

July 26, 2022

Ms. Eliza Paul, P.E.
Houston District Engineer
Texas Department of Transportation
P.O. Box 1386
Houston, Texas 77251-1386

RE: Request for Waiver of Local Match Fund Participation Requirement on Federal Off-System Bridge Program Projects
County: Fort Bend
Projects: BR
Roads: Needville Rd (CR 270) at Cedar Creek, Pleasant Rd (CR 267) at Cedar Creek, CR 209 (Hopkins Rd) at Turkey Creek, CR 266 (Hubenak Rd) at Buffalo Creek, Pool Hill Rd at Brookshire Creek, CR 3226 (Hunt Rd) at Brookshire Creek, CR 234 (C Meyer Rd) at Bee Creek, CR 117 (Zamanek Rd) at Deer Creek, CR 313 (Kamas Rd) at Fairchilds Creek Trib, CR 222 (Beasley- W End Rd) at Snake Creek, Randon School Rd at Coon Creek
NBI Nos.: 12-080-0-AA0975-001, 12-080-0-AA0974-001, 12-080-0-AA0904-001, 12-080-0-AA0790-002, 12-080-0-AA0398-001, 12-080-0-AA0397-002, 12-080-0-AA0714-001, 12-080-0-AA0725-002, 12-080-0-AA0742-001, 12-080-0-AA0908-002, 12-080-0-AA0860-001
CSJs: 0912-34-203, 204, 207, 208, 209, 212, 213, 214, 215, 216 & 217

Dear Ms. Paul:

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 projects referred to as the "participation-waived" projects. 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.

Sincerely,

J. Stacy Slawinski

Attachment: Resolution

For TxDOT Use Only

 Waiver Approved
Waiver Disapproved


District Engineer

09/12/2022 Original (e) received from Samantha Gulley, County Judge
09/12/2022 Original (e) sent to Jillian Peterson, Engineering
09/29/2022 Original (e) fully executed received from Jillian Peterson, Engineering

RESOLUTION

The State of Texas
County of Fort Bend

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, the 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)	10% Local Government Participation Required
Needville Rd (CR 270) at Cedar Creek	12-080-0-AA0975-001	0912-34-203	\$50,820
Pleasant Rd (CR 267) at Cedar Creek	12-080-0-AA0974-001	0912-34-204	\$44,165
CR 209 (Hopkins Rd) at Turkey Creek	12-080-0-AA0904-001	0912-34-207	\$48,642
CR 266 (Hubenak Rd) at Buffalo Creek	12-080-0-AA0790-002	0912-34-208	\$30,250
Pool Hill Rd at Brookshire Creek	12-080-0-AA0398-001	0912-34-209	\$48,642
CR 3226 (Hunt Rd) at Brookshire Creek	12-080-0-AA0397-002	0912-34-212	\$84,700
CR 234 (C Meyer Rd) at Bee Creek	12-080-0-AA0714-001	0912-34-213	\$50,215
CR 117 (Zamanek Rd) at Deer Creek	12-080-0-AA0725-002	0912-34-214	\$63,525
CR 313 (Kamas Rd) at Fairchilds Creek Tributary	12-080-0-AA0742-001	0912-34-215	\$45,375
CR 222 (Beasley- W End Rd) at Snake Creek	12-080-0-AA0908-002	0912-34-216	\$48,400
Randon School Road at Coon Creek	12-080-0-AA0860-001	0912-34-217	\$45,375
TOTAL			\$560,109

WHEREAS, projects to remedy these bridges are included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number 116073 dated August 31, 2021; 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(s) is **\$560,109.00 (dollars)**, hereinafter referred to as the "participation-waived" project(s), 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) project(s) not yet awarded:

LOCATION (and NBI structure identification number, if applicable)	ON SCHOOL BUS ROUTE?	DESCRIPTION OF STRUCTURAL IMPROVEMENT WORK	ESTIMATED COST
CR 3235 (Bob White Rd) at Fairchilds Creek, NBI No. 12-080-0-AA1166-001	No	Replace bridge and approaches	\$649,000

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. Should this waiver request be approved, the Local Government approves the execution of an Advance Funding Agreement with the State for the participation-waived project or amendment to a previous Advance Funding Agreement executed between the State and Local Government. The County Judge is authorized to execute the agreement on behalf of the Local Government.
2. 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.
3. 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.

4. 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.
5. 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.
6. The Local Government will be allowed three years after the contract award of the participation-waived projects to complete the structural improvement work on the equivalent-match project(s).
7. 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.

Approved by the Commissioners Court of Fort Bend County, Texas, this 26th day of July, 2022.

FORT BEND COUNTY, TEXAS

By: KP George
County Judge KP George
KP George, County Judge

ATTEST:

By: Laura Richard
Laura Richard, County Clerk

