. | Sharmila Mukherjee | Capital Metro | Y | |
| 25. | Marisabel Ramthun | TxDOT | Y | Brandon Marshall |

2. Approval of the May 18, 2020 Meeting Summary Vice Chair Julia Cleary

The Vice Chair requested revisions or comments on the meeting summary from the May 18, 2020 meeting from the Committee.

Mr. Bob Daigh moved for approval of the May 18, 2020 summary, as presented.

Mr. Justin Word seconded the motion.

The motion prevailed unanimously.

**3. Discussion on Federal Transit Administration (FTA) 5310 Grant Program Criteria
Mr. Ryan Collins, CAMPO**

Mr. Ryan Collins, Short-Range Planning Manager provided a brief overview of the FTA 5310 Grant Program criteria. Mr. Collins informed the Committee that the FTA 5310 Grant is completed in the fall annually. Mr. Collins reported that approximately \$1 million is allocated to nonprofits and government agencies to provide transportation services in areas when transportation services are unavailable, insufficient, or inappropriate to meeting those needs. In 2012, CAMPO designated Capital Metro as the designated recipient of FTA 5310 funds and the responsibility of project selection remaining with CAMPO. Mr. Collins also reported that the Transportation Policy Board requested that CAMPO revisit the FTA 5310 Grant Program criteria in hopes of it improving it.

Mr. Collins briefly highlighted and discussed elements of the FTA 5310 Grant Program scoring criteria and requested that the Committee provide comments on the criteria by the end of the week. Mr. Collins added that any feedback received will be incorporated into the criteria. Question and answer with discussion followed.

4. Discussion on Fall Amendment CycleMr. Ryan Collins, CAMPO

Mr. Ryan Collins informed the Committee that CAMPO staff is in the middle of the fall amendment cycle. Mr. Collins reported that amendment cycles are held annually in the spring and fall. Mr. Collins noted that out of cycle amendment requests are also processed.

Mr. Collins also informed the Committee that six (6) amendment requests were received from Hays County for the RTP of which is currently in review and processing. Mr. Collins added that no amendment requests were received for the TIP. Mr. Collins later highlighted and discussed the schedule and public outreach for the fall amendment cycle. Question and answer with comments followed.

**5. Presentation on Benefits of A Potential Open Roads Policy for the CAMPO Region
.....Mr. Tom Fowler, Kimley-Horn & Associates**

Mr. Tom Fowler of Kimley Horn & Associates informed the Committee that Kimley Horn & Associates is working with the TxDOT Austin District and CAMPO on a joint project looking to implement some of the recommendations from the 2018 CAMPO Regional Incident Management Strategic Plan, approved by the Transportation Policy Board in December of 2018. Mr. Fowler highlighted and briefly discussed those recommendations and noted that the Open Roads Policy was identified as one of the recommendations targeted for implementation and also presented to the Transportation Policy Board as an information item on August 10, 2020. Mr. Fowler noted that the Open Roads Policy formalizes the commitment of the region to opening roads as quickly and safely as possible. Mr. Fowler later provided a detailed overview of the draft Open Roads Policy for the CAMPO region. Question and answer with comments followed.

6. Report on Transportation Planning Activities

There was nothing to report.

7. TAC Chair Announcements

The Vice Chair announced that the next TAC meeting is scheduled for October 19, 2020 at 2:00p.m.

8. Adjournment

The September 28, 2020 meeting of the Technical Advisory Committee was adjourned at 2:56 p.m.



**Capital Area Metropolitan Planning Organization
 Transportation Policy Board Meeting
 Held remotely online and by phone in accordance with local and
 state Stay at Home Orders - Livestream at www.campotexas.org
 Meeting Minutes
 October 12, 2020 – 2:00 p.m.**

1. Certification of Quorum – Quorum requirement is 11 members
Commissioner Cynthia Long, Chair

The CAMPO Transportation Policy Board was called to order by the Chair at 2:03 p.m.

The roll was taken and a quorum was announced present.

| | Member | Representing | Member Attending | Alternate Attending |
|----|-------------------------|---------------------------------|-------------------------|--------------------------------------|
| 1 | Cynthia Long, Chair | Commissioner, Williamson County | Y | |
| 2 | Ann Kitchen, Vice-Chair | City of Austin, District 5 | Y | |
| 3 | Steve Adler | Mayor, City of Austin | Y | |
| 4 | Alison Alter | City of Austin, District 10 | N | Council Member Paige Ellis |
| 5 | Clara Beckett | Commissioner, Bastrop County | Y | |
| 6 | Gerald Daugherty | Commissioner, Travis County | N | |
| 7 | Sam Biscoe | Judge, Travis County | N | |
| 8 | Tucker Ferguson, P.E. | TxDOT-Austin District | Y | |
| 9 | Jimmy Flannigan | City of Austin, District 6 | Y | |
| 10 | Troy Hill | Mayor, City of Leander | N | Council Member Marci Cannon |
| 11 | Jane Hughson | Mayor, City of San Marcos | Y | |
| 12 | Mark Jones | Commissioner, Hays County | Y | |
| 13 | Rudy Metayer | City of Pflugerville, Place 4 | Y | |
| 14 | Terry Mitchell | Capital Metro Board Member | Y | |
| 15 | Travis Mitchell | Mayor, City of Kyle | N | <i>*Ex-Officio/Non-Voting Member</i> |
| 16 | Craig Morgan | Mayor, City of Round Rock | Y | |
| 17 | James Oakley | Judge, Burnet County | Y | |
| 18 | Dale Ross | Mayor, City of Georgetown | Y | |
| 19 | Brigid Shea | Commissioner, Travis County | N | |
| 20 | Edward Theriot | Commissioner, Caldwell County | Y | |
| 21 | Jeffrey Travillion | Commissioner, Travis County | Y | |
| 22 | Corbin Van Arsdale | Mayor, City of Cedar Park | Y | |

2. Public Comments

The Chair recognized the following individuals who offered public comments on the potential encroachment of the Alexander Farm and Alexander family cemetery due to the US 183 South Project.

1. Ms. Rosalind Alexander-Kasparik, Private Citizen
2. Mr. Marcellus Alexander, Jr., Private Citizen
3. Ms. Winell Alexander Herron, Private Citizen

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:01:27

3. Chair AnnouncementsCommissioner Cynthia Long, Chair

The Chair announced that the Executive Committee will convene in October. The Chair informed the Board that she will work with Ashby Johnson, CAMPO Executive Director and Kimberly Petty, Executive Assistant to the CAMPO Executive Director for scheduling.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 01:47:47

4. Report from the Technical Advisory Committee (TAC) Vice Chair

Vice Chair, Ms. Julia Cleary provided a report from the September 28, 2020 meeting.

Ms. Cleary reported that the TAC took action to approve the minutes from the May 18, 2020 meeting. Ms. Cleary also reported that the TAC received presentations on the following information items:

1. Discussion of Federal Transit Administration Section 5310 Program Criteria
2. Discussion on Fall Amendment Cycle for Transportation Improvement Program and Regional Transportation Program
3. Discussion on Potential Open Roads Policy

Ms. Cleary summarized the discussions and comments from each presentation.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:13:00

5. Executive Session

An Executive Session was not convened.

6. Discussion and Take Appropriate Action on August 10, 2020 Meeting Minutes

The Chair entertained a motion for approval of the minutes for the August 10, 2020 as presented.

Judge James Oakley moved for approval of the August 10, 2020 meeting minutes, as presented.

Council Member Rudy Metayer seconded the motion.

The motion prevailed unanimously.

Ayes: Commissioner Cynthia Long, Council Member Ann Kitchen, Mayor Steve Adler, Commissioner Clara Beckett, Council Member Marci Cannon (Proxy for Mayor Troy Hill), Council Member Paige Ellis (Proxy for Council Member Alison Alter), Mr. Tucker Ferguson, P.E., Council Member Jimmy Flannigan, Mayor Jane Hughson, Commissioner Mark Jones, Council Member Rudy Metayer, Mr. Terry Mitchell, Mayor Craig Morgan, Judge James Oakley, Mayor Dale Ross, Commissioner Edward Theriot, Commissioner Jeffrey Travillion, and Mayor Corbin Van Arsdale

Nays: None

Abstain: None

Absent and Not Voting: Judge Sam Biscoe, Commissioner Gerald Daugherty, and Commissioner Brigid Shea

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:16:36

7. Discussion and Take Appropriate Action on FY 2020 & 2021 Unified Planning Work Program Amendment #3

The Chair recognized Ms. Theresa Hernandez, Finance & Administration Manager who highlighted and discussed carryover funding from FY 2020 to FY 2021 by project. Ms. Hernandez also identified projects receiving additional funding in FY 2021. Ms. Hernandez later summarized corrections to the FY 2020 & 2021 UPWP not included in the meeting materials and requested approval of FY 2020 & 2021 UPWP Amendment #3 and accompanying Resolution 2020-10-7.

The Chair entertained a motion for approval of FY 2020 & 2021 Unified Planning Work Program Amendment #3 and accompanying Resolution 2020-10-7.

Judge James Oakley moved for approval of FY 2020 & 2021 Unified Planning Work Program Amendment #3 and accompanying Resolution 2020-10-7.

Mayor Craig Morgan seconded the motion.

The motion prevailed unanimously.

Ayes: Commissioner Cynthia Long, Council Member Ann Kitchen, Mayor Steve Adler, Commissioner Clara Beckett, Council Member Marci Cannon (Proxy for Mayor Troy Hill), Council Member Paige Ellis (Proxy for Council Member Alison Alter), Mr. Tucker Ferguson, P.E., Council Member Jimmy Flannigan, Mayor Jane Hughson, Commissioner Mark Jones, Council Member Rudy Metayer, Mr. Terry Mitchell, Mayor Craig Morgan, Judge James Oakley, Mayor Dale Ross, Commissioner Edward Theriot, Commissioner Jeffrey Travillion, and Mayor Corbin Van Arsdale

Nays: None

Abstain: None

Absent and Not Voting: Judge Sam Biscoe, Commissioner Gerald Daugherty, and Commissioner Brigid Shea

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:17:26

8. Discussion and Take Appropriate Action on 2021 Transportation Policy Board Meeting Schedule

The Chair advised the Board to add the proposed meeting dates to their calendar and entertained a motion for approval of the proposed meeting dates for calendar year 2021, as presented.

Mayor Craig Morgan moved for approval of the proposed meeting dates for calendar year 2021, as presented.

Mayor Jane Hughson seconded the motion.

The motion prevailed unanimously.

Ayes: Commissioner Cynthia Long, Council Member Ann Kitchen, Mayor Steve Adler, Commissioner Clara Beckett, Council Member Marci Cannon (Proxy for Mayor Troy Hill), Council Member Paige Ellis (Proxy for Council Member Alison Alter), Mr. Tucker Ferguson, P.E., Council Member Jimmy Flannigan, Mayor Jane Hughson, Commissioner Mark Jones, Council Member Rudy Metayer, Mr. Terry Mitchell, Mayor Craig Morgan, Judge James Oakley, Mayor Dale Ross, Commissioner Edward Theriot, Commissioner Jeffrey Travillion, and Mayor Corbin Van Arsdale

Nays: None

Abstain: None

Absent and Not Voting: Judge Sam Biscoe, Commissioner Gerald Daugherty, and Commissioner Brigid Shea

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:26:38

9. Briefing on US 183 South Study and Alexander Farm

The Chair informed the Board that public comment will follow the conclusion of the briefing on the US 183 South Study. The Chair introduced Ms. Heather Ashley-Nguyen, Director of Transportation Planning & Development of the TxDOT Austin District as presenter.

Ms. Ashley-Nguyen informed the Board that the purpose of the US 183 South Study is to explore potential improvement to US 183 (between SH 71 to SH 130) and the goal is to enhance safety, mobility and access within the project area. Ms. Ashley-Nguyen identified and discussed the study area, population and traffic growth in the corridor, and project development process. Ms. Ashley-Nguyen concluded the briefing with a summary of the public involvement and public outreach process and timeline for the US 183 South Study.

The Chair recognized the following individuals who offered public comments on the potential encroachment of the Alexander Farm and the Alexander family cemetery due to the US 183 South Study.

1. Ms. Rosalind Alexander Kasparik
2. Ms. Elizabeth Merritt
3. Ms. Donna Carter
4. Ms. Winell Alexander Herron

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:28:31

10. Discussion on Federal Transit Administration (FTA) Section 5310 Program Criteria

The Chair recognized Mr. Ryan Collins, Short-Range Planning Manager who provided an overview of the current criteria for the FTA Section 5310 Program. Mr. Collins reminded the Board that the FTA Section 5310 Program is a grant program which allocates nearly \$1 million in funding annually for transportation programs that serve the elderly and individuals with disabilities. Mr. Collins reported that CAMPO is currently using the project selection criteria that was approved in 2012. Mr. Collins further reported that the Board has since directed CAMPO to reevaluate and update the Section 5310 scoring criteria.

Mr. Collins later provided a high-level overview of the current criteria followed by a brief discussion of the recommended changes. Mr. Collins informed the Board that the current Section 5310 criteria was reviewed by the TAC which recommended changing the schedule for the FTA Section 5310 Program project call to biannual. Mr. Collins noted that staff supports the recommendation by the TAC. The presentation was concluded by a detailed discussion with comments by the Board.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 00:59:20

11. Discussion on 2021 Transportation Alternative Set-Aside (TASA) Program Project Call

The Chair recognized Mr. Ryan Collins who informed the Board that a project call for the 2021 TASA Program will be held in early 2021. Mr. Collins reminded the Board that the TASA Program is a pull-out from the Surface Transportation Block (STGB) funding received by the region. Mr. Collins reported that TxDOT administers TASA funding in small-urbanized and rural areas of the region for smaller scale transportation projects and activities. Mr. Collins noted that TASA funding lapses if it is not obligated after four (4) years of being authorized.

Mr. Collins later informed the Board that CAMPO anticipates approximately \$10 million in available TASA funding for FY 2023-2026. Mr. Collins added that the project selection process used for the 2018 TASA Program project call will be used for the 2021 project call. Mr. Collins identified and discussed the following options for the 2021 TASA Project Call with consideration for specific deferred projects for the City of Austin and Travis County:

1. Option 1 – Allocate entirety of anticipated funding to new projects
2. Option 2 – Allocate funding to eligible projects from deferred list (subject to readiness evaluation and sponsor coordination) remainder of funding to new projects

Mr. Collins informed the Board that staff is recommending Option 2.

Mr. Ashby Johnson, CAMPO Executive Director offered comments on the purpose for providing options for initiating the 2021 TASA Project Call, noting the time limit on TASA funding. Mr. Johnson offered “Option 3 - Do nothing this year” as an additional option.

The presentation was concluded by brief comments by the Board.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 01:22:36

12. Executive Director's Report on Transportation Planning Activities

a. Update on Effects on the Region's Transportation System during the Pandemic

Mr. Nirav Ved, Special Assistant to the Executive Director of CAMPO presented and provided a brief overview on the data received in reporting the effects on the region's transportation system during the COVID -19 pandemic. Mr. Ved discussed the decrease in collected revenue for FY 2020 since the pandemic and its impact on major sources of the State Highway Fund. Mr. Ved also highlighted and discussed data comparisons which included computer and internet availability for the working from home option, commute modes by race, use of public transportation by industry, working from home by industry. The report was concluded by comments from the Board and Mr. Ashby Johnson.

b. Project Progress Reports

Mr. Ryan Collins reported that staff was informed that some of the project progress reports included in the meeting materials for this item did not update correctly. Mr. Collins added that updated project progress reports will be forwarded to the Board for their review. Mr. Collins briefly highlighted tracking information included in the reports. Mr. Collins also reported that a presentation on the progress of the region is forthcoming. The report was concluded by comments from the Board and Mr. Ashby Johnson.

c. Miscellaneous

1. CAMPO Executive Director Facilitates National Academy of Science Panel on Equity in Transportation

This item first in the Executive Director's Report on Transportation Planning Activities.

Mr. Ashby Johnson reported that he was selected to facilitate a panel by the Transportation Research Board for the National Academy of Sciences on Equity in Transportation. Mr. Johnson informed the Board that the purpose of the panel was to develop research ideas on equity that could be threaded into the National Academy of Sciences' research work for the next three (3) to four (4) years. Mr. Johnson further reported that the panel was attended by individuals from across the country representing transit operators, state highway departments of transportation, and researchers.

The Chair commended Mr. Johnson on his participation on the panel and noted that it is a testimony to the respect earned in the State and the nation. The Chair commented that it makes CAMPO and the region look good and further commended Mr. Johnson on his leadership of CAMPO.

2. CTRMA receives Engineering News Record Recognition for Construction of SH 45SW

Mr. Johnson also recognized and congratulated the Central Texas Regional Mobility Authority (CTRMA) as an award recipient from Engineering News Record for its work on the planning and construction of SH 45SW.

Mr. Johnson later reported that staff is reviewing the deferred projects list to develop a prioritization process for the items that were not discussed in today's meeting. Mr. Johnson noted that this request was a topic of discussion with Vice Chair Ann Kitchen. Mr. Johnson further reported that the results of that work is anticipated to be presented for review at the November Board meeting.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 01:33:11

13. Announcements

The Chair announced that the next Technical Advisory Committee Meeting will be held on October 19, 2020 at 2:00 p.m. and the next Transportation Policy Board Meeting will be held on November 2, 2020 at 2:00 p.m.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 01:48:11

14. Adjournment

The Chair entertained a motion to adjourn the October 12, 2020 meeting of the Transportation Policy Board.

Commissioner Jeffrey Travillion moved for approval to adjourn the October 12, 2020 meeting of the Transportation Policy Board.

Mayor Jane Hughson seconded the motion.

The October 12, 2020 meeting of the Transportation Policy Board was adjourned at 3:51 p.m.

Video of this item can be viewed at <https://austintx.new.swagit.com/videos/87108>. Start Video at 01:48:30



Date: November 2, 2020
Continued From: August 10, 2020
Action Requested: Approval

To: Transportation Policy Board
From: Mr. Tom Fowler, P.E., Kimley-Horn
Agenda Item: 7
Subject: Discussion and Take Appropriate Action on Open Roads Policy for CAMPO Region

RECOMMENDATION

CAMPO staff recommends the Transportation Policy Board approve the Open Roads Policy for the CAMPO region and accompanying Resolution 2020-11-7.

PURPOSE AND EXECUTIVE SUMMARY

In December 2018, the Transportation Policy Board (TPB) adopted its first Regional Incident Management Strategic Plan. The plan was developed in close coordination with the TxDOT - Austin District, local governments, transportation operators (CTRMA and Cap Metro) and the Federal Highway Administration (FHWA). The Regional Incident Management Strategic Plan serves as a guide to transportation operators and local governments to assist in decision-making to improve safety, mobility, and regional coordination. The plan can be accessed [here](#).

Development of an open roads policy was one of the recommendations contained in the 2018 Regional Incident Management Strategic Plan. This item constitutes the next step in the implementation of the plan's recommendation. The policy would lay the foundation for CAMPO and its regional partners to set performance metrics for the operation of the regional roadway network.

The intended outcomes of an Open Roads policy are as follows:

- **Establish regional commitment to keeping roads open**
- **Increase safety at traffic incident scenes and reduce secondary crashes**
- **Reduce congestion due to traffic incidents**
- **Set clear and reasonable expectations for responding agencies**

The establishment of a regional Open Roads policy prior to the start of construction of the IH 35 Central Express project would assist the region with traffic and congestion management on IH 35 and supporting facilities such as US 183S, SH 130, and SH 71. An Open Roads policy would also support existing programs and activities such as HERO, the overall Mobility 35 project, and the Combined Transportation Emergency and Communications Center (CTECC) that supports Travis County, the City of Austin, Capital Metro, and the TxDOT - Austin District.

The draft language of the Open Roads Policy is as follows:

“Whenever a roadway or travel lane is closed, partially blocked, or otherwise negatively impacted due to a traffic incident, responders shall re-open the roadway as soon as possible in an URGENT MANNER. Safety of the public and incident responders will remain the highest priority and must be preserved.”

The draft Open Roads policy is consistent with state and federal law and does not give local governments and transportation operators any new authority nor does it take any existing authority away from any entity.

FINANCIAL IMPACT

None.

SUPPORTING DOCUMENTS

Attachment A – *CAMPO Region Open Roads Interlocal Agreement*

Attachment B – *Resolution 2020-11-7 (Draft)*

CAMPO Region Open Roads Interlocal Agreement

Whenever a roadway or travel lane is closed, partially blocked, or otherwise negatively impacted due to a traffic incident, responders shall re-open the roadway as soon as possible in an URGENT MANNER. Safety of the public and incident responders will remain the highest priority and must be preserved.

A traffic incident is defined as any unanticipated, non-recurring event that reduces roadway capacity or causes the roadway to operate atypically. Traffic incidents may include any of the following when they occur on or adjacent to the roadway: vehicular crashes including motorized and non-motorized vehicles, stalled vehicles, abandoned vehicles, or loose debris. When they occur, traffic incidents impede safe and efficient roadway operations.

With the establishment of this Open Roads Interlocal Agreement, all partners have a shared responsibility to do whatever is reasonable to reduce the risk to incident responders, reduce the risk of secondary traffic incidents, and reduce delays associated with incidents, maintenance, construction, and enforcement.

Through this Open Roads Interlocal Agreement, those responding to an incident on minor arterials and above are encouraged to work toward meeting the National Unified Goal of clearing all traffic incidents from the travel portion of the roadway within 90 minutes.

Recognizing the role that controlled access facilities play in maintaining regional mobility, those responding to a incidents on controlled access facilities shall make every reasonable attempt to provide initial incident response within 30 minutes and, when prudent, to clear all traffic incidents from controlled access facility travel lanes and shoulders within 60 minutes. As a result, roadway users will benefit from a safer and less congested roadway network, and incident responders will benefit from limiting time spent at potentially dangerous incident scenes in or near the roadway.

Agencies responding to incidents and agencies maintaining the roadway network both share an interest in meeting the incident management goals described above, and as a result these agencies each have a responsibility to track and regularly assess incident management performance within their organizations. Agencies may be requested to report on incident management performance.

While agencies must work together to promptly and safely clear a traffic incident, these agencies have varying responsibilities in traffic incident response and clearance. These responsibilities are listed below by agency type and extend as applicable to any service provider (such as a roadway service patrol contractor, maintenance contractor, or towing service contractor) contracting with that agency to assist with any aspect of traffic incident management.

Responsibilities of Law Enforcement

Law enforcement agencies will utilize technology, equipment, and approved methods to safely and efficiently document and investigate incident scenes. Using these techniques, law enforcement agencies will prioritize on-scene investigative tasks to reopen travel lanes quickly, and may conduct “non-critical” portions of an investigation later. Law enforcement officers will exercise the authority provided by the Texas Transportation Code Authority Removal Law (TTC§545.3051) and Driver Removal Law (TTC§550.022b) when they deem that the presence

of vehicles or cargo at an incident scene impedes the ability of incident managers to meet the goals established in this Open Roads Interlocal Agreement.

Responsibilities of Fire and Emergency Medical Services Responders

Emergency response agencies will cooperate regionally to reduce traffic incident response times for incidents which require such a response. In coordination with law enforcement, emergency response agencies will exercise the authority provided by the Texas Transportation Code Authority Removal Law (TTC§545.3051) and Driver Removal Law (TTC§550.022b) when they deem that the presence of vehicles or cargo at an incident scene impedes the ability of incident managers to meet the goals established in this Open Roads Interlocal Agreement.

Responsibilities of Road Maintaining Agencies

Road maintaining agencies will promptly respond to reports of roadway debris on the roads which they maintain. Road maintaining agencies will use all avenues of communication available to them to communicate accurate and timely traffic incident information to the traveling public and adjust traffic signal timing to accommodate incident related traffic. Road maintaining agencies will assist with temporary traffic control at the direction of the incident commander on scene in an effort to meet the goals established in this Open Roads Interlocal Agreement.

Responsibilities of CAMPO

CAMPO will support opportunities to further develop and fund regional traffic incident management initiatives and programs, including those identified in the CAMPO Regional Incident Management Strategic Plan and Performance Assessment. CAMPO will facilitate regular assessments of regional traffic incident management performance.

Responsibilities of Municipalities

Municipalities will review their municipal codes to confirm the conformance with the goals established in this Open Roads Interlocal Agreement. If any sections of municipal code or statutes are not in accordance with these goals, then municipalities will update the non-conforming sections of municipal code.

Responsibilities of AIMHigh

The AIMHigh working group will meet regularly to discuss items of interest to incident managers within the CAMPO Region. The AIMHigh working group will proactively encourage participation from members of law enforcement, emergency response, and road maintaining agencies throughout the region.

Expected Conduct of Commercial Vehicle Operators and the Traveling Public

Commercial vehicle operators and the traveling public will follow applicable laws and regulations to preserve the safety of those involved in or responding to an incident. Commercial vehicle operators and the traveling public will not hinder the efforts of incident management personnel attempting to meet the traffic incident management goals established in this Open Roads Interlocal Agreement.



Resolution 2020-11-7

Acknowledging the Transportation Policy Board's Approval of the CAMPO Region Open Roads Interlocal Agreement

WHEREAS, a traffic incident is defined as any unanticipated, non-recurring event that reduces roadway capacity or causes the roadway to operate atypically. Traffic incidents may include any of the following when they occur on or adjacent to the roadway: vehicular crashes, stalled vehicles, abandoned vehicles, or loose debris. When they occur, traffic incidents impede safe and efficient roadway operations.

WHEREAS, the quality of life in the State of Texas is heavily dependent upon the free movement of people, vehicles and commerce. Law enforcement, emergency responders, local transportation agencies, the TxDOT Austin District, and the traveling public share the responsibility for achieving and maintaining the degree of order necessary to make this free movement possible.

WHEREAS, the adoption of the CAMPO Region Open Roads Interlocal Agreement strengthens the existing commitment to safe and prompt clearance of traffic incidents from roadways. This commitment is already championed by agencies throughout the region, and the adoption of this Regional Open Roads Agreement by the CAMPO Transportation Policy Board formalizes that commitment and properly recognizes effective incident management as an important component of maintaining regional mobility.

WHEREAS, the CAMPO Region Open Roads Interlocal Agreement is consistent with the goals established in previous planning efforts accepted by the CAMPO Transportation Policy Board, including the CAMPO Regional Incident Management Strategic Plan and Performance Assessment (2018) and the CAMPO 2045 Regional Transportation Plan (2020). The establishment of such an agreement is also consistent with the goals and efforts of the Austin Incident Management for Highways (AIMHigh) working group, which is composed of members of law enforcement, emergency response, and transportation agencies throughout the region.

NOW, THEREFORE BE IT RESOLVED that the CAMPO Transportation Policy Board hereby votes to approve the CAMPO Region Open Roads Interlocal Agreement as reflected in this Resolution; and

Hereby orders the recording of this resolution in the minutes of the Transportation Policy Board; and

BE IT FURTHER RESOLVED that the Board delegates the signing of necessary documents to the Board Chair.

The above resolution being read, a motion to approve the CAMPO Procurement Policy as reflected was made on _____ by _____ and duly seconded by _____.

Ayes:

Nays:

Abstain:

Absent and Not Voting:

SIGNED this 12th day of October 2020.

Chair, CAMPO Board

Attest:

Executive Director, CAMPO



Date: November 2, 2020
Continued From: N/A
Action Requested: Approval

To: Transportation Policy Board
From: Mr. Ryan Collins, Short-Range Planning Manager
Agenda Item: 8
Subject: Discussion and Take Appropriate Action on Transportation Development Credit (TDC) Application for City of Kyle Center Street Union Pacific (UP) Siding Relocation

RECOMMENDATION

Staff is recommending the Transportation Policy Board approve the TDC application for the City of Kyle Center Street UP Siding Relocation and Resolution 2020-11-8.

PURPOSE AND EXECUTIVE SUMMARY

In May 2018, the Transportation Policy Board awarded the City of Kyle and Hays County \$15,209,034 in Surface Transportation Block Group (STBG) funding for the City of Kyle Center Street UP Siding Relocation. Hays County and the City of Kyle have requested 3,802,258 in TDCs in lieu of the required match for the \$15,209,034 in federal transportation funding. The \$3,802,258 in local funding, previously dedicated for match, will fund safety improvements on RM 3237 to meet the federal Maintenance of Effort (MOE) requirement.

FINANCIAL IMPACT

This item would award 3,802,258 in TDCs to Hays County and the City of Kyle to provide the required match for the \$15,209,034 in STBG funding. The \$3,802,258 in local match will be spent on safety improvements on RM 3237 to meet the MOE requirement.

BACKGROUND AND DISCUSSION

TDCs are a federal financing tool that permits the non-Federal share of a project's cost to be met through a "soft match" of TDCs. This allows the TDC program to create more flexibility in state and local transportation programs by providing the ability to shift funds available for local match requirements to other transportation related expenses.

TDCs effectively fulfill the sponsor match requirements by providing a "soft match" for the non-federal share, meaning the TDCs do not provide additional federal funding, the TDCs only effectively erase the requirement for the sponsor to provide a match for the project. Because TDCs remove the local match requirement, the federal share of the project funding increases to 100 percent, though the funding amount remains the same.

Furthermore, the sponsor must identify a transportation project or projects that will be funded with the local dollars that would have otherwise been used for the federally-required local match. The transportation project or projects identified must also support program goals and meet the requirements outlined in the TDC policy.

SUPPORTING DOCUMENTS

Attachment A – TDC Application

Attachment B – Hays County Resolution

Attachment C – Resolution 2020-11-8 (Draft)

Capital Area Metropolitan Planning Organization

Transportation Development Credit Application



Sponsor Information

Sponsor Information

Sponsor: Hays County
Address: 111 E. San Antonio Street
City: San Marcos
State: Texas
Zip Code: 78666
Phone: (512) 393-7385
Website: <https://hayscountytexas.com/>

Contact Information

Name: Jerry Borcharding, P.E.
Position: Transportation Director
Address: 2171 Yarrington Road
City: San Marcos
State: Texas
Zip Code: 78666
Phone: (512) 393-7385
Email: jerry@co.hays.tx.us

Co-Sponsor

Does this project have a co-sponsor?

Yes

Co-Sponsor Information

Co-Sponsor Information

Co-Sponsor: City of Kyle
Address: 100 W. Center Street
City: Kyle
State: Texas
Zip Code: 78640
Phone: (512) 262-3958
Website: <https://www.cityofkyle.com/>

Contact Information

Name: Leon Barba, P.E.
Position: City Engineer
Address: 100 W. Center Street
City: Kyle
State: Texas
Zip Code: 78640
Phone: (512) 262-3958
Email: cityengineer@cityofkyle.com

Primary Project Information

The primary project is the project in which the Transportation Development Credits will be applied should they be awarded. The project sponsor must be a direct recipient or sub-recipient of the funding from the U.S. Department of Transportation and is responsible for having provided the match for the funding.

General Information

County: Hays County
Municipality: Kyle
Project Name: Kyle Center Street UP Siding Relocation
Limits (From): 50' North of Burleson Street
Limits (To): 1,650' North of Kohlers Crossing

Purpose and Need

The purpose of the Kyle Center Street UP Siding Relocation is to improve mobility and safety in downtown Kyle at FM 150 and along the I-35 frontage road for all roadway users, and police, fire and emergency services. The City of Kyle is one of the fastest growing cities in Texas with an estimated population of 46,000 at the 2020 census with over 40,000 entitled additional residential units. Kyle's main East/West thoroughfare is FM 150, which begins at Highway 21 to the east connecting to Wimberley with a major interchange at IH 35 and FM 150. The railroad siding blocks this major arterial roadway backing up traffic along TxDOT frontage roads, cutting off public safety vehicles and school buses. The sidled trains block several street crossings, including FM 150, for 20 minutes or more (sometimes hours). With police and fire stations nearby, the sidled trains can delay emergency personnel from arriving at life threatening events in a timely manner. Relocation the siding track away from this critical downtown thoroughfare connection will improve mobility and safety in the immediate area and the region.

Project Scope

Construct app. 12,000' of railroad siding with 20' Track Centers with two (2) No. 15 Power Switches, No Access Road, Retaining Wall, and three (3) Bridges.

Indirect (Direct) costs payable to the Texas Department of Transportation are anticipated to be lower when final Advance Funding Agreement is negotiated.

Project Cost

Preliminary Engineering: \$520,000.00
Right-of-Way: \$2,666,313.00
Construction: \$9,113,699.00

Construction Engineering: \$840,000.00

Indirect: \$965,564.00

Contingencies: \$2,594,702.00

Total Project Cost: **\$16,700,278.00**

Funding

Federal Agency: Federal Highway Administration

Funding Source: Category 7

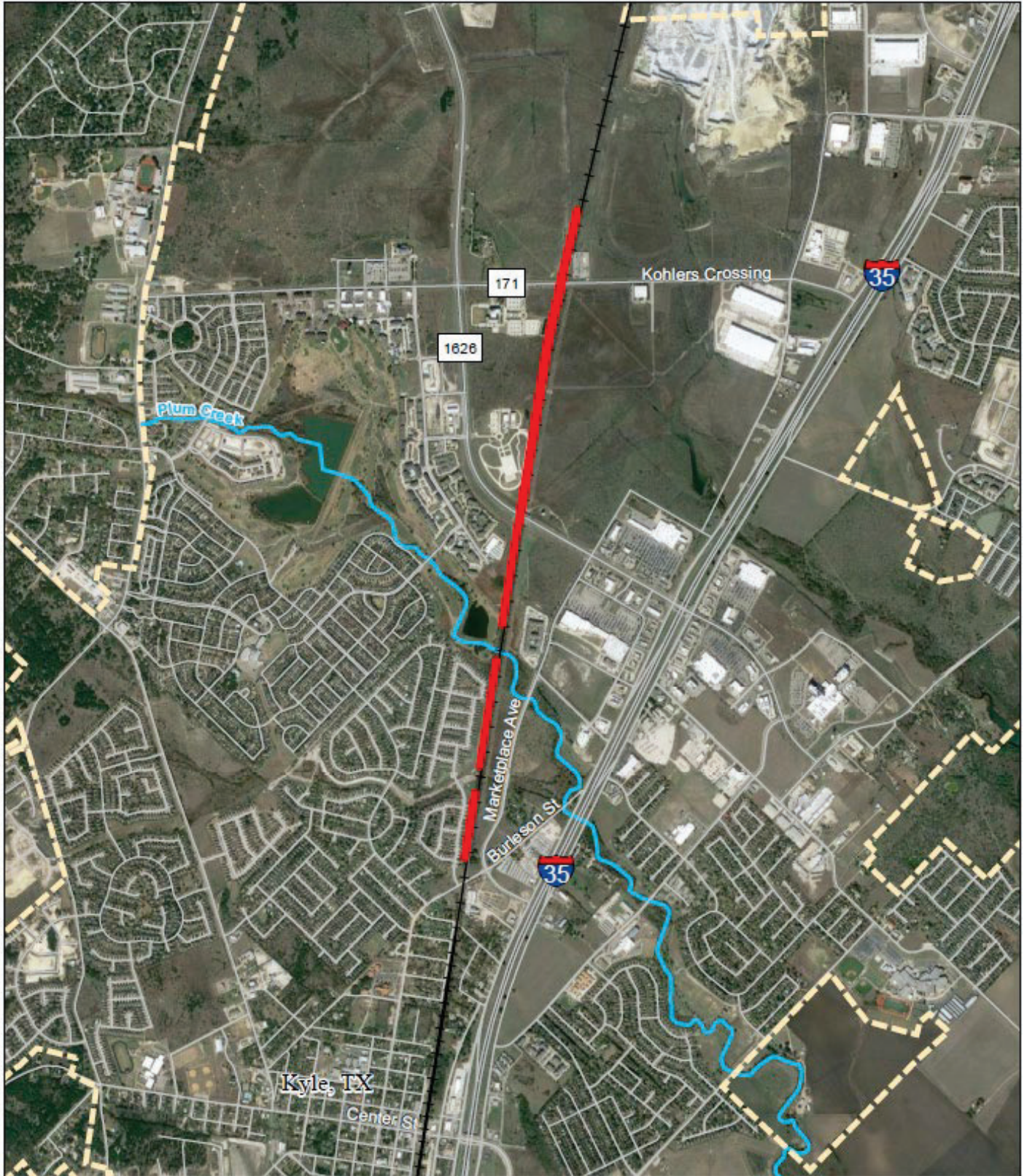
Funding Amount: **\$15,209,034.00**

Local Match: **\$3,802,258.00**

Fiscal Year 2022

Phase: Right-of-Way (including Utility Coordination); Construction

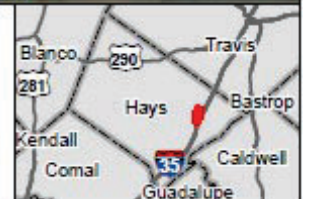
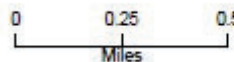
Project Location



Center Street Rail Siding Project
Project Location Map **DRAFT**
CSJ 0914-33-076

- Project Limits
- Railroad
- City of Kyle Limits
- Creek/Stream

N



Data Sources: ESRI 2020, TNIRIS 2020, Google 2020, Hays County TX 2020, City of Kyle 2020, Texas Department of Transportation 2020, Texas Commission on Environmental Quality 2020

Transportation Development Credit Policy

Policy Goals

Granting Transportation Development Credits for this project fulfills the Policy Goals of the Texas Transportation Commission and CAMPO. The local match for this project is significant and available funding from the County and City is insufficient. Providing the local match would maximize the use Federal funding and allow the County and City to expend available funding on non-reimbursable expenditures to move the project forward. Also, by not requiring the County and City to provide the local match on this project, other projects can receive funding that otherwise could utilize Federal funding. The project addresses critical mobility needs, both locally and regionally by removing the siding cars from an already congested downtown and major access point for I-35. The project is included in the 2045 Regional Transportation Plan.

Eligibility

This is a rail improvement project that addresses significant safety issues and reduces congestion by removing the siding from a main thoroughfare location that impedes flow of traffic, including bus vehicles, and police, fire and emergency service vehicles. The project is included in the CAMPO 2045 Regional Transportation Plan. As this project will provide significant congestion relief at FM 150, the City of Kyle's main thoroughfare, and several at-grade crossings and along the I-35 frontage road, and improves the response time of the region's police, fire and emergency vehicles, it is a project of regional significance.

Financial Need

The project was granted funding in the CAMPO 2018 Project Call. Hays County has committed \$1.5 million in the 2016 Road Bond Program and has expended over half that amount already, mostly for engineering with UPRR. The County anticipates expending the remainder of the identified funding on construction design, right-of-way and utility coordination tasks, along with project management costs. The City of Kyle has already expended \$270,000 for engineering with UPRR. The City is planning to fulfill its commitment in the original 2018 Project Call application process to fund the City's \$1.23 million portion of the local match. It is the intent for the County and City to enter into an Interlocal Agreement wherein the City would contribute funding over several years to assist in project costs being expended by the County. Materials demonstrating Federal funding, 2016 Road Bond Program call and identified funding for project are included in Appendices A and C.

Implementation

Hays County has assumed responsibility for project development and has moved forward with environmental documentation, preliminary right-of-way and utility coordination activities, and construction design. The County proposes to continue funding currently non-reimbursable expenses, to be reimbursed in part over time by the City of Kyle. The County anticipates that the Federal funding identified for this project will be sufficient to implement the project, in light of the County having already initiated project development and is funding activities, which will reduce the request for reimbursement for eligible expenditures. Currently, environmental documentation, construction design, and preliminary right-of-way and utility relocation activities are ongoing. The County and UPRR will continue discussion regarding which entity will assume responsibility for construction of the siding relocation improvements. Hays County has a demonstrated track record for the development and implementation of major transportation infrastructure improvements, accomplished the County's Pass-Through Finance Program and Partnership Program,

both in cooperation with the Texas Department of Transportation, the the County's 2008 and 2016 Road Bond Programs, programs which encompass intersection safety and new capacity improvements, and bridge/access road improvements along I-35. See Appendix A for information regarding construction engineering and utility relocation status, cost estimates, and support materials.

Secondary Project Information

The secondary project is the designated recipient of the redirected local match funding currently dedicated to the federally-funded primary project. The secondary project must meet the same policy requirements as the primary project.

General Information

| | |
|-----------------------|-----------------------------|
| County: | Hays County |
| Municipality: | Wimberley |
| Project Name: | RM 3237 Safety Improvements |
| Limits (From): | RM 150 |
| Limits (To): | RM 12 |

Purpose and Need

To provide an improved RM 3237 facility with upgraded intersections at locations along RM 3237 in the developing RM 3237 corridor in southwest Hays County, benefiting the City of Wimberley; students, teachers and employees of several area private school facilities (including Wimberley Montessori, Katherine Anne Porter School, and St. Stephen Episcopal School which is accessed directly from RM 3237 at the Deer Lake Estate and Camino de Rancho intersections) and the traveling public, as well as providing improved facilities for police, fire and emergency services in the area. Several intersections in the RM 3237 corridor lack turn lanes, impeding flow of traffic, endangering motorists and delaying police, fire and emergency services.

Project Scope

Construct improvements at five intersections: Lone Man Mountain Road/Rolling Oaks Drive, Camino de Rancho/Deer Lake Estate, River Mountain Road, Rogers Road, and Flite Acres Road, including pavement widening and addition of turn lanes. Intersection at Camino de Rancho will be realigned to improve intersection geometry and operation.

Project Cost

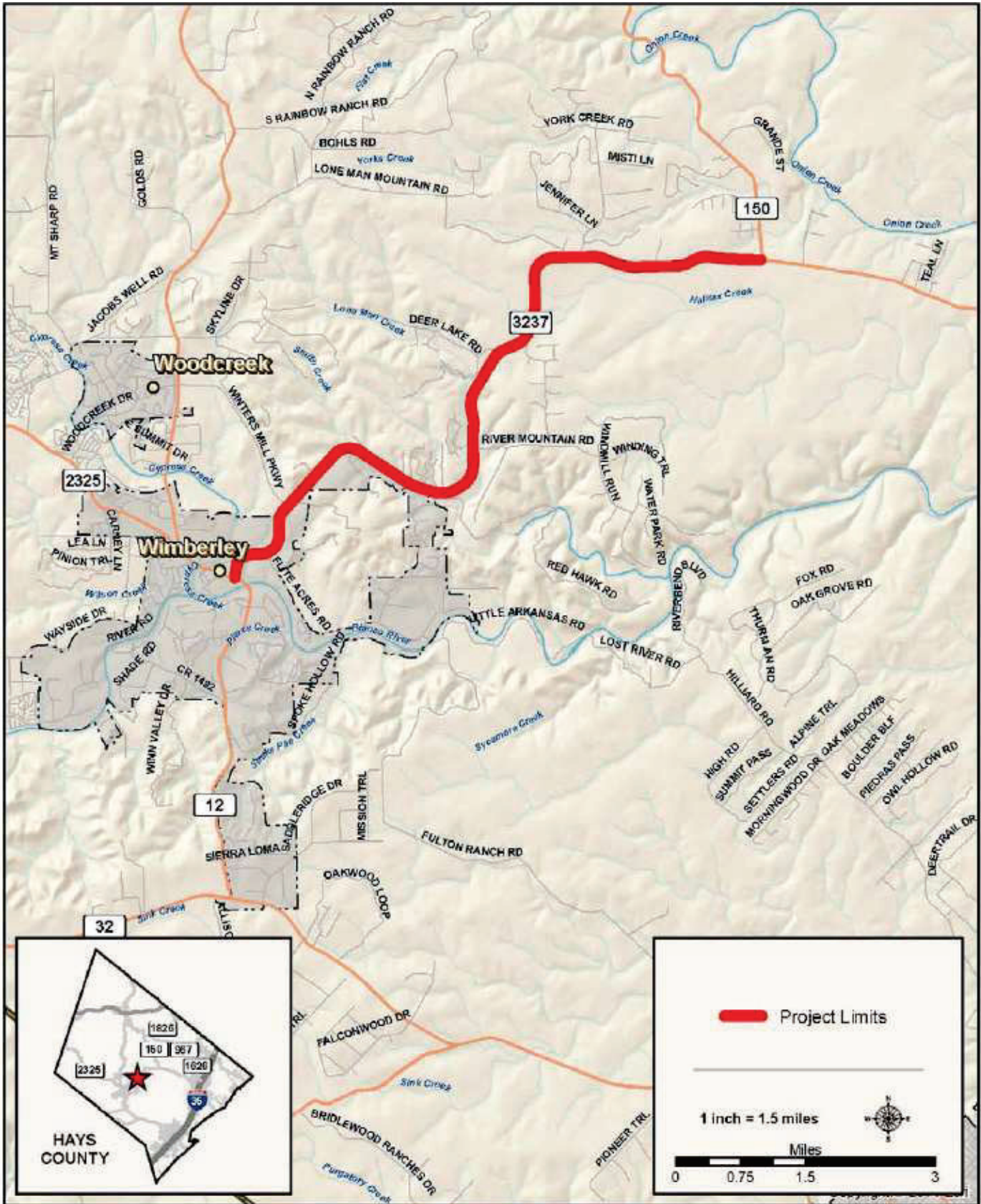
| | |
|----------------------------------|----------------|
| Preliminary Engineering: | \$595,724.00 |
| Right-of-Way: | \$420,000.00 |
| Construction: | \$6,176,151.00 |
| Construction Engineering: | \$1,071,910.00 |
| Indirect: | \$497,250.00 |

| | |
|----------------------------|-----------------------|
| Contingencies: | \$617,615.00 |
| <hr/> | |
| Total Project Cost: | \$9,378,650.00 |

Funding

| | |
|-------------------------|---|
| Funding Source: | Hays County 2016 Road Bond Program; materials demonstrating 2016 Road Bond Program call and identified funding for project included in Appendix C, Additional Supporting Materials. |
| Current Funding: | \$9,378,650.00 |
| Fiscal Year | 2021 |
| Phase: | All Phases Funded through 2016 Road Bond Program |

Secondary Project Location



RM 3237

Transportation Development Credit Policy

Policy Goals

Hays County funding safety improvements on an On-System roadway allows other On-System projects to utilize Federal funding. The project addresses safety and mobility needs in an important regional connector serving a growing area of southwest Hays County. The proposed improvements would improve the reliability of the RM 3237 facility. The project is included in the 2045 Regional Transportation Plan.

Eligibility

RM 3237 is an On-System road that serves as a regional connector between RM 12 and RM 150. The project provides needed safety and mobility improvements. The project is included in the 2045 Regional Transportation Plan and was awarded project funding in the 2018 Project Call, which was subsequently deferred in 2020.

Financial Need

As mentioned previously in this Application, available resources from Hays County and the City of Kyle are insufficient to fund the local match for the primary project. Only \$1.5 M is available from the County and no funding at this time is available from the City. Requiring the full local match for the primary project would jeopardize funding identified for other projects, including the RM 3237 safety improvements. The Hays County 2016 Bond Program identifies specific funding for projects. Taking funding away from RM 3237 to fund the local match for the primary project would result in the County delaying implementation of the RM 3237 safety improvements until additional funding is identified. These are needed safety improvements and delay is not feasible. Based on available funding for the RM 3237 project, the County would be able to demonstrate an investment in the project equaling (and surpassing) the primary project local match. Materials demonstrating 2016 Road Bond Program call and identified funding for project included in Appendix C.

Implementation

Hays County is responsible for the development and implementation of this important program of On-System safety improvements that are being funded through the County's 2018 Road Bond Program. Currently, environmental documentation, construction engineering, and preliminary right-of-way and utility coordination are ongoing. Through the executed Advance Funding Agreement with the Texas Department of Transportation, Hays County will be responsible for the letting and construction management of the project. Funding by Hays County in the construction phase will amply implement the \$3,802,258.00 local match for the primary project. Hays County has a demonstrated track record for the development and implementation of major transportation infrastructure improvements, accomplished through the County's Pass-Through Finance Program and Partnership Program, both in cooperation with the Texas Department of Transportation, the the County's 2008 and 2016 Road Bond Programs, programs which encompass intersection safety and new capacity improvements, and bridge/access road improvements along I-35. See Appendix B for information regarding construction design and utility coordination progress, updated cost information, and the executed Advance Funding Agreement.

Certification

Sponsor Certification

By signing below, you certify that this application has been prepared by the sponsoring agency that is the recipient or sub-recipient of the federal transportation funding and that the information herein is accurate and complete and that all supporting material has been compiled and included in the attachments. You further agree to enter into an agreement with the Capital Area Metropolitan Planning Organization within two years of the award should the application for Transportation Development Credits be approved.

Paula Gruber, for Jerry Borchers
Sponsor Signature
10/7/2020

Appendix A:

Primary Project Supporting Materials

Roadway Projects

| District | County | CSJ | Roadway | Phase | City | Sponsor | Fiscal Year | Year of Expenditure Cost |
|-----------------------|--|-----|---------|-------|-----------------------|--------------|-------------|--------------------------|
| Austin | Hays | | FM 150 | C,E,R | | City of Kyle | 2020 | \$19,011,292.00 |
| Limits (From): | Burleson Street | | | | MPO ID: | 41-00196-00 | | |
| Limits (To): | Kohlers Crossing | | | | Revision Date: | 11/1/2018 | | |
| Description: | Relocation of the UP Rail-Siding in downtown Kyle where it crosses FM 150 to north of FM 1626. | | | | History: | | | |

Remarks:

| Total Project Cost Information | | Authorized Funding by Category/Share | | | | | | |
|---------------------------------|-----------------|--------------------------------------|------------------------|---------------|---------------|-----------------------|---------------|------------------------|
| | | Category | Federal | State | Regional | Local | LC | Total |
| Preliminary Engineering: | \$300,000.00 | | | | | | | |
| Right-of-Way: | \$2,014,105.00 | 1 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Construction: | \$9,239,394.00 | 2 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Construction Engineering | \$888,000.00 | 3 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Contingencies: | \$2,489,839.00 | 4 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Indirects: | \$277,696.00 | 5 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Bond Financing: | \$0.00 | 6 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Potential Change Orders: | \$0.00 | 7 | \$15,209,034.00 | \$0.00 | \$0.00 | \$3,802,258.00 | \$0.00 | \$19,011,292.00 |
| Total Cost: | \$15,209,034.00 | 8 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Cost of Approved Phases: | \$19,011,292.00 | 9 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | 10 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | 11 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | 12 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | Total | \$15,209,034.00 | \$0.00 | \$0.00 | \$3,802,258.00 | \$0.00 | \$19,011,292.00 |

Roadway Projects

| District | County | CSJ | Roadway | Phase | City | Sponsor | Fiscal Year | Year of Expenditure Cost |
|-----------------------|--|-------------|---------|-------|-----------------------|-------------|-------------|--------------------------|
| Austin | Hays | 0914-33-076 | FM 150 | C,E,R | City of Kyle | Hays County | 2021 | \$19,011,292.00 |
| Limits (From): | Burleson Street | | | | MPO ID: | 41-00196-00 | | |
| Limits (To): | Kohlers Crossing | | | | Revision Date: | 7/1/2020 | | |
| Description: | Relocation of the UP Rail-Siding in downtown Kyle where it crosses FM 150 to north of FM 1626. | | | | History: | | | |

Remarks:

| Total Project Cost Information | Authorized Funding by Category/Share | | | | | | | |
|--|--------------------------------------|-----------------|------------------------|---------------|-----------------|-----------------------|---------------|------------------------|
| | Amount | <u>Category</u> | <u>Federal</u> | <u>State</u> | <u>Regional</u> | <u>Local</u> | <u>LC</u> | <u>Total</u> |
| Preliminary Engineering: | \$300,000.00 | | | | | | | |
| Right-of-Way: | \$2,014,105.00 | 1 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Construction: | \$16,697,187.00 | 2 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Construction Engineering: | \$888,000.00 | 3 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Contingencies: | \$2,489,839.00 | 4 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Indirects: | \$277,696.00 | 5 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Bond Financing: | \$0.00 | 6 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Potential Change Orders: | \$0.00 | 7 | \$15,209,034.00 | \$0.00 | \$0.00 | \$3,802,258.00 | \$0.00 | \$19,011,292.00 |
| Total Cost: | \$22,666,827.00 | 8 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Cost of Approved Phases: | \$19,011,292.00 | 9 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Performance Measures | | 10 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| PM 1 - Safety <input checked="" type="checkbox"/> | | 11 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| PM 2 - Pavement Condition <input type="checkbox"/> | | 12 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| PM3 - System Performance <input checked="" type="checkbox"/> | | Total | \$15,209,034.00 | \$0.00 | \$0.00 | \$3,802,258.00 | \$0.00 | \$19,011,292.00 |



RESOLUTION OF SUPPORT

A RESOLUTION OF THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS DECLARING SUPPORT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FOR A RAILROAD SIDING RELOCATION PROJECT SUBMITTED BY THE CITY OF KYLE, TEXAS; DECLARING THAT ADOPTION OF THE PROJECT BY CAMPO AND SUBSEQUENT FUNDING IF AVAILABLE WILL SERVE THE CITIZENS OF HAYS COUNTY AND DRAMATICALLY IMPROVE EMERGENCY SERVICE RESPONSE TIME, IMPROVE TRAFFIC CIRCULATION, AND REDUCE UNNECESSARY QUEUING OF A STATE ROADWAY WHILE TRAINS ARE BLOCKING INTERSECTIONS TO WAIT FOR OTHER RAIL TRAFFIC TO CLEAR.

WHEREAS, the Hays County Commissioners Court is the duly elected ruling body of Hays County; AND,

WHEREAS, The City of Kyle is a home-rule municipality within Hays County; AND,

WHEREAS, The City of Kyle has identified and designed a Proposed Rail Siding Relocation (the "Project") to alleviate a severe transportation issue whereby Union Pacific (UP) trains are idling while blocking major intersections, including Center Street (FM 150) multiple times per week for more than 20 minutes each time in many cases; AND,

WHEREAS, Hays County Commissioners Court is aware of the significant delay in emergency response that occurs each time UP trains block FM 150 as FM 150 is a major West-East thoroughfare with Police, EMS and Fire services located all within 2 blocks of the rail crossing; AND,

WHEREAS, the Hays County Commissioners Court has become aware that the City of Kyle is submitting the Project to CAMPO for inclusion in the regional transportation plan for funding consideration and desires to show its support for this Project.

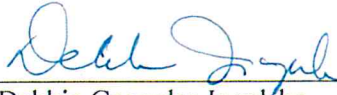
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE THAT:

- 1) The Hays County Commissioners Court finds the recitals relevant and timely to the upcoming CAMPO call for projects, and desires to show its support for the Project.
- 2) The findings of fact, recitations, and provisions set out in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

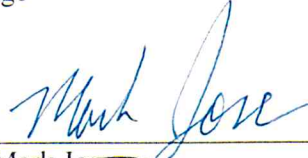
ADOPTED THIS the 19th day of December, 2017

Absent

Bert Cobb, M.D.
Hays County Judge



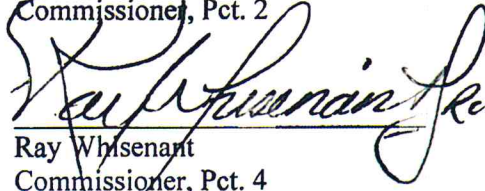
Debbie Gonzales Ingalsbe
Commissioner, Pct. 1



Mark Jones
Commissioner, Pct. 2

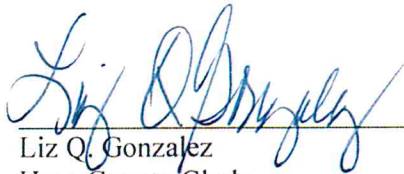


Lon A. Shell
Commissioner, Pct. 3



Ray Whisenant
Commissioner, Pct. 4

ATTEST:



Liz Q. Gonzalez
Hays County Clerk



A Resolution of the Hays County Commissioners' Court
Supporting the Submittal of a Transportation Development Credit Application to the Capital
Area Metropolitan Planning Organization for the Kyle Center Street Union Pacific
Railroad Siding Relocation Project

STATE OF TEXAS §
 §
COUNTY OF HAYS §

WHEREAS, the Capital Area Metropolitan Planning Organization (CAMPO) awarded the Kyle Center Street Union Pacific Railroad Siding Relocation Project funding during the 2018 Project Call process; and

WHEREAS, Hays County has assumed project development from the City of Kyle and is moving forward with project development; and

WHEREAS, the project award will require a significant local match participation; and

WHEREAS, both CAMPO and the Texas Department of Transportation support the County submitting an application to CAMPO for Transportation Development Credits which will provide the local match participation;

WHEREAS, the City of Kyle will be a co-sponsor in the Transportation Development Credit application; and

WHEREAS, Hays County submitting the application with a successful outcome will assure that the full project award will be available for construction and other eligible project costs;

NOW, THEREFORE, BE IT RESOLVED by the Hays County Commissioners' Court:

- (a) That the Commissioners Court of Hays County does hereby support submitting a Transportation Development Credit application to the Capital Area Metropolitan Planning Organization for the Kyle Center Street Union Pacific Railroad Siding Relocation Project.

RESOLVED, ORDERED, AND DECLARED this ____ day of _____, 2020.

Ruben Becerra
Hays County Judge

Debbie Gonzales Ingalsbe
Commissioner, Pct. 1

Mark Jones
Commissioner, Pct. 2

Lon Shell
Commissioner, Pct. 3

Walt Smith
Commissioner, Pct. 4

ATTEST:

Elaine H. Cárdenas
Hays County Clerk

20201013CAMPOKyleSidingTDCApplicationSupport_resolutionHaysCountyCLEAN.docx

DRAFT

RESOLUTION NO. _____

WHEREAS, the Capital Area Metropolitan Planning Organization (CAMPO) awarded the Kyle Center Street Union Pacific Railroad Siding Relocation Project funding during the 2018 Project Call process; and

WHEREAS, Hays County has assumed project development from the City of Kyle and is moving forward with project development; and

WHEREAS, the project award will require a significant local match participation for which available funding from the County and City is insufficient; and

WHEREAS, both CAMPO and the Texas Department of Transportation support the County submitting an application to CAMPO for Transportation Development Credits which will provide the local match participation;

WHEREAS, the City of Kyle will be a co-sponsor in the Transportation Development Credit application; and

WHEREAS, submitting the application with a successful outcome will assure that the full project award will be available for construction and other eligible project costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

- (a) That the City Council of the City of Kyle does hereby support the Hays County Transportation Development Credit application to the Capital Area Metropolitan Planning Organization as a co-sponsor for the Kyle Center Street Union Pacific Railroad Siding Relocation Project.

PASSED AND APPROVED this ___ day of _____, 2020.

Attest:

THE CITY OF KYLE, TEXAS

Jennifer Vetrano, City Secretary

Travis Mitchell, Mayor

20201013CAMPOKyleSidingTDCApplicationSupport_KyleresolutionCLEAN.docx

DRAFT

Material And Force Account Estimate

Estimate Number: 104663 Version: 10

Standard Rates:

Labor Additive = 222.97%

Estimate Good Until 02/27/21

Location: AUSTIN SUB, SIDE, 198.03-200.21

**Description of Work: Kyle, TX - Austin Sub MP 198.03 to MP 200.15 - Kyle Siding Relocation
- 20' Track Centers with (2) No. 15 Power Switches, Access Road from Public Crossings to Switches,
and (3) Bridges - Includes removal of existing Kyle Siding - Kohler's Crossing Grade Separation
and Shifted North of Burleson Street**

Prepared For: 102343 30%

Buy America: No

| COMMENTS | FACILITY | Description | QTY | UOM | UCST | LABOR | MATERIAL | TOTAL |
|--|---------------|--|-------|-----|--------------|------------------|------------------|------------------|
| ENGINEERING | | | | | | | | |
| | | Engineering | 1 | LS | 500,000.00 | 0 | 500,000 | 500,000 |
| | | Contract Engineering | 1 | LS | 500,000.00 | 500,000 | 0 | 500,000 |
| | | Flagging | 240 | MD | 1,500.00 | 360,000 | 0 | 360,000 |
| Sub-Total = | | | | | | 860,000 | 500,000 | 1,360,000 |
| REAL ESTATE | | | | | | | | |
| Total Estimated Cost - Fee Simple | | Acquire Right of Way | 1 | LS | 2,104,491.22 | 0 | 2,104,491 | 2,104,491 |
| Total Estimated Cost - TCE | | Acquire Right of Way | 1 | LS | 395,321.30 | 0 | 395,321 | 395,321 |
| Sub-Total = | | | | | | 0 | 2,499,813 | 2,499,813 |
| TRACK CONSTRUCTION - COMPANY | | | | | | | | |
| 1 - LH | PPTO | PPTO 136# #15 PO W / XL SPRG FROG | 1 | EA | 251,122.60 | 109,361 | 141,762 | 251,123 |
| 1 - RH | PPTO | PPTO 136# #15 PO W / XL SPRG FROG | 1 | EA | 251,122.60 | 109,361 | 141,762 | 251,123 |
| By Contractor | TRACK | 136# CWRIS0 24-8'6" PPHWD N 16 TP | 10903 | TF | 122.71 | 31,444 | 1,306,454 | 1,337,897 |
| Convert to HT (1-LH, 1-RH) | | PPTO: Wood HT to Spring Switch Kit | 2 | EA | 15,000.00 | 0 | 30,000 | 30,000 |
| Raise Track | TRACK | Shift Track: M.L. 30% TIES | 546 | TF | 38.66 | 9,015 | 12,096 | 21,111 |
| Sub-Total = | | | | | | 259,180 | 1,632,073 | 1,891,253 |
| TRACK REMOVAL - COMPANY | | | | | | | | |
| | TRACK | Remove Track | 1987 | TF | 12.55 | 24,940 | 0 | 24,940 |
| Austin MP 201.08 South Street | RDXING | Remove Road Crossing - Company | 40 | TF | 8.57 | 343 | 0 | 343 |
| Austin MP 200.88 Central Street | RDXING | Remove Road Crossing - Company | 64 | TF | 8.57 | 548 | 0 | 548 |
| Austin MP 198.11 Kohler's Crossing/FM 171 (Overpass) | RDXING | Remove Road Crossing - Company | 106 | TF | 8.57 | 908 | 0 | 908 |
| Sub-Total = | | | | | | 26,740 | 0 | 26,740 |
| SIGNAL - COMPANY | | | | | | | | |
| Estimate No104743 | | Signal: Install | 1 | LS | 2,053,305.00 | 2,053,304 | 1 | 2,053,305 |
| | CONTINGENCIES | Update w/Cantilever Signal | 1 | EA | 100,000.00 | 100,000 | 0 | 100,000 |
| Sub-Total = | | | | | | 2,153,304 | 1 | 2,153,305 |
| EQUIPMENT RENTAL | | | | | | | | |
| \$50k per UP Turnout | | Equipment Rental | 1 | LS | 100,000.00 | 0 | 100,000 | 100,000 |
| Sub-Total = | | | | | | 0 | 100,000 | 100,000 |
| CONTRACT WORK | | | | | | | | |
| | | MOBL, MOBILIZATION | 1 | LS | 500,000.00 | 0 | 500,000 | 500,000 |
| Soil Testing | | MOBL, CONSTRUCTION TESTING | 1 | LS | 50,000.00 | 0 | 50,000 | 50,000 |
| | | GRAD, CLEAR AND GRUB | 10.38 | AC | 7,500.00 | 0 | 77,850 | 77,850 |
| | | GRAD, EXCAVATION | 18341 | CY | 14.00 | 0 | 256,774 | 256,774 |
| 10% Grading | | GRAD, EXCAVATION, SUBEXCAVATION | 1835 | CY | 11.00 | 0 | 20,185 | 20,185 |
| 20% Grading | | GRAD, EXCAVATION, ROCK | 3669 | CY | 25.00 | 0 | 91,725 | 91,725 |
| 10% Grading | | GRAD, EMBANKMENT, STONE, B | 1835 | CY | 50.00 | 0 | 91,750 | 91,750 |
| | | GRAD, SIGNAL MOUND | 3 | EA | 2,000.00 | 0 | 6,000 | 6,000 |
| 10% Grading, Backfill | | GRAD, EMBANKMENT, SELECT FILL | 1835 | CY | 12.00 | 0 | 22,020 | 22,020 |
| 10% Subballast Area | | GRAD, STAB, GEOGRID | 3501 | SY | 5.00 | 0 | 17,505 | 17,505 |
| 10% Subballast Area | | GRAD, STAB, GEOTEXTILE, WOVEN | 3501 | SY | 3.65 | 0 | 12,779 | 12,779 |
| 10% Subballast Area | | GRAD, STAB, LIME, TYPE A HYDRATED LIME | 3501 | SY | 3.00 | 0 | 10,503 | 10,503 |
| | | GRAD, STAB, LIME, MATERIAL | 57 | TN | 175.00 | 0 | 9,975 | 9,975 |
| | | GRAD, SUBBALLAST, HAUL & PLACE | 11669 | CY | 80.00 | 0 | 933,520 | 933,520 |
| MP 201.08 South Street | | PVMT, AGGREGATE, 4", BASE COURSE | 25 | SY | 15.00 | 0 | 375 | 375 |
| MP 201.08 South Street | | PVMT, ASPHALT, 6" | 25 | SY | 60.00 | 0 | 1,500 | 1,500 |

| | | | | | | | | |
|---|--|---|-------|----|--------------------|----------|------------------|------------------|
| MP 200.88 Central Street | | PVMT, AGGREGATE, 4", BASE COURSE | 60 | SY | 15.00 | 0 | 900 | 900 |
| MP 200.88 Central Street | | PVMT, ASPHALT, 6" | 60 | SY | 60.00 | 0 | 3,600 | 3,600 |
| | | DEMO, FENCE, REM & DISPOSE | 9804 | LF | 4.00 | 0 | 39,216 | 39,216 |
| | | FCLT, FENCE, ROW, BARBED WIRE | 9609 | LF | 8.00 | 0 | 76,872 | 76,872 |
| 1,112 IF x 6' tall at \$120/SF | | STRC, WALL, RET WALL | 1 | LS | 800,640.00 | 0 | 800,640 | 800,640 |
| | | EROS, POLLUTION PREVENTION PLAN, SWPPP | 1 | LS | 65,000.00 | 0 | 65,000 | 65,000 |
| | | EROS, SEEDING, HYDROSEEDING | 3.15 | AC | 5,000.00 | 0 | 15,750 | 15,750 |
| | | EROS, MITIGATION, WETLAND | 1 | LS | 100,000.00 | 0 | 100,000 | 100,000 |
| | | EQMT, SURVEY CREW | 5 | DA | 1,200.00 | 0 | 6,000 | 6,000 |
| | | DEMO, FOUNDATION, SIGNAL, REM & DISPOSE | 3 | EA | 2,000.00 | 0 | 6,000 | 6,000 |
| | | UTIL, UTILITY, COMPLETE | 1 | LS | 166,500.00 | 0 | 166,500 | 166,500 |
| | | MOBL, MOBILIZATION, TRACK | 1 | LS | 45,000.00 | 0 | 45,000 | 45,000 |
| | | DEMO, TRACK, DISPOSE | 1987 | TF | 20.00 | 0 | 39,740 | 39,740 |
| 1 per 1,000 TF | | TRAK, VERSE TEST | 10 | EA | 2,000.00 | 0 | 20,000 | 20,000 |
| | | TRAK, EARTH BUMPER, CONSTRUCT | 2 | EA | 500.00 | 0 | 1,000 | 1,000 |
| | | TRAK, 136#ISHH, WOOD, INSTALL | 10903 | TF | 40.00 | 0 | 436,120 | 436,120 |
| | | TRAK, FIELD WELD, INSTALL | 18 | EA | 900.00 | 0 | 16,200 | 16,200 |
| MP 198.11 Relocation Kohler's Crossing | | DRNG, INLET, CURB | 1 | EA | 5,000.00 | 0 | 5,000 | 5,000 |
| MP 198.44 - 41 LF | | DEMO, BRIDGE, REM & DISPOSE | 1 | LS | 25,000.00 | 0 | 25,000 | 25,000 |
| MP 198.44 Siding Bridge - 40 LF @ \$10,000/LF | | STRC, BRIDGE, CONSTRUCT, INSTALL | 1 | LS | 40,000.00 | 0 | 40,000 | 40,000 |
| MP 198.44 Siding Bridge - 40 LF @ \$10,000/LF | | STRC, BRIDGE, CONSTRUCT, INSTALL | 1 | LS | 40,000.00 | 0 | 40,000 | 40,000 |
| MP 198.83 (Parallel) | | DRNG, CMP, 36" | 202 | LF | 157.00 | 0 | 31,714 | 31,714 |
| MP 198.83 (Parallel) | | DRNG, RIP RAP, CLASS I | 13 | TN | 95.00 | 0 | 1,235 | 1,235 |
| MP 199.27 - 84LF | | DEMO, BRIDGE, REM & DISPOSE | 1 | LS | 55,000.00 | 0 | 55,000 | 55,000 |
| MP 199.27 Siding Bridge -112 LF @ \$10,000/LF | | STRC, BRIDGE, CONSTRUCT, INSTALL | 1 | LS | 112,000.00 | 0 | 112,000 | 112,000 |
| MP 199.27 Mainline Bridge -112 LF @ \$10,000/LF | | STRC, BRIDGE, CONSTRUCT, INSTALL | 1 | LS | 112,000.00 | 0 | 112,000 | 112,000 |
| MP 199.68 - 70LF | | DEMO, BRIDGE, REM & DISPOSE | 1 | LS | 45,000.00 | 0 | 45,000 | 45,000 |
| MP 199.68 Siding Bridge - 120 LF @ \$10,000/LF | | STRC, BRIDGE, CONSTRUCT, INSTALL | 1 | LS | 120,000.00 | 0 | 120,000 | 120,000 |
| MP 199.68 Mainline Bridge -120 LF @ \$10,000/LF | | STRC, BRIDGE, CONSTRUCT, INSTALL | 1 | LS | 120,000.00 | 0 | 120,000 | 120,000 |
| | | EQMT, BACKHOE | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, BACKHOE, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, BULLDOZER | 40 | HR | 70.00 | 0 | 2,800 | 2,800 |
| | | EQMT, BULLDOZER, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, CRANE | 40 | HR | 400.00 | 0 | 16,000 | 16,000 |
| | | EQMT, CRANE, OPERATOR LABOR | 40 | HR | 75.00 | 0 | 3,000 | 3,000 |
| | | EQMT, DUMP TRUCK | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, DUMP TRUCK, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, EXCAVATOR | 40 | HR | 130.00 | 0 | 5,200 | 5,200 |
| | | EQMT, EXCAVATOR, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, FRONT END LOADER | 40 | HR | 75.00 | 0 | 3,000 | 3,000 |
| | | EQMT, FRONT END LOADER, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, LOWBOY TRUCK | 40 | HR | 130.00 | 0 | 5,200 | 5,200 |
| | | EQMT, LOWBOY TRUCK, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, MOTOR GRADER | 40 | HR | 75.00 | 0 | 3,000 | 3,000 |
| | | EQMT, MOTOR GRADER, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, WATER TRUCK | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, WATER TRUCK, OPERATOR LABOR | 40 | HR | 50.00 | 0 | 2,000 | 2,000 |
| | | EQMT, PICKUP TRUCK, OPERATOR LABOR | 8 | MO | 8,000.00 | 0 | 64,000 | 64,000 |
| | | | | | Sub-Total = | 0 | 4,772,148 | 4,772,148 |

HOMELINE FREIGHT

| | | | | | | | | |
|--|--|------------------|-------|---------|--------------------|----------|----------------|----------------|
| | | Homeline Freight | 19458 | Per Ton | 8.75 | 0 | 170,253 | 170,253 |
| | | | | | Sub-Total = | 0 | 170,253 | 170,253 |

PROJECT LEVEL COST

| | | | | | | | | |
|--|---------------|-------------|----|---|--------------------|----------------|------------------|------------------|
| | CONTINGENCIES | Contingency | 20 | % | 129,735.11 | 659,845 | 1,934,857 | 2,594,702 |
| | | | | | Sub-Total = | 659,845 | 1,934,857 | 2,594,702 |

Total Wgt. in Tons = 19,458

Totals = 3,959,069 11,609,144 15,568,214

Grand Total = \$15,568,214

This is a "Shotgun" estimate, intended to provide a ballpark cost to determine whether a proposed project warrants further study. This estimate is not to be used for budget authority. This estimate is based on a conceptual design, without detailed engineering or site investigation. Quantities and costs are estimated using readily available information and experience with similar projects. Site conditions and changes in project scope and design may result in significant cost variance.



UPRR KYLE SIDING RELOCATION UTILITY COST ESTIMATE

Thursday, August 27, 2020

| GENERAL UTILITY INFORMATION | | | | | | | | | | | | | | CONFLICT STATUS | | | | NOTES AND NEXT STEPS | | |
|-----------------------------|--------------------------------|-------------------|--------------------------------------|---------------------------|-----------------------------------|---|------------------|---------------------------|-----------------|--------------------------|----------------------|---------|-------------------------------------|---------------------------|-----------------------------------|---------------------------------|-------------------|------------------------|--|--|
| CONFLICT # | TYPE & COMMODITY | LICENSED UTILITY? | UTILITY OWNER | ORIENTATION | MILE POST | STATION | CARRIER MATERIAL | CARRIER DIAMETER (INCHES) | CASING MATERIAL | CASING DIAMETER (INCHES) | CASING LENGTH (FEET) | VOLTAGE | CLEARANCE AFTER CONSTRUCTION (FEET) | CLEARANCE REQUIRED (FEET) | ADDITIONAL CASING REQUIRED (FEET) | MIN. VERTICAL ADJUSTMENT (FEET) | CONFLICT RESOLVED | CLEAR FOR CONSTRUCTION | NOTES | COST ESTIMATE FOR 3RD PARTY UTILITY ADJUSTMENT |
| 1 | UG Communication (Fiber Optic) | No | MCI | Longitudinal | 200.04 to 197.81 | 10671+00 to 10553+30 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | Long-Haul Fiber | N/A |
| 2 | UG Communication (Fiber Optic) | No | CenturyLink | Longitudinal | 200.04 to 197.81 | 10671+00 to 10553+30 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | Long-Haul Fiber | N/A |
| 3 | UG Communication (Fiber Optic) | No | Sprint | Longitudinal | 200.04 to 197.81 | 10671+00 to 10553+30 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | Long-Haul Fiber | N/A |
| 4 | OH Communication (CATV) | Yes | Spectrum | Crossing | 200.04 | 10670+74 | N/A | N/A | N/A | N/A | N/A | 90 V | N/A | 26.50 | N/A | None | YES | YES | Crosses tracks on south side of Burleson St. Outside construction limits. | N/A |
| 5 | OH Communication (Telephone) | No | Frontier | Crossing | 200.04 | 10670+74 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 26.50 | N/A | None | YES | YES | Crosses tracks on south side of Burleson St. Outside construction limits. | N/A |
| 6 | OH Electric (Distribution) | Yes | Pedernales Electric Cooperative Inc. | Crossing | 200.04 | 10670+67 | N/A | N/A | N/A | N/A | N/A | 7.8 kV | N/A | 29.50 | N/A | None | YES | YES | Per 30% Design Plans, outside construction limits. | N/A |
| 7 | UG Water (Abandoned) | Yes | City of Kyle | Crossing | 200.03 | 10670+57 | Unknown | 8 | Steel | 12 | 114 | N/A | N/A | 3.00 | None | N/A | YES | YES | Clearance per L.A. 3.0' min. @ Ditch 5.5' min. @ BOR Crosses tracks on south side of Burleson St. Outside construction limits. | N/A |
| 8 | UG Electric | No | Union Pacific R. R. | Longitudinal/ Crossing | 200.03 to 200.02 (Xing) to 200.02 | 10670+55 to 10670+00 (Xing) to 10669+90 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | Serves UP Signal Equipment | N/A |
| 9 | UG Communication (Telephone) | Yes | AT&T | Crossing | 200.06 | 10670+00 | N/A | N/A | Galvanized Iron | 4 | 22 | N/A | 3.76 | 3.00 | Unknown | Unknown | YES | YES | Clearance per L.A. 8' @ BOR AT&T does not show an active crossing at this location. Not found during 2020 QL B SUE investigation. | N/A |
| 10 | UG Water (PROPOSED) | Yes | City of Kyle | Crossing | 200.02 | 10669+77 | PVC | 12 | Steel | 24 | 104 | N/A | N/A | 3.00 | None | None | PROPOSED | PROPOSED | Per email from City of Kyle on 12/27/2019, the installation of this pipeline was delayed and should be installed in the "next couple of months". Per email from the City on 03/16/2020, they are awaiting on UP approval of City permit to bore under tracks. | N/A |
| 11 | OH Electric (Distribution) | No | Pedernales Electric Cooperative Inc. | Longitudinal | 200.04 to 198.89 | 10671+00 to 10610+00 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | Outside construction limits. | N/A |
| 12 | UG Sanitary Sewer | Yes | City of Kyle | Crossing | 199.68 | 10651+82 | Class 160 PVC | 8 | Steel | 12 | 80 | N/A | 11.54 | 3.00 | TBD | None | YES | YES | Clearance per L.A. 5.5' @ Ditch 15.5' @ BOR Per Audit #208315_Asnmt, ownership of utility is now under City of Kyle. Per as-built plan received from City, Casing extends to 5' from each side of ROW. Depth of cover exceeds UP/AREMA standards. | N/A |



UPRR KYLE SIDING RELOCATION UTILITY COST ESTIMATE

Thursday, August 27, 2020

| GENERAL UTILITY INFORMATION | | | | | | | | | | | | | | CONFLICT STATUS | | | | NOTES AND NEXT STEPS | | |
|-----------------------------|--------------------------------|-------------------|--------------------------------------|--------------|------------------|----------------------|------------------|---------------------------|-----------------|--------------------------|----------------------|---------|-------------------------------------|---------------------------|-----------------------------------|---------------------------------|-------------------|------------------------|---|--|
| CONFLICT # | TYPE & COMMODITY | LICENSED UTILITY? | UTILITY OWNER | ORIENTATION | MILE POST | STATION | CARRIER MATERIAL | CARRIER DIAMETER (INCHES) | CASING MATERIAL | CASING DIAMETER (INCHES) | CASING LENGTH (FEET) | VOLTAGE | CLEARANCE AFTER CONSTRUCTION (FEET) | CLEARANCE REQUIRED (FEET) | ADDITIONAL CASING REQUIRED (FEET) | MIN. VERTICAL ADJUSTMENT (FEET) | CONFLICT RESOLVED | CLEAR FOR CONSTRUCTION | NOTES | COST ESTIMATE FOR 3RD PARTY UTILITY ADJUSTMENT |
| 13 | UG Sanitary Sewer | Yes | City of Kyle | Crossing | 199.68 | 10651+75 | PVC | 21 | Steel | 30 | 80 | N/A | 16.04 | 3.00 | TBD | None | YES | YES | <p><u>Clearance per L.A.</u> 10' @ Ditch 20' @ BOR</p> <p>Per Audit #208307_Asnmt, ownership of utility is now under City of Kyle.</p> <p>Per as-built plan received from City, Casing extends to 5' from each side of ROW.</p> <p>Depth of cover exceeds UP/AREMA standards.</p> | N/A |
| 14 | OH Electric (Transmission) | Yes | Pedernales Electric Cooperative Inc. | Crossing | 199.57 | 10643+68 | N/A | N/A | N/A | N/A | N/A | 7.2 kV | Unknown | 29.50 | N/A | Unknown | YES | YES | <p>Not shown in Design plans with previous SUE from 2017 included. No crossing visible during Site Visit.</p> <p>Not found during 2020 QL B SUE Investigation.</p> | N/A |
| 15 | OH Electric (Transmission) | Yes | Pedernales Electric Cooperative Inc. | Crossing | 199.48 | 10639+73 | N/A | N/A | N/A | N/A | N/A | 7.2 kV | Unknown | 29.50 | N/A | Unknown | YES | YES | <p>Not shown in Design plans with previous SUE from 2017 included. No crossing visible during Site Visit.</p> <p>Not found during 2020 QL B SUE Investigation.</p> | N/A |
| 16 | OH Communication (Telephone) | Yes | Frontier Communications of Texas | Crossing | 199.47 | 10638+75 | N/A | N/A | N/A | N/A | N/A | N/A | Unknown | 26.50 | N/A | Unknown | YES | YES | <p>Not shown in Design plans with previous SUE from 2017 included. No crossing visible during Site Visit.</p> <p>Not found during 2020 QL B SUE Investigation.</p> | N/A |
| 17 | UG Water | Yes | County Line SUD | Crossing | 199.37 | 10635+65 | PVC | 12 | Steel | 16 | 50 | N/A | 4.02 | 3.00 | 25 | None | NO | NO | <p>Unable to be toned during QL A SUE Investigation.</p> <p>SUE was able to clear the ROW and hand-dig TH to confirm location and depth of pipeline, but groundwater prevented the confirmation of casing limits.</p> <p><u>Cost Eligibility Ratio:</u> 5% UPRR/Project 95% Utility Company</p> | \$ 1,500.00 |
| 18 | OH Electric (Distribution) | No | Pedernales Electric Cooperative Inc. | Longitudinal | 199.14 to 198.88 | 10623+30 to 10609+48 | N/A | N/A | N/A | N/A | N/A | 25 kV | N/A | 29.60 | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 19 | OH Communication (Fiber Optic) | No | Spectrum | Longitudinal | 198.99 to 198.88 | 10615+37 to 10609+48 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 26.50 | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 20 | UG Electric | No | Union Pacific R. R. | Longitudinal | 198.89 to 198.82 | 10610+21 to 10606+50 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | <p>Serves UP Signal Equipment</p> | N/A |
| 21 | UG Electric | No | Pedernales Electric Cooperative Inc. | Longitudinal | 198.88 to 198.76 | 10609+48 to 10603+08 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 22 | UG Electric | No | Pedernales Electric Cooperative Inc. | Longitudinal | 198.88 to 198.76 | 10609+48 to 10603+08 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 23 | UG Communication (Fiber Optic) | No | Spectrum | Longitudinal | 198.88 to 198.72 | 10609+48 to 10600+87 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 24 | UG Electric | No | Pedernales Electric Cooperative Inc. | Longitudinal | 198.89 to 198.79 | 10610+00 to 10604+83 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |



UPRR KYLE SIDING RELOCATION UTILITY COST ESTIMATE

Thursday, August 27, 2020

| GENERAL UTILITY INFORMATION | | | | | | | | | | | | | | CONFLICT STATUS | | | | NOTES AND NEXT STEPS | | |
|-----------------------------|--------------------------------|-------------------|--------------------------------------|---------------------------|-----------------------------------|---|------------------|---------------------------|-----------------|--------------------------|----------------------|---------|-------------------------------------|---------------------------|-----------------------------------|---------------------------------|-------------------|------------------------|--|--|
| CONFLICT # | TYPE & COMMODITY | LICENSED UTILITY? | UTILITY OWNER | ORIENTATION | MILE POST | STATION | CARRIER MATERIAL | CARRIER DIAMETER (INCHES) | CASING MATERIAL | CASING DIAMETER (INCHES) | CASING LENGTH (FEET) | VOLTAGE | CLEARANCE AFTER CONSTRUCTION (FEET) | CLEARANCE REQUIRED (FEET) | ADDITIONAL CASING REQUIRED (FEET) | MIN. VERTICAL ADJUSTMENT (FEET) | CONFLICT RESOLVED | CLEAR FOR CONSTRUCTION | NOTES | COST ESTIMATE FOR 3RD PARTY UTILITY ADJUSTMENT |
| 25 | UG Water | Yes | City of Kyle | Crossing | 198.81 | 10605+37 | PVC | 16 | Steel | 28 | 122.86 | N/A | 4.88 | 3.00 | None | None | POTENTIAL | NO | <p>Clearance per L.A. 5.5' @ Ditch 10' @ BOR</p> <p>SUE unable to locate pipeline during QL A Investigation. TOP elevation taken from as-built document.</p> <p>Pipeline will meet minimum depth and casing requirements below proposed ditch.</p> <p>HDR awaiting approval from City to clear this conflict as of 08/27/2020.</p> | N/A |
| 26 | UG Communication (Fiber Optic) | Yes | AT&T | Crossing | 198.79 | 10605+01 | N/A | N/A | HDPE SDR-11 | Unknown | 209.29 | N/A | 6.84 | 5.00 | None | None | YES | YES | <p>E.D. = 10' @ Prop. Ditch</p> <p>Pipeline meets minimum depth requirements below proposed ditch.</p> | N/A |
| 27 | OH Electric (Distribution) | No | Pedernales Electric Cooperative Inc. | Longitudinal | 198.76 to 198.06 | 10603+08 to 10566+47 | N/A | N/A | N/A | N/A | N/A | 25 kV | N/A | 29.60 | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 28 | OH Communication (Fiber Optic) | No | Spectrum | Longitudinal | 198.72 to 198.06 | 10600+87 to 10566+47 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 26.50 | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 29 | OH Electric (Distribution) | No | Pedernales Electric Cooperative Inc. | Longitudinal | 198.79 to 198.04 | 10604+83 to 10565+40 | N/A | N/A | N/A | N/A | N/A | 25 kV | N/A | 29.60 | N/A | N/A | YES | YES | <p>Outside UPRR ROW and construction limits.</p> | N/A |
| 30 | UG Sanitary Sewer | No | City of Kyle | Crossing | 198.40 | 10584+29 | PVC | 21 | Steel | 36 | 130 | N/A | 16.29 | 3.00 | None | None | YES | YES | <p>Per as-built received from City, TOP is approximately 23' below base of rail.</p> <p>Depth of cover will be sufficient below proposed tracks and ditch cut.</p> | N/A |
| 30A | UG Sanitary Sewer | No | City of Kyle | Longitudinal | 198.39 to 197.86 | 10584+29 to 10556+61 | PVC | 21 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | <p>Per SUE, located outside existing and proposed UP ROW. Will not be impacted by proposed construction per 30% Design Plans.</p> | N/A |
| 31 | OH Electric | Yes | Pedernales Electric Cooperative Inc. | Crossing | 198.24 | 10576+00 | N/A | N/A | N/A | N/A | N/A | 25 kV | 23.27 | 29.60 | N/A | 6.33 | NO | NO | <p>Per SUE, height above tracks is not sufficient per UP requirements.</p> | Utility Owner Cost Responsibility |
| 32 | UG Sanitary Sewer | No | City of Kyle | Longitudinal/ Crossing | 198.09 to 198.09 (Xing) to 197.81 | 10568+00 to 10567+64 (Xing) to 10553+30 | Unknown | Unknown | Unknown | Unknown | Unknown | N/A | N/A | 3.00 | N/A | N/A | YES | YES | <p>Diagonal crossing at tracks is not shown on the City's facility maps.</p> <p>Not found during QL A SUE Investigation.</p> | N/A |
| 33 | UG Gas (Natural Gas) | Yes | CenterPoint Energy | Crossing | 198.08 | 10567+33 | PVC | 6 | Steel | 10 | 100 | N/A | 3.88 | 3.00 | TBD | None | YES | YES | <p>Clearance per L.A. 10' @ BOR</p> <p>Vent Stack visible via Google Street view approximately 20' outside of proposed ROW acquisition.</p> <p>SUE unable to expose pipeline during QL A Investigation due to rock encountered at 6.30'</p> <p>Crossing meets minimum clearance requirement below proposed ditch.</p> <p>Per call with UP on 07/02/2020, this conflict can be cleared for UP construction, however there is still a potential impact from proposed Kohler's Crossing Overpass project.</p> | N/A |



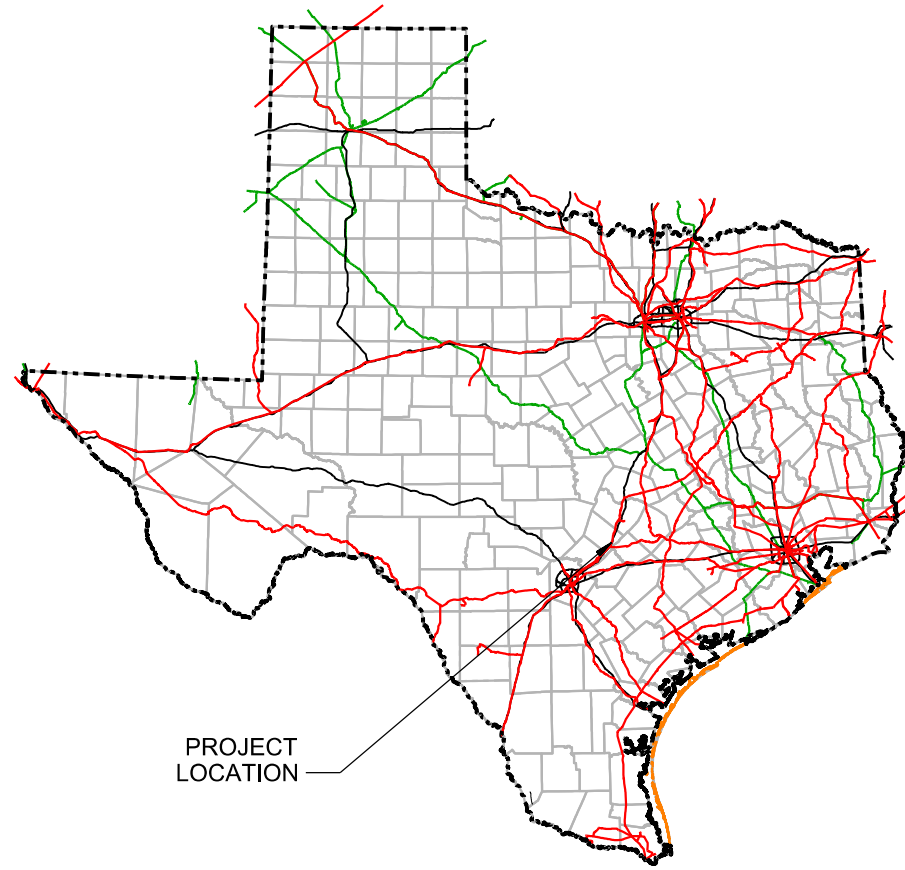
UPRR KYLE SIDING RELOCATION UTILITY COST ESTIMATE

Thursday, August 27, 2020

| GENERAL UTILITY INFORMATION | | | | | | | | | | | | | | CONFLICT STATUS | | | | NOTES AND NEXT STEPS | | |
|------------------------------|--------------------------------|-------------------|--------------------------------------|--------------|------------------|----------------------|------------------|---------------------------|-----------------|--------------------------|----------------------|---------|-------------------------------------|---------------------------|-----------------------------------|---------------------------------|-------------------|------------------------|--|--|
| CONFLICT # | TYPE & COMMODITY | LICENSED UTILITY? | UTILITY OWNER | ORIENTATION | MILE POST | STATION | CARRIER MATERIAL | CARRIER DIAMETER (INCHES) | CASING MATERIAL | CASING DIAMETER (INCHES) | CASING LENGTH (FEET) | VOLTAGE | CLEARANCE AFTER CONSTRUCTION (FEET) | CLEARANCE REQUIRED (FEET) | ADDITIONAL CASING REQUIRED (FEET) | MIN. VERTICAL ADJUSTMENT (FEET) | CONFLICT RESOLVED | CLEAR FOR CONSTRUCTION | NOTES | COST ESTIMATE FOR 3RD PARTY UTILITY ADJUSTMENT |
| 34 | UG Water | Yes | City of Kyle | Crossing | 198.08 | 10567+28 | PVC | 16 | Steel | 28 | 200 | N/A | 4.89 | 3.00 | None | None | YES | YES | TOP Elevation provided per As-Built document at Proposed Ditch cut. Pipeline depth and casing exceeds UPRR/AREMA minimum requirements. Per call with UP on 07/02/2020, this conflict can be cleared for UP construction, however there is still a potential impact from proposed Kohler's Crossing Overpass project. | N/A |
| 35 | UG Gas (Natural Gas) | Yes | Enterprise | Crossing | 198.08 | 10567+09 | Steel | 20 | Steel | 24 | 121 | N/A | -0.07 | 3.00 | None | 3.07 | NO | NO | Per TH data, line will be daylighted by proposed ditch cut. <u>Cost Eligibility Ratio:</u> 55% UPRR/Project 45% Utility Company | \$ 150,000.00 |
| 36 | UG Storm (Culvert) | Yes | City of Kyle | Longitudinal | 198.07 | 10566+88 | N/A | N/A | N/A | N/A | N/A | N/A | Unknown | 3.00 | N/A | Unknown | NO | NO | Headwalls located on south side of Kohler's Crossing. City as-builts show storm pipes cross under Kohler's Crossing & connect to existing curb inlet on north side of roadway. Likely to be removed/replaced during proposed grade separation. | \$ 10,000.00 |
| 37 | OH Communication (CATV) | Yes | Spectrum | Crossing | 198.06 | 10566+26 | N/A | N/A | N/A | N/A | N/A | N/A | 27.49 | 26.50 | N/A | None | YES | YES | Per SUE, clearance over tracks exceeds UP minimum requirements. | N/A |
| 38 | OH Communication (Fiber Optic) | Yes | Grande Communication | Crossing | 198.06 | 10566+26 | N/A | N/A | N/A | N/A | N/A | N/A | 26.71 | 26.50 | N/A | None | YES | YES | Per SUE, clearance over tracks exceeds UP minimum requirements. | N/A |
| 39 | UG Electric | No | Union Pacific R. R. | Longitudinal | 198.08 to 198.06 | 10567+27 to 10566+15 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | Serves UP Signal Equipment | N/A |
| 40 | UG Electric (Distribution) | Yes | Pedernales Electric Cooperative Inc. | Crossing | 198.06 | 10566+01 | N/A | N/A | Steel | Unknown | 151.88 | 24.9 kV | 0.23 | 4.00 | None | 3.77 | NO | NO | <u>Clearance per L.A.</u> 6.0' @ Ditch 9.5' @ BOR Empty conduit per conversations with Utility Company. Not found during SUE investigation. Does not meet minimum clearance requirement below proposed ditch. <u>Cost Eligibility Ratio:</u> 10% UPRR/Project 90% Utility Company | \$ 5,000.00 |
| 41 | UG Electric | No | Union Pacific R. R. | Longitudinal | 198.05 to 197.81 | 10566+00 to 10553+30 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | UP | UP | Serves UP Signal Equipment | N/A |
| 41A | UG Water | No | City of Kyle | Longitudinal | 198.02 to 197.86 | 10565+00 to 10556+61 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | YES | YES | Per SUE, located outside existing and proposed UP ROW. Will not be impacted by proposed construction per 30% Design Plans. | N/A |
| TOTAL ESTIMATED COST: | | | | | | | | | | | | | | | | | | | \$ 166,500.00 | |



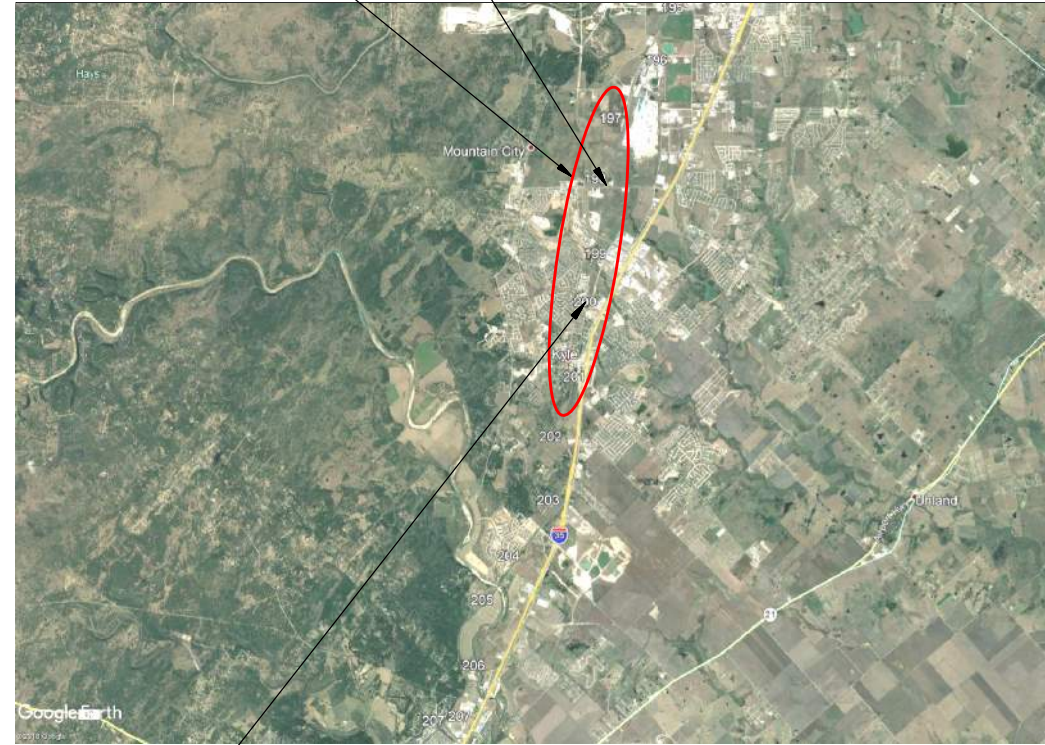
ENGINEERING DESIGN



PROJECT LOCATION

State of Texas

Kohler's Crossing
30.028226° N, -97.866911° W
PROJECT LOCATION



Burleson Street
30.000195° N, -97.872592° W

PROJECT LOCATION MAP



DAVID EVANS AND ASSOCIATES INC.
1645 Greens Prairie Rd. Suite 104
College Station, TX 77845
Phone: 979.977.5600

KYLE, TX
AUSTIN SUBDIVISION
M.P. 197.94 TO MILE POST 201.77
KYLE SIDING RELOCATION
CLEAR LENGTH = 10,000 LF
PRELIMINARY 30%

LAST REVISED
June 5, 2020

NOT FOR CONSTRUCTION

WORK ORDER: 50558
PROJECT NUMBER: 102343
BUDGET REFERENCE: 17CP090

Appendix B:

Secondary Project Supporting Materials

CONTROL: 0805-04-XXX

HIGHWAY: RM 3237

COUNTY: HAYS

**PROGRAM ESTIMATE
TEXAS DEPARTMENT OF TRANSPORTATION**

TYPE: RM 3237 Safety Project

LENGTH: FEET = 10706

MILES = 2.03

LIMITS: 80' East of Smith Creek Rd to 1416' East of Rolling Oaks Dr

PREPARED BY: Amy Bennett, PE

Date: 11/21/19

| ITEM NO. | DESC NO. | SPEC NO. | DESCRIPTION | UNIT | QTY | PRICE | AMOUNT |
|----------|----------|----------|---|------|----------|------------|----------------|
| 100 | 6002 | | PREPARING ROW | STA | 109.00 | \$4,000.00 | \$436,000.00 |
| 104 | 6009 | | REMOVING CONC (RIPRAP) | SY | 45.00 | \$15.00 | \$675.00 |
| 110 | 6001 | | EXCAVATION (ROADWAY) | CY | 22110.00 | \$6.50 | \$143,715.00 |
| 132 | 6001 | | EMBANKMENT (FINAL)(ORD COMP)(TY A) | CY | 8096.00 | \$10.00 | \$80,960.00 |
| 132 | 6003 | | EMBANKMENT (FINAL)(ORD COMP)(TY B) | CY | 19960.00 | \$7.00 | \$139,720.00 |
| 160 | 6003 | | FURNISHING AND PLACING TOPSOIL (4") | SY | 57048.00 | \$0.70 | \$39,934.00 |
| 164 | 6003 | | BROADCAST SEED (PERM) (RURAL) (CLAY) | SY | 57049.00 | \$0.20 | \$11,410.00 |
| 164 | 6029 | | CELL FBR MLCH SEED(TEMP)(WARM) | SY | 28524.50 | \$0.30 | \$8,557.00 |
| 164 | 6031 | | CELL FBR MLCH SEED(TEMP)(COOL) | SY | 28524.50 | \$0.30 | \$8,557.00 |
| 166 | 6001 | | FERTILIZER | AC | 1.47 | \$500.00 | \$737.00 |
| 168 | 6001 | | VEGETATIVE WATERING | MG | 2282.04 | \$18.00 | \$41,077.00 |
| 169 | 6003 | | SOIL RETENTION BLANKETS (CL 1) (TY C) | SY | 9677.00 | \$1.00 | \$9,677.00 |
| 247 | 6366 | | FL BS (CMP IN PLC)(TY A GR 5)(FNAL POS) | CY | 17154.00 | \$45.00 | \$771,930.00 |
| 260 | 6012 | | LIME(HYD,COM OR QK)(SLRY)OR QK(DRY) | TON | 206.00 | \$165.00 | \$33,990.00 |
| 260 | 6073 | | LIME TRT (SUBGRADE)(8") | SY | 15276.00 | \$4.00 | \$61,104.00 |
| 340 | 6246 | | D-GR HMA (SQ) TY-D PG64_22(LEVEL-UP) | TON | 2000.00 | \$119.00 | \$238,000.00 |
| 341 | 6042 | | D-GR HMA TY-D SAC-B PG70-22 | TON | 12900.00 | \$89.00 | \$1,148,100.00 |
| 351 | 6002 | | FLEXIBLE PAVEMENT STRUCTURE REPAIR(6") | SY | 1668.00 | \$50.00 | \$83,400.00 |
| 432 | 6002 | | RIPRAP (CONC)(5 IN) | CY | 560.00 | \$500.00 | \$280,000.00 |
| 432 | 6045 | | RIPRAP (MOW STRIP)(4 IN) | CY | 122.00 | \$400.00 | \$48,800.00 |
| 462 | 6019 | | CONC BOX CULV (8 FT X 4 FT) | LF | 187.00 | \$400.00 | \$74,800.00 |
| 462 | 6022 | | CONC BOX CULV (8 FT X 7 FT) | LF | 288.00 | \$700.00 | \$201,600.00 |

| ITEM NO. | DESC NO. | SPEC NO. | DESCRIPTION | UNIT | QTY | PRICE | AMOUNT |
|----------|----------|----------|---|------|----------|--------------|--------------|
| 464 | 6005 | | RC PIPE (CL III)(24 IN) | LF | 928.00 | \$85.00 | \$78,880.00 |
| 464 | 6009 | | RC PIPE (CL III)(42 IN) | LF | 179.00 | \$170.00 | \$30,430.00 |
| 464 | 6014 | | RC PIPE (CL III)(72 IN) | LF | 91.00 | \$500.00 | \$45,500.00 |
| 464 | 6018 | | RC PIPE (CL IV)(24 IN) | LF | 114.00 | \$90.00 | \$10,260.00 |
| 466 | 6097 | | HEADWALL (CH - PW - 0) (DIA= 24 IN) | EA | 2.00 | \$5,000.00 | \$10,000.00 |
| 466 | 6140 | | HEADWALL (CH - PW - S) (DIA= 72 IN) | EA | 2.00 | \$18,000.00 | \$36,000.00 |
| 466 | 6142 | | WINGWALL (FW - 0) (HW=10 FT) | EA | 2.00 | \$18,000.00 | \$36,000.00 |
| 466 | 6157 | | WINGWALL (FW - S) (HW=10 FT) | EA | 1.00 | \$18,000.00 | \$18,000.00 |
| 466 | 6173 | | WINGWALL (PW - 1) (HW=12 FT) | EA | 2.00 | \$30,000.00 | \$60,000.00 |
| 466 | 6177 | | WINGWALL (PW - 1) (HW=16 FT) | EA | 1.00 | \$50,000.00 | \$50,000.00 |
| 467 | 6388 | | SET (TY II) (24 IN) (RCP) (3: 1) (C) | EA | 4.00 | \$0.00 | \$0.00 |
| 467 | 6394 | | SET (TY II) (24 IN) (RCP) (6: 1) (C) | EA | 2.00 | \$1,700.00 | \$3,400.00 |
| 467 | 6395 | | SET (TY II) (24 IN) (RCP) (6: 1) (P) | EA | 22.00 | \$1,700.00 | \$37,400.00 |
| 467 | 6466 | | SET (TY II) (42 IN) (RCP) (6: 1) (P) | EA | 4.00 | \$10,000.00 | \$40,000.00 |
| 500 | 6001 | | MOBILIZATION | LS | 1.00 | \$478,253.63 | \$478,254.00 |
| 502 | 6001 | | BARRICADES, SIGNS AND TRAFFIC HANDLING | MO | 12.00 | \$7,000.00 | \$84,000.00 |
| 506 | 6002 | | ROCK FILTER DAMS (INSTALL) (TY 2) | LF | 819.00 | \$28.00 | \$22,932.00 |
| 506 | 6011 | | ROCK FILTER DAMS (REMOVE) | LF | 819.00 | \$9.00 | \$7,371.00 |
| 506 | 6020 | | CONSTRUCTION EXITS (INSTALL) (TY 1) | SY | 1170.00 | \$20.00 | \$23,400.00 |
| 506 | 6024 | | CONSTRUCTION EXITS (REMOVE) | SY | 1003.00 | \$8.00 | \$8,024.00 |
| 506 | 6038 | | TEMP SEDMT CONT FENCE (INSTALL) | LF | 21557.00 | \$2.30 | \$49,581.00 |
| 506 | 6039 | | TEMP SEDMT CONT FENCE (REMOVE) | LF | 21557.00 | \$0.60 | \$12,934.00 |
| 530 | 6005 | | DRIVEWAYS (ACP) | SY | 2952.00 | \$50.00 | \$147,600.00 |
| 540 | 6001 | | MTL W-BEAM GD FEN (TIM POST) | LF | 2350.00 | \$24.00 | \$56,400.00 |
| 540 | 6005 | | TERMINAL ANCHOR SECTION | EA | 5.00 | \$1,800.00 | \$9,000.00 |
| 540 | 6016 | | DOWNSTREAM ANCHOR TERMINAL SECTION | EA | 11.00 | \$1,050.00 | \$11,550.00 |
| 542 | 6001 | | REMOVE METAL BEAM GUARD FENCE | LF | 3710.00 | \$2.00 | \$7,420.00 |
| 542 | 6002 | | REMOVE TERMINAL ANCHOR SECTION | EA | 26.00 | \$150.00 | \$3,900.00 |
| 544 | 6001 | | GUARDRAIL END TREATMENT (INSTALL) | EA | 18.00 | \$2,500.00 | \$45,000.00 |
| 560 | 6011 | | MAILBOX INSTALL-S (TWW-POST) TY 4 | EA | 9.00 | \$250.00 | \$2,250.00 |
| 644 | 6001 | | IN SM RD SN SUP&AM TY10BWG(1)SA(P) | EA | 33.00 | \$400.00 | \$13,200.00 |
| 644 | 6013 | | IN SM RD SN SUP&AM TY10BWG(1)SB(T-2EXT) | EA | 7.00 | \$580.00 | \$4,060.00 |

| ITEM NO. | DESC NO. | SPEC NO. | DESCRIPTION | UNIT | QTY | PRICE | AMOUNT |
|----------|----------|----------|---|------|----------|------------|--------------------|
| 644 | 6043 | | IN SM RD SN SUP&AM TYS80(1)SB(T-2EXT) | EA | 1.00 | \$1,000.00 | \$1,000.00 |
| 644 | 6068 | | RELOCATE SM RD SN SUP&AM TY 10BWG | EA | 4.00 | \$440.00 | \$1,760.00 |
| 644 | 6076 | | REMOVE SM RD SN SUP&AM | EA | 24.00 | \$80.00 | \$1,920.00 |
| 662 | 6004 | | WK ZN PAV MRK NON-REMOV (W)4"(SLD) | LF | 10730.00 | \$0.00 | \$0.00 |
| 662 | 6034 | | WK ZN PAV MRK NON-REMOV (Y)4"(SLD) | LF | 10730.00 | \$0.00 | \$0.00 |
| 662 | 6050 | | WK ZN PAV MRK REMOV (REFL) TY II-A-A | EA | 268.00 | \$0.00 | \$0.00 |
| 666 | 6035 | | REFL PAV MRK TY I (W)8"(SLD)(090MIL) | LF | 4837.00 | \$0.65 | \$3,144.00 |
| 666 | 6047 | | REFL PAV MRK TY I (W)24"(SLD)(090MIL) | LF | 91.00 | \$5.00 | \$455.00 |
| 666 | 6053 | | REFL PAV MRK TY I (W)(ARROW)(090MIL) | EA | 32.00 | \$95.00 | \$3,040.00 |
| 666 | 6077 | | REFL PAV MRK TY I (W)(WORD)(090MIL) | EA | 20.00 | \$130.00 | \$2,600.00 |
| 666 | 6170 | | REFL PAV MRK TY II (W) 4" (SLD) | LF | 21485.00 | \$0.11 | \$2,363.00 |
| 666 | 6178 | | REFL PAV MRK TY II (W) 8" (SLD) | LF | 4837.00 | \$0.35 | \$1,693.00 |
| 666 | 6182 | | REFL PAV MRK TY II (W) 24" (SLD) | LF | 91.00 | \$2.90 | \$264.00 |
| 666 | 6184 | | REFL PAV MRK TY II (W) (ARROW) | EA | 32.00 | \$50.00 | \$1,600.00 |
| 666 | 6192 | | REFL PAV MRK TY II (W) (WORD) | EA | 20.00 | \$62.00 | \$1,240.00 |
| 666 | 6205 | | REFL PAV MRK TY II (Y) 4" (BRK) | LF | 1199.00 | \$0.10 | \$120.00 |
| 666 | 6207 | | REFL PAV MRK TY II (Y) 4" (SLD) | LF | 21485.00 | \$0.15 | \$3,223.00 |
| 666 | 6302 | | RE PM W/RET REQ TY I (W)4"(SLD)(090MIL) | LF | 21485.00 | \$0.15 | \$3,223.00 |
| 666 | 6311 | | RE PM W/RET REQ TY I (Y)4"(BRK)(090MIL) | LF | 1199.00 | \$0.15 | \$180.00 |
| 666 | 6314 | | RE PM W/RET REQ TY I (Y)4"(SLD)(090MIL) | LF | 27788.00 | \$0.25 | \$6,947.00 |
| 672 | 6007 | | REFL PAV MRKR TY I-C | EA | 240.00 | \$3.50 | \$840.00 |
| 672 | 6009 | | REFL PAV MRKR TY II-A-A | EA | 1230.00 | \$3.00 | \$3,690.00 |
| | | | PROJECT TOTAL | | | | \$5,344,791 |

CONTROL: 0805-04-033

HIGHWAY: RM 3237

COUNTY: HAYS

**PROGRAM ESTIMATE
TEXAS DEPARTMENT OF TRANSPORTATION**

TYPE: RM 3237 Safety Project - Flite Acres Intersection

LENGTH: FEET = 1840
MILES = 0.35

LIMITS: _____

PREPARED BY: Amy Bennett, PE

Date: 08/21/20

| ITEM NO. | DESC NO. | SPEC NO. | DESCRIPTION | UNIT | QTY | PRICE | AMOUNT |
|----------|----------|----------|---|------|----------|------------|--------------|
| 100 | 6002 | | PREPARING ROW | STA | 19.00 | \$421.00 | \$7,999.00 |
| 110 | 6001 | | EXCAVATION (ROADWAY) | CY | 5351.00 | \$11.00 | \$58,861.00 |
| 132 | 6003 | | EMBANKMENT (FINAL)(ORD COMP)(TY B) | CY | 1706.00 | \$7.00 | \$11,942.00 |
| 160 | 6003 | | FURNISHING AND PLACING TOPSOIL (4") | SY | 10356.00 | \$1.64 | \$16,984.00 |
| 164 | 6003 | | BROADCAST SEED (PERM) (RURAL) (CLAY) | SY | 10356.00 | \$0.66 | \$6,835.00 |
| 164 | 6029 | | CELL FBR MLCH SEED(TEMP)(WARM) | SY | 5178.00 | \$0.28 | \$1,450.00 |
| 164 | 6031 | | CELL FBR MLCH SEED(TEMP)(COOL) | SY | 5178.00 | \$0.28 | \$1,450.00 |
| 166 | 6001 | | FERTILIZER | AC | 0.26 | \$893.00 | \$232.00 |
| 168 | 6001 | | VEGETATIVE WATERING | MG | 414.24 | \$13.00 | \$5,385.00 |
| 169 | 6001 | | SOIL RETENTION BLANKETS (CL 1) (TY A) | SY | 3857.00 | \$0.87 | \$3,356.00 |
| 247 | 6366 | | FL BS (CMP IN PLC)(TY A GR 5)(FNAL POS) | CY | 3080.00 | \$52.00 | \$160,160.00 |
| 340 | 6246 | | D-GR HMA (SQ) TY-D PG64_22(LEVEL-UP) | TON | 500.00 | \$83.00 | \$41,500.00 |
| 341 | 6042 | | D-GR HMA TY-D SAC-B PG70-22 | TON | 2276.00 | \$77.00 | \$175,252.00 |
| 351 | 6002 | | FLEXIBLE PAVEMENT STRUCTURE REPAIR(6") | SY | 417.00 | \$37.00 | \$15,429.00 |
| 432 | 6001 | | RIPRAP (CONC)(4 IN) | CY | 35.00 | \$454.00 | \$15,890.00 |
| 432 | 6031 | | RIPRAP (STONE PROTECTION)(12 IN) | CY | 15.00 | \$151.00 | \$2,265.00 |
| 460 | 6004 | | CMP (GAL STL 30 IN) | LF | 156.00 | \$172.00 | \$26,832.00 |
| 464 | 6003 | | RC PIPE (CL III)(18 IN) | LF | 168.00 | \$55.00 | \$9,240.00 |
| 464 | 6005 | | RC PIPE (CL III)(24 IN) | LF | 309.00 | \$66.00 | \$20,394.00 |
| 467 | 6363 | | SET (TY II) (18 IN) (RCP) (6: 1) (P) | EA | 6.00 | \$1,343.00 | \$8,058.00 |
| 467 | 6388 | | SET (TY II) (24 IN) (RCP) (3: 1) (C) | EA | 4.00 | \$1,660.00 | \$6,640.00 |
| 467 | 6395 | | SET (TY II) (24 IN) (RCP) (6: 1) (P) | EA | 4.00 | \$1,418.00 | \$5,672.00 |

| ITEM NO. | DESC NO. | SPEC NO. | DESCRIPTION | UNIT | QTY | PRICE | AMOUNT |
|----------|----------|----------|--|------|---------|-------------|-------------|
| 467 | 6408 | | SET (TY II) (30 IN) (CMP) (4: 1) (C) | EA | 6.00 | \$2,994.00 | \$17,964.00 |
| 500 | 6001 | | MOBILIZATION | LS | 1.00 | \$74,583.88 | \$74,584.00 |
| 502 | 6001 | | BARRICADES, SIGNS AND TRAFFIC HANDLING | MO | 2.00 | \$5,469.00 | \$10,938.00 |
| 506 | 6003 | | ROCK FILTER DAMS (INSTALL) (TY 3) | LF | 95.00 | \$70.00 | \$6,650.00 |
| 506 | 6011 | | ROCK FILTER DAMS (REMOVE) | LF | 95.00 | \$9.00 | \$855.00 |
| 506 | 6020 | | CONSTRUCTION EXITS (INSTALL) (TY 1) | SY | 334.00 | \$48.00 | \$16,032.00 |
| 506 | 6024 | | CONSTRUCTION EXITS (REMOVE) | SY | 334.00 | \$12.00 | \$4,008.00 |
| 506 | 6038 | | TEMP SEDMT CONT FENCE (INSTALL) | LF | 2616.00 | \$2.59 | \$6,775.00 |
| 506 | 6039 | | TEMP SEDMT CONT FENCE (REMOVE) | LF | 2616.00 | \$0.66 | \$1,727.00 |
| 510 | 6001 | | ONE-WAY TRAF CONT (FLAGGER CONT) | HR | 24.00 | \$71.00 | \$1,704.00 |
| 530 | 6005 | | DRIVEWAYS (ACP) | SY | 846.00 | \$37.00 | \$31,302.00 |
| 618 | 6046 | | CONDT (PVC) (SCH 80) (2") | LF | 229.00 | \$7.00 | \$1,603.00 |
| 618 | 6046 | | CONDT (PVC) (SCH 80) (2") | LF | 229.00 | \$7.00 | \$1,603.00 |
| 620 | 6007 | | ELEC CONDR (NO.8) BARE | LF | 42.00 | \$1.50 | \$63.00 |
| 620 | 6010 | | ELEC CONDR (NO.6) INSULATED | LF | 717.00 | \$4.70 | \$3,370.00 |
| 620 | 6016 | | ELEC CONDR (NO.2) INSULATED | LF | 478.00 | \$5.00 | \$2,390.00 |
| 621 | 6001 | | TRAY CABLE (3 CONDR) (14 AWG) | LF | 192.00 | \$3.10 | \$595.00 |
| 624 | 6010 | | GROUND BOX TY D (162922)W/APRON | EA | 1.00 | \$1,382.00 | \$1,382.00 |
| 624 | 6028 | | REMOVE GROUND BOX | EA | 1.00 | \$332.00 | \$332.00 |
| 644 | 6001 | | IN SM RD SN SUP&AM TY10BWG(1)SA(P) | EA | 11.00 | \$400.00 | \$4,400.00 |
| 644 | 6004 | | IN SM RD SN SUP&AM TY10BWG(1)SA(T) | EA | 3.00 | \$550.00 | \$1,650.00 |
| 644 | | | | | 7.00 | \$80.00 | \$560.00 |
| 658 | 6047 | | INSTL OM ASSM (OM-2Y)(WC)GND | EA | 4.00 | \$50.00 | \$200.00 |
| 662 | 6004 | | WK ZN PAV MRK NON-REMOV (W)4"(SLD) | LF | 7377.00 | \$0.08 | \$590.00 |
| 662 | 6034 | | WK ZN PAV MRK NON-REMOV (Y)4"(SLD) | LF | 3689.00 | \$0.11 | \$406.00 |
| 662 | 6050 | | WK ZN PAV MRK REMOV (REFL) TY II-A-A | EA | 94.00 | \$3.11 | \$292.00 |
| 666 | 6035 | | REFL PAV MRK TY I (W)8"(SLD)(090MIL) | LF | 653.00 | \$0.65 | \$424.00 |
| 666 | 6047 | | REFL PAV MRK TY I (W)24"(SLD)(090MIL) | LF | 17.00 | \$5.00 | \$85.00 |
| 666 | 6053 | | REFL PAV MRK TY I (W)(ARROW)(090MIL) | EA | 6.00 | \$95.00 | \$570.00 |
| 666 | 6077 | | REFL PAV MRK TY I (W)(WORD)(090MIL) | EA | 4.00 | \$130.00 | \$520.00 |
| 666 | 6170 | | REFL PAV MRK TY II (W) 4" (SLD) | LF | 3919.00 | \$0.11 | \$431.00 |
| 666 | 6178 | | REFL PAV MRK TY II (W) 8" (SLD) | LF | 653.00 | \$0.35 | \$229.00 |

| ITEM NO. | DESC NO. | SPEC NO. | DESCRIPTION | UNIT | QTY | PRICE | AMOUNT |
|----------|----------|----------|---|------|----------|------------|---------------------|
| 666 | 6182 | | REFL PAV MRK TY II (W) 24" (SLD) | LF | 17.00 | \$2.90 | \$49.00 |
| 666 | 6184 | | REFL PAV MRK TY II (W) (ARROW) | EA | 6.00 | \$50.00 | \$300.00 |
| 666 | 6192 | | REFL PAV MRK TY II (W) (WORD) | EA | 4.00 | \$62.00 | \$248.00 |
| 666 | 6205 | | REFL PAV MRK TY II (Y) 4" (BRK) | LF | 222.00 | \$0.10 | \$22.00 |
| 666 | 6207 | | REFL PAV MRK TY II (Y) 4" (SLD) | LF | 5685.00 | \$0.15 | \$853.00 |
| 666 | 6302 | | RE PM W/RET REQ TY I (W)4"(SLD)(090MIL) | LF | 3919.00 | \$0.15 | \$588.00 |
| 666 | 6311 | | RE PM W/RET REQ TY I (Y)4"(BRK)(090MIL) | LF | 222.00 | \$0.15 | \$33.00 |
| 666 | 6314 | | RE PM W/RET REQ TY I (Y)4"(SLD)(090MIL) | LF | 5685.00 | \$0.25 | \$1,421.00 |
| 672 | 6007 | | REFL PAV MRKR TY I-C | EA | 32.00 | \$3.50 | \$112.00 |
| 672 | 6009 | | REFL PAV MRKR TY II-A-A | EA | 262.00 | \$3.00 | \$786.00 |
| 677 | 6001 | | ELIM EXT PAV MRK & MRKS (4") | LF | 11066.00 | \$0.35 | \$3,873.00 |
| 680 | 6001 | | INSTALL HWY TRF SIG (FLASH BEACON) | EA | 1.00 | \$3,000.00 | \$3,000.00 |
| 680 | 6004 | | REMOVING TRAFFIC SIGNALS | EA | 1.00 | \$4,742.00 | \$4,742.00 |
| 684 | 6031 | | TRF SIG CBL (TY A)(14 AWG)(5 CONDR) | LF | 328.00 | \$2.33 | \$764.00 |
| 686 | 6020 | | INS TRF SIG PL AM (S)STR(TY D)LUM | EA | 2.00 | \$5,856.00 | \$11,712.00 |
| 690 | 6016 | | REMOVAL OF SPAN CABLE ASSM | LF | 130.00 | \$0.70 | \$91.00 |
| 690 | 6025 | | REPLACE OF SIGNAL HEAD ASSM | EA | 6.00 | \$330.00 | \$1,980.00 |
| 690 | 6044 | | REMOVAL OF FLASHER CABINET | EA | 1.00 | \$760.00 | \$760.00 |
| 690 | 6067 | | REMOVAL OF LUMINAIRE MAST ARMS | EA | 2.00 | \$150.00 | \$300.00 |
| 690 | 6069 | | INSTALL OF LUMINAIRE MAST ARMS | EA | 2.00 | \$1,833.00 | \$3,666.00 |
| | | | PROJECT TOTAL | | | | \$831,360.00 |

Utility Conflict Management (UCM) - 90% Utility Conflict List

Project Owner: Hays County
 CCSJ/RCSJ.: 0805-04-033
 Project Description: FM 3237 Safety Improvements Project
 Highway or Route: FM 3237

Developed/Revised By:
 Date:
 Reviewed By:
 Date:

Devin Fontenot
 9/18/2020
 Sandee Khoury
 9/18/2020

Note: Use companion sheet to compare utility conflict resolution alternatives

| Utility Company | Utility Company Contact | Utility Conflict ID | Drawing or Sheet No. | Utility Type | Size and/or Material | Utility Conflict Description | Longitudinal or Crossing | Utility Placement in Relation to Existing TxDOT Right of Way | Station Origin | Start Station | Start Offset | Station Origin | End Station | End Offset | Level of Utility Investigation Needed | Test Hole No. | Test Hole Depth | Relocation Mandatory ? (Yes/No) | Recommended Action or Resolution | Status | Utility Conflict Detail Segment A | Utility Conflict Detail Segment B | Utility Conflict Detail Segment C |
|------------------|-------------------------|---------------------|----------------------|----------------|----------------------|---|--------------------------|--|----------------|---------------|--------------|----------------|-------------|------------|---------------------------------------|---------------|-----------------|---------------------------------|----------------------------------|--------------------------|--|-----------------------------------|-----------------------------------|
| Charter/Spectrum | | | 5 | Communications | OH Telecom | No conflict | Longitudinal | Outside | FM 3237 | 23+50 | 66' LT | FM 3237 | 42+68 | 69' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Charter/Spectrum | | | 4 | Communications | OH Telecom | No conflict | Longitudinal | Outside | FM 3237 | 112+00 | 55' LT | FM 3237 | 137+20 | 63' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Charter/Spectrum | | | 5 | Communications | OH Telecom | No conflict | Crossing | Inside | FM 3237 | 31+75 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Charter/Spectrum | | | 5 | Communications | OH Telecom | No conflict | Crossing | Inside | FM 3237 | 36+66 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| City of Wimberly | | | 5 | Water | 6" | No conflict | Longitudinal | Inside | FM 3237 | 23+60 | 50' RT | FM 3237 | 32+51 | 210' RT | | N/A | N/A | No | No conflict | No conflict | | | |
| City of Wimberly | | 1 | 5 | Water | 6" | In conflict with proposed ditch cuts & proposed culvert | Longitudinal | Inside | FM 3237 | 29+65 | 46' LT | FM 3237 | 34+14 | 50' LT | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Line in ditch cuts up to 4' & proposed culvert, will require relocation. | | |
| City of Wimberly | | 2 | 5 | Water | 6" | In conflict with proposed ditch cuts | Crossing | Inside | FM 3237 | 31+22 | - | - | - | - | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Crossing in approx. 4' of ditch cut on left side of road, will require relocation. | | |
| Frontier | | | 5 | Communications | OH Telecom | No conflict | Longitudinal | Outside | FM 3237 | 23+50 | 66' LT | FM 3237 | 42+68 | 69' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 1 | Communications | OH Telecom | No conflict | Longitudinal | Inside | FM 3237 | 216+90 | 48' LT | FM 3237 | 224+91 | 48' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | 3 | 2 | Communications | OH Telecom | Pole in conflict with proposed culvert | Longitudinal | Both | FM 3237 | 282+80 | 50' RT | FM 3237 | 307+64 | 48' RT | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Pole at 303+25 in conflict with proposed culvert. | | |
| Frontier | | | 3 | Communications | OH Telecom | No conflict | Longitudinal | Both | FM 3237 | 354+06 | 52' RT | FM 3237 | 388+43 | 54' RT | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 3 | Communications | OH Telecom | No conflict | Longitudinal | Outside | FM 3237 | 366+10 | 52' LT | FM 3237 | 379+18 | 52' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 4 | Communications | OH Telecom | No conflict | Longitudinal | Outside | FM 3237 | 112+00 | 55' LT | FM 3237 | 137+20 | 63' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 5 | Communications | OH Telecom | No conflict | Crossing | Both | FM 3237 | 28+40 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 5 | Communications | OH Telecom | No conflict | Crossing | Both | FM 3237 | 31+75 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |

Utility Conflict Management (UCM) - 90% Utility Conflict List

Project Owner: Hays County
 CCSJ/RCSJ.: 0805-04-033
 Project Description: FM 3237 Safety Improvements Project
 Highway or Route: FM 3237

Developed/Revised By:
 Date:
 Reviewed By:
 Date:

Devin Fontenot
 9/18/2020
 Sandee Khoury
 9/18/2020

Note: Use companion sheet to compare utility conflict resolution alternatives

| Utility Company | Utility Company Contact | Utility Conflict ID | Drawing or Sheet No. | Utility Type | Size and/or Material | Utility Conflict Description | Longitudinal or Crossing | Utility Placement in Relation to Existing TxDOT Right of Way | Station Origin | Start Station | Start Offset | Station Origin | End Station | End Offset | Level of Utility Investigation Needed | Test Hole No. | Test Hole Depth | Relocation Mandatory? (Yes/No) | Recommended Action or Resolution | Status | Utility Conflict Detail Segment A | Utility Conflict Detail Segment B | Utility Conflict Detail Segment C |
|-----------------|-------------------------|---------------------|----------------------|----------------|----------------------|---|--------------------------|--|----------------|---------------|--------------|----------------|-------------|------------|---------------------------------------|---------------|-----------------|--------------------------------|----------------------------------|--------------------------|---|---|-----------------------------------|
| Frontier | | | 5 | Communications | OH Telecom | No conflict | Crossing | Inside | FM 3237 | 36+66 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 4 | Communications | OH Telecom | No conflict | Crossing | Both | FM 3237 | 126+25 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | 4 | 2 | Communications | OH Telecom | Potential conflict with overhead clearance | Crossing | Inside | FM 3237 | 282+80 | - | - | - | - | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Potential conflict with overhead clearance; 1.21' raise in pavement elevation at 27' LT; need cross sections and low wire measurements. | | |
| Frontier | | | 3 | Communications | OH Telecom | No conflict | Crossing | Inside | FM 3237 | 368+49 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | | 3 | Communications | OH Telecom | No conflict | Crossing | Inside | FM 3237 | 374+27 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Frontier | | 5 | 3 | Communications | UG Telecom | Line in conflict with proposed culverts and proposed ditch cuts | Longitudinal | Inside | FM 3237 | 362+21 | 51' LT | FM 3237 | 373+90 | 98' LT | | 2 | 2' | Yes | Accommodate - Relocation | Accommodate - Relocation | QLB line in conflict with proposed roadway, ditch cuts, & culvert from 362+21 to 367+24 due to line being only 2' deep. | QLB line in conflict with proposed roadway, ditch cuts & culverts from 368+69 to 373+70 due to line being only 2' deep. | |
| PEC | | | 5 | Electric | OH Electric | No conflict | Longitudinal | Both | FM 3237 | 35+02 | 66' LT | FM 3237 | 42+68 | 69' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 1 | Electric | OH Electric | No conflict | Longitudinal | Both | FM 3237 | 216+07 | 65' RT | FM 3237 | 231+55 | 76' RT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 2 | Electric | OH Electric | No conflict | Longitudinal | Inside | FM 3237 | 274+58 | 48' RT | FM 3237 | 282+80 | 50' RT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 2 | Electric | OH Electric | No conflict | Longitudinal | Both | FM 3237 | 277+83 | 56' LT | FM 3237 | 282+80 | 53' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 2 | Electric | OH Electric | No conflict | Longitudinal | Both | FM 3237 | 286+08 | 54' RT | FM 3237 | 301+44 | 55' RT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 2 | Electric | OH Electric | No conflict | Longitudinal | Outside | FM 3237 | 362+17 | 51' LT | FM 3237 | 387+81 | 51' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 4 | Electric | OH Electric | No conflict | Longitudinal | Outside | FM 3237 | 112+00 | 57' LT | FM 3237 | 137+20 | 58' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 5 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 36+66 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |

Utility Conflict Management (UCM) - 90% Utility Conflict List

Project Owner: Hays County
 CCSJ/RCSJ.: 0805-04-033
 Project Description: FM 3237 Safety Improvements Project
 Highway or Route: FM 3237

Developed/Revised By:
 Date:
 Reviewed By:
 Date:

Devin Fontenot
 9/18/2020
 Sandee Khoury
 9/18/2020

Note: Use companion sheet to compare utility conflict resolution alternatives

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|-----------------|-------------------------|---------------------|----------------------|----------------|----------------------|---|--------------------------|--|----------------|---------------|--------------|----------------|-------------|------------|---------------------------------------|---------------|-----------------|---------------------------------|----------------------------------|--------------------------|---|---|---|
| PEC | | | 4 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 125+20 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 1 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 222+60 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 1 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 226+46 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 1 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 231+59 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | 6 | 2 | Electric | OH Electric | Potential conflict with overhead clearance | Crossing | Inside | FM 3237 | 284+11 | - | - | - | - | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Potential conflict with overhead clearance, 1.21' Raise in pavement at 29' LT, need cross sections and low wire measurements. | | |
| PEC | | 7 | 2 | Electric | OH Electric | Potential conflict with overhead clearance | Crossing | Inside | FM 3237 | 287+75 | - | - | - | - | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Potential conflict with overhead clearance, 2.34' Raise in pavement at 35' LT, need cross sections and low wire measurements. | | |
| PEC | | | 3 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 361+43 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| PEC | | | 3 | Electric | OH Electric | No conflict | Crossing | Inside | FM 3237 | 362+22 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Shell | | | 5 | Gas | 12" | No conflict | Crossing | Inside | FM 3237 | 24+58 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |
| Zayo | | 8 | 5 | Communications | OH Telecom | Pole in conflict with proposed fill | Longitudinal | Inside | FM 3237 | 23+60 | 50' RT | FM 3237 | 33+44 | 51' RT | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Pole at 31+27 in approx. 1.5' of fill, will require relocation. | | |
| Zayo | | | 4 | Communications | OH Telecom | No conflict | Longitudinal | Inside | FM 3237 | 216+90 | 48' LT | FM 3237 | 224+91 | 48' LT | | N/A | N/A | No | No conflict | No conflict | | | |
| Zayo | | 9 | 2 | Communications | OH Telecom | Pole in conflict with ditch cuts and proposed culvert | Longitudinal | Both | FM 3237 | 282+80 | 50' RT | FM 3237 | 307+64 | 48' RT | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Pole at 303+25 in conflict with proposed culvert. | | |
| Zayo | | | 3 | Communications | OH Telecom | No conflict | Longitudinal | Both | FM 3237 | 354+06 | 52' RT | FM 3237 | 388+43 | 54' RT | | N/A | N/A | No | No conflict | No conflict | | | |
| Zayo | | 10 | 4 | Communications | OH Telecom | Poles in conflict with proposed ditch cuts | Longitudinal | Inside | FM 3237 | 112+00 | 57' RT | FM 3237 | 137+20 | 41' RT | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Pole at 113+76 51' RT in approx. 1.6' cut per cross sections. | Pole at 121+67 43' RT in approx. 2.8' cut per cross sections. | Pole at 123+36 44' RT in approx. 2.9' cut per cross sections. |

Utility Conflict Management (UCM) - 90% Utility Conflict List

Project Owner: Hays County
 CCSJ/RCSJ.: 0805-04-033
 Project Description: FM 3237 Safety Improvements Project
 Highway or Route: FM 3237

Developed/Revised By:
 Date:
 Reviewed By:
 Date:

Devin Fontenot
 9/18/2020
 Sandee Khoury
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Note: Use companion sheet to compare utility conflict resolution alternatives

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|-----------------|-------------------------|---------------------|----------------------|----------------|----------------------|--|--------------------------|--|----------------|---------------|--------------|----------------|-------------|------------|---------------------------------------|---------------|-----------------|---------------------------------|----------------------------------|--------------------------|--|-----------------------------------|-----------------------------------|
| Zayo | | 11 | 2 | Communications | OH Telecom | Potential conflict with overhead clearance | Crossing | Inside | FM 3237 | 282+80 | - | - | - | - | | N/A | N/A | Yes | Accommodate - Relocation | Accommodate - Relocation | Potential conflict with overhead clearance; 1.21' raise in pavement elevation at 27' LT; need low wire measurements. | | |
| Zayo | | | 3 | Communications | OH Telecom | No conflict | Crossing | Inside | FM 3237 | 374+27 | - | - | - | - | | N/A | N/A | No | No conflict | No conflict | | | |

INDEX OF SHEETS

| SHEET NO. | DESCRIPTION |
|-----------|-----------------|
| 1 | TITLE SHEET |
| 2 | INDEX OF SHEETS |

STATE OF TEXAS
DEPARTMENT OF TRANSPORTATION

PLANS OF PROPOSED
STATE HIGHWAY IMPROVEMENT

FEDERAL AID PROJECT NO. xxxxx

RM 3237
HAYS COUNTY

CSJ: 0805-04-

NET LENGTH OF ROADWAY- 10,706 FT.- 2.03 MI.

LIMITS: 80' EAST OF SMITH CREEK RD TO 1416' EAST OF ROLLING OAKS DR

FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS

CONSISTING OF GRADING, FLEX BASE, ASPHALTIC PAVEMENT, SIGNING & PAVEMENT MARKINGS, AND DRAINAGE STRUCTURES

| FEDERAL AID PROJECT NO. | | | |
|-------------------------|--------|-----------|---------|
| \$FPN\$ | | | |
| CONT | SECT | JOB | HIGHWAY |
| 0805 | 04 | | RM 3237 |
| DIST | COUNTY | SHEET NO. | |
| 14 | HAYS | 1 | |

DESIGN SPEED = 45 MPH
A.D.T. (2016)= 4738
A.D.T. (2016)=
FUNCTIONAL CLASSIFICATION= MAJOR COLLECTOR

FINAL PLANS

LETTING DATE: _____
DATE CONTRACTOR BEGAN WORK: _____
DATE WORK WAS COMPLETED & ACCEPTED: _____
FINAL CONTRACT COST: \$ _____
CONTRACTOR : _____

REQUIRED SIGNS SHALL BE IN ACCORDANCE WITH BC (1)- 14 THRU BC (12)- 14 AND THE "TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".

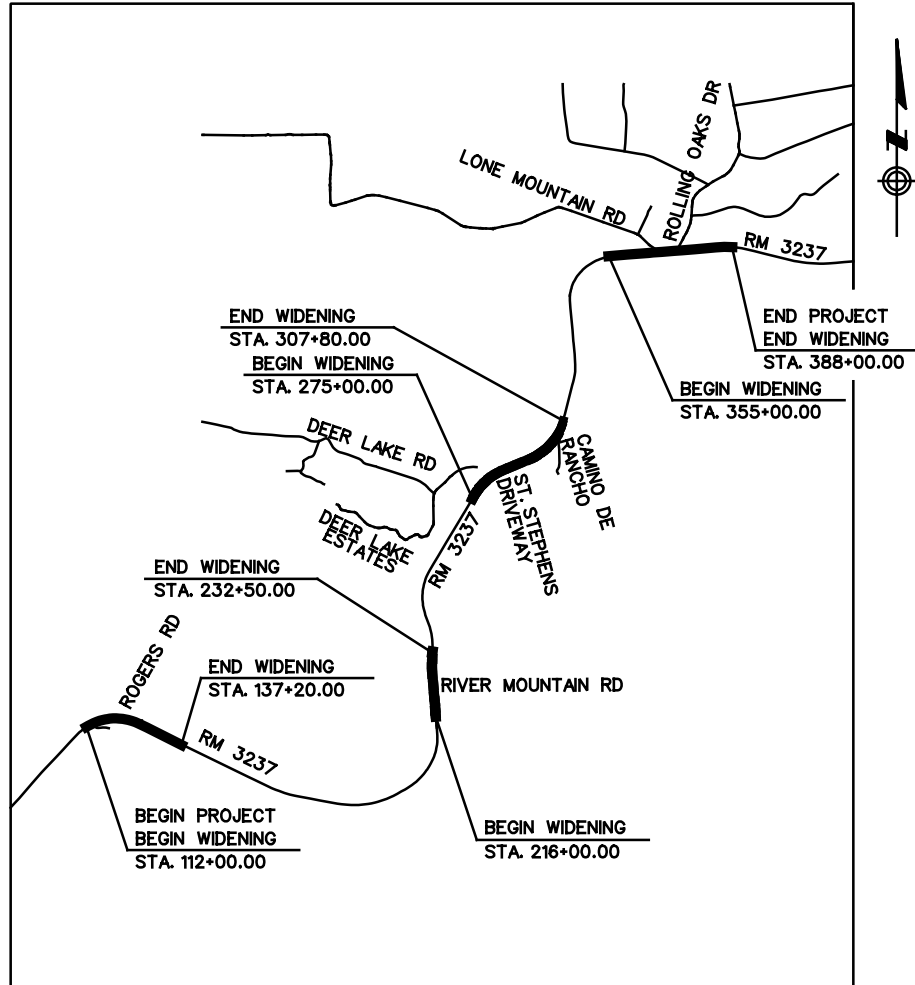
PRELIMINARY-FOR INFORMATION ONLY

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMITTING PURPOSES.

Supervised By: RICARDO J. ZAMARRIPA

P. E. Serial No. 92818

Date: 11/21/2019



LOCATION MAP
N.T.S.

EXCEPTIONS: NONE
EQUATIONS: NONE
RAILROAD CROSSINGS: NONE

SPECIFICATIONS ADOPTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, NOVEMBER 1, 2014 AND SPECIFICATION ITEMS LISTED AND DATED AS FOLLOWS, SHALL GOVERN ON THIS PROJECT: REQUIRED CONTRACT PROVISIONS FOR ALL FEDERAL-AID CONSTRUCTION CONTRACTS (FORM FHWA 1273, MAY 2012)

| | |
|---|--|
| SUBMITTED FOR LETTING: <input type="checkbox"/> | APPROVED FOR LETTING: <input type="checkbox"/> |
| <input type="text"/> | <input type="text"/> |
| AREA ENGINEER | DIRECTOR, BRIDGE DIVISION |
| RECOMMENDED FOR LETTING: <input type="checkbox"/> | APPROVED FOR LETTING: <input type="checkbox"/> |
| <input type="text"/> | <input type="text"/> |
| DISTRICT DIRECTOR OF TRANSPORTATION PLANNING AND DEVELOPMENT | DIRECTOR, TRAFFIC OPERATIONS DIVISION |
| RECOMMENDED FOR LETTING: <input type="checkbox"/> | APPROVED FOR LETTING: <input type="checkbox"/> |
| <input type="text"/> | <input type="text"/> |
| DISTRICT ENGINEER | DIRECTOR, DESIGN DIVISION |

DATE: 11/21/2019 6:03
FILE: P:\2016\01252\Drawings\Sheets\General\201601252.RD.ITL.dgn



T&PE FIRM NO. F-10069
3711 SOUTH MOPAC EXPY, SUITE 350
AUSTIN, TX 78703
TEL 512.494.6037 FAX 317.543.0270
www.structurepoint.com

| | | | |
|------------------------|--|--|--|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | <i>AFA Not Used For Research & Development</i> | |

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For
Metropolitan Area Corridor Project
On-System**

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **County of Hays**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number 115814, authorizing the State to accept Local Government funded projects performed on the state highway system. The project covered by this Agreement includes only work within the state right of way as described in the Agreement, Article 2, Scope of Work (Project); and,

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **August 25th, 2020**, which is attached to and made a part of this Agreement as Attachment A, Resolution, Ordinance, or Commissioners Court Order (Attachment A). A map showing the Project location appears in Attachment B, Location Map Showing Project (Attachment B), which is attached to and made a part of this Agreement.

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NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

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| 1. | Local Government | Utilities | Article 8 |
| 2. | Local Government | Environmental Assessment and Mitigation | Article 9 |
| 3. | Local Government | Architectural and Engineering Services | Article 11 |
| 4. | Local Government | Construction Responsibilities | Article 12 |
| 5. | Local Government | Right of Way and Real Property | Article 14 |

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of:

- a. CSJ#0805-04-033 design and construct left and right turn lanes on RM 3237 from RM 150 to RM 12 at various intersections, including shoulder enhancements;and
- b. CSJ#0805-04-034 construct new intersection roundabout on RM 3237 at RM 150 in Hays County, Texas.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment C, Project Budget which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government

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has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment C. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment C shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment C and for overruns in excess of the amount specified in Attachment C to be paid by the Local Government.
- F. The budget in Attachment C will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment C. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of

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preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.

- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

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5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of

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federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

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- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real

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Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.

- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this Agreement and the obligation of federal spending authority.
- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.
- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with

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the relocation of displaced persons and personal property as well as incidental expenses.

- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

| Local Government: | State: |
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| County of Hays County Judge 111 East San Antonio, Suite 300 San Marcos, TX. 78666 | Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701 |

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

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18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly

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applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a

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subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).

| | | | |
|------------------------|--|--|--|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | AFA Not Used For Research & Development | |

- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

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| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | <i>AFA Not Used For Research & Development</i> | |

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

| | | | |
|------------------------|--|---|--|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | <i>AFA Not Used For Research & Development</i> | |

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

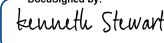
32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

| | | | |
|------------------------|--|--|--|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
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| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | AFA Not Used For Research & Development | |

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

DocuSigned by:

F1CD7A80FD8BC486...

 Signature

Kenneth Stewart

 Typed or Printed Name

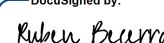
Director of Contract Services

 Typed or Printed Title

9/15/2020

 Date

THE LOCAL GOVERNMENT

DocuSigned by:

63522231510A4CD...

 Signature

Ruben Becerra

 Typed or Printed Name

County Judge

 Typed or Printed Title

9/15/2020

 Date

| | | | |
|------------------------|--|--|--|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | <i>AFA Not Used For Research & Development</i> | |

**ATTACHMENT A
RESOLUTION**



A Resolution of the Hays County Commissioners Court
Approving an Advance Funding Agreement For Metropolitan Area Corridor Project
On-System (RM 3237 Intersection Improvements) and Authorizing the County Judge
to Execute the Agreement on behalf of Hays County

STATE OF TEXAS §
 §
COUNTY OF HAYS §

WHEREAS, the RM 3237 Intersection Improvements project at various intersection locations between RM 12 and RM 150, including a new intersection roundabout at RM 150, is an element of the Hays County 2016 Road Bond Program that would improve safety and mobility for local traffic conditions within the project limits; and

WHEREAS, Hays County has moved forward with project development of the RM 3237 Intersection Improvements project, including environmental clearance, construction design, and right-of-way/utility coordination; and


WHEREAS, the Advance Funding Agreement would memorialize the roles and responsibilities of the Texas Department of Transportation (TxDOT) and Hays County;

NOW, THEREFORE, BE IT RESOLVED by the Hays County Commissioners Court:


- (a) That the Commissioners Court of Hays County does hereby approve the Advance Funding Agreement for Metropolitan Area Corridor Project On-System (RM 3237 Intersection Improvements) and authorizes the County Judge to execute the Agreement on behalf of Hays County.


| | | | |
|------------------------|-----------------------------------|--|-----------------------------------|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | AFA Not Used For Research & Development | |

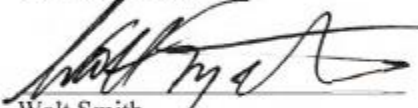
RESOLVED, ORDERED, AND DECLARED this 25th day of August, 2020.



 Ruben Becerra
 Hays County Judge


 Debbie Gonzales Ingalsbe
 Commissioner, Pct. 1


 Mark Jones
 Commissioner, Pct. 2


 Lon Shell
 Commissioner, Pct. 3


 Walt Smith
 Commissioner, Pct. 4

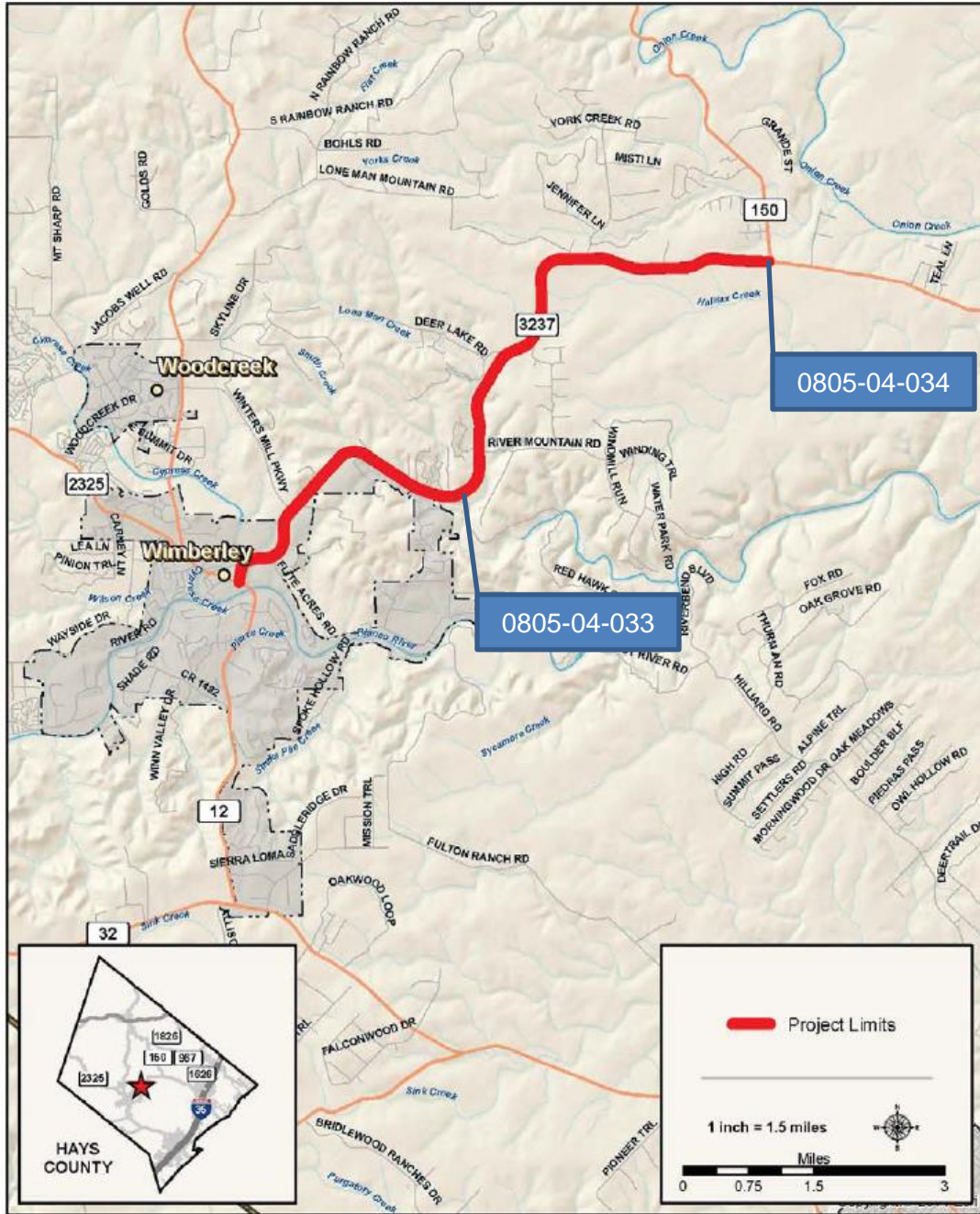
ATTEST:

 Elaine H. Cárdenas
 Hays County Clerk



20200824RM3237SafetyRoundaboutAFA_resolution.docx

| | | | |
|------------------------|-----------------------------------|--|-----------------------------------|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | <i>AFA Not Used For Research & Development</i> | |

ATTACHMENT B LOCATION MAP SHOWING PROJECT



 **RM 3237**

| | | | |
|------------------------|--|--|--|
| TxDOT: | | Federal Highway Administration: | |
| CSJ # | 0805-04-033 and 0805-04-034 | CFDA No. | 20.205 |
| District # | 14 | CFDA Title | Highway Planning and Construction |
| Code Chart 64 # | 50106 | | |
| Project Name | RM 3237 intersection improvements | <i>AFA Not Used For Research & Development</i> | |

ATTACHMENT C PROJECT BUDGET

Costs will be allocated based on 100% Local Government funding, the Local Government will be responsible for the costs overruns.

| Description | Total Estimated Cost | State Participation | | Local Participation | |
|--|----------------------|---------------------|-----------|---------------------|-------------|
| | | % | Cost | % | Cost |
| Engineering (by Local Government) | \$866,000 | 0% | \$0 | 100% | \$866,000 |
| Environmental (by Local Government) | \$103,400 | 0% | \$0 | 100% | \$103,400 |
| Utilities (by Local Government) | \$400,000 | 0% | \$0 | 100% | \$400,000 |
| Construction 0805-04-034 (by Local Government) | \$1,500,000 | 0% | \$0 | 100% | \$1,500,000 |
| Construction 0805-04-033 (by Local Government) | \$5,130,000 | 0% | \$0 | 100% | \$5,130,000 |
| Subtotal | \$7,999,400 | | \$0 | | \$7,999,400 |
| Environmental Direct State Costs | \$37,998 | 100% | \$37,998 | 0% | \$0 |
| Right of Way Direct State Costs | \$9,499 | 100% | \$9,499 | 0% | \$0 |
| Engineering Direct State Costs | \$56,996 | 100% | \$56,996 | 0% | \$0 |
| Utility Direct State Costs | \$9,499 | 100% | \$9,499 | 0% | \$0 |
| Construction Direct State Costs | \$497,250 | 0% | \$0 | 100% | \$497,250 |
| Indirect State Costs (4.52%) | \$361,573 | 100% | \$361,573 | 0% | \$0 |
| TOTAL | \$8,972,215 | | \$475,565 | | \$8,496,650 |

Initial payment by the Local Government to the State: \$0.
 Payment by the Local Government to the State before construction: \$497,250
 Estimated total payment by the Local Government to the State \$497,250
 This is an estimate. The final amount of Local Government participation will be based on actual costs.

Appendix C:

Additional Supporting Materials

AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN HAYS COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the Commissioners Court (the "Commissioners Court") of HAYS COUNTY, TEXAS (the "County") hereby finds and determines that a special election should be held to determine whether the County shall be authorized to issue bonds of the County in the amount and for the purposes hereinafter identified (the "Election"); and

WHEREAS, the Commissioners Court has the authority pursuant to Chapter 271, Texas election Code to enter into joint election agreements with other political subdivisions also holding a general or special election on the same date; and

WHEREAS, the Commissioners Court hereby finds and determines that the actions hereinbefore described are in the best interests of the citizens of the County; now, therefore,

BE IT ORDERED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS THAT:

SECTION 1: The Election shall be held in the County of Hays, Texas, on November 8, 2016 (the "Election Day"), which is a uniform election date and a general election date for state and county officers under the Texas Election Code, as amended, and is 78 or more days from the date of the adoption of this Election Order (the "Election Order"), within and throughout the territory of Hays County at which all resident, qualified electors of the County shall be entitled to vote. At the Election, the following bond propositions shall be presented to the voters at the Election:

PROPOSITION NO. 1

"Shall the Commissioners Court of Hays County, Texas, be authorized to issue and sell general obligation bonds of the County in the amount of \$106,400,000.00, for the purpose of purchasing by acquisition, constructing, reconstructing, improving, and equipping public safety facilities, to wit: a co-located emergency communications/911 facility, a law enforcement center, a law enforcement training facility, and a county jail facility, including the acquisition or improvement of sites for such facilities; bearing interest at a rate or rates not exceeding the maximum interest rate (fixed, floating, variable or otherwise) now or hereafter authorized by law, as shall be determined within the discretion of said Commissioners Court at the time of issuance, and maturing serially or otherwise at such times as may be fixed by the Commissioners Court not to exceed 30 years from their date or dates; and shall the Commissioners Court of the County be authorized to levy and pledge and cause to be assessed and collected, an annual ad valorem tax upon all taxable property within the County sufficient to pay the

annual interest on said bonds and to provide a sinking fund to pay said bonds at maturity?”

PROPOSITION NO. 2

“Shall the Commissioners Court of Hays County, Texas, be authorized to issue and sell general obligation bonds of the County in the amount of \$131,400,000.00 (which amount of bonds does not exceed one-fourth of the assessed valuation of the real property in the County) for the purpose of the construction, acquisition by purchase, maintenance, and operation of macadamized, graveled, or paved roads or turnpikes, or in aid thereof, being, generally (but not by way of limitation), constructing, designing, improving, extending, expanding, upgrading and/or developing County roads, County road connectors, and/or State highways, including right-of-way acquisition, utility relocation, drainage improvements, environmental mitigation and conservation, pedestrian walkways and bicycle transportation improvements relating to these road improvements, low water crossing improvements, traffic safety, other safety, and operational improvements, and other road transportation related improvements (improvement to county roads or county road connectors, specifically to include, but not limited to, widening of sections of Dacy Lane, Right of Way preservation on the Buda Truck Bypass, reconstruction and safety improvements to Old Bastrop Highway from Centerpoint Road to Rattler Road, safety improvements and Right of Way preservation to Centerpoint Road from Hunter Road to IH-35, safety improvements and Right of Way preservation to McCarty Lane from Hunter Road to IH-35, improvement and Right of Way preservation to sections of Hillside Terrace, safety and drainage improvements to sections of Lime Kiln Road, safety improvements to Winters Mill Parkway at the intersections of FM3237 and RM12, safety improvements to Fischer Store Road at RM2325, widening and turn lanes to Darden Hill Road, improvements to state roads and highways, specifically to include, but not limited to improvement of FM2001 from SH21 to White Wing Trail, mobility improvements to FM150 (Center Street) related to relocation of the Union Pacific switching line, realignment of FM150 from IH-35 (at Yarrington Road) to current FM150 at Arroyo Ranch Road, construction of turn lanes, Right of Way preservation, intersection improvements and/or safety improvements to sections of SH21, SH80, FM110, FM621, FM967, FM3237 and US290 (including the intersections of Holder Lane, Martin Road, Trautwein Road, and Henly Loop), drainage and low water crossing improvements associated with county road system roadways, environmental mitigation and conservation in aid of roads, pedestrian walkway and bicycle transportation related to roads, but not to include improvement of the following roadways except for shoulder improvements, turn lanes, environmental mitigation and conservation, pedestrian walkways and bicycle transportation improvements: FM150 from Arroyo Ranch Road to RM12, RM12 from Old Ranch Road 12 to FM150, FM3237 from RM12 to FM150, FM2325 from RM12 to the county line, and RM32 from RM12 to the county line), such bonds to mature serially or otherwise at such times as may be fixed by said Commissioners Court not to

exceed 30 years from their date or dates; and any issue or series of such bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the Commissioners Court, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the Commissioners Court of the County be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the County sufficient to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

SECTION 2: The ballots conform to the requirements of the Election Code and shall have written or printed thereon the following:

OFFICIAL BALLOT

PROPOSITION NO. 1

- [] For "THE ISSUANCE OF BONDS IN THE AMOUNT OF \$106,400,000.00 TO PAY FOR CONSTRUCTING, RECONSTRUCTING, IMPROVING, AND EQUIPPING PUBLIC SAFETY FACILITIES, BEING A CO-LOCATED EMERGENCY COMMUNICATIONS/911 FACILITY, A LAW ENFORCEMENT CENTER, A LAW ENFORCEMENT TRAINING FACILITY, AND A COUNTY JAIL FACILITY; AND THE LEVYING OF A TAX IN PAYMENT THEREOF"
- [] Against

PROPOSITION NO. 2

- For “THE ISSUANCE OF BONDS IN THE AMOUNT OF \$131,400,000.00 TO PAY FOR CONSTRUCTING AND IMPROVING SECTIONS OF COUNTY ROADS AND/OR STATE HIGHWAYS, DRAINAGE IMPROVEMENTS, ENVIRONMENTAL
- Against MITIGATION AND CONSERVATION, PEDESTRIAN WALKWAYS AND BICYCLE TRANSPORTATION IMPROVEMENTS RELATING TO THESE ROADS AND HIGHWAYS, LOW WATER CROSSING IMPROVEMENTS, TRAFFIC SAFETY AND OPERATIONAL IMPROVEMENTS, AND ROAD IMPROVEMENTS, SPECIFICALLY TO INCLUDE BUT NOT LIMITED TO, THE IMPROVEMENT OF DACY LANE, BUDA TRUCK BYPASS, OLD BASTROP HIGHWAY, CENTERPOINT ROAD, MCCARTY LANE, HILLSIDE TERRACE, LIME KILN ROAD, WINTERS MILL PARKWAY, FISCHER STORE ROAD AT FM2325, DARDEN HILL ROAD, FM2001, CENTER STREET MOBILITY IMPROVEMENTS RELATED TO UNION PACIFIC SWITCHING LINE, FM150, SH21, SH80, FM110, FM621, FM967, FM3237, US290 (INCLUDING THE INTERSECTIONS OF HOLDER LANE, MARTIN ROAD, TRAUTWEIN ROAD AND HENLY LOOP); AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

SECTION 3: The County election precincts hereby established for the purpose of holding the Election and the polling places hereby designated for holding the Election in the County election precincts are identified in Exhibit A to this Election Order, and this exhibit is incorporated by reference for all purposes. The Commissioners Court shall appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this Election, together with any other necessary changes to election precincts and procedures and can correct, modify, or change the Exhibits to this Election Order based upon the final locations and times agreed upon by the County.

The Presiding Judge shall appoint not less than two (2) qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on election day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the

absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

SECTION 4: The main early voting location is designated in Exhibit B to this Election Order, and this exhibit is incorporated by reference for all purposes. The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This office or place shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code, as amended. The locations, dates, clerks, and hours of operation for early voting at these permanent and temporary branch offices are identified in Exhibit B.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The Hays County Elections Administrator will appoint the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 5: Electronic optical scan voting devices may be used in conducting the election. The Hays County Elections Administrator may also utilize a central counting station as provided by Section 127.000 et seq., as amended, Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Texas Election Code. The Hays County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Hart InterCivic is an accessible voting system that may legally be used in Texas elections. The Hays County Elections Administrator shall provide at least one the DRE - Hart InterCivic in each polling place used to conduct any election.

Lastly, the County will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

SECTION 6: All resident, qualified voters of the County shall be permitted to vote at the Election, and, on the Election Day, such voters shall vote at the designated polling places. The

Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Government Code, as amended, and as may be required by law. To the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

SECTION 7: A substantial copy of this Election Order shall serve as a proper notice of the Election. This notice, including a Spanish translation thereof, shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the County, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to Election Day.

Notice of the Election shall also be given by posting a substantial copy of this Election Order, in both English and Spanish, (i) on Election Day and during early voting by personal appearance, in a prominent location at each polling place and (ii) not later than the twenty-first (21st) day before the Election, on the bulletin board used for posting notices of meetings of the Commissioners Court and in three (3) public places within the boundaries of the County. In addition, this Election Order, together with the notice of Election and the contents of the proposition, shall be posted on the County's website, in both English and Spanish, during the twenty-one (21) days before the Election.

The County Clerk is hereby authorized and directed to cause notices of election to be posted and published as hereinabove described.

SECTION 8: Pursuant to Section 3.009, Texas Election Code: (i) the proposition language that will appear on the ballot is set forth in Section 2 of this Election Order, (ii) the purposes for which the bonds are to be authorized are set forth in Section 1 of this Election Order, (iii) the principal amount of bonds to be authorized is set forth in Section 1 of this Election Order, (iv) if the issuance of public safety facility bonds is authorized by voters, taxes sufficient, within the limits prescribed by law, and if the issuance of road bonds is authorized by the voters, taxes sufficient, without limit as to rate or amount, to pay the annual principal of and interest on the bonds and the costs of any credit agreements may be imposed, as set forth in Section 1 of this Election Order, (v) bonds authorized pursuant to this Election Order may be issued to mature over not to exceed 30 years from their date of issuance and bearing interest at the rate or rates (not to exceed 15%), as authorized by law and determined by the Court, (vi) as of the beginning of the County's current fiscal year, the aggregate amount of outstanding principal of the County's debt obligations was \$313,635,000.00, and the aggregate amount of outstanding interest on the County's debt obligations was \$145,855,233.95, and (vii) the County's ad valorem debt service tax rate as of the date of adoption of this Election Order is \$0.1246 per \$100 of taxable property.

Based upon market conditions as of the date of this ordinance, the maximum net effective interest rate for any series of the bonds issued accordance with the Proposition No. 1 and the Proposition No. 2 submitted herein is estimated to be 4.75%. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold. In addition, the estimate contained in this paragraph is (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time(s) of issuance of the bonds), (ii) subject to change to the extent

that actual facts, circumstances and conditions prevailing at the time that the bonds are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 3.009, Texas Election Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to give rise to a contract with voters or limit the authority of the Commissioners Court to issue bonds in accordance with the Proposition No. 1 and the Proposition No. 2 submitted herein.

SECTION 9: The Commissioners Court authorizes the County Judge, or the designee thereof, to negotiate and enter into a joint election agreement or agreements with other political subdivisions located within the County in accordance with the provisions of the Texas Election Code, as amended, and to make such technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Commissioners Court is evidenced herein.

SECTION 10: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Election Order for all purposes and are adopted as a part of the judgment and findings of the Commissioners Court.

SECTION 11: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Election Order are hereby repealed to the extent of such conflict, and the provisions of this Election Order shall be and remain controlling as to the matters ordained herein.

SECTION 12: This Election Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13: If any provision of this Election Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Election Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Commissioners Court hereby declares that this Election Order would have been enacted without such invalid provision.

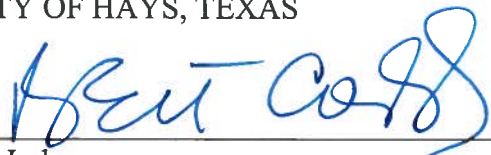
SECTION 14: It is officially found, determined, and declared that the meeting at which this Election Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Election Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 15: This Election Order shall be in force and effect from and after the date of its adoption, and it is so ordered.

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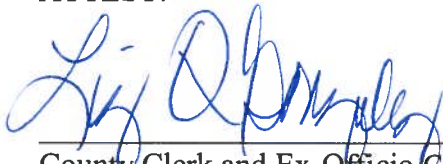
PASSED AND APPROVED, this the 16th day of August, 2016.

COUNTY OF HAYS, TEXAS



County Judge

ATTEST:



County Clerk and Ex-Officio Clerk
Of the Commissioners Court of
Hays County, Texas



(SEAL OF COMMISSIONERS COURT)

EXHIBIT A
ELECTION PRECINCT AND ELECTION DAY POLLING LOCATIONS

(AS ATTACHED ON THE FOLLOWING PAGE)

Hays County Polling Places

November 8, 2016

7 a.m. – 7 p.m.

| PCT. | POLLING PLACE | ADDRESS | CITY |
|------|---------------------------------------|--|------------------|
| 110 | New Life Christian Center | 4000 Hwy 123 | San Marcos |
| 111 | Dunbar Center | 801 MLK Dr. | San Marcos |
| 112 | Dunbar Center | 801 MLK Dr. | San Marcos |
| 113 | Health Dept. | 401 A Broadway St. | San Marcos |
| 120 | San Marcos Housing, Residents Office | 820 Sturgeon St. | San Marcos |
| 125 | Chapa Middle School | 3311 Dacy Ln. | Kyle |
| 127 | Tobias Elementary School | 1005 E FM 150 | Kyle |
| 129 | City of Kyle Fire Station #2 | 150 Bunton Rd. | Kyle |
| 221 | ACC Hays Campus | 1200 Kohler Crossing | Kyle |
| 223 | Kyle City Hall | 100 W Center St. | Kyle |
| 224 | Buda City Hall | 121 N Main Street | Buda |
| 225 | Hays County Precinct 2 Office | 5458 FM 2770 @ Crystal Meadow Dr. | Kyle |
| 226 | Hays Hills Baptist Church | 1401 N FM 1626 | Buda |
| 228 | Tom Green Elementary School | 1301 Old Goforth Rd. | Buda |
| 229 | County Line Water Supply | 131 S. El Camino Real | Uhland |
| 230 | Southern Hills Church of Christ | 3740 Ranch Rd 967 | Buda |
| 232 | Southern Hills Church of Christ | 3740 Ranch Rd 967 | Buda |
| 234 | Goforth Water Supply | 8900 Niederwald Strasse | Niederwald |
| 236 | Southern Hills Church of Christ | 3740 Ranch Rd 967 | Buda |
| 238 | Southern Hills Church of Christ | 3740 Ranch Rd 967 | Buda |
| 301 | First Baptist Church – San Marcos | 325 W McCarty Ln. | San Marcos |
| 315 | First Baptist Church – San Marcos | 325 W McCarty Ln. | San Marcos |
| 316 | Hernandez Elementary School | 333 Stagecoach Trl. | San Marcos |
| 317 | Hernandez Elementary School | 333 Stagecoach Trl. | San Marcos |
| 318 | Crockett Elementary School | 1300 Girard St | San Marcos |
| 330 | Crockett Elementary School | 1300 Girard St | San Marcos |
| 332 | Travis Elementary School | 1437 Post Rd | San Marcos |
| 333 | Wimberley Community Center | 14068 Ranch Rd 12 | Wimberley |
| 334 | Crockett Elementary School | 1300 Girard St | San Marcos |
| 335 | Cypress Creek Church | 211 Stillwater | Wimberley |
| 336 | Brookdale - Horizon Bay at San Marcos | 1720 Old Ranch Rd 12 | San Marcos |
| 337 | VFW Post 6441 Hall | 401 Jacobs Well, Veterans Park off Ranch Rd 12 | Wimberley |
| 339 | Hays Fire Station #12 | 8301 Ranch Rd 12 | San Marcos |
| 413 | Allenwood Homes | 1201 Thorpe Ln. | San Marcos |
| 414 | Allenwood Homes | 1201 Thorpe Ln. | San Marcos |
| 415 | Fire Station #5 | 100 Carlson Circle (River Ridge Pkwy) | San Marcos |
| 416 | Blanco Vista School | 2951 Blanco Vista Blvd | San Marcos |
| 417 | Blanco Vista School | 2951 Blanco Vista Blvd | San Marcos |
| 418 | Blanco Vista School | 2951 Blanco Vista Blvd | San Marcos |
| 419 | Wallace Middle School | 1500 W Center St | Kyle |
| 420 | Wallace Middle School | 1500 W Center St | Kyle |
| 421 | Wallace Middle School | 1500 W Center St | Kyle |
| 440 | Henly Baptist Church | 200 Henly Loop | Dripping Springs |
| 441 | Dripping Springs Church of Christ | 470 Old Hwy 290 West | Dripping Springs |
| 442 | Friendship Creekside Fellowship | 14455 FM 1826 | Austin |
| 443 | Belterra Welcome Center | 151 Trinity Hills Dr. | Austin |
| 444 | Sunset Canyon Baptist Church | 4000 E Hwy. 290 | Dripping Springs |
| 447 | Promiseland Church | 1650 Lime Kiln Rd. | San Marcos |
| 449 | DSISD Administration Office | 510 W Mercer St. | Dripping Springs |

EXHIBIT B

**MAIN, PERMANENT BRANCH, AND TEMPORARY BRANCH
POLLING PLACES, DATES AND TIMES**

(AS ATTACHED ON THE FOLLOWING PAGES)



HAYS COUNTY EARLY VOTING
(Votación Adelantada del Condado de Hays)

November 8, 2016
(8 de Noviembre de 2016)

Location, Dates & Hours of Main Early Voting Polling Location
(Lugar, Fechas y Horas de los Centros Principales de Votación para la Votación Anticipada)

**GOVERNMENT CENTER
 CONFERENCE ROOM
 712 S. Stagecoach Trail
 San Marcos, TX 78666**

Monday, October 24 through Friday, October 28, 2016
(Lunes, 24 de Octubre hasta el Viernes, 28 de Octubre de 2016)
8:00 a.m. to 5:00 p.m. (8:00 am este las 5:00 pm)
Saturday, October 29, 2016
(Sábado, 29 de Octubre de 2016)
7:00 a.m. to 7:00 p.m. (7:00 am este las 7:00 pm)
Sunday, October 30, 2016
(Domingo, 30 de Octubre de 2016)
1:00 p.m. to 6:00 p.m. (1:00 pm este las 6:00 pm)
Monday, October 31 through Friday, November 4, 2016
(Lunes, 31 de Octubre hasta el Viernes, 4 de Noviembre de 2016)
7:00 a.m. to 7:00 p.m. (7:00 am este las 7:00 pm)

Location, Dates & Hours of Temporary Branch Early Voting Polling Locations
(Lugar, Fechas y Horas de las Sucursales de los Centros Temporal de Votación para la Votación Anticipada)

October 2016
Octubre 2016

| Monday – 24th | Tuesday – 25th | Wednesday – 26th |
|---|---|---|
| Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm) | Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm) | Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm) |
| Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm) | Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm) | Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm) |
| Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm) | Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm) | Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm) |
| Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm) | Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm) | Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm) |
| Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm) | Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm) | Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm) |
| Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm) | Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm) | Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm) |

| Thursday – 27 th | Friday – 28 th | Saturday – 29 th |
|---|---|--|
| <p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)</p> <p>Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)</p> | <p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)</p> | <p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (7am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> <p>Belterra Welcome Center 151 Trinity Hills Dr. Austin, TX 78737 (7 am – 7 pm)</p> |
| Sunday – 30 th | Monday – 31 st | Tuesday – 1 st |
| <p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (1 pm – 6 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (1 pm – 6 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (1 pm – 6 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (1 pm – 6 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (1 pm – 6 pm)</p> <p>Belterra Welcome Center 151 Trinity Hills Dr. Austin, TX 78737 (1 pm – 6 pm)</p> | <p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (7am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> | <p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (7am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX 78610 (7 am – 7 pm)</p> |

| Wednesday – 2 nd | Thursday – 3 rd | Friday – 4 th |
|---|---|---|
| Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm) | Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm) | Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm) |
| Hays County Health Dept 401 A Broadway St San Marcos, TX (7am – 7 pm) | Hays County Health Dept 401 A Broadway St San Marcos, TX (7am – 7 pm) | Hays County Health Dept 401 A Broadway St San Marcos, TX (7am – 7 pm) |
| Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm) | Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm) | Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm) |
| Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm) | Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm) | Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm) |
| Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm) | Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm) | Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm) |
| Buda City Hall 121 N Main St. Buda, TX 78610 (7 am – 7 pm) | Buda City Hall 121 N Main St. Buda, TX 78610 (7 am – 7 pm) | Buda City Hall 121 N Main St. Buda, TX 78610 (7 am – 7 pm) |

Applications for Ballot by Mail shall be mailed to : (Las solicitudes para boletas que se votaran adelantada por correo deberan enviarse a:)

Joyce A. Cowan, Early Voting Clerk
 (Secretario De Votación Adelantada, Joyce A. Cowan)
 712 S. Stagecoach Trail, Suite 1045
 San Marcos, TX 78666

Applications for Ballots by Mail must be received no later than the close of business on October _____, 2016. (Las solicitudes para boletas que se votaran adelantada por correo deberan recibirse para el fin de las horas de negocio el ____ de Octubre, 2016.)

Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site. (Todo votante habilitado para votar por anticipado en persona puedo hacerlo en el Lugar principal de Votación Anticipada o en cualquiera de las Sucursales temporales.)

Emergency and Limited ballots available at the Election Office, 712 S. Stagecoach Trail, Suite 1045, San Marcos, TX. (Boletas limitadas y de emergencia solamente están disponibles en la oficina de elección, 712 S. Stagecoach Trail, Suite 1045, San Marcos, TX.)

Hays County DRAFT Bond Program

| Pct | Project | Budget | | |
|-----|--|---------------|-------|--------------------------|
| 1 | CR 266 Corridor Improvements | \$ 2,000,000 | | |
| 1 | Dacy Lane Widening | \$ 10,000,000 | | |
| 1 | FM 110 @ SH 123 Intersection Improvements | \$ 1,000,000 | | |
| 1 | FM 621 Safety Improvements | \$ 3,500,000 | | |
| 1 | SH 21 @ FM 1966 Safety Improvements | \$ 800,000 | | |
| 1 | SH 21 South Corridor Improvements and ROW Preservation | \$ 3,500,000 | | |
| 1 | SH 80 @ Military Intersection Improvements | \$ 1,000,000 | pct 1 | \$ 21,800,000 |
| 2 | Dacy Lane Widening | \$ 10,000,000 | | |
| 2 | FM 2001 Gap | \$ 9,100,000 | | |
| 2 | Hillside Terrace Safety Improvements & ROW | \$ 2,600,000 | | |
| 2 | RM 967 Safety Turn Lanes | \$ 5,900,000 | | |
| 2 | Robert S Light Ext / Buda Truck Bypass ROW | \$ 6,200,000 | | |
| 2 | UPRR Siding Relocation (City of Kyle - Match) | \$ 1,500,000 | pct 2 | \$ 35,300,000 |
| 3 | Centerpoint Road Safety Improvements & ROW Preservation | \$ 1,500,000 | | |
| 3 | Fischer Store at RM 2325 Safety Improvements | \$ 1,500,000 | | |
| 3 | FM 3237 Safety Improvements | \$ 14,000,000 | | |
| 3 | Lime Kiln Road Safety Improvements | \$ 1,500,000 | | |
| 3 | McCarty Expansion ROW Preservation | \$ 1,500,000 | | |
| 3 | Winters Mills Safety at RM 3237 and RM 12 | \$ 1,000,000 | pct 3 | \$ 21,000,000 |
| 4 | Darden Hill Widening and Turn Lanes | \$ 1,500,000 | | |
| 4 | Lime Kiln Road Safety Improvements | \$ 1,500,000 | | |
| 4 | Realignment of FM 150 (From I-35/Yarrington to FM 150 at FM 3237) | \$ 11,800,000 | | |
| 4 | US 290 West Safety Improvements (including Holder Ln, Martin Rd, Trauwein, and Henly Loop Intersections) | \$ 4,000,000 | | |
| 4 | US 290 West Widening ENV & ROW | \$ 2,000,000 | pct 4 | \$ 20,800,000 |
| CW | Drainage / Low Water Xings / Bridge Replacements, Environmental Mitigation / Conservation and Non-Motorized Transportation | \$ 22,500,000 | | |
| CW | Safety / Mobility / (County & State Sysytem) Match | \$ 10,000,000 | CW | \$ 32,500,000 |
| | | Total | | \$ 131,400,000 |
| | | | | \$ 131,400,000.00 |



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 16th DAY OF AUGUST A.D., 2016, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

| | |
|--------------------------|----------------------|
| ALBERT H. COBB JR | COUNTY JUDGE |
| DEBBIE GONZALES INGALSBE | COMMISSIONER, PCT. 1 |
| MARK JONES | COMMISSIONER, PCT. 2 |
| WILL CONLEY | COMMISSIONER, PCT. 3 |
| RAY O. WHISENANT JR | COMMISSIONER, PCT. 4 |
| LIZ Q. GONZALEZ | COUNTY CLERK |

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb gave the invocation and led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Matt Ocker – Buda resident, and David Crowell – Buda resident made public comments.

PRESENTATION TO THE COMMISSIONERS COURT ABOUT THE TEXAS BRIGADES PROGRAM

Cooper Moore gave a brief PowerPoint Presentation on the Texas Brigades Program. The Texas Brigades – 5 day wildlife leadership camps, open to students ages 13-17, cost is \$500 – scholarships available, held annually in June and July, 8 camps across the state of Texas.

31748 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$629,540.13 as submitted by the County Auditor. All voting “Aye”. MOTION PASSED

31749 APPROVE COMMISSIONERS COURT MINUTES OF AUGUST 9, 2016

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of August 9, 2016 as presented by the County Clerk. All voting “Aye”. MOTION PASSED

31750 APPROVE RENEWAL OF EXISTING CONTRACT FOR IFB 2015-B10 EMULSION OILS FOR ONE (1) ADDITIONAL YEAR

All terms and conditions remain unchanged and in full force and effect as provided in original contract. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve renewal of existing contract for IFB 2015-B10 Emulsion Oils for one (1) additional year. All voting “Aye”. MOTION PASSED

31751 ORDER THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, IN HAYS COUNTY, TEXAS, FOR THE PURPOSE OF ELECTING THE COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION

An election is hereby ordered to be held on November 8, 2016, in Hays County, Texas, for the purpose of electing the following county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution County Sheriff, County Tax Assessor Collector, Commissioner, Pct. 1, Commissioner, Pct. 3, Justice of Peace, Pct. 1, Pl. 1, Justice of the Peace, Pct. 1, Pl 2 Unexpired Term, Constable Pct. 1, Constable Pct. 2, Constable, Pct. 3, Constable Pct. 4 and Constable Pct. 5. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to order the General Election to be held on November 8, 2016, in Hays County, Texas, for the purpose of electing the County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution. All voting “Aye”. MOTION PASSED

31752 APPROVE OUT OF STATE TRAVEL FOR ERICA CARPENTER, JENNIFER COURTNEY, & MELISSA PENA TO CHICAGO, IL TO ATTEND THE CIS MANAGERS TRAINING REGARDING THE NEW CIS CAD SYSTEM

The Sheriff's Office is requesting approval to send Erica, Jennifer and Melissa to attend the CIS managers' portion of the CAD System starting August 22-28, 2016. The training is structured for managers to finalize procedures and errors in the system. CIS has agreed to fund all travel expenses for all three employees.



A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve out of state travel for Erica Carpenter, Jennifer Courtney, & Melissa Pena to Chicago, IL to attend the CIS Managers training regarding the new CIS CAD System. All voting "Aye". MOTION PASSED

31753 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE SERVICE AGREEMENT RENEWAL WITH APPRISS FOR THE VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM FOR UP TO \$27,715.32

The VINE program is administered by the Office of the Attorney General of Texas (OAG), to provide statewide automated system to provide crime victims with accurate and up to-to-date information and notification of county inmate status and court events. Appriss is the contract provider selected by the OAG to support the VINE program. The original maintenance renewal agreement in the amount of \$27,715.32 to cover the costs for the renewal of services through August 31, 2017. This amount is funded through a grant from the OAG. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to accept and execute service agreement renewal with Appriss for the Victim Information and Notification Everyday (VINE) program for up to \$27,715.32. All voting "Aye". MOTION PASSED**

31754 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND EXECUTE A MAINTENANCE CONTRACT FROM THE OFFICE OF THE ATTORNEY GENERAL FOR STATEWIDE CRIME VICTIM NOTIFICATION SERVICE (SAVNS) IN THE AMOUNT OF \$27,715.32

This grant contract is a statewide crime victim notification service (SAVNS) grant program. Automated victim notification systems have a direct benefit for the criminal justice system that provides an efficient manner for notification of victims in a system that is often overburdened and unable to fulfill its mandates. These systems allow victims, law enforcement, prosecutors, victim advocates and other criminal justice professionals to have immediate access to offender information. The contract period begins on September 1, 2016 through August 31, 2017. The SAVNS maintenance contract and is due to the OAG Office electronically by September 30, 2016. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to accept and execute a Maintenance Contract from The Office of the Attorney General for Statewide Crime Victim Notification Service (SAVNS) in the amount of \$27,715.32. All voting "Aye". MOTION PASSED**

31755 APPROVAL TO HOLD AN ONLINE AUCTION WITH RENE BATES AUCTIONEERS (WWW.RENEBATES.COM) TO DISPOSE OF SURPLUS PROPERTY PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 263.152 AND AUTHORIZE PURCHASING TO ADVERTISE. AUCTION WILL START AUGUST 18TH AND END SEPTEMBER 1ST

A complete list of items and pictures will be available in the Purchasing Office. Instructions are available on the website on how to register for placing bids. (www.renebates.com). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approval to hold an online auction with Rene Bates Auctioneers (www.renebates.com) to dispose of surplus property pursuant to Texas Local Government Code 263.152 and authorize Purchasing to advertise. Auction will start August 18th and end September 1st. All voting "Aye". MOTION PASSED**

31756 APPROVE AND CONFIRM THE APPOINTMENTS OF ALICE FLORES AND GREG GRUMBLES AS DEPUTY CONSTABLES AND MICHAEL VARELA AS RESERVE DEPUTY IN THE HAYS COUNTY CONSTABLE PRECINCT 1 OFFICE

Pursuant to Local Government Code Chapter 86 Subchapter B 86.011 (a) The Commissioner's Court shall approve and confirm the appointment of a Deputy Constable. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve and confirm the appointments of Alice Flores and Greg Grumbles as Deputy Constables and Michael Varela as Reserve Deputy in the Hays County Constable Precinct 1 Office. All voting "Aye". MOTION PASSED**

31757 AUTHORIZE THE DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR AND GENERAL COUNSEL TO NEGOTIATE A CONTRACT WITH JB CONSTRUCTION FOR MODIFICATIONS IN THE PRECINCT 2 TAX OFFICE; AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE COMPLETED CONTRACT

On May 10, 2016, Commissioners Court authorized pre-construction services including architectural work for proposed modifications to the Precinct 2 Tax office. The design work has been completed and staff has obtained 3 bids for work at the facility. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize the Development and Community Services Director and General Counsel to negotiate a contract with JB Construction for modifications in the Precinct 2 Tax office; authorize the County Judge to execute the completed contract . All voting "Aye". MOTION PASSED**

31758 RELEASE MAINTENANCE BOND #1088911 IN THE AMOUNT OF \$264,000.00, AND ACCEPTANCE OF THE ROADS INTO THE COUNTY ROAD SYSTEM FOR MUSTANG VALLEY SUBDIVISION, SEC. 6



Staff recommends acceptance of the roads into the county road system. The Transportation Department has inspected and approved the punch list repairs. Roads include: the remainder of Toro Pass (2,570 ft.), making the total length of Toro Pass under county maintenance to be 6,535 ft. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to release maintenance bond #1088911 in the amount of \$264,000.00, and acceptance of the roads into the county road system for Mustang Valley Subdivision, Sec. 6. All voting "Aye". MOTION PASSED**

31759 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, AND RELEASE OF THE CONSTRUCTION CASH BOND IN THE AMOUNT OF \$1,495,563.41 FOR DRIFTWOOD SUBDIVISION, PH. 1, SEC. 1

Barbara Hopson made public comment. Jerry Borcharding, Transportation Director gave staff recommendation. Staff recommends acceptance of construction of roads and drainage improvements within the ROW. The Road Department has inspected and approved the improvements. These will be privately maintained roads. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept road construction and drainage improvements, and release of the Construction Cash Bond in the amount of \$1,495,563.41 for Driftwood Subdivision, Ph. 1, Sec. 1. All voting "Aye". MOTION PASSED**

31760 ACCEPT ROADS INTO THE COUNTY ROAD SYSTEM, RELEASE THE MAINTENANCE BOND #1026429 IN THE AMOUNT OF \$46,709.75 FOR REUNION RANCH SUBDIVISION PH. 1C

Jerry Borcharding, Transportation Director gave staff recommendation. Staff recommends acceptance of the roads into the county road system. The Transportation Department has inspected and approved the punch list repairs. Roads include: Jayne Cove (1,576 ft.). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe accept roads into the county road system, release the Maintenance Bond #1026429 in the amount of \$46,709.75 for Reunion Ranch Subdivision. Ph. 1C. All voting "Aye". MOTION PASSED**

31761 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS, RELEASE OF THE CONSTRUCTION BOND #K09324653 FOR \$441,440.74, AND ACCEPTANCE OF THE MAINTENANCE BOND #1048974 IN THE AMOUNT OF \$30,764.84 FOR A 2-YEAR PERIOD FOR SHADOW CREEK SUBDIVISION, PHASE 7, SEC. 3

Jerry Borcharding, Transportation Director gave staff recommendation. Staff recommends acceptance of construction of roads and drainage improvements within the County ROW, and all regulatory signage as posted. The Transportation Department has inspected and approved the improvements. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept road construction and drainage improvements, release of the Construction Bond #K09324653 for \$441,440.74, and acceptance of the Maintenance Bond #1048974 in the amount of \$30,764.84 for a 2-year period for Shadow Creek Subdivision, Phase 7, Sec. 3. All voting "Aye". MOTION PASSED**

31762 ACCEPTANCE OF ROADS INTO THE COUNTY ROAD SYSTEM, AND RELEASE THE MAINTENANCE BOND # PRF9118462MNT IN THE AMOUNT OF \$126,704.75 FOR RIM ROCK SUBDIVISION, PH. 2, SEC. 4

Jerry Borcharding, Transportation Director gave staff recommendation. Staff recommends acceptance of the roads into the county road system. The Transportation Department has inspected and approved the punch list repairs. Roads include: Bristlecone Drive (2,393 ft.), Honey Locust Court (987 ft.), Spanish Moss Cove (232 ft.), Diamondwood Court (942 ft.), and Sad Willow Pass (2,829 ft.). **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the acceptance of roads into the county road system, and release the Maintenance Bond # PRF9118462MNT in the amount of \$126,704.75 for Rim Rock Subdivision, Ph. 2, Sec. 4. All voting "Aye". MOTION PASSED**

Clerk's Note Agenda Item #17 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS RELATED TO ACCESS TO THE CITY'S POLICE CAD/RMS/MOBILE CLIENT SYSTEM – was pulled

Clerk's Note Agenda Item #18 RE: AUTHORIZE THE COUNTY JUDGE TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR DEVELOPMENT OF A COUNTYWIDE STREAM DATA MANAGEMENT SYSTEM – was pulled

Clerk's Note – Court took a break at 10:27 a.m. and reconvened into open session at 10:37 a.m.



31763 ADOPT THE EARLY VOTING SCHEDULE (DATES & TIMES) FOR THE NOVEMBER 8, 2016, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to adopt the Early Voting Schedule (Dates & times) for the November 8, 2016, General Election. All voting "Aye". MOTION PASSED

31764 ADOPT THE ELECTION DAY POLLING SITES FOR THE NOVEMBER 8, 2016, GENERAL ELECTION

Joyce Cowan Elections Administrator spoke. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt the Election Day Polling sites for the November 8, 2016, General Election. All voting "Aye". MOTION PASSED

31765 ACTION RELATED TO THE PROPOSED CREATION OF HAYS COUNTY EMERGENCY SERVICES DISTRICT #9. POSSIBLE ACTIONS MAY INCLUDE 1) RESOLVING THAT CREATION OF THE DISTRICT IS FEASIBLE OR NOT FEASIBLE AND 2) RESOLVING THAT THE CREATION OF THE DISTRICT WILL OR WILL NOT PROMOTE THE PUBLIC SAFETY, WELFARE, HEALTH, AND CONVENIENCE OF PERSONS RESIDING WITHIN THE PROPOSED DISTRICT. IF THE COURT FINDS IN FAVOR OF DISTRICT CREATION, IT SHALL ALSO TAKE ACTION TO FIX THE DISTRICT'S BOUNDARIES, ORDER AN ELECTION TO CONFIRM THE DISTRICT'S CREATION, AND IMPOSE ADDITIONAL CONDITIONS, IF ANY

Since August 22, 2016 is the last date to call for an election on the November 2016 ballot, this agenda item strongly contemplates action, including a Call for an Election to confirm the District's creation, should the Court decide it is feasible to create it. A motion was made by Commissioner Conley resolves that creation of the district is feasible and resolving that the creation of the district will promote the public safety, welfare, health, and convenience of persons residing within the proposed district with qualification and a 6% cap rate. MOTION DIED for lack of a second. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe, resolving that the creation of the district is feasible, with qualifications, resolving that the creation of the district will promote the public safety, welfare, health, and convenience of persons residing within the district, with qualifications, fixing the district's boundaries, and ordering an election to confirm the district's creation, as detailed in an executed Resolution of Commissioners Court finalized by legal counsel based on feedback provided by the Court. All voting "Aye". MOTION PASSED

31766 HOLD A PUBLIC HEARING AT 10:00 AM IN ACCORDANCE WITH SECTION 293.101 OF THE TEXAS HEALTH AND SAFETY CODE, INCLUDING BUT NOT LIMITED TO DISCUSSION AND POSSIBLE ACTION TO ESTABLISH THE ASSESSMENT RATE AND STATE FISCAL YEAR 2017 MANDATORY PAYMENTS, AND AUTHORIZE THE INTERGOVERNMENTAL TRANSFER OF THE FUNDS DERIVED FROM THOSE MANDATORY PAYMENTS TO PROVIDE THE NONFEDERAL SHARE OF THE SUPPLEMENTAL PAYMENT PROGRAM AUTHORIZED UNDER THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM ("SEC 1115") WAIVER

Judge Cobb opened the public hearing at 10:17 a.m. Chief of Staff, Lon Shell spoke. Liz Johnson with Seton Hays Hospital and Ann Berghammer-Miller of Central Texas Medical Center spoke. Hays County's participation in a County Health Care Provider Participation Program is authorized by HB 3175 passed during the 84th Texas Legislature. A County Health Care Provider Participation Program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by Chapter 293 of the Texas Health and Safety Code. Central Texas Medical Center of San Marcos and Seton Medical Center Hays supported passage of HB 3175 and the creation of the program in Hays County. The Hays County Commissioners Court adopted and Order authorizing the County's participation in the LPPF program on 9-15-15. On 9-29-15 a public hearing was held to establish the LPPF, set the assessment rate at 6%, and establish the state fiscal year 2016 mandatory payments. Notice of the Public Hearing has been posted in accordance with 293.101 of the Texas Health and Safety Code. During the hearing, the Court will set the state fiscal year 2017 assessment rate, consider the approval of the amount of payments for each hospital as determined by 293.151 THSC and consider other issues related to the program. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the Count to collect a mandatory payment from each institutional health care provider in Hays County, establish the state fiscal year 2017 mandatory payments of \$5,464,28.58 for Central Texas Medical Center, \$6,797,68.08 for Seton Medical Center Hays, \$759,354.06 for Warm Springs Rehabilitation of Kyle, and \$29,170.38 for Oceans Behavioral Hospital which equal 6% of the net patient revenue of each hospital, and authorize the Intergovernmental Transfer of the funds derived from those mandatory payments to provide the nonfederal share of the supplemental payment program authorized under the Texas Healthcare Transformation and Quality Improvement Program otherwise known as the 1115 waiver. All voting "Aye". MOTION PASSED



Clerk's Note Court took a break at 4:55 p.m. and reconvened into open session at 5:31 p.m.
 Clerk's Note Court took a break at 6:45 p.m. and reconvened into open session at 7:29 p.m.
 Clerk's Note Court took a break at 7:29 p.m. and reconvened into open session at 8:11 p.m.

31767 APPROVE AN ORDER BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS CALLING A BOND ELECTION TO BE HELD IN HAYS COUNTY, TEXAS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION WITH VARIOUS POLITICAL SUBDIVISIONS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION. (WORKSHOP ITEMS 24, 25 AND 26 WILL BE HELD PRIOR TO THE OPENING OF THIS ITEM.)

Per action of the Commissioners Court on August 9, 2016, this agenda item is being considered for a bond election prior to the deadline for ordering a November 8, 2016 election, which is August 22, 2016. Potential bond proposition under this election Order could include a public safety bond proposition (Emergency Call Center/ 911, Law Enforcement Center, Jail) and/or a Transportation bond proposition. Julie Houston spoke regarding the proposition and ballot language. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve an Order by the Commissioners Court of Hays County, Texas calling a Bond Election to be held in Hays County, Texas; making provision for the conduct of the election; making provision for the conduct of a joint election with various political subdivisions; resolving other matters incident and related to such election. All voting "Aye". MOTION PASSED

WORKSHOP RELATED TO THE PROPOSED CRIMINAL JUSTICE / PUBLIC SAFETY FACILITIES TO INCLUDE THE HAYS COUNTY JAIL, 911 CALL CENTER, EMERGENCY OPERATIONS CENTER, LAW ENFORCEMENT CENTER AND TRAINING FACILITY AND THE POSSIBILITY OF A NOVEMBER 2016 BOND PROPOSITION RELATED THERETO

Brenda Jenkins, Sr. VP of ACM International gave a PowerPoint presentation on the proposed criminal justice/public safety facilities which include the Hays County Jail, 911 Call Center, Emergency Operations Center, Law Enforcement Center and Training Facility. This would include an additional 192 beds. The proposed Jail Project estimated cost would be \$62.4 Million and the proposed 911 Call Center/Emergency Operations/LEC/Training Facility Project cost would be \$44 Million.

WORKSHOP RELATED TO THE PROPOSED TRANSPORTATION IMPROVEMENTS THROUGHOUT HAYS COUNTY AND THE POSSIBILITY OF A NOVEMBER 2016 BOND PROPOSITION RELATED THERETO

Clerk's Note – Court took a break at 3:44 p.m. and reconvened into open session at 3:56 p.m.

Charlie Flaten – Travis County resident and David Baker – Hays County resident spoke. Court discussed roads in all the precincts they would like to make safety improvements to.

WORKSHOP HOSTED BY DAN WEGMILLER, HAYS COUNTY'S FINANCIAL ADVISOR, AND BILL HERZOG, HAYS COUNTY AUDITOR, REGARDING HAYS COUNTY'S PRESENT BOND FINANCING AND PROJECTED TAX REVENUES

Dan Wegmiller spoke on the present Bond Financing and projected tax revenues.

Clerk's Note Agenda Item #27 RE: 1:30 P.M.-BUDGET WORKSHOP REGARDING THE FY 2017 HAYS COUNTY BUDGET – was postponed until next week 8/23/2016

31768 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG ROBERT S. LIGHT BOULEVARD IN PCT 2

Court convened into Executive Session at 1:18 p.m. and reconvened into open court at 2:20 p.m. This was opened with item #30. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, and Chief of Staff Lon Shell. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a Purchase/Sale Agreement between Hays County and TMJS Buda, LLC related to the purchase of Parcel 6 on Robert S. Light Blvd., as presented in Executive Session. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant voting "Aye". Commissioner Conley not present for vote. MOTION PASSED

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL(S) REGARDING ALL PENDING AND/OR CONTEMPLATED LITIGATION INVOLVING HAYS COUNTY



Court convened into Executive Session at 12:45 a.m. and reconvened into open court at 1:18 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE OR VALUE OF RIGHT OF WAY ALONG PROPOSED FM110 IN PCT. 1

Court convened into Executive Session at 2:10 and reconvened into open court at 2:20 p.m. This was opened with item #28. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, and Chief of Staff Lon Shell. No action taken.

31769 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.087 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS ASSOCIATED WITH PROJECT TEXAS

Court convened into Executive Session at 9:50 a.m. and reconvened into open court at 10:00 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, Chief of Staff Lon Shell, Mike Kamerlander and Adriana Cruz of the Greater San Marcos Economic Development Council. Adriana Cruz, President of the Greater San Marcos Economic Development Council spoke of Best Buy eCommerce, which will be located at 900 Bugg Lane, San Marcos, Texas. Adriana Cruz introduced Dan Lopez of Best Buy. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a Chapter 381 Economic development Incentives Agreement between Hays County and Best Buy.com LLC, as presented in Executive Session and as now presented to the Clerk of the Court. All voting "Aye". MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY JAIL, AND THE PLANNING OF PROJECTS PERTAINING TO THE PUBLIC SAFETY FACILITIES NEEDS WITHIN THE COUNTY

This week's Jail Report: Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendation to 311. The jail's daily average was 271 and peak was 279 on August 11th for the week of August 7 to August 13, 2016. The maximum female capacity is 76 inmates. Last week's average was 68 and peak was 71 on 8/11/2016. The maximum male capacity is 256 inmates. Last week's average was 203 and peak was 209 on 8/12/2016. Inmate at Guadalupe County: 96; Inmate at Caldwell County: 0; Inmate at Bastrop County: 36; Inmate at Walker County: 9; Inmate at Gillespie County: 14; Inmate at Blanco County: 6.

31770 ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Today's Drought Index: 326. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to ratify the lifting of the Burn Ban which was lifted yesterday, 8/15/2016. Commissioner Ingalsbe, Commissioner Jones, Commissioner Whisenant and Judge Cobb voting "Aye". Commissioner Conley not present for vote. MOTION PASSED**

County Clerk's Note Agenda Item #34 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES, LAURA HARRIS, HNTB AND ALLEN CROZIER, HDR – was pulled

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court at 8:30 p.m.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on August 16, 2016.



LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS



OFFICIAL STATEMENT

Dated July 24, 2017

Ratings:
S&P: "AA"
Fitch: "AA"
See ("OTHER INFORMATION -
Ratings" herein)

NEW ISSUE – Book-Entry-Only

In the opinion of Bond Counsel (defined below), assuming continuing compliance by the County (defined below) after the date of initial delivery of the Bonds (defined below) with certain covenants described in the Order (defined below) and subject to the matters described herein under "TAX MATTERS", interest on the Bonds under statutes, regulations, rulings, and court decisions existing on the date thereof (1) will be excludable from the gross income of the owners thereof for federal income tax purposes under section 103 of the Internal Revenue Code of 1986, as amended ("Code") and (2) will not be included in computing the alternative minimum taxable income of the owners thereof who are individuals and, except as herein described, corporations (see "TAX MATTERS" herein.)



\$21,545,000
HAYS COUNTY, TEXAS
(A political subdivision of the State of Texas)
UNLIMITED TAX ROAD BONDS, SERIES 2017

Dated Date: August 16, 2017

Due: February 15, as shown on page 2

Interest Accrues from the Date of Initial Delivery (defined below)

PAYMENT TERMS . . . Interest on the \$21,545,000 Hays County, Texas, Unlimited Tax Road Bonds, Series 2017 (the "Bonds") will accrue from the Date of Initial Delivery (defined below) and will be payable on February 15 and August 15 of each year commencing February 15, 2018, and will be calculated on the basis of a 360-day year consisting of twelve 30-day months. The definitive Bonds will be initially registered and delivered only to Cede & Co., the nominee of The Depository Trust Company, New York, New York ("DTC") pursuant to the book-entry-only system described herein. Beneficial ownership of the Bonds may be acquired in denominations of \$5,000 or integral multiples thereof. **No physical delivery of the Bonds will be made to the owners thereof.** Principal of, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds (see "THE BONDS – Book-Entry-Only System" herein). The initial Paying Agent/Registrar is The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (see "THE BONDS – Paying Agent/Registrar").

AUTHORITY FOR ISSUANCE AND SECURITY . . . The Bonds are issued pursuant to the Constitution and general laws of the State of Texas (the "State"), including particularly Article III, Section 52, Texas Constitution, Chapter 1371, Texas Government Code, as amended, Chapter 1471, Texas Government Code, as amended, an election held within the County on November 8, 2016, and a separate order (the "Bond Order") adopted on July 11, 2017 by the Commissioners Court (the "Court") of Hays County, Texas (the "County"). In the Bond Order, and in accordance with Chapter 1371, as amended, Texas Government Code, the Court has delegated to certain designated officials of the County the authority to establish the final terms of, as well as to effectuate the sale of the Bonds and to execute an approval certificates relating to of the Bonds evidencing such final terms of sale (the "Approval Certificate," and, together with the Bond Order, the "Order"). The Bonds are direct obligations of the County, payable from a continuing ad valorem tax levied on all taxable property within the County, without legal limit as to rate or amount, as provided in the Order (see "THE BONDS – Security and Source of Payment" and "THE BONDS – Tax Rate Limitations" herein).

PURPOSE . . . Proceeds from the sale of the Bonds will be used (i) construction, acquisition by purchase, maintenance, and operation of macadamized, graveled, or paved roads or turnpikes, or in aid thereof, being, generally (but not by way of limitation), constructing, designing, improving, extending, expanding, upgrading and/or developing County roads, County road connectors, and/or State highways, including right-of-way acquisition, utility relocation, drainage improvements, environmental mitigation and conservation, pedestrian walkways and bicycle transportation improvements relating to these road improvements, low water crossing improvements, traffic safety, other safety, and operational improvements, and other road transportation related improvements, and (ii) paying the costs associated with the issuance of the Bonds (see "THE BONDS – Purpose").

CUSIP PREFIX: 421020
MATURITY SCHEDULE & 9 DIGIT CUSIP
See Schedule on Page 2

LEGALITY . . . The Bonds are offered for delivery when, as and if issued and received by the initial purchasers thereof named below (the "Underwriters") and are subject to the approving opinion of the Attorney General of Texas and the approval of certain legal matters by Andrews Kurth Kenyon LLP, Bond Counsel, Austin, Texas (see "APPENDIX C – Form of Bond Counsel's Opinion"). Certain legal matters will be passed upon for the Underwriters by their counsel, McCall, Parkhurst & Horton L.L.P., Austin, Texas.

DELIVERY . . . It is expected that the Bonds will be available for delivery through DTC on August 16, 2017 (the "Date of Initial Delivery").

CITIGROUP
RAYMOND JAMES

J.P. MORGAN
HUTCHINSON, SHOCKEY, ERLEY & CO.

OFFICIAL STATEMENT
Dated July 18, 2019

Ratings:
S&P: "AA"
Fitch: "AA"
See ("OTHER INFORMATION -
Ratings" herein)

NEW ISSUE – Book-Entry-Only

In the opinion of Orrick, Herrington & Sutcliffe LLP, Bond Counsel, based upon an analysis of existing laws, regulations, rulings and court decisions, and assuming, among other matters, the accuracy of certain representations and compliance with certain covenants, interest on the Bonds is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986. In the further opinion of Bond Counsel, interest on the Bonds is not a specific preference item for purposes of the federal alternative minimum tax. Bond Counsel expresses no opinion regarding any other tax consequences related to the ownership or disposition of, or the amount, accrual or receipt of interest on, the Bonds. See "TAX MATTERS" herein.



\$97,035,000
HAYS COUNTY, TEXAS
(A political subdivision of the State of Texas)
UNLIMITED TAX ROAD BONDS, SERIES 2019

Dated Date: August 14, 2019

Due: February 15, as shown on page 2

Interest Accrues from the Date of Initial Delivery (defined below)

PAYMENT TERMS . . . Interest on the \$97,035,000 Hays County, Texas Unlimited Tax Road Bonds, Series 2019 (the "Bonds") will accrue from the Date of Initial Delivery (defined below), will be payable on February 15 and August 15 of each year commencing February 15, 2020, until stated maturity or prior redemption, and will be calculated on the basis of a 360-day year consisting of twelve 30-day months. The definitive Bonds will be initially registered and delivered only to Cede & Co., the nominee of The Depository Trust Company, New York, New York ("DTC") pursuant to the book-entry-only system described herein. Beneficial ownership of the Bonds may be acquired in denominations of \$5,000 or integral multiples thereof. **No physical delivery of the Bonds will be made to the owners thereof.** Principal of, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds (see "THE BONDS – Book-Entry-Only System" herein). The initial Paying Agent/Registrar is The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (see "THE BONDS – Paying Agent/Registrar").

AUTHORITY FOR ISSUANCE AND SECURITY . . . The Bonds are issued pursuant to the Constitution and general laws of the State of Texas (the "State"), including particularly Article III, Section 52, Texas Constitution; Chapter 1371, Texas Government Code, as amended ("Chapter 1371"); Chapter 1471, Texas Government Code, as amended; an election held within the County on November 8, 2016; and an order (the "Bond Order") adopted on June 25, 2019 by the Commissioners Court (the "Court") of Hays County, Texas (the "County"). In the Bond Order, and in accordance with Chapter 1371, the Court delegated to certain designated officials of the County the authority to establish the final terms of, as well as to effectuate the sale of the Bonds and to execute an approval certificate relating to the Bonds evidencing such final terms of sale (the "Approval Certificate," and, together with the Bond Order, the "Order"). The Approval Certificate was executed on July 18, 2019 by a designated official of the County. The Bonds are direct obligations of the County, payable from a continuing ad valorem tax levied on all taxable property within the County, without legal limit as to rate or amount, as provided in the Order (see "THE BONDS – Security and Source of Payment" and "THE BONDS – Tax Rate Limitations" herein).

PURPOSE . . . Proceeds from the sale of the Bonds will be used for (i) the construction, acquisition by purchase, maintenance, and operation of macadamized, graveled, or paved roads or turnpikes, or in aid thereof, being, generally (but not by way of limitation), constructing, designing, improving, extending, expanding, upgrading and/or developing county roads, county road connectors, and/or state highways, including right-of-way acquisition, utility relocation, drainage improvements, environmental mitigation and conservation, pedestrian walkways and bicycle transportation improvements relating to these road improvements, low water crossing improvements, traffic safety, other safety, and operational improvements, and other road transportation related improvements, and (ii) paying the costs associated with the issuance of the Bonds (see "THE BONDS – Purpose").

CUSIP PREFIX: 421020
MATURITY SCHEDULE & 9 DIGIT CUSIP
See Schedule on Page 2

LEGALITY . . . The Bonds are offered for delivery when, as and if issued and received by the initial purchasers thereof named below (the "Underwriters") and are subject to the approving opinion of the Attorney General of Texas and the approval of certain legal matters by Orrick, Herrington & Sutcliffe LLP, Austin, Texas, Bond Counsel (see "APPENDIX C – Form of Bond Counsel's Opinion"). Certain legal matters will be passed upon for the Underwriters by their counsel, Norton Rose Fulbright US LLP, San Antonio, Texas.

DELIVERY . . . It is expected that the Bonds will be available for delivery through DTC on August 14, 2019 (the "Date of Initial Delivery").

J.P. MORGAN

CITIGROUP
MORGAN STANLEY

RAYMOND JAMES
UMB BANK



**A Resolution of the Hays County Commissioners Court
Supporting the Submittal of a Transportation Development Credit Application to the Capital
Area Metropolitan Planning Organization for the Kyle Center Street Union Pacific
Railroad Siding Relocation Project**

STATE OF TEXAS §
 §
COUNTY OF HAYS §

WHEREAS, the Capital Area Metropolitan Planning Organization (CAMPO) awarded the Kyle Center Street Union Pacific Railroad Siding Relocation Project funding during the 2018 Project Call process; and

WHEREAS, Hays County has assumed project development from the City of Kyle and is moving forward with project development; and

WHEREAS, the project award will require a significant local match participation; and

WHEREAS, both CAMPO and the Texas Department of Transportation support the County submitting an application to CAMPO for Transportation Development Credits which will provide the local match participation;

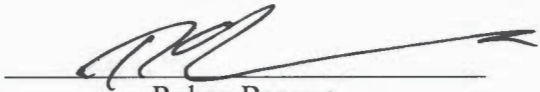
WHEREAS, the City of Kyle will be a co-sponsor in the Transportation Development Credit application; and

WHEREAS, Hays County submitting the application with a successful outcome will assure that the full project award will be available for construction and other eligible project costs;

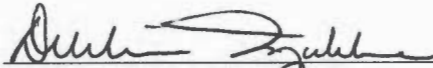
NOW, THEREFORE, BE IT RESOLVED by the Hays County Commissioners Court:

- (a) That the Commissioners Court of Hays County does hereby support submitting a Transportation Development Credit application to the Capital Area Metropolitan Planning Organization for the Kyle Center Street Union Pacific Railroad Siding Relocation Project.

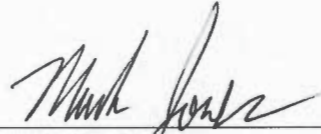
RESOLVED, ORDERED, AND DECLARED this 13th day of October, 2020.



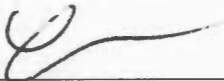
Ruben Becerra
Hays County Judge



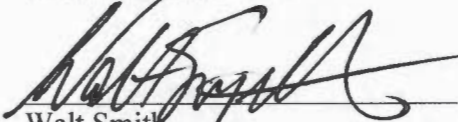
Debbie Gonzales Ingalsbe
Commissioner, Pct. 1



Mark Jones
Commissioner, Pct. 2

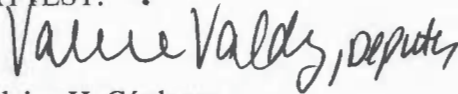


Lon Shell
Commissioner, Pct. 3



Walt Smith
Commissioner, Pct. 4

ATTEST:



Elaine H. Cárdenas
Hays County Clerk





Resolution 2020-11-8

Acknowledging the Transportation Policy Board's Authorization to Award Transportation Development Credits for the Kyle Center Street UP Sidings Relocation

WHEREAS, pursuant to federal law, the Governor of the State of Texas designated the Capital Area Metropolitan Planning Organization (CAMPO) as the Metropolitan Planning Organization for the Austin region in 1973; and

WHEREAS, CAMPO's Transportation Policy Board is the regional forum for cooperative decision-making regarding transportation issues in Bastrop, Burnet, Caldwell, Hays, Travis and Williamson Counties in Central Texas; and

WHEREAS, the mission of a Metropolitan Planning Organization is to conduct a coordinated, comprehensive and continuous metropolitan transportation planning process; and

WHEREAS, on May 7, 2018, the TPB approved the award of \$15,209,034 in Surface Transportation Block Group funds to Hays County and the City of Kyle for the relocation of the Center Street UP Siding; and

WHEREAS, Hays County and the City of Kyle submitted a Transportation Development Credit (TDC) application regarding its funding award and requesting a total of 3,802,258 in TDCs; and

NOW, THEREFORE BE IT RESOLVED that the CAMPO Transportation Policy Board hereby votes to award 3,802,258 Transportation Development Credits to Hays County and the City of Kyle for the Center Street UP Siding Relocation as reflected in this Resolution; and

Hereby orders the recording of this resolution in the minutes of the Transportation Policy Board; and

BE IT FURTHER RESOLVED that the Board delegates the signing of necessary documents to the Board Chair.

The above resolution being read, a motion to approve 3,802,258 in Transportation Development Credits to Hays County and the City of Kyle for the Center Street UP Siding Relocation as reflected was made on November 2, 2020 by _____ duly seconded by _____.

Ayes:

Nays:

Abstain:

Absent and Not Voting:

SIGNED this 2nd day of November 2020.

Chair, CAMPO Board

Attest:

Executive Director, CAMPO

DRAFT



Date: November 2, 2020
Continued From: N/A
Action Requested: None

To: Transportation Policy Board
From: Commissioner Cynthia Long, Transportation Policy Board Chair
Agenda Item: 9
Subject: Discussion on Potential Changes to the Transportation Policy Board Bylaws

RECOMMENDATION

None. Information only.

PURPOSE AND EXECUTIVE SUMMARY

The bylaws of the CAMPO Transportation Policy Board (TPB) provide a guide for the organization and operation of the TPB above and beyond state and federal requirements as the legal entity. The current bylaws are an amalgamation of provisions from the inception of the Austin Transportation Study in the early 1970s to 2016. The region has changed significantly, and the bylaws could benefit from a review and potential update.

A summary of potential updates (Attachment B) has been drafted for your review and consideration and the current bylaws (Attachment A) is also provided as background.

FINANCIAL IMPACT

None.

BACKGROUND AND DISCUSSION

None.

SUPPORTING DOCUMENTS

Attachment A – *CAMPO Transportation Policy Board Bylaws amended August 2016*

Attachment B – *Summary of Potential Updates to CAMPO TPB Bylaws*

**CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION
BYLAWS AND OPERATING PROCEDURES
FOR THE
TRANSPORTATION PLANNING PROGRAM
IN THE AUSTIN METROPOLITAN AREA**

SECTION I DEFINITIONS

For the purposes of these bylaws, the following definitions apply

- A. Metropolitan Transportation Planning Process.** The Metropolitan Planning Organization (MPO), designated as Capital Area Metropolitan Planning Organization (CAMPO), in cooperation with the State and with operators of publicly owned transit services, shall be responsible for carrying out the metropolitan transportation planning process in accordance with Section 134, Title 23, United States Code (23 USC 134) and applicable federal and state regulations. CAMPO shall have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods.

The metropolitan transportation planning process includes the development of a transportation plan, transportation improvement program (TIP) and a unified planning work program (UPWP) that will encourage the achievement of community goals by evaluating the environmental, energy, economic, and social costs of transportation plans and systems, projecting future travel demands, determining viable transportation alternatives, and evaluating these alternatives to determine the optimum combination of all modes of travel to best serve the citizens of the Austin metropolitan area.

- B. Public Involvement Program.** The metropolitan transportation planning process includes the development of a Public Involvement Program and staff procedures. The

Program is intended to include all Austin metropolitan area citizens, groups, agencies, and transportation providers in a transportation effort that is proactive and provides

complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and programs including the Transportation Plan and Transportation Improvement Program. The Public Involvement Program shall integrate the concerns of a wide variety of involved parties and encourage and provide for the greatest level of education of transportation issues. The program will provide opportunities for citizens to contribute ideas and voice opinions early and often, both during and after preparation of draft plans and programs. Public participation in CAMPO Transportation Policy Board meetings is governed by Section III. E. of this document.

- C. Transportation Plan.** The metropolitan planning process includes the development of a transportation plan addressing at least a twenty-year planning horizon. The plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The transportation plan shall be reviewed and updated at least every five years to confirm its validity and its consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period. The transportation plan must be approved (adopted) by the CAMPO Transportation Policy Board.
- D. Transportation Improvement Program.** The Transportation Improvement Program specifies how federal transportation funds are spent in the Austin metropolitan area for a minimum three-year period. The TIP will be prepared at least every other year and will include a financial plan that demonstrates how the Transportation Improvement Program can be implemented.

- E. Unified Planning Work Program.** The Unified Planning Work Program is a document setting forth, by work element tasks, the planning priorities facing the metropolitan area and documenting the planning activities to be performed with funds available to CAMPO. The estimated expenditures and funding sources for carrying out the work shall be identified.
- F. Metropolitan Planning Organization.** The Metropolitan Planning Organization (MPO) is that organization designated by the Governor as being responsible, together with the state, for carrying out the provisions of 23 USC 134 (The Urban Transportation Planning Process) and 49 USC 5303, as amended. The MPO is the forum for cooperative decision making by principal elected officials of general purpose local and state government and a representative from the Texas Department of Transportation and the Capital Metropolitan Transportation Authority.

SECTION II ORGANIZATION

The structure of the Metropolitan Planning Organization consists of the Transportation Policy Board, the Executive Committee, the CAMPO Office and other Committees, all as described in subsequent paragraphs of these bylaws and operating procedures.

- A. Transportation Policy Board.** The Transportation Policy Board, as the Metropolitan Planning Organization, hereinafter referred to as the TPB, furnishes policy guidance and direction for the continuing transportation study. Ultimate responsibility for the total transportation process including, but not limited to, review and approval of the recommended transportation plan and transportation improvement program rests with the Transportation Policy Board.
- B. Executive Committee.** The Executive Committee are members of the Transportation Policy Board who make recommendations on transportation planning issues, projects and the process as directed by the Transportation Policy Board.

- C. CAMPO Office.** The development of detailed transportation studies, maintenance of accurate data, preparation of reports, and performance of other activities requested by the Transportation Policy Board is the responsibility of the CAMPO Office. The Director of the CAMPO Office is responsible solely to the Transportation Policy Board.
- D. Other Committees.** The Chairperson, with the advice and consent of the Executive Committee, may establish other committees as needed.

SECTION III TRANSPORTATION POLICY BOARD

The following rules shall govern the operations of the Transportation Policy Board.

- A. Membership.** Membership on the Transportation Policy Board is established by the Joint Powers Agreement.
- B. Voting Representation.**

1. **Voting Alternate.** A member of the Transportation Policy Board may designate as an alternate a person eligible pursuant to the applicable subsection (a) and (b) of this subparagraph (B)(1), or any other member of the Transportation Policy Board, to exercise some or all of that member's authority as a member of the Transportation Policy Board. The option provided herein for a Transportation Policy Board Member to designate any other member of the Transportation Policy Board to serve as his or her voting alternate shall not nullify or override the authority of the governing body of a CAMPO member organization to appoint voting alternates pursuant to the applicable subsection (a) and (b) of this subparagraph (B)(1). The alternate designated by a member will count toward a quorum and may vote on any matter authorized by the member designating the alternate. A person designated as a voting alternate

may vote as an alternate on behalf of only one designating member. A member who designates an alternate shall give written notice of the alternate's name and voting authority to the Chairperson prior to the first meeting for which the alternate is designated. The authority of an alternate designated under this subparagraph (B)(1) shall continue until it is rescinded or changed by written notice from the designating member to the Chairperson.

- a. An elected official may designate as an alternate a person appointed as an alternate by the body who appointed that member.
- b. A member who is not an elected official may designate as an alternate a person employed by or who serves on the Board of the organization represented by that member.

2. **Non-Voting Proxy.** A member of the Transportation Policy Board may appoint a proxy to attend a meeting in the member's stead. The proxy appointed by a member does not count toward a quorum and may not vote.

C. Quorum. Fifty percent (50%) of the total members encompassed in paragraph A or their alternate shall constitute a quorum of the members for transaction of business at all meetings.

D. Officers. The Transportation Policy Board elects a Chairperson and a Vice Chairperson for a term of two years. It is the preference that the Vice Chair succeeds to the Chair position. However, the Executive Committee shall reserve the right to recommend that the Vice Chair not succeed to the Chair's position at the end of the two-year term. The Chair and the Vice Chair must come from different counties. Elections are to be held at the first meeting of each even year. If the Chairperson resigns or is no longer eligible to be a member of the Transportation Policy Board, the Vice Chairperson will serve as Chairperson until an election is held.

E. Meetings. The Chairperson, with the advice and consent of the Executive Committee, shall establish the dates and times of meetings, and the Chairperson designates in the written notice of the meetings the location and business to be transacted or considered. Any Board member may submit a matter for consideration on a future agenda. If the Chairperson does not include that item on the agenda, the member may petition the Executive Committee and the Executive Committee may require the item to be placed on a future agenda.

Written notice of the meeting, the agenda, and all supporting documents shall be mailed to each member of the Board at least seven (7) days prior to the meeting.

All meetings are to be held as open meetings as defined in Chapter 551, Government Code, and the CAMPO Director shall insure that the written notice of the meeting is posted in the appropriate governmental offices at least seventy-two (72) hours prior to the meeting, and shall insure that at least two copies of the agenda and such supporting documentation as is available to the members of the Transportation Policy Board are made available for public inspection in the CAMPO Office at the same time they are made available to Board members.

In the absence of the Chairperson and Vice Chairperson from a meeting of the Transportation Policy Board at which a quorum is present, the Executive Director will convene the meeting and the remaining members of the board present shall elect a presiding officer who shall serve until the conclusion of that meeting or until the arrival of the Chairperson or Vice Chairperson.

Public participation in meetings shall be as follows. Internal reports from CAMPO employees and committees not posted for action by the board are not eligible for public comment. If action is required on an item which has already been the subject of a public hearing, no public comment will be taken. Otherwise, persons wishing to

comment on a specific agenda item must fill out the card provided by the CAMPO staff. The card will be presented to the Chairperson before the board begins consideration of the item. The card must specify the item on which they will comment and include the speaker's name and whom they represent. Speakers are limited to three minutes and a speaker's time may not be assigned to another speaker.

Persons wishing to address the board about issues not on the agenda should offer their comments during the "Citizens Communication" agenda item. Persons wishing to speak during "Citizens Communication" must contact the CAMPO staff via phone, electronic mail, facsimile transmission, or in person between 9:00 a.m. on the 6th day before the meeting at which they wish to speak and 4:30 p.m. on the day of the meeting at which they wish to speak. Such persons must give their name and specify the topic on which they wish to address the board. Topics are limited to those that directly or indirectly affect transportation in the CAMPO geographic area. No more than ten persons will address the board during Citizens Communication at any given meeting. Speakers are limited to three minutes and a speaker's time may not be assigned to another speaker. Speakers are requested to not directly address individual members of the board or the CAMPO staff. The Chairperson will enforce decorum.

- F. Functions.** The functions of the Transportation Policy Board shall be as delineated in the Joint Powers Agreement.

- G. Attendance.** If a member of the Transportation Policy Board misses more than half of the Board meetings scheduled during a calendar year, the Chairperson may contact the member's appointing body to request a replacement appointee to the Transportation Policy Board.

SECTION IV EXECUTIVE COMMITTEE

A. Membership. The Executive Committee will consist of the Transportation Policy Board Chairperson and Vice-Chairperson and members of the Transportation Policy Board that are, at a minimum, representative of the jurisdictions that are signatory of the Joint Powers Agreement. The members of the Executive Committee shall be appointed by the Chairperson of the Transportation Policy Board at the first meeting each year. The jurisdictional representatives of the Joint Powers Agreement are indicated below:

| | |
|---|---|
| Texas Department of Transportation | 1 |
| City of Austin | 1 |
| County of Travis | 1 |
| County of Williamson | 1 |
| County of Hays | 1 |
| Capital Metropolitan Transportation Authority | 1 |

B. Function. The functions of the Executive Committee shall be as follows:

1. Meet at the direction of the Chairperson.
2. Take actions on items delegated by the Transportation Policy Board and/or make recommendations on items to the Transportation Policy Board.
3. The Executive Committee will have no distinctive powers on their own unless given by the Transportation Policy Board or established by these bylaws and operating procedures.

SECTION V CAMPO OFFICE

The following rules govern the operations of the CAMPO Office:

A. Direction. The CAMPO Director will be selected by the Transportation Policy Board. The CAMPO Director will hire staff, supervise, and prepare contracts as necessary to perform the work outlined in the Unified Planning Work Program.

- B. Funding.** The budget of the CAMPO Office must be consistent with the Unified Planning Work Program.
- C. Functions.** The functions of the CAMPO Director and CAMPO Office are established in the Joint Powers Agreement.

SECTION VI OTHER COMMITTEES

The following rules govern the operations of other committees.

- A. Other Committees.** The committee will perform tasks and functions as requested by the Chairperson, with the advice and consent of the Executive Committee.
- B. Membership.** Members of other committees are appointed by the Chairperson with the advice and consent of the Executive Committee. Membership of each committee may include persons who are not board members with expertise of a nature that would be beneficial to the planning process.
- C. Officers.** The Chairperson and Vice Chairperson for the committee shall be designated by the Chairperson of the Transportation Policy Board.
- D. Meetings.** Meetings of a committee are held as necessary to perform the tasks and functions of the committee. The Chairperson of the committee calls such meetings as necessary and shall notify all committee members of the time, date, and place of the meeting.
- E. Technical Advisory Committee.** The Technical Advisory Committee's purpose is to advise the Transportation Policy Board in its development of
1. The long-range metropolitan transportation plan;

2. The Transportation Improvement Program, including review of and recommendations on candidate projects for the TIP;
3. The Unified Planning Work Program; and
4. Other transportation planning activities, as directed by the Transportation Policy Board or CAMPO's Executive Director.

SECTION VII ETHICS POLICY

A. A member of the Transportation Policy Board or employee of CAMPO shall not:

1. Accept or solicit any gift, favor, or service that might reasonably tend to influence the member or employee in the discharge of official duties or that the member or employee knows or should know is being offered with the intent to influence the member's or employee's official conduct;
2. Accept other employment or engage in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the official position;
3. Accept other employment or compensation that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of the member's or employee's official duties;
4. Make personal investments that could reasonably be expected to create a substantial conflict between the member's or employee's private interest and the public interest; or
5. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the member's or employee's official powers or performed the member's

or employee's official duties in favor of another.

- B. An employee of CAMPO who violates Subsection (a) is subject to termination of the employee's employment or another employment-related sanction. Notwithstanding this subsection, a policy board member or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

SECTION VIII ADOPTION

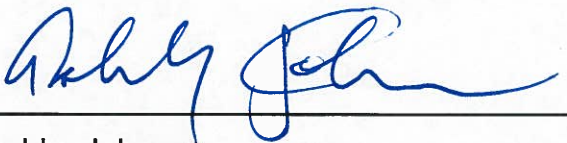
These bylaws and operating procedures shall be in full force and effect at such time as they have been approved by a majority vote of the Transportation Policy Board at a meeting at which a quorum, as defined herein, is present.

SECTION IX REVISIONS

These bylaws and operating procedures may be revised by approval of the Transportation Policy Board at a meeting at which a quorum, as defined herein, is present.

Adopted unanimously by the Capital Area Metropolitan Planning Organization Transportation Policy Board on June 10, 1996; revised by resolution on February 8, 1999, April 14, 2003, February 13, 2006, January 22, 2007, November 9, 2009, January 20, 2010, May 10, 2010, September 13, 2010, February 13, 2012, January 13, 2014, and August 8, 2016.

ATTEST:



Ashby Johnson

Director

Proposed Changes to CAMPO Bylaws
For Discussion
October 23, 2020

Clean up title

Make references consistent throughout the document

I B-Change Public Involvement to Public Participation

Change Austin metropolitan area to Central Texas throughout

I D – Insert state and local also

I E – Insert federally required. Add required number of years

II A – Clarify that the TPB is the legal and governing entity of CAMPO

III B 1 – Notification to CAMPO Chair and ED 2 hours prior to start of meeting for proxy

III D – Officers selected by category (annual census estimate).

1 – Large Counties – Over 150,000

2 – Large Cities – Over 70,000

3 – Counties less than 150,000 and cities less than 70,000

3 officers – Chair, 1st Vice-Chair and 2nd Vice-Chair. TPB members from each category would agree upon their category representative. The full TPB would ratify the officers from each category.

1st vice chair would move to chair. 2nd vice-chair would move to 1st vice chair. New 2nd vice chair from the outgoing chair category would be selected. Chair rotating out would be eligible to become 2nd vice chair. An officer vacancy would be filled by someone from the TPB member category and consider shifting the new officer to 2nd vice chair and move others up.

III E – By majority vote of the TPB and item can be placed on agenda if chair doesn't

III E – Bring public participation at meetings into compliance with changes to Open Meetings Act

III G – If miss three consecutive meetings or more than 50% in a calendar year. Member's appointing body shall replace the member

IV A – Membership consists of Chair, 1st Vice-Chair, 2nd Vice-Chair, TxDOT, TPB member from each county, CAPMetro and others as appointed by the Chair

V C – Delete. Redundant

VI – Other Committees – for a specific task and time specific unless otherwise specified

VI E – Shall be a standing committee

VI E 3 – Edit to say, “The development of the UPWP, excluding amendments”

VII – Change this section to address the TPB only and not CAMPO staff. Staff ethics should be addressed in the CAMPO employee manual.



Date: November 2, 2020
Continued From: N/A
Action Requested: None

To: Transportation Policy Board
From: Mr. Ashby Johnson, CAMPO Executive Director
Agenda Item: 10a
Subject: CAMPO and TxDOT Executive Directors Dialogue on Agency Cooperation at AASHTO Annual Meeting

RECOMMENDATION

None. Information only.

PURPOSE AND EXECUTIVE SUMMARY

The American Association of State Highway and Transportation Officials (AASHTO) and the Texas Department of Transportation (TxDOT) requested the CAMPO Executive Director join the TxDOT Executive Director in a dialogue on effective agency collaboration. The dialogue will take place in the form of a conference session on November 9, 2020 as part of AASHTO's Annual meeting.

The topics to be discussed are:

- Capital - Alamo Study
- I-35 Capital Expressway Major Project Planning and Funding
- CAMPO/TxDOT Austin District Regional Arterial Plan
- Cooperatively managing federal program funding and obligation authority
- Perspectives on potential federal reauthorization issues



Date: November 2, 2020
Continued From: N/A
Action Requested: None

To: Transportation Policy Board
From: Mr. Ashby Johnson, CAMPO Executive Director
Agenda Item: 10b
Subject: Updated Thoroughfare Plan Presented to Burnet County Commissioners Court

RECOMMENDATION

None. Information only.

PURPOSE AND EXECUTIVE SUMMARY

The Burnet County Commissioners Court requested CAMPO staff assistance with the update of their 2010 Transportation Plan. CAMPO staff conducted public outreach and analyses on current and future Burnet County mobility needs as part of the Regional Arterials Concept Inventory. Staff worked with Burnet County and TxDOT – Austin District to produce a draft final updated county transportation plan.

The draft final document was presented to the Burnet County Commissioners Court on October 27, 2020 for their review and approval.

GUIDE FOR APPOINTMENTS TO THE TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) serves as an advisory group to the Transportation Policy Board (TPB). The TPB relies on the TAC to review technical information provided by the CAMPO staff or other relevant organizations to support the development of the Long-Range Plan, the 10-Year Program of Projects required by House Bill 20, and the Transportation Improvement Program. The TPB expects the TAC to provide recommendations to the TPB on a slate of transportation projects and activities upon completion of their review of all relevant technical information.

In order to ensure that the TAC functions as intended, it is important that each member jurisdiction of the TPB appoint TAC members and alternates that have the knowledge, experience, and responsibility to represent them. A TAC appointee and their alternate should hold a college degree and have substantial experience in civil engineering or transportation planning. Each TAC appointee and their alternate should also be a senior member of the organization and should have the level of responsibility to encumber public funds on behalf of the appointing jurisdiction. Most importantly, the TAC appointee and their alternate should have direct responsibility for the development and implementation of transportation projects.

Please find below a guide that may be used when considering the appointment of a TAC member. The guide gives some indication as to the level of responsibility a TAC appointee and their alternate should hold in their organization. The guide is not an exhaustive list. Ideally, a TAC appointee and their alternate will fall into one of the job titles (or a title closely equivalent) below:

Cities (All Categories – Smaller Cities, Between 50,000 & 500,000, Above 500,000)

- City Manager or Assistant City Manager
- Director and/or Assistant Director of Public Works
- Director and/or Assistant Director of Transportation
- Director and/or Assistant Director of Planning

Counties

- County Engineer or Assistant County Engineer
- Director of Infrastructure, Public Works or Transportation

Transportation Organizations

- Director or Assistant Director
- Organizational Lead for Engineering or Planning



**2021 APPOINTMENT TO THE
TECHNICAL ADVISORY COMMITTEE**

PRIMARY VOTING MEMBER:

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2022 _____

ALTERNATE VOTING MEMBER:

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2022 _____

Return to: Kimberly Petty, Executive Assistant
CAMPO
3300 N. IH-35, Suite 630
Austin, Texas 78705
kimberly.petty@campotexas.org

Signature of Appointing Official

***DEADLINE FOR COMPLETED FORM - DECEMBER 18, 2020**



**2021 APPOINTMENT TO THE
TECHNICAL ADVISORY COMMITTEE**

PRIMARY VOTING MEMBER – (SMALLER CITIES):

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2022 _____

ALTERNATE VOTING MEMBER – (SMALLER CITIES):

*Name: _____

*Title: _____

*Organization: _____

*Representing: _____

*Address: _____

*Phone: _____

*Email: _____

*Term Expiration: January 31, 2022 _____

Return to: Kimberly Petty, Executive Assistant
CAMPO
3300 N. IH-35, Suite 630
Austin, Texas 78705
kimberly.petty@campotexas.org

Signature of Appointing Official

***DEADLINE FOR COMPLETED FORM - DECEMBER 18, 2020**