



FORT BEND COUNTY ENGINEERING

Fort Bend County, Texas

D. Jesse Hegemier
County Engineer

COUNTY JUDGE
RECEIVED
SEP 21 2010

September 21, 2010

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

**RE: RESCIND Court's action on Agenda Item #26C dated August 11, 2009,
pertaining to the Waiver of Local Match Fund Participation Requirement on
Federal Off-System Bridge Program Project.**

-and-

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

Honorable Judge Hebert:

On 8/11/2009 agenda item #26C action was taken to approve the Amended and Restated Resolution requesting Waiver of Local Match Fund Participation Requirement on Federal Off-System Bridge Program Project. The project has since been rejected by Texas Department of Transportation, and a new program is offered as follows:

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 Inventory No. (NBI)
Fenske Lane at Fairchilds Creek Tributary	12-080-0-AA0962-002
Walker Road at Turkey Creek	12-080-0-AA0905-001
Foster School at Fairchilds Creek Tributary	12-080-0-AA0955-001
Tierra Grande Drive at Snake Creek	12-080-0-AA1100-001

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 attached documents have been prepared to present to TXDOT, requesting the waiver of Local Match Fund using the construction of James Lane over Bessies Creek as our matching project.

RESOLUTION

THE STATE OF TEXAS ↓

COUNTY OF FORT BEND ↓

On this 28 day of September, 2010, the Commissioners Court of Fort Bend County, Texas, being convened at a regular meeting of the Court, upon the motion of Commissioner Morrison seconded by Commissioner Prestage, duly put and carried,

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 operates and maintains bridges at the following locations: and;

Bridge	National Bridge Inventory No. (NBI)
Fenske Lane at Fairchilds Creek Tributary	12-080-0-AA0962-002
Walker Road at Turkey Creek	12-080-0-AA0905-001
Foster School at Fairchilds Creek Tributary	12-080-0-AA0955-001
Tierra Grande Drive at Snake Creek	12-080-0-AA1100-001

WHEREAS, projects to remedy these bridges are included in the currently approved program of projects as authorized by Texas Transportation Commission as follows: and;

Location	Comm. Minute Order Number	Date of Order	CSJ Project Number
Fenske Lane	112237	April 29, 2010	0912-34-158
Walker Road	112237	April 29, 2010	0912-34-159
Foster School	112237	April 29, 2010	0912-34-169
Tierra Grande Drive	112237	April 29, 2010	0912-34-170

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 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 projects is \$203,111.00 (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.

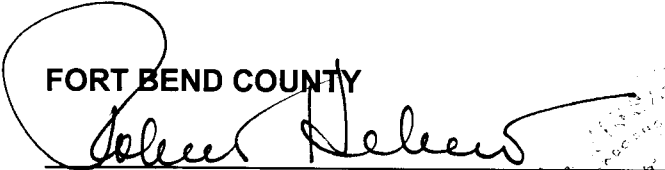
THEREFORE, BE IT RESOLVED that the Local Government perform, or cause to be performed, the following equivalent-match project(s) in return for waiver of the local match fund participation requirement on the approved federal off-system bridge program (participation-waived) projects not yet awarded:

Location (NBI)	:	James Lane at Bessies Creek (NBI No. 12-080-AA0372-001)
On School Bus Route?	:	Yes
Description of Structural Improvement Work	:	Replace existing wood bridge with new concrete bridge.
Estimated Cost	:	\$ 250,000.00

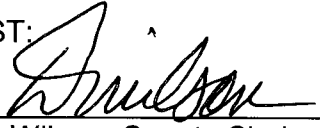
BE IT FURTHER RESOLVED that in receiving this waiver the Local Government acknowledges its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions that include but are not restricted to the following:

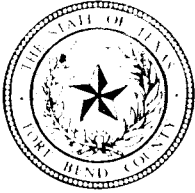
1. The Local Government must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under US Code of Federal Regulations, Title 23, Section 650.303.
2. The equivalent-match project work increases the load capacity of the existing bridge or other mainline 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.

FORT BEND COUNTY


Robert E. Hebert, County Judge

ATTEST:


Dianne Wilson, County Clerk



COUNTY JUDGE

Fort Bend County, Texas

Robert E. Hebert
County Judge

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

September 28, 2010

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

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

County Fort Bend County
Project: BR
Road/Street Resolution Enclosed
NBI Str. No. Resolution Enclosed

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 projects contained in the attached resolution of the 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 attached.

If there are any questions or need for additional information, please call Louis E. Hood, P.E. in our Engineering Department at telephone 281-633-7510.

Sincerely,

Robert E. Hebert

Enclosure: Resolution
Copy: File

For TxDOT Use Only

____ Waiver Approved
____ Waiver Disapproved _____

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 September 28, 2010 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,

A handwritten signature in black ink, appearing to read "Louis E. Hood".

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