



CENTRAL TEXAS REGIONAL  
**MOBILITY AUTHORITY**

August 26, 2020  
**AGENDA ITEM #3**

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Approve Amendment No. 1 to the Interlocal Agreement with the Texas Department of Transportation for the Highway Emergency Response Operation (HERO) Program

<b>Strategic Plan Relevance:</b>	Regional Mobility
<b>Department:</b>	Operations
<b>Contact:</b>	Tracie Brown, Director of Operations
<b>Associated Costs:</b>	Amount not to exceed \$1,741,457.27
<b>Funding Source:</b>	General Fund / Operations
<b>Action Requested:</b>	Consider and act on draft resolution

**Summary** - Nationally, approximately 20 percent of all traffic incidents are a secondary incident. By removing stranded motorists from the roadway and providing motorists warning of stopped vehicles ahead, the number of these crashes can be greatly reduced. TxDOT, in partnership with the Capital Area Metropolitan Planning Organization, operates a free Highway Emergency Response Operator (HERO) patrol service program to clear minor crashes from area roadways and assist motorists in need.

The goal of the HERO program is to improve safety and keep traffic flowing along 138 miles of I-35, US 183, US 290, SH 71, and Loop 1 (MoPac) in the greater Austin area. In the Central Texas area, HERO services include:

- Relocating disabled vehicles to safety
- Removing minor crashes from the roadway
- Providing traffic and lane control at crash scenes
- Removing debris from travel lanes
- Changing flat tires
- Giving air to low tires
- Adding gasoline and water
- Performing minor vehicle repairs
- Jump-starting batteries
- Assisting first responders at crash scenes
- Providing drinking water and cell phone services to stranded motorists

The HERO trucks operate from 5 a.m. to 9 p.m. Monday through Friday. Service is available on I-35 seven days a week, including Saturday and Sunday from 7 a.m. to 7 p.m.

**Current Action** - Under this ILA, the Mobility Authority will share in the cost of the expanded program to cover its facilities - the 183A Toll, 290 Toll, 71 Toll and MoPac Express Lane - under an Interlocal Agreement that details the parties' respective obligations. The cost sharing percentages are based upon the established share of maintenance costs. Based upon those calculations, CTRMA's annual participation cost for HERO services on all Mobility Authority facilities is \$580,485.76.

The Mobility Authority has prioritized its need for HERO services for FY 2021 and determined that the focus will continue to be the MoPac Express Lane. The cost for those services is \$147,828.87 annually. Other facilities will be added based upon need and funding as determined by the Executive Director.

The total amount of this agreement shall not exceed \$3,482,914.54. The new agreement will be effective through August 31, 2023.

**Previous Action** - The Mobility Authority administered the Highway Emergency Response Operation (HERO) program from September 2010 - September 2017. CTRMA's HERO program covered 67 miles along IH-35 between SH 130 and Yarrington Road and along US 183 between Lakeline Boulevard and its intersection with US 290. The program assisted stranded motorists and supported law enforcement agencies and other emergency response agencies with incident management following accidents and facilitating roadway clean-up. The Texas Department of Transportation (TxDOT) assumed responsibility for the HERO program in October 2017.

**Action Requested / Staff Recommendation** - Staff recommends approval of the amendment to the Interlocal Agreement with the Texas Department of Transportation for the Highway Emergency Response Operation (HERO) program and that the Executive Director granted authority to finalize and execute the ILA in the form or in substantially the form of the attached interlocal agreement. In addition, Notice to Proceed for initiating HERO services on Mobility Authority toll facilities will be determined by the Executive Director or their designee.

**Backup Provided** - Draft Resolution  
Interlocal Agreement

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 20-0XX**

**APPROVE AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT WITH  
THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE  
HIGHWAY EMERGENCY RESPONSE OPERATION (HERO) PROGRAM**

WHEREAS, by Resolution No. 17-064, dated December 13, 2017, the Board of Directors approved an interlocal agreement with the Texas Department of Transportation (TxDOT) for the administration the Highway Emergency Responders Operators (HERO) program to assist first responders with traffic incidents, clear large debris from the roadway, and provide free roadside assistance to stranded motorists in Central Texas including Mobility Authority facilities; and

WHEREAS, the interlocal agreement with TxDOT for HERO services currently expires on August 31, 2020; and

WHEREAS, the TxDOT has proposed Amendment No. 1 to the interlocal agreement in an amount not to exceed \$1,741,457.27 to cover HERO services on Mobility Authority facilities including 183A, Manor Expressway, MoPac Expressway, and 71 Express through August 31, 2023 on an as-needed basis; and

WHEREAS, the Executive Director recommends that the Board of Directors approve Amendment No. 1 to the interlocal agreement with TxDOT for HERO services on Mobility Authority facilities in an amount not to exceed \$1,741,457.27 and in the form or substantially the same form as is attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED that proposed Amendment No. 1 to the interlocal agreement with TxDOT for HERO services is hereby approved in an amount to not exceed \$1,741,457.27 and the Executive Director is authorized and directed to execute the interlocal agreement in the form or substantially the same form as is attached hereto as Exhibit A.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26<sup>th</sup> day of August 2020.

Submitted and reviewed by:

Approved:

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Geoffrey Petrov, General Counsel

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Robert W. Jenkins, Jr.  
Chairman, Board of Directors

**Exhibit A**

STATE OF TEXAS §

COUNTY OF TRAVIS §

## AMENDMENT TO INTERLOCAL CONTRACT

### Amendment Number 1

**THIS INTERLOCAL AMENDMENT** is made by and between the State of Texas acting by and through the Texas Department of Transportation, (TxDOT), and Central Texas Regional Mobility Authority (CTRMA) (Local Government) shall become effective when fully executed by both parties.

### BACKGROUND

TxDOT and the Local Government executed a contract on February 4, 2018 to allow CTRMA to contribute to the costs TxDOT incurs when providing the Safety Service Patrol (SSP) services a.k.a Emergency Response Operator. (HERO)

It is mutually understood and agreed by and between the undersigned contracting parties to the above numbered Interlocal Contract to amend the contract as follows:

### AGREEMENT

I. Description of Amended Items

**A. Article IV. CONTRACT PAYMENT** is deleted in its entirety and replaced with the following:

**Article IV. Contract Payment**

The total amount of this contract shall not exceed \$3,482,914.54 and shall conform to the provisions of Attachment B, Budget. Payments shall be billed monthly.

Contract Payment is increased by \$1,741,457.27 from \$1,741,457.27 to \$3,482,914.54.

**B. Article V. Term of Contract:** The termination date is extended from August 31, 2020 to August 31, 2023. This contract shall become effective on the date of final execution by both parties and terminates on August 31, 2023 or when otherwise terminated as provided in this Agreement.

**C. Attachment A. Scope of Services** is deleted in its entirety and replaced with Attachment A-1, which is attached to and made part of this amendment.

**D. Attachment B. Estimated Budget** is deleted in its entirety and replaced with Attachment B-1, which is attached to and made part of this amendment.

### VI. LEGAL AUTHORITY:

**THE PARTIES** certify that the services provided under this contract are services that are properly within the legal authority of the Contracting Parties.

The governing body, by resolution or ordinance, **Attachment D-1**, dated August 26, 2020, has authorized the Local Government to obtain the services described on **Attachment A-1**.

All other terms and conditions of the above numbered Interlocal Contract not hereby amended remain in full force and effect.

**CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

By \_\_\_\_\_ Date \_\_\_\_\_  
          AUTHORIZED SIGNATURE

Name Mike Heiligenstein  
          TYPED OR PRINTED NAME

Title Executive Director

**THE STATE OF TEXAS**

By \_\_\_\_\_ Date \_\_\_\_\_  
James Bass  
Executive Director  
Texas Department of Transportation

## **ATTACHMENT A-1**

### **Scope of Services**

TxDOT, the Performing Agency, shall provide services for the Local Government Central Texas Regional Mobility Authority (CTRMA) for Fiscal Years Fiscal Year 2018 through Fiscal Year 2023.

Over the past several years, TxDOT Austin District and mobility partners have utilized Safety Service Patrol (SSP) services as an integral part of Traffic Incident Management (TIM). For various reasons, purchase orders for ownership and management of an SSP program called the Highway Emergency Response Operator (HERO) program have transferred to TxDOT from Central Texas Regional Mobility Authority (CTRMA), the regional mobility partner in Austin. As Traffic Management Systems (TMS) technologies and strategies have evolved, HERO has maintained its critical role in keeping roads clear. CTRMA has managed the HERO Patrol Service program since 2010, assisting law enforcement agencies and other emergency and support response agencies with incident management following accidents and facilitating roadway clean-up. This service has covered TxDOT-managed roads in the Austin area including portions of I-35 and US 183. CTRMA's HERO program is terminating on December 3, 2017 with TxDOT initiating a new HERO program as a result of Purchase Order (PO or BPO) 60132000060530. The TxDOT HERO Program for which PO is awarded includes expanded Austin-area highway portions, as specifically set forth in Attachment E – Location Map Showing Projects. The TxDOT HERO Program will continue to use the existing HERO Program phone number, updated blue truck graphics, and operate through existing facilities at the Combined Transportation and Emergency Communications Center (CTECC) in East Austin.

TxDOT shall coordinate with the Local Government to issue a written Notice to Proceed (NTP) for Segment No. 1 roadway for Tx1/Loop1/MOPAC once the Agreement has been executed. Once other roadway segments have been identified, the Local Government will issue the next NTP per each roadway prior to any services being performed by TxDOT. After the NTP is issued, TxDOT will require ramp up time of 60 days in order to get equipment in place to perform the work.

TxDOT's written progress report shall describe activities during the reporting period; and overall status, including a percent complete for the task authorized by each active roadway.

TxDOT shall submit monthly invoices in a format acceptable to the Local Government. Invoices will be paid in accordance with the rates determined on Attachment B Budget, which is attached to this agreement.

TxDOT's vendor is to provide all personnel, supervision, expertise, vehicles, equipment, materials, parts, licenses, supplies and incidentals necessary to provide Highway Emergency Response Operator (HERO) services on the Texas capital region roadways identified in Attachment E – Location Map Showing Projects. The services will minimize traffic congestion and improve highway safety by clearing damaged and disabled vehicles and debris from the Travel Lanes and providing traffic control and scene protection at incidents.

## ATTACHMENT B-1

### BUDGET

#### Annual Budget FY 2018, FY 2019, FY 2020, FY 2021, FY 2022, & FY 2023

The Local Government will reimburse TxDOT for the established share of maintenance costs calculated under Table B-1 below as a percentage of the costs incurred by TxDOT to provide HERO services on the Texas capital region roadways. Table B-2 below is the estimated cost for all roadways per year and the contract total for six years.

**Table B-1: Cost Sharing Percentage Split for Routine Maintenance**

Roadway	Roadways/Segments	North or West Limit	South or East Limit	Miles	Total Estimated Cost	% split	CTRMA Participation Cost
1	TX 1/Loop 1/MoPac (GP and ML)	Pamer Lane	SH 45 South	21.8	\$ 591,315.47	25%	\$ 147,828.87
2	290 East Toll Rd/Manor Expressway RMA	US 183	Joyce Turner Drive in Manor	6.2	\$ 102,981.91	67%	\$ 68,997.88
3	183-A Toll Road RMA	RR 276	Lakeline Mall Drive	10.3	\$ 295,657.73	100%	\$ 295,657.73
4	SH 71 Express Toll Road	US 183 South	SH 130	3.9	\$ 147,828.87	46%	\$ 68,001.28
				42.2	\$ 1,137,783.98		\$ 580,485.76

**Table B-2 Cost per year**

Roadway	Roadways/Segments	FY 18 CTRMA Participation Cost	FY 19 CTRMA Participation Cost	FY 20 CTRMA Participation Cost
1	TX 1/Loop 1/MoPac (GP and ML)	\$ 147,828.87	\$ 147,828.87	\$ 147,828.87
2	290 East Toll Rd/Manor Expressway RMA	\$ 68,997.88	\$ 68,997.88	\$ 68,997.88
3	183-A Toll Road RMA	\$ 295,657.73	\$ 295,657.73	\$ 295,657.73
4	SH 71 Express Toll Road	\$ 68,001.28	\$ 68,001.28	\$ 68,001.28
	Total	\$ 580,485.76	\$ 580,485.76	\$ 580,485.76

Roadway	Roadways/Segments	FY 21 CTRMA Participation Cost	FY 22 CTRMA Participation Cost	FY 23 CTRMA Participation Cost	Contract Total
1	TX 1/Loop 1/MoPac (GP and ML)	\$ 147,828.87	\$ 147,828.87	\$ 147,828.87	\$ 886,973.21
2	290 East Toll Rd/Manor Expressway RMA	\$ 68,997.88	\$ 68,997.88	\$ 68,997.88	\$ 413,987.28
3	183-A Toll Road RMA	\$ 295,657.73	\$ 295,657.73	\$ 295,657.73	\$ 1,773,946.38
4	SH 71 Express Toll Road	\$ 68,001.28	\$ 68,001.28	\$ 68,001.28	\$ 408,007.68
	Total	\$ 580,485.76	\$ 580,485.76	\$ 580,485.76	\$ 3,482,914.54



**ATTACHMENT D-1**  
**Resolution or Ordinance**