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Contract Amendment Request #2

To: Travis Rosenbaum, P.E. – City of Burleson
From: Jonathan Bengfort, CFM, PE
CC: Zach Graves, PE; Ryan Jones, PE
Date: December 19, 2023
RE: **Additional Professional Services**
Alsbury Boulevard at John Jones Drive Intersection Improvements

Travis,

Based on our prior discussions with the City, we offer this contract amendment for additional services associated with the Alsbury Boulevard at John Jones Drive Intersection Improvements project. A description of the additional services requested is summarized in this memo.

TxDOT LOSA Application

The City has requested that TNP prepare and submit documentation in pursuit of a LOSA through the Texas Department of Transportation. TNP and its subconsultants should organize and finalize forms required in the TxDOT checklist as detailed in the Scope of Services, Attachment A. Per the email from the City dated August 22, 2023, the LOSA will only be required for the project limits within existing TxDOT R.O.W. The additional effort associated with the TxDOT LOSA Application includes the following:

1. LOSA Permitting (TxDOT LOSA Application Process, Coordination, and Reviews)
2. Environmental Documentation in Support of a LOSA

Additional Median and Pavement Marking Design

Following the 100% submittal, the City has requested that TNP provide design alternatives for Alsbury Boulevard, southwest of the intersection. The City directed TNP to expand the original project limits to include additional median and pavement marking design per the email dated September 12, 2023. The Alternative Median Exhibit is included as Attachment B. The additional effort associated with the expanded roadway design includes basic design (approximately 600 linear feet southwest of the intersection along Alsbury Boulevard.)

FEE ADJUSTMENT

Based on the additional effort identified above, TNP is requesting the following amounts for a contract fee amendment amount not to exceed **\$55,500**:

| <u>Alsbury Boulevard at John Jones Drive Intersection Improvements</u> | |
|--|------------------|
| Permitting (hourly) | \$ 25,000 |
| Environmental Documentation in Support of a LOSA (fixed fee) | \$ 7,500 |
| Basic Design (fixed fee) | \$ 23,000 |
| Total Amendment Amount | \$ 55,500 |

Sincerely,

tnp
teague nall & perkins

Jonathan Bengfort, P.E.

Approved by CLIENT:
City of Burleson

By: _____

ATTACHMENT 'A'

GENERAL SCOPE DESCRIPTION – TxDOT LOSA APPLICATION

TxDOT Fort Worth district has indicated that a Local On-System Agreement (LOSA) will be required for the Alsbury Boulevard at John Jones Drive Intersection Improvements project. The CONSULTANT will assist the CITY in securing a LOSA agreement with TxDOT for the intersection as follows:

TASK 1. LOSA Permitting (TxDOT LOSA Application Process, Coordination, and Reviews)

TxDOT Coordination and Requirements

- The Project involves TxDOT facilities and will require coordination and review by TxDOT Fort Worth District staff. The design shall conform to criteria and guidelines from current TxDOT Roadway Design Manual, PROWAG, and TxDOT Standards for portions of the project bounded or connecting to TxDOT ROW. The CONSULTANT makes no warranty that TxDOT policy will be applied uniformly to any of the projects. Additional project requirements or coordination from TxDOT for any project is considered additional services.

LOSA Coordination and Approval

- The CONSULTANT will coordinate with TxDOT Fort Worth district engineering for project approval.
- CONSULTANT will provide TxDOT with necessary project information and documentation and prepare the submission of both a draft and final LOSA. CONSULTANT will provide resolution to TxDOT comments on the draft LOSA and incorporate revisions into the final LOSA document. Documents to be provided to TxDOT include project information form, OPCC, Draft LOSA, and Final LOSA.

Plan Submittals & Reviews

- The CONSULTANT will provide 1 submittal to TxDOT Fort Worth for Review and Comment (100% Plans).
- CONSULTANT will meet with and provide resolution to TxDOT comments in accordance TxDOT STAO LOSA Guidelines.
- LOSA requirements for Environmental Documentation are incorporated in other sections of this scope. (See Task 2)
- TxDOT coordination, support data, meetings, submittals, and approvals beyond those listed in this task, including but not limited to Municipal Maintenance Agreements, and Advance Funding Agreements (AFA) are not included.

TASK 2. ENVIRONMENTAL DOCUMENTATION IN SUPPORT OF A LOSA

CLEAN WATER ACT

Jurisdictional waters of the United States are protected under guidelines outlined in Sections 401 and 404 of the Clean Water Act (CWA), and in Executive Order 11990 (Protection of Wetlands). The U.S. Army Corps of Engineers (USACE) has the primary regulatory authority for enforcing Section 404 requirements for waters of the United States, including wetlands. Examples of common waters of the United States include.

- All waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of 33 Code of Federal Regulations (CFR) 328.3. The term adjacent means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man made dikes or barriers, natural river berms, beach dunes and the like are “adjacent wetlands.”

Activities requiring construction (i.e., earthwork, placing fill, excavating, constructing dams, diverting creeks, channelizing creeks, etc.) within waters of the United States generally require a permit from the USACE. The type of permit depends upon the activity and the water resources affected. Typical permits include Nationwide Permits, Regional General Permits, Letters of Permission, and Individual Permits, ranked from simple to complex, respectively.

CULTURAL RESOURCES

Antiquities Code of Texas (ACT)

The Antiquities Code of Texas (ACT) as outlined in the TAC Title 13 Part II and the Texas Natural Resource Code (TNRC) Title 9 Chapter 191 requires that the Texas Historical Commission (THC) staff review any action by a state agency or a state political subdivision that has the potential to disturb historic and archeological sites on public land. Public land is defined as property under the control of a subsidiary of the state, which includes permanent and temporary easements. Examples of projects that require review, include; reservoirs constructed by river authorities and water districts; construction of recreational parks or the expansion of existing facilities by city governments; energy exploration by private companies on public land; and construction by a city or county government that exceed 5 acres or 5,000 cubic yards, whichever comes first. If the activity occurs inside a designated historic district, or affects a recorded archeological site, it needs to be reviewed, regardless of project size. The ACT also requires THC review for any project less than the thresholds mentioned above, yet requires subsurface archeological investigations to determine the presence of absence of archeological materials on public land. As the City of Carrollton is a political entity of the State of Texas, it is required to comply with the ACT.

Section 106 of the National Historical Preservation Act (NHPA)

The National Historic Preservation Act (NHPA) (16 U.S. Code [USC] 470), specifically Section 106 (16 USC 470(f)), requires the State Historic Preservation Officer (SHPO), an official appointed in each State or territory, to administer and coordinate historic preservation activities, and to review and comment on all actions licensed by the Federal government that will have an effect on properties listed in the National Register of Historic Place (NRHP), or eligible for such listing. Federal actions include, but are not limited to, construction, rehabilitation, repair projects, demolition, licenses, permits, loans, loan guarantees, grants, and Federal property transfers. If the project will require a CWA Section 404 permit from the USACE, it would be subject to the provisions of the NHPA of 1966, as amended.

DESCRIPTION OF TASK SERVICES

The City of Burleson is required to meet TxDOT standards for design and environmental clearance associated with the intersection improvements at Southwest Alsbury Boulevard at Northwest John Jones Drive. A LOSA checklist (as developed by the Austin District) along with supporting documentation will be completed. The basic set of technical memorandum and forms are listed in the following points.

- The Species Analysis Forms and Attachments will include vegetation community mapping to identify the presence/absence of preferred habitat for protected species that could potentially occur within or adjacent to the project corridor and to identify if any unique vegetation communities are present;
- A Hazardous Initial Site Assessment (ISA) will provide preliminary site evaluation that will be compliant with ASTM International Standard E1527-21 for a Phase I Environmental Site Assessment (ESA) to determine the potential for the area to contain past evidence of hazardous materials or hazardous waste, this is dependent on the level of any new right-of-way that needs to be obtained;
- The Archeological Background Study will be prepared with desktop level material and a review of any photographs obtained from the project area;
- A Historic Resources Project Coordination Report, may be required and will determine the scope of historic resources study appropriate for a project, and
- Representative Photographs of the project area and surrounding areas will be provided.

This scope of services expressly excludes any additional technical memorandum and the development of an Environmental Assessment based on our review of the project limits. Based on a review of the WPD form, the project should be exempt from air and noise documentation, along with, Indirect and Cumulative Effects/Impacts, Intensive Cultural Resources Survey, and Historic Resources Survey.

INFORMATION FURNISHED BY CLIENT

The client (or its representative) will provide rights of entry to the site and digital data of the boundary files, aerial photography, and topography (if available). IES will require plan and profile designs of the impacts to waters of the United States, design of how the water will be routed through/along the project corridor, site plans of the project, and alternatives for this design.

ADDITIONAL SERVICES

If required by the Texas Department of Transportation (TxDOT) and authorized by the City of Burleson, CONSULTANT will provide additional environmental services associated with the TxDOT LOSA process as follows:

- **Categorical Exclusion (CE):**
The basic set of technical memorandum and forms to be completed for a Categorical Exclusion (CE) are listed in the following points.
 - The Work Plan Development Form indicates what documentation will be required to receive environmental clearance. A schedule will determine the timeline for the environmental clearance.
 - The Species Analysis Forms and Attachments will include vegetation community mapping to identify the presence/absence of preferred habitat for protected species that could potentially occur within or adjacent to the project corridor and to identify if any unique vegetation communities are present;
 - A Hazardous Initial Site Assessment (ISA) will provide preliminary site evaluation that will be compliant with ASTM International Standard E1527-21 for a Phase I Environmental Site Assessment (ESA) to determine the potential for the area to contain past evidence of hazardous materials or hazardous waste, this is dependent on the level of any new right-of-way that needs to be obtained;
 - A Community Impact Assessment could be required due to the additional capacity being developed at the Alsbury Boulevard and John Jones Intersection.
 - The Archeological Background Study will be prepared with desktop level material and a review of any photographs obtained from the project area
 - A Historic Resources Project Coordination Report, may be required and will determine the scope of historic resources study appropriate for a project.

- Representative Photographs of the project area and surrounding areas will be provided.
- Notice of Opportunity to Comment (NOC) will be developed for at least any property owner and tenant, of which right-of-way will be obtained. CONSULTANT would recommend that a NOC be sent to all property owners within the immediate vicinity of the improvements. This Public Involvement would be fully documented in the latest TxDOT documentation format.

This scope of services expressly excludes any additional technical memorandum and the development of an Environmental Assessment based on our review of the project activities. Based on a review of the WPD form, the project should be exempt from air and noise documentation, along with, Indirect and Cumulative Effects/Impacts, Intensive Cultural Resources Survey, and Historic Resources Survey.

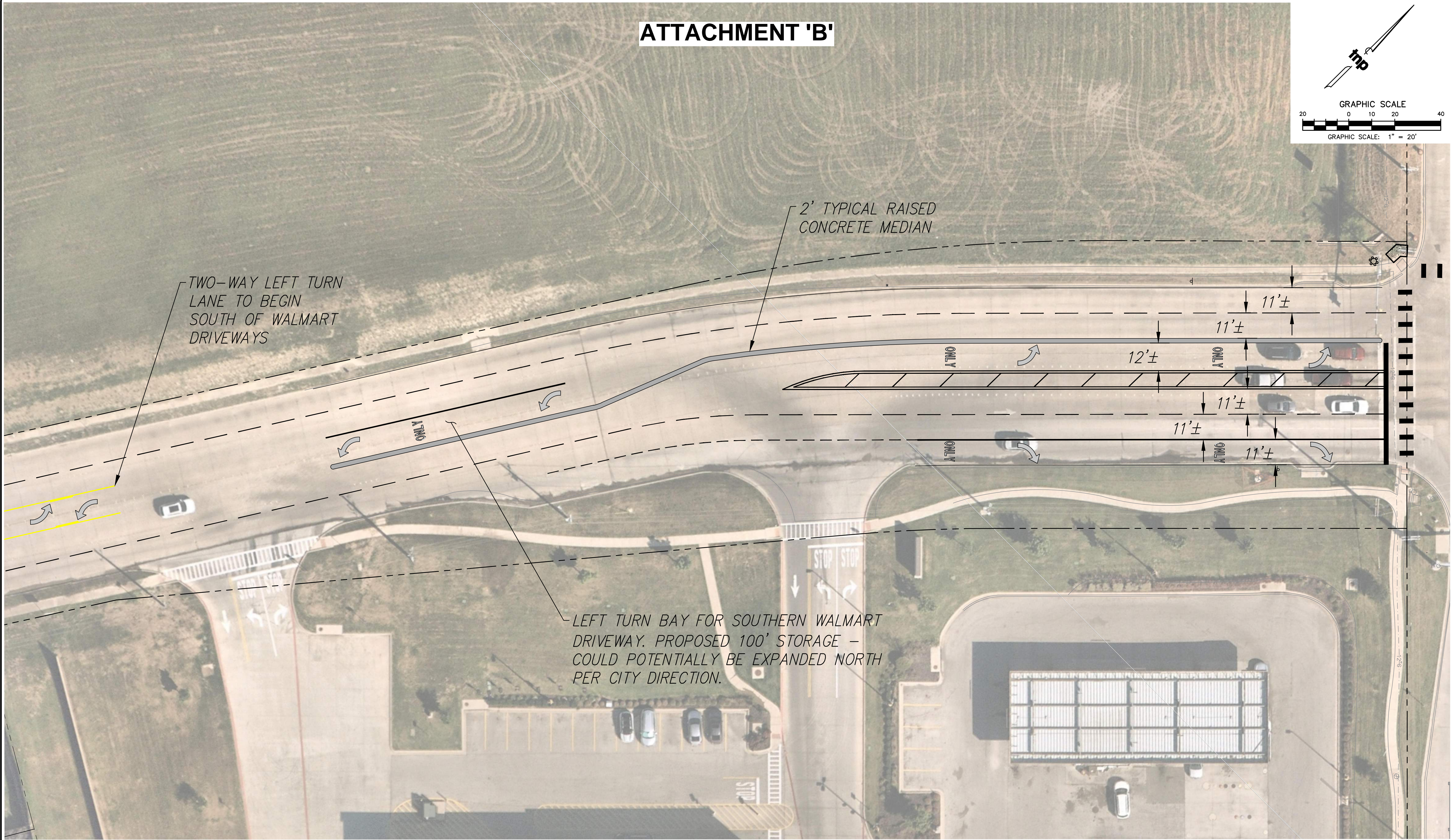
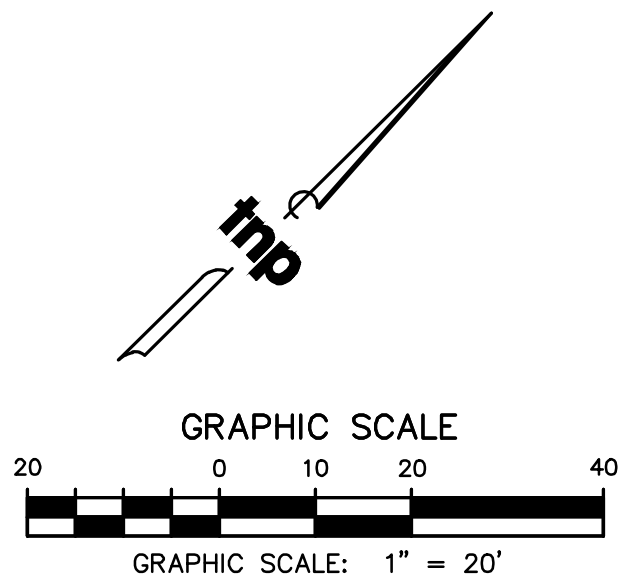
- **Additional Public Meetings:**
Additional scope includes the mailing list maintenance and sending public notification to those persons on the mailing list, development and printing of stable presentation materials, attendance record-keeping, meeting photo-documentation, the development and presentation of the project through Microsoft Powerpoint, meeting attendance, and a meeting overview report. CONSULTANT will not provide the location, meeting security, or any tables/chairs necessary, under the assumption that the City of Burleson will provide the meeting room, meeting security services, and all necessary tables and chairs.
- It is assumed that no archeological sites will be encountered and recorded. Any additional archeological sites recorded will be billed at the fixed rate listed below. In the event that potentially significant prehistoric or historic sites are discovered during the survey, additional investigation may be required. If buried sites or structures are located and cannot be avoided, it may be necessary to conduct Phase II testing to determine if sites are eligible for listing on the NRHP and Phase III mitigation/excavation. Costs of Phase II testing and Phase III mitigation services are not included as part of this proposal.

FEES ASSOCIATED WITH TxDOT LOSA APPLICATION

Services associated with providing Task 1 and described therein shall be performed on a time and expense basis with a not-to-exceed budget of **\$25,000 (Twenty Thousand Dollars)**. This budget is an estimate for the services anticipated but the actual cost for these services may be a lesser or higher amount. However, it is understood that the stated budget amount shall not be exceeded without written authorization from the Client. Reimbursement shall be per the Consultant's standard rate schedule.

Services associated with providing Task 2 and described therein shall be performed for a fixed-fee budget of **\$7,500 (Seventy Thousand Five Hundred Dollars)**.

ATTACHMENT 'B'



Drawing: T:\Projects\BUR21217\Eng-CAD\CAD\Exhibits\2023.04.14 Median Design Alternative\XCD-Striping Design Alternative-Median Exhibit.dwg at May 30, 2023 4:08pm by aluqua
Layout: Median Alternative Exhibit #1 - Area: XCD-Striping Design Alternative-Median Exhibit.dwg

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THE CITY OF

BURLESON

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1" = 20'

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MAY 2023

This document is for interim review and is not intended for construction, bidding or permit purposes.

ZACH GRAVES, P.E. Date: MAY 2023

Tx. Reg. # 130297

City of Burleson, Texas

Construction Plans For

Alsbury Blvd & John Jones Dr Intersection

Alternative Median Exhibit #1

tnp project

BUR21217

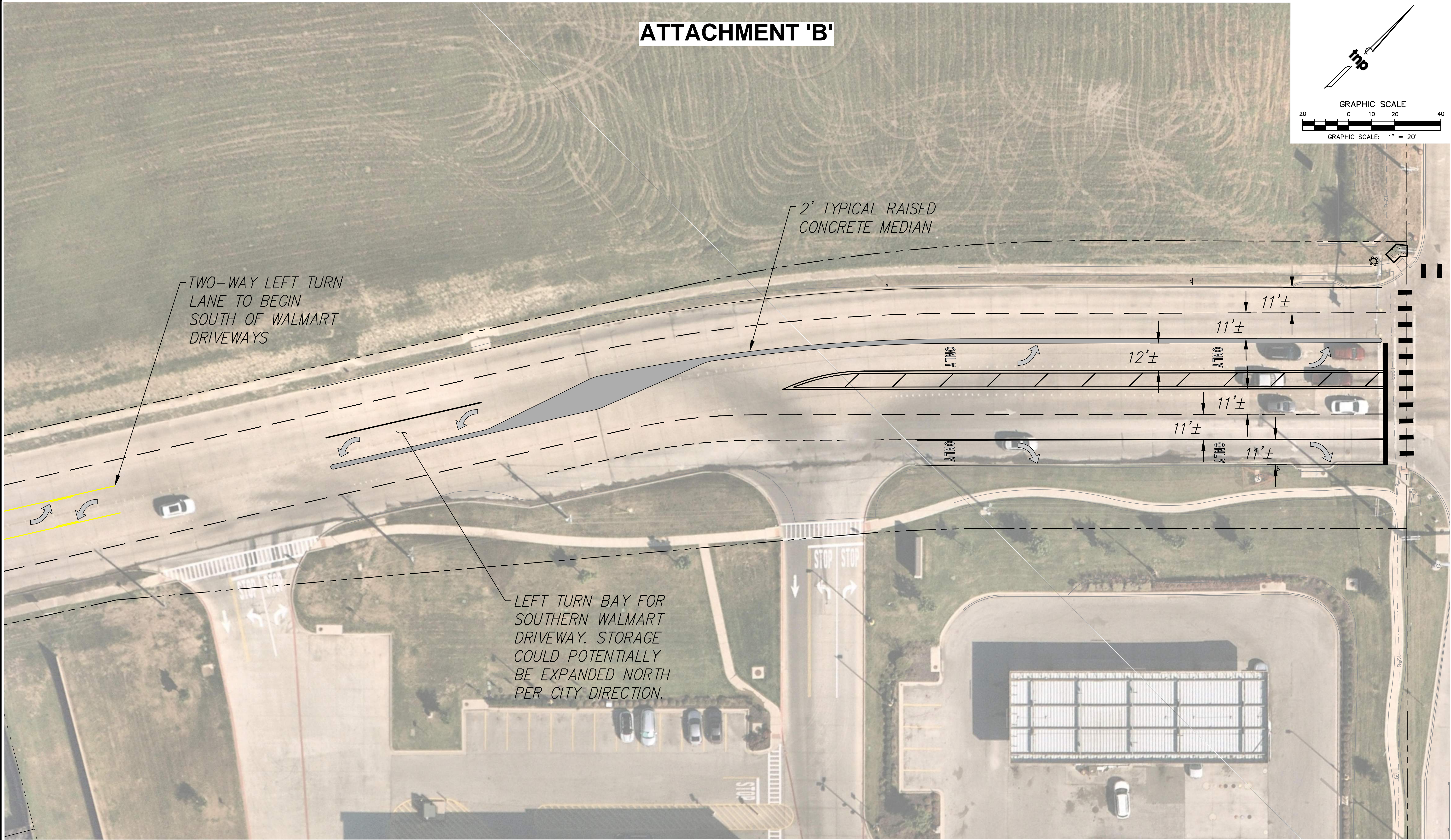
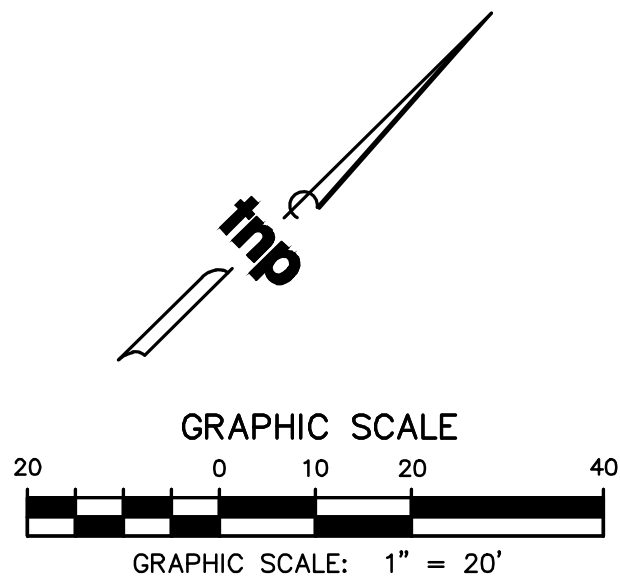
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ATTACHMENT 'B'



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Layout: Median Alternative Exhibit #2
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City of Burleson, Texas

Construction Plans For

Alsbury Blvd & John Jones Dr Intersection

Alternative Median Exhibit #2

tnp project

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sheet

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