

FORT BEND COUNTY FY 2009
COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

26C

Date Submitted: 08/05/2009	Submitted By: P.Batts
Court Agenda Date: 08/11/09	Department: Engineering
	Phone Number: 281 633 7507

SUMMARY OF ITEM: Take all appropriate action on the Restated and Amended Resolution requesting a Waiver of Local Match Fund Participation Requirement on Federal Off-System Bridge Program, Project, Precinct 1.

RENEWAL AGREEMENT/APPOINTMENT YES NO

REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit: _____ Account Number: _____
Activity (If Applicable): _____

DESCRIPTION OF LAWSOM ACCOUNT: _____

COUNTY JUDGE
RECEIVED
AUG 05 2009

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office (✓ when completed)
If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor (281-341-3774)	<input type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input type="checkbox"/> Budget Officer (281-344-3954)	<input type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

8-14-09 orig. ret. to Pantette
at Engineering

Special Handling Requested (specify): _____



FORT BEND COUNTY ENGINEERING

Fort Bend County, Texas

D. Jesse Hegemier
County Engineer
August 4, 2009

Judge Robert E. Hebert
Fort Bend County Judge
301 Jackson Street, Suite 719
Richmond, Texas 77406-0148

RE: Amended and Restated RESOLUTION - *Request for Waiver of Local Match Fund Participation Requirement on Federal Off-System Bridge Program Project*

Honorable Judge Hebert:

On 7/21/2009 agenda item #22E action was taken to approve the Off-System Bridge Program project, and has since been Amended and Restated to include the Walker Road at Turkey Creek Bridge per the recommendation of TxDot. The Restated and Amended Resolution replaces the July 21, 2009 agenda, as it includes the bridges previously approved and the addition of the Walker Road at Turkey Creek Bridge.

The following County bridges have been selected by The Texas Department of Transportation as meeting the requirements for replacement under the Federal Off-System Bridge Program Project:

Bridge	National Bridge Inv. No. (NBI)	Precinct
Barek Road at Mound Creek	12-080-0-AA0761-001	1
Fenske Lane at Fairchilds Creek Tributary	12-080-0-AA0962-002	1
Walker Road at Turkey Creek	12-080-0-AA0905-001	1

TxDot will design and replaced the bridges that have been determined to be structurally deficient and functionally obsolete. The program is set up to provide a funding ratio of 80 % federal, 10% state and 10% local government participation. The 10% local match may be waived under specified conditions, providing the local government agrees to perform an equivalent dollar amount of structural improvement on other deficient cross-drainage structures.

The attach documents have been prepared to present to TXDOT, requesting the waiver of Local Match Fund (EMP) using the widening of the Old Richmond Road Bridge over Red Gully, NBI No. 12-080-0-AA025-001 as our matching project. We will also propose that value of the EMP(s) funds in excess of that required by the County bridges be made available to the City of Kendleton for their match fund participation waived project as noted: City of Kendleton, Braxton Road Bridge at Brooks Branch, NBI No. 12-880-0-J00010-001.

The documents have been reviewed and approved by the County Attorney's office. The bridge list has also been review by Road and Bridge. An agenda item will be placed on the August 11, 2009 agenda for approval of the resolution supporting the request for the waiver.

If there are any questions or need for additional information please call 281-633-7510.

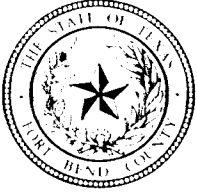
Sincerely,


Louis E. Hood, P.E.
First Assistant County Engineer

LEH/mjs

Attachments: Resolution
Draft Letter

cc: Commissioner Richard Morrison, Pct. 1
Commissioner Grady Prestage, Pct. 2
Commissioner W. A. "Andy" Meyers, Pct. 3
Commissioner James Patterson, Pct. 4
Road Commissioner Marc Grant, Road & Bridge
Mr. Roy Cordes Jr., FBC Attorney
File



COUNTY JUDGE
Fort Bend County, Texas

Robert E. Hebert
County Judge

(281) 341-8608
Fax (281) 341-8609

August 11, 2009

Mr. Delvin L. Dennis, P.E.
District Engineer, Texas Department of Transportation
P.O. Box 1386
Houston, Texas 77251-1386

County: Fort Bend
Project: BR (), etc.
Road/Street: Barek Road,
NBI No.: 12-080-0-AA0761-001,
Fenske Lane, 12-080-0-AA0962-
002 & Walker Road, 12-080-0-
AA0905-001

AMENDED AND RESTATED

**SUBJECT: Request for Waiver of Local Match Fund
Participation Requirement on Federal
Off-System Bridge Program Project**

Dear Mr. Dennis:

Under the provisions of Texas Administrative Code, Title 43, Section 15.55(d), this Local Government requests waiver of the local match fund participation requirement on the above referenced federal off-system bridge program project referred to as the "participation-waived" project. In return for waiver of this participation, it is proposed that our governing body perform, or cause to be performed, an equivalent dollar amount of structural improvement work on other deficient bridge(s) or deficient mainlane cross-drainage structure(s), referred to as "equivalent-match project(s)", within the jurisdiction of our governing body.

A copy of the appropriate required resolution adopted by our governing body is enclosed.

Sincerely,

Robert E. Hebert

Enclosure: Resolution

For TxDOT Use Only

_____ Waiver Approved
_____ Waiver Disapproved _____

District Engineer Date

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**AMENDED AND RESTATED
RESOLUTION FOR “PARTICIPATION WAIVED” PROJECT**

WHEREAS, on July 21, 2009, Fort Bend County approved the “Resolution for Participation Waived Project” for the Federal Off-System Bridge Program Project that only included the following bridges: Barek Road at Mound Creek and Fenske Lane at Fairchilds Creek Tributary; and

WHEREAS, Fort Bend County desires to include the Walker Road at Turkey Creek bridge to the Resolution and Project; and

WHEREAS, for the convenience of the parties and for ease of reference, Fort Bend County desires to restate the Resolution with all amendments to date included in this Amended and Restated Resolution for “Participation Waived” Project; and

WHEREAS, the federal off-system bridge program is administered by the Texas Department of Transportation (the State) to replace or rehabilitate structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated state highway system; and

WHEREAS, Fort Bend County, hereinafter referred to as the Local Government owns bridges located at; and

Location of Bridge	National Bridge Inventory Number (NBI)	Control-Section-Job number (CSJ)
Barek Road at Mound Creek	12-080-0-AA0761-001	0912-34-157
Fenske Lane at Fairchilds Creek Tributary	12-080-0-AA0962-002	0912-34-158
Walker Road at Turkey Creek	12-080-0-AA0905-001	0912-34-159

WHEREAS, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number 111335 dated April 24, 2008; and

WHEREAS, the usual fund participation ratio for projects on such program is 80 percent federal, 10 percent State and 10 percent Local Government; and

WHEREAS, Texas Administrative Code, Title 43, Section 15.55(d) (43 TAC Section 15.55(d)) provides that under specified conditions the 10 percent Local Government match fund participation requirement may be waived with agreement by the Local Government to perform, or cause to be performed, an equivalent dollar amount of structural improvement work on other deficient bridges or deficient mainlane cross-drainage structures within its jurisdiction or the jurisdiction of a geographically adjacent or overlapping governmental unit, such a project of structural improvement work being referred to as an “equivalent-match project”; and

WHEREAS, the estimated local match fund participation requirement on the approved federal off-system bridge project is \$125,840.00 (dollars), hereinafter referred to as the “participation-waived” project, such participation requirement the Local Government proposes be waived and in return perform or cause to be performed equivalent-match project structural improvement work; and

WHEREAS, the Local Government has determined that the enactment of this resolution serves a public purpose;

NOW, THEREFORE, BE IT RESOLVED that the Local Government perform, or cause to be performed, the following equivalent-match project(s) in return for waiver of the local match fund participation requirement on the approved federal off-system bridge program (participation-waived) project not yet awarded:

LOCATION (and NBI structure identification number, if applicable)	ON SCHOOL BUS ROUTE?	DESCRIPTION OF STRUCTURAL IMPROVEMENT WORK	ESTIMATED COST
<u>Old Richmond Road at Red Gully, NBI No. 12-080-0-AA0258-001</u>	<u>Yes</u>	<u>Widen existing bridge</u>	<u>\$250,000.00</u>

BE IT FURTHER RESOLVED, in accordance with 43 TAC Section 15.55(d) the value of the EMP(s) is in excess of \$124,160.00 (dollars) and is being made available to the City of Kendleton for their local match fund participation waived project(s) noted below:

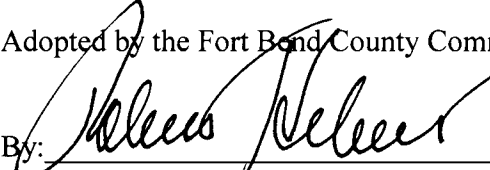
LOCATION (and NBI structure identification number)	CONTROL-SECTION-JOB	AMOUNT RECEIVED FROM EMP
<u>City of Kendleton Braxton Road at Brooks Branch 12-080-0-J00010-001</u>	<u>0912-34-154</u>	<u>\$39,204.00</u>

BE IT FURTHER RESOLVED that in receiving this waiver the Local Government acknowledges its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions that include but are not restricted to the following:

1. The Local Government must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under US Code of Federal Regulations, Title 23, Section 650.303.
2. The equivalent-match project work increases the load capacity of the existing bridge or other mainlane cross-drainage structure, or upgrades the structure to its original load capacity with a minimum upgrade to safely carry school bus loading if located on a school bus route.
3. In performing, or causing to be performed, the equivalent-match project(s), the Local Government assumes all responsibilities for engineering and construction, and complying with all applicable state and federal environmental regulations and permitting requirements for the structures being improved.
4. The work on the proposed equivalent-match project(s) has not begun and will not begin until the local match fund participation waiver approval process has been completed.
5. The Local Government will be allowed three years after the contract award of the participation-waived project to complete the structural improvement work on the equivalent-match project(s).
6. Should this waiver request be approved, an appropriate written agreement or amendment to a previously executed agreement will be executed between the State and Local Government.

BE IT FURTHER RESOLVED, that the Preamble of this resolution is hereby adopted as if fully set forth herein. This resolution shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Fort Bend County Commissioner's Court this 11 day of August, 2009.

By: 
Robert E. Hebert, County Judge

ATTEST:


Dianne Wilson, County Clerk

