

These are the minutes of the regular meeting of the Texas Transportation Commission, which was held on June 24, 2010 in Austin, Texas. The meeting was called to order by Chair Delisi. The meeting opened at 9:12 a.m. with the following commissioners present:

Texas Transportation Commission:

Deirdre Delisi	Chair
Ted Houghton	Commissioner
Ned Holmes	Commissioner

Administrative Staff:

Steve Simmons, Deputy Executive Director
 Bob Jackson, General Counsel
 Roger Polson, Executive Assistant to the Deputy Executive Director
 Dee Hernandez, Chief Minute Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation Chief Minute Clerk.

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 4:47 p.m. on June 16, 2010, as required by Chapter 551, of the Government Code, referred to as "The Open Meetings Act."

ITEM 1. Approval of Minutes of the May 26, 2010 workshop and May 27, 2010 regular meeting and June 8, 2010 special meeting of the Texas Transportation Commission

Commissioner Houghton made a motion, which was seconded, and the commission approved the minutes of the May 26, 2010 workshop and May 27, 2010 regular meeting and June 8, 2010 special meeting of the Texas Transportation Commission by a 3-0 vote. (Commissioner Underwood and Meadows were absent).

ITEM 2. MANAGEMENT

Authorize the securing of the services of an individual who will be responsible for advising the department and the commission on the implementation of changes that result from the independent management and organizational review of the department (MO)

This item was deferred. The commission received comments from Howard Wolf.

ITEM 13.c. Highway Designations

(3) Hays County – Redesignate the old location of RM 12 as SH 80 from approximately 4 miles west of I-35 to I-35, extend the designation of SH 21 from its current terminus concurrently with SH 80 to I-35, redesignate FM 3407 as RM 12 and designate RM 12 on a new location (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Executive Director Amadeo Saenz:

112297
TPP

In HAYS COUNTY, local officials have requested RANCH TO MARKET ROAD 12 (RM 12) be designated along a new location from the terminus of FARM TO MARKET ROAD 3407 (FM 3407) north and west to RM 12, a distance of approximately 3.0 miles, and that FM 3407 be redesignated as RM 12, a distance of approximately 1.9 miles. To maintain the continuity of the state highway system, local officials further requested that the current location of RM 12 from I-35 to approximately 4.5 miles west of I-35, be redesignated as STATE HIGHWAY 80 (SH 80) and that the designation of STATE HIGHWAY 21 (SH 21) be extended concurrently along SH 80/SH 142 from its current terminus to I-35 as shown in Exhibit A.

Minute Order 108745, passed December 13, 2001, established the terms under which the Texas Department of Transportation (department) would construct an extension to FM 3407 and the City of San Marcos (city) would assume maintenance, control, and jurisdiction of portions of FM 2439 and RM 12. The terms were accepted by the city on January 14, 2002. Minute Order 110426, passed on February 23, 2006, authorized the department to execute a pass-through toll agreement with the city for the construction of the extension to FM 3407. The extension is nearing completion and is scheduled to open to traffic in July 2010.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended this action.

The Texas Transportation Commission (commission) finds that this designation of RM 12 and the redesignations will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that:

1. RM 12 be redesignated as SH 80 from I-35 to a location approximately 4.5 miles north and west of I-35.
2. RM 12 be designated on new location west of San Marcos from approximately 4.5 miles west of I-35 to the intersection of FM 3407 and FM 2439.
3. FM 3407 be redesignated as RM 12, from FM 2439 to SH 123.
4. The designation of SH 21 be extended concurrently along SH 80/SH 142 from its present terminus to I-35.
5. IT IS UNDERSTOOD that this minute order does not supersede or otherwise modify the terms outlining the removal of portions of RM 12 and FM 2439 upon completion of the extension as described in Minute Order 108745, dated December 13, 2001.

Note: The commission received comments from City of San Marcos Mayor Susan Narvaiz.

ITEM 3. PUBLIC TRANSPORTATION**a. Ector and Midland Counties – Award Transportation Development Credits to the City of Odessa (MO)**

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Public Transportation Division Director Eric Gleason:

112298
PTN

The Texas Transportation Commission (commission) desires to award 502,978 in Transportation Development Credits (TDC) to the City of Odessa for a public transportation facility project.

The commission adopted Minute Order 111967 on September 24, 2009, awarding 570,278 TDC to the City of Odessa for the initial phase of the public transportation facility project. The commission desires to award additional TDC to the City of Odessa to be used as the local match for the next phase of the project.

The commission recognizes that state and federal law permits the substitution of TDC as the required non-federal match for capital projects. Title 43, Texas Administrative Code (TAC), §5.73 establishes a process by which TDC may be awarded at the discretion of the commission. The commission finds that this project and associated distribution of the TDC has been reviewed to ensure eligibility, overall benefit to public transportation initiatives and ability to further the goals of the department, as outlined in 43 TAC §5.72 (e).

The commission finds that the project will: reduce congestion by improving reliable transit options thereby increasing levels of ridership; expand economic opportunity by increasing the level of service access; enhance safety by reducing single vehicle trips; improve air quality by reducing emissions with technological advances in the bus industry; and increase the value of the transportation assets by investing into pedestrian and bicycle streetscape improvements.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the Texas Department of Transportation.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to distribute TDC to the City of Odessa as outlined above, and to enter into any necessary contract.

b. Galveston County – Award Transportation Development Credits to the City of Galveston (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Public Transportation Division Director Eric Gleason:

112299
PTN

The Texas Transportation Commission (commission) desires to award 695,148 Transportation Development Credits (TDC) to the City of Galveston to be used as the local match for fleet replacement and transit infrastructure improvements in the City of Galveston.

The commission recognizes that state and federal law permits the substitution of TDC as the required non-federal match for capital projects. Title 43, Texas Administrative Code (TAC), §5.73 establishes a process by which TDC may be awarded at the discretion of the commission. The commission finds that this project and associated distribution of the TDC has been reviewed to ensure eligibility, overall benefit to public transportation initiatives and ability to further the goals of the department, as outlined in 43 TAC §5.72 (e).

The commission finds that the project will: reduce congestion by improving reliable transit options thereby increasing levels of ridership; expand economic opportunity by increasing the level of service access; enhance safety by reducing single vehicle trips; improve air quality by reducing emissions with technological advances in the bus industry; and increase the value of the transportation assets by investing into pedestrian and bicycle streetscape improvements.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the Texas Department of Transportation.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to distribute TDC to the City of Galveston as outlined above, and to enter into any necessary contract.

c. Various Counties – Award federal §5303 Metropolitan Transportation Planning funds, and award transportation development credits for FY 2011 (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Public Transportation Division Director Eric Gleason:

112300
PTN

The Texas Transportation Commission (commission) was designated by the governor as the administering agency for the Federal Transit Administration (FTA) grant

program, Metropolitan Planning Program (49 U.S.C. §5303) in a letter dated October 4, 2005; and is required to ensure that these grant funds are distributed and utilized in accordance with guidance from the FTA.

Title 43, Texas Administrative Code (TAC), §31.21(c) establishes a formula through which §5303 program funds shall be distributed to the Metropolitan Planning Organizations (MPO) of the state by the Texas Department of Transportation (department). The distribution of the federal FY 2010 apportionment is shown in Exhibit A and has been calculated in accordance with the provisions of §31.21(c).

The commission further recognizes that state and federal law permits the substitution of transportation development credits (TDC) as the required non-federal match for eligible projects. Title 43, Texas Administrative Code (TAC), §5.73 establishes a process by which TDC may be awarded at the discretion of the commission. The commission finds that this project and associated distribution of the TDC has been reviewed to ensure eligibility, overall benefit to public transportation initiatives and ability to further the goals of the department, as outlined in 43 TAC §5.72 (e).

The commission finds that the project will: reduce congestion by including planning for transit options thereby increasing levels of ridership; expand economic opportunity by increasing the level of service access; enhance safety by promoting greater use of the transit system with professional operators; improve air quality by reducing emissions from single occupant vehicles; and increase the value of the transportation assets by promoting greater use of existing and proposed assets.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award of \$6,874,926 in federal FY 2010 §5303 FTA allocations and 1,374,985 in TDC as described in Exhibit A, submit the necessary state application to the FTA, and enter into any necessary contracts in accordance with the priorities established in this minute order.

Note: Exhibit A on file with minute order clerk.

d. Various Counties – Award state funds to public transportation providers for FY 2011 as appropriated by the 81st Texas Legislature (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Public Transportation Division Director Eric Gleason:

112301
PTN

The General Appropriations Act enacted by the 81st Texas Legislature, Regular Session, appropriated \$57,482,135 for public transportation grants for small urban and nonurbanized areas of the state.

The Texas Transportation Commission (commission) desires to award \$28,741,067, the appropriated amount for FY 2011.

Title 43, Texas Administrative Code, §31.11 establishes a formula by which public transportation funds shall be distributed to the small urban and nonurbanized areas of the state. The FY 2011 allocation is shown in Exhibit A and has been calculated in accordance with the provisions of §31.11.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the Texas Department of Transportation.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the allocations as described in Exhibit A and to enter into the necessary contracts for the FY 2011 program of projects upon completion of all application requirements by the local public transportation operators.

Note: Exhibit A on file with minute order clerk.

ITEM 4. INTERNAL COMPLIANCE PROGRAM REPORT

Update on the department's Internal Compliance Program.

This item was presented by Deputy Executive Director Steve Simmons.

ITEM 5. PROMULGATION OF ADMINISTRATIVE RULES Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Final Adoption

Chapter 28 – Oversize and Overweight Vehicles and Loads (MO)

Amendments to §28.100, Purpose, §28.101, Responsibilities, and §28.102, Permit Issuance Requirements and Procedures (Chambers County Permits); Amendments to §28.111, Applicability (Compliance); and Amendments to §28.201, Investigations and Inspections of Records and §28.202, Records (Records and Inspections)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Motor Carrier Division Director Carol Davis:

112302
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §28.100, Purpose, §28.101, Responsibilities, §28.102, Permit Issuance Requirements and Procedures, §28.111, Applicability, §28.201, Investigations and Inspections of Records, and §28.202, Records, all relating to oversize and overweight vehicles and loads, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A - D, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §28.100, §28.101, §28.102, §28.111, §28.201, and §28.202 are adopted and are authorized for filing in the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Note: Exhibits A through D on file with minute order clerk.

b. Proposed Adoption

(to be published in the Texas Register for public comment)

(1) Chapter 6 – State Infrastructure Bank (MO)

Amendments to §6.1, Purpose and §6.2, Definitions, and §6.3, General Policies, the Repeal of §6.4, Applicability, New §6.4, Separate Subaccounts, and the Repeal of §6.5, Separate Subaccounts (General Provisions); Amendments to §6.11, Eligible Entities and §6.12, Eligible Properties, and New §6.13, Eligibility for Financial Assistance from General Obligation Bond Proceeds (Eligibility); Amendments to §6.21, Department Contact, §6.22, Requested Financial Assistance, and §6.23, Application Procedure, the Repeal of §6.24, Suspension of Applications, New §6.24, Limitation on Applications - Loans from General Obligation Bond Proceeds, and New §6.25, Suspension of Applications (Procedures); Amendments to §6.31, Department Action, and §6.32, Commission Action, and New §6.33 Commission Action - Loans from General Obligation Bond Proceeds (Department and Commission Action); Amendments to §6.41, Executive Director, §6.42, Performance of Work, §6.43 Design, Construction, and Procurement Standards, the Repeal of §6.44, Maintenance and Operations, and New §6.44, Design and Construction - Loans from General Obligation Bond Proceeds, the Repeal of §6.45, Financial and Credit Requirements, and New §6.45, Maintenance, the Repeal of §6.46, Other Requirements, and New §6.46, Financial and Credit Requirements (Financial Assistance Agreements)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Chief Financial Officer James Bass:

112303
CFO

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§6.1 - 6.3, §6.11, §6.12, §§6.21 - 6.23, §6.31, §6.32, and §§6.41 - 6.43, the repeal of §6.4, §6.5, §6.24, and §§6.44 - 6.46, and new §6.4, §6.13, §6.24, §6.25, §6.33, and §§6.44 - 6.46 all relating to state infrastructure bank to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A - F, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§6.1 - 6.3, §6.11, §6.12, §§6.21 - 6.23, §6.31, §6.32, and §§6.41 - 6.43, the repeal of §6.4, §6.5, §6.24, and §§6.44 - 6.46, and new §6.4, §6.13, §6.24, §6.25, §6.33, and §§6.44 - 6.46 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Note: Exhibits A through F on file with minute order clerk.

(2) Chapter 31 – Public Transportation (MO)

Amendments to §31.36, Section 5311 Grant Program (Federal Programs)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Public Transportation Division Director Eric Gleason:

112304
PTN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §31.36, Section 5311 Grant Program, relating to federal programs to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §31.36 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Note: Exhibits A and B on file with minute order clerk.

Note: The commission received comments from Texas Transit Association Executive Director Jeff Heckler.

ITEM 6. PASS-THROUGH TOLL PROGRAM

Select pass-through toll proposals submitted under the February 25, 2010 pass-through toll program call in accordance with Minute Order 112156 and authorize the executive director or designee to negotiate the financial terms of a potential pass-through toll agreement with the selected public entity proposers and solicit competitive proposals for any selected private entity proposers (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Deputy Executive Director for Engineering Operations John Barton:

112305
DEO

Section 222.104(b), Transportation Code authorizes the Texas Department of Transportation (department) to enter into an agreement with a public or private entity that provides for the payment of pass-through tolls to the entity as reimbursement for the design, development, construction, maintenance, or operations of a tolled or non-tolled facility on the state highway system by the public or private entity. A pass-through toll is a per-vehicle fee or a per-vehicle-mile fee that is determined by the number of vehicles using the facility.

Title 43 Texas Administrative Code §§5.51-5.60 (rules) prescribe the policies and procedures governing the department's implementation of the program under Section 222.104(b), Transportation Code.

Section 5.54 of the rules provides that if the Texas Transportation Commission (commission) determines that funds available for use in the program are limited, it may periodically limit the periods of time during which the department will accept proposals for pass-through toll projects to be developed and, for each specific period, prescribe conditions for submission and the costs that may be reimbursed under a pass-through agreement (agreement).

On February 25, 2010 by Minute Order 112156 the commission approved a program call for highway projects to be developed on the state highway system under a pass-through toll agreement (program call). The commission further determined that (i) monies available that can be allocated among all proposals selected under the program call will be limited to an estimated total of \$300 million in Category 12 funds, and (ii) only the following category of project costs will be considered as eligible for reimbursement under the program call: construction cost, exclusive of construction engineering cost, and in the case of a pass-through toll project submitted as a design-build project, the construction cost, exclusive of construction engineering costs must be broken out separately as one component of the total project cost. The cost categories of design, development (including environmental clearance, right of way acquisition, utility adjustment), financing, maintenance, and operation are specifically excluded.

Pursuant to Minute Order 112156 and §5.54 of the rules, the department published in the Texas Register a notice designating a 60-day period commencing on March 12, 2010 for acceptance of proposals from both public and private entities for projects to be developed

under the program call. The deadline for submitting proposals was May 11, 2010. Department staff evaluated the proposals that were timely submitted under the program call using the items of consideration set forth in §5.55 of the rules and provided its analyses of the pass-through toll proposals to the commission.

After considering the factors described by §5.55 of the rules and the criteria set forth in Minute Order 112156, it is determined that the pass-through toll proposals set forth in Exhibit A represent the best value to the state for a total of approximately \$300 million in authorized funds.

Before the projects in the selected proposals are designed, developed, or constructed using funds administered by the department, the proposals: (1) must be included in the department's UTP, thereby identifying committed funding for the project; (2) prior to construction, must be included in the department's Statewide Transportation Improvement Program; and (3) will be subject to any and all applicable planning and environmental processes and approvals as mandated by state and federal regulations regarding such matters.

IT IS THEREFORE ORDERED by the commission that the pass-through toll proposals submitted under the current pass-through toll program call and set forth in Exhibit A are hereby selected as providing the best value to the state.

IT IS FURTHER ORDERED that the executive director or designee is authorized to negotiate the financial terms of potential pass-through toll agreements for each of the selected pass-through toll proposals as set forth in Exhibit A. Payment of pass-through tolls will be limited to reimbursement of the department's proportional share of the actual cost of labor and materials required for construction of the project as determined by the low bid award of the construction contract, subject to limited exceptions for cost overruns and underruns of the estimated cost of construction. If negotiations are successful, the executive director shall submit to the commission a summary of the final terms of each agreement so that the commission may consider final approval of the agreement under §5.57 of its rules. If the financial terms of a pass-through toll agreement for one or more of the selected pass-through toll proposals set forth in Exhibit A cannot be successfully negotiated with the proposer(s) by August 17, 2010, the unsuccessful proposal or proposals will be rejected and the commission may, in accordance with §5.55 of the rules and the criteria set forth in Minute Order 112156, consider selection of additional proposals that were timely submitted under the program call.

Note: Exhibit A on file with minute order clerk.

Note: The commission received comments from Hidalgo County Judge Rene Ramirez; City of Temple Mayor Bill Jones; Cameron County Commissioner David Garza; Cameron County Commissioner John Wood; and City of Cedar Park Assistant City Manager Sam Roberts.

ITEM 7. UNIFIED TRANSPORTATION PROGRAM**Amend the 2010 Unified Transportation Program (MO)**

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Deputy Executive Director for Engineering Operations John Barton:

112306
AEO

The UNIFIED TRANSPORTATION PROGRAM (UTP) of the Texas Department of Transportation (department) is an 11-year plan that authorizes project planning and development, and is submitted to the Texas Transportation Commission (commission) for approval.

To align the UTP with the budget strategies outlined in the 2009-2013 Strategic Plan, the department has developed the UTP as one document instead of two documents as in previous years. The UTP contains all of the department's funding categories which enhance the transportation system.

Transportation Code, §201.103 requires the commission to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002 requires the commission to lay out, construct, maintain, and operate a modern state highway system, with emphasis on the construction of controlled access highways, and to plan for future highways.

Pursuant to Transportation Code, §201.602, the department conducted a public hearing on November 19, 2009, to receive testimony concerning the highway project selection process and the relative importance of the various criteria which the commission uses for project selection decisions. Minute Order 112110, dated January 28, 2010, approved the project selection process.

The commission approved the 2010 UTP in Minute Order 112237, dated April 29, 2010. The 2010 UTP includes approximately \$68 million in undistributed funds in FY 2010 - Category 10 to be used for project cost overruns. The commission desires to allocate the \$68 million of undistributed FY 2010 - Category 10 funds to supplemental mobility and rehabilitation programs and authorize additional mobility and rehabilitation projects.

IT IS THEREFORE ORDERED by the commission that the 2010 UTP is amended to reduce the undistributed funds in FY 2010 – Category 10 by \$68 million and authorize \$68 million of additional mobility and rehabilitation projects through supplemental mobility and rehabilitation programs as shown in Exhibits A and B.

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed with project development and contract awards for the projects described in Exhibits A and B, subject to the applicable state and federal laws, regulations, and procedures.

Note: Exhibits A and B on file with minute order clerk.

ITEM 8. STRATEGIC PLAN

Adopt final 2011-2015 Strategic Plan for official submission to the Legislative Budget Board and Governor's Office (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Strategic Policy and Performance Special Assistant Mary Meyland:

112307
SPP

Texas Government Code, Chapter 2056, requires that each state agency prepare a five-year strategic plan every biennium. The Texas Governor's Office and the Legislative Budget Board require certain items to be covered in the plan.

The strategic plan represents the commitment by the Texas Department of Transportation to provide for the safe and productive movement of people and goods.

The vision, mission, philosophy, goals, objectives, strategies, and measures contained in this plan focus on delivering the high quality, aesthetic and accessible transportation systems expected by the ultimate users of those systems.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the document entitled *Agency Strategic Plan for Fiscal Years 2011-2015*, as shown in Exhibit A, is adopted and approved for submission to the Governor's Office, the Legislative Budget Board and other required officials.

IT IS FURTHER ORDERED that the executive director or his designee is authorized to approve alterations to the plan if any such alterations are requested by the Legislative Budget Board.

IT IS FURTHER ORDERED that the executive director or his designee shall proceed with the publication and distribution to the public of the primary text of the plan as a separate document to present the agency's goals, objectives, strategies, and performance measures for more general public use.

Note: Exhibit A on file with minute order clerk.

ITEM 9. REGIONAL MOBILITY AUTHORITY

Bexar County – Authorize the department to fund a portion of pre-development and development costs incurred by the Alamo Regional Mobility Authority (ARMA) in connection with the ARMA's construction of the US 281-Loop 1604 interchange project, and authorize the executive director to enter into an amendment to the project agreement with the ARMA (MO)

This item was deferred.

ITEM 10. TOLL ROAD PROJECTS**Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (MO)**

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. Commissioner Underwood and Meadows were absent. This item was presented by Texas Turnpike Authority Division Director Mark Tomlinson:

112308
TTA

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, bond anticipation notes, and other obligations to finance turnpike projects on the state highway system, and to enter into trust agreements and indentures of trust governing matters relating to the issuance of such obligations.

The commission has previously issued \$2,199,993,781.80 in obligations to finance a portion of the costs of the Central Texas Turnpike System (System), a turnpike project composed initially of the SH 130, SH 45, and Loop 1 project elements (2002 Project), pursuant to an Indenture of Trust and four supplemental indentures. The Indenture of Trust dated July 15, 2002 (Indenture), prescribes the terms, provisions and covenants related to the issuance of turnpike revenue bonds and obligations to finance a portion of the costs of the 2002 Project.

Section 501(c) of the Indenture covenants that for the first five full years of operation of the 2002 Project, the commission will provide to the Trustee a report showing the traffic and revenue of the system for the previous quarter.

Pursuant to Minute Order 111081, dated September 27, 2007, the 2002 Project was declared Substantially Complete as defined within the Indenture.

A report of actual traffic and revenue for the required period, attached as Exhibit A, has been prepared in accordance with Section 501(c) of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the report of actual traffic and revenue attached as Exhibit A is accepted.

Note: Exhibit A on file with minute order clerk.

ITEM 11. OBLIGATION LIMIT REPORT

Status report on the FY 2010 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts.

This item was presented by Finance Division Director Brian Ragland.

ITEM 12. CONTRACTS**a. Award or Reject Highway Improvement Contracts****(1) Highway Maintenance and Department Building Construction (see attached itemized list) (MO)**

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 3– 0. Commissioner Underwood and Meadows were absent. This item was recommended by staff and presented by Construction Division Director Russel Lenz:

112309
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on June 3 and 4, 2010.

Pursuant to cited code provisions highway maintenance contract bids on a project may be accepted or rejected, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder or reject, as indicated, those highway maintenance and department building construction contracts, with an engineer's estimated cost of \$300,000 or more, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A on file with minute order clerk.

(2) Highway and Transportation Enhancement Building Construction (see attached itemized list) (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 3– 0 rejecting Project No. 0563-03-011 in Lamb County. Commissioner Underwood and Meadows were absent. This item was recommended by staff and presented by Construction Division Director Russel Lenz:

112310
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on June 3 and 4, 2010 as well as the Fort Bend County, Job Number 3203, Houston District deferred contract from the May 27, 2010 Commission meeting.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted or rejected, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an exhibit to this order.

The department recommends that the commission respectively award to the lowest bidder or reject, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit B on file with minute order clerk.

ITEM 13. ROUTINE MINUTE ORDERS

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute orders by a vote of 3 – 0 with the exception of 13.c.(3) which was taken separately. This item was presented by Executive Director Amadeo Saenz:

a. Donations to the Department

(1) Bryan District – Consider a donation from College Station Marketplace, LP to construct an acceleration lane on the northbound frontage north of the turn-around north of SH40 (MO)

112311
GSD

This minute order considers a donation to the Texas Department of Transportation (department) from College Station Marketplace, LP of approximately \$250,000 in construction funds for the construction of an acceleration lane on the northbound frontage road north of the turnaround north of SH 40.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation furthers the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the donor is not subject to department regulation or oversight, and that this donation will not influence or reasonably appear to influence the department in the performance of its duties.

The commission also finds that the donor is not interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department.

IT IS THEREFORE ORDERED by the commission that the donation of approximately \$250,000 from College Station Marketplace, LP is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

(2) Construction Division – Acknowledges a donation from the Texas Asphalt Pavement Association for department employee's travel expenses to participate and speak at the Texas Asphalt Pavement Association Annual Mid-Year Meeting. The meeting was held in Albuquerque, New Mexico from June 8 – 10, 2010 (MO)

112312
GSD

This minute order acknowledges a donation of approximately \$1,141.74 from the Texas Asphalt Pavement Association (TxAPA) for a Texas Department of Transportation (department) employee's travel expenses to participate and speak at the TxAPA Mid-Year Annual Meeting that was held in Albuquerque, New Mexico, June 8 – 10, 2010.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation furthers the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the donor is not subject to department regulation or oversight, and that this donation will not influence or reasonably appear to influence the department in the performance of its duties.

The commission also finds that the donor is not interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department.

IT IS THEREFORE ORDERED by the commission that the donation of approximately \$1,141.74 from the TxAPA is acknowledged. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

(3) General Services Division – Consider a donation from the Associated General Contractors (AGC) of Texas for department employee's travel expenses to speak and participate at the 2010 Administrative Conference. The meeting will be held in South Padre Island, Texas from July 16 – 17, 2010 (MO)

112313
GSD

This minute order considers a donation of approximately \$1,504.50 from the Associated General Contractors (AGC) of Texas for a Texas Department of Transportation (department) employee's travel expenses to participate in the 2010 Administrative Conference in South Padre Island, Texas, July 16 – 17, 2010.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation furthers the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the donor is not subject to department regulation or oversight, and that this donation will not influence or reasonably appear to influence the department in the performance of its duties.

The commission also finds that the donor is not interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department.

IT IS THEREFORE ORDERED by the commission that the donation of approximately \$1,504.50 from the AGC is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

(4) General Services Division – Acknowledge a donation from the US Environmental Protection Agency, through the Virginia Department of Environmental Quality for department employees' travel expenses to participate in the 2010 Transportation Research Board Environmental and Energy Research Conference in Richmond, Virginia on June 6 - 9, 2010 (MO)

112314
GSD

This minute order acknowledges a donation of approximately \$1,100 to the Texas Department of Transportation (department) from the US Environmental Protection Agency (EPA), through the Virginia Department of Environmental Quality for a department employee's travel expenses to participate in the 2010 Transportation Research Board Environmental and Energy Research Conference in Richmond, Virginia, June 6 – 9, 2010.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation furthers the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

IT IS THEREFORE ORDERED by the commission that the donation of approximately \$1,100 from the EPA, through the Virginia Department of Environmental Quality is acknowledged. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

(5) Houston District – Consider a donation from Houston Northwest Chamber of Commerce to fund a landscape development project along FM 1960 from Mills Road east to I-45 North, in Harris County (MO)

112315
GSD

This minute order considers a donation to the Texas Department of Transportation (department) from Houston Northwest Chamber of Commerce of approximately \$600,000 to fund a landscape development project along FM 1960 from Mills Road east to I-45 North in Harris County.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation furthers the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the donor is not subject to department regulation or oversight, and that this donation will not influence or reasonably appear to influence the department in the performance of its duties.

The commission also finds that the donor is not interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department.

IT IS THEREFORE ORDERED by the commission that the donation of approximately \$600,000 from Houston Northwest Chamber of Commerce is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

b. Eminent Domain Proceedings

Various Counties – noncontrolled and controlled access highways (see attached itemized list) (MO)

112316
ROW

The Texas Transportation Commission (commission) of the State of Texas (state) has found in order to promote the public safety, to facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, public necessity requires the laying out, opening, constructing, reconstructing, maintaining, and operating of the following highways in the state as a part of the State Highway System (highway system).

The commission has found and determined that each of the following listed parcels of land, same being more particularly described in the exhibits attached hereto, and such additional lesser estates or property interests described thereon, are necessary or convenient for use for such purposes and it is necessary to acquire fee simple title to said land, as provided by Texas Transportation Code, Subchapter D, Chapter 203, Sections 203.051, 203.052, and 203.054, as a part of the highway system to be constructed, reconstructed, maintained and operated thereon.

The commission has found in order to promote the public safety, to facilitate the safety and movement of traffic, to preserve the financial investment of the public in its highways and reconstructing, maintaining, and operating of Controlled Access Highways in the state as a part of the highway system at such locations as are necessary throughout the state and has determined that each of the following listed parcels of land, described in those Exhibits designated, identified and listed by an alphabetical exhibit reference under "CONTROLLED ACCESS" and same being more particularly described in the exhibits attached hereto and such additional lesser estates or property interests described thereon, are necessary and suitable for use for such purposes and it is necessary to acquire fee simple title to said land, as provided by law, as a part of the highway system to be so constructed, reconstructed, maintained, and operated thereon and in the exercise of the police power of the state for the preservation of human life and safety, and under existing laws, the highway to be constructed on each such parcel of land is designated as a Controlled Access Highway, and on such parcels of land listed herein where there is remaining abutting private property, roads are to be built as a part of said highway whereby the right of ingress and egress to or from the remaining private property abutting on said highway is to be permitted and/or denied, as designated and set forth on each of the exhibits attached hereto.

The commission, through its duly authorized representatives, has attempted to negotiate with the owner(s) of the parcels of land described in the attached exhibits and has been unable to agree with such owner(s) as to the fair cash market value thereof and damages, if any, or after diligent search of available records, numerous inquiries, and actual visits to the location of said parcels of land has been unable to locate the owner(s) of same so as to enter into negotiations for the purchase of said parcels of land.

IT IS THEREFORE ORDERED that the executive director is hereby authorized and directed to transmit this request of the commission to the attorney general to file or cause to be filed against all owners, lienholders and any owners of any other interests in said parcels of land, proceedings in eminent domain to acquire in the name of and on behalf of the state, for said purposes, fee simple title to each such parcel of land as are more particularly described in each of the exhibits attached hereto and made a part hereof, and such additional lesser estates or property interests as are more fully described in each of said exhibits, save and excepting, oil, gas and sulphur, as provided by law, to wit:

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Denton	FM 2181	4	2054-02-018	35
Denton	FM 2181	1	2054-02-018	97
Denton	FM 2181	3	2054-02-018	25
Denton	FM 2181	2	2054-02-018	14

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bell	IH 35	E	0015-06-082	46
Bell	IH 35	F	0015-06-082	66
Bell	IH 35	G	0015-06-082	59, 59AC
Bell	IH 35	D	0015-06-082	70
Bell	IH 35	H	0015-06-082	23
Bell	IH 35	S	0015-06-082	35
Denton	SH 114	A	0353-02-066	9
El Paso	IH 10	J	2121-04-078	13A
El Paso	IH 10	K	2121-04-078	13B
McLennan	IH 35	I	0014-08-082	31, 31AC
Shelby	SL 500	C	3315-01-017	2
Shelby	SL 500	B	3315-01-017	1
Tarrant	SH 114	P	0353-03-088	112
Tarrant	SH 114	N	0353-03-088	107
Tarrant	SH 114	R	0353-03-088	27
Tarrant	SH 114	O	0353-03-088	109
Tarrant	SH 114	L	0353-03-088	53
Tarrant	SH 114	M	0353-03-088	105
Tarrant	SH 121	Q	0364-01-132	52

Note: Exhibits 1 through 4 and A through S on file with minute order clerk.

c. Highway Designations

(1) Burnet County – Designate a portion of RM 1431 along a new location west of Smithwick and redesignate the old alignment as Business FM (BF) 1431-J (MO)

112317
TPP

In BURNET COUNTY, local officials have requested to designate RANCH TO MARKET ROAD 1431 (RM 1431) on a new location from Double Creek Road to approximately 2.1 miles west of Ranch to Market Road 1174 (RM 1174), a distance of approximately 0.4 mile, and redesignate the old location as BUSINESS FARM TO MARKET ROAD 1431-J (BF 1431-J), a distance of approximately 0.45 mile (see map in Exhibit A).

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended this action.

The Texas Transportation Commission (commission) finds that this action will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that RM 1431 be designated on a new location on the state highway system from Double Creek Road to approximately 2.1 miles west of RM 1174, a distance of approximately 0.4 mile and redesignate the old location as BF 1431-J, a distance of approximately 0.45 mile.

(2) Cameron County – Designate a segment of Courage Boulevard in Brownsville on the state highway system as State Spur 425 (MO)

112318
TPP

In CAMERON COUNTY, the city of Brownsville has requested that Courage Boulevard be designated on the state highway system from US 77/83 to the proposed Border Safety Inspection Facility, a distance of approximately 0.3 mile (see map in Exhibit A).

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended this action.

The Texas Transportation Commission (commission) finds that this action will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that Courage Boulevard be designated as State Spur 425 from US 77/83 to the proposed Border Safety Inspection Facility, a distance of approximately 0.3 mile.

Note: Exhibit A on file with minute order clerk.

d. Load Zones & Postings

Live Oak County – Revise load restriction on a bridge on the state highway system (MO)

112319
BRG

The Texas Transportation Commission (commission) under provision of V.T.C.A., Transportation Code, §621.102, may set the maximum gross weight of a vehicle and its load, maximum gross weight of a combination of vehicles and loads, maximum axle load, or

maximum wheel load that may be moved over a state highway or a farm or ranch road if the commission finds that heavier maximum weight would rapidly deteriorate or destroy the road or a bridge along the road.

Pursuant to §621.102, a maximum weight or load may not exceed the maximum set by statute for that weight or load. This section does not apply to a vehicle delivering groceries, farm products, or liquefied petroleum gas.

An engineering and traffic investigation has been made to determine and fix the maximum loads that may be moved over the state highway system.

It has been determined from this investigation that the loads on a bridge located in Live Oak County of the state highway system should be restricted or previous restrictions should be revised or removed.

IT IS THEREFORE ORDERED by the commission that the maximum load limits which may be moved over the bridge described in Exhibit A be placed, revised, or removed as set forth therein, superseding any portion of previous action in conflict. The executive director shall proceed with the erection of signs as appropriate, making the placement of these load limitations effective and operative.

Note: Exhibit A on file with minute order clerk.

e. Right of Way Dispositions and Donations

(1) Bexar County – US 281 at Jones Maltsberger Road in San Antonio – Consider the sale of surplus right of way to the abutting landowner (MO)

112320
ROW

In BEXAR COUNTY, on US 281, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 6183, Page 364, Deed Records of Bexar County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowner.

City Public Service of San Antonio, Texas Employees' Pension Trust (CPS) is the abutting landowner and has requested that the surplus land be sold to CPS for \$20,809.

The commission finds \$20,809 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a department purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to City Public Service of San Antonio, Texas Employees' Pension Trust for \$20,809; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(2) Collin County – FM 3193 north of McCallum Blvd. in Dallas – Consider the sale of a surplus drainage easement (MO)

112321
ROW

In the city of Dallas, COLLIN COUNTY, on FARM TO MARKET ROAD 3193, the State of Texas acquired an easement interest in certain land needed for highway drainage purposes by instrument recorded in Volume 859, Page 375, Deed Records of Collin County, Texas.

A portion of the easement (surplus easement), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus easements.

Friendly Access Self Storage, Ltd., a Texas limited partnership, is the underlying fee owner and has requested that the surplus easement be sold to the partnership for \$8,022.

The commission finds \$8,022 to be a fair and reasonable value for the state's rights and interest in the surplus easement.

NOW, THEREFORE, in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission finds that the surplus easement is no longer needed for a state highway purpose and that the value of the surplus easement is less than \$10,000 and authorizes the executive director to execute a proper instrument partially releasing all of the state's rights and interest in the surplus easement to Friendly Access Self Storage, Ltd., a Texas limited partnership, for \$8,022.

(3) Comal County – FM 1863 at Schoenthal Road – Consider the sale of two tracts of surplus right of way to the abutting landowners (2 MOs)

112322
ROW

In COMAL COUNTY, on FARM TO MARKET ROAD 1863, the State of Texas (state) acquired certain land needed for highway purposes by instrument recorded in Volume 106, Page 450, Deed Records of Comal County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowners.

Shelley King Minus and husband, Stephen Minus, and Casey Lynn Cox and husband, Brian Cox, are abutting landowners and have requested that the surplus land be sold to them for \$1,176.

The commission finds \$1,176 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and that the value of the surplus land is less than \$10,000 and authorizes the executive director to execute a proper instrument conveying all

of the state's rights, title and interest in the surplus land to Shelley King Minus and husband, Stephen Minus, and Casey Lynn Cox and husband, Brian Cox, for \$1,176; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

112323
ROW

In COMAL COUNTY, on FARM TO MARKET ROAD 1863, the State of Texas (state) acquired certain land needed for highway purposes by instrument recorded in Volume 106, Page 450, Deed Records of Comal County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowners.

Shelley King Minus and husband, Stephen Minus, are abutting landowners and have requested that the surplus land be sold to them for \$17.

The commission finds \$17 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and that the value of the surplus land is less than \$10,000 and authorizes the executive director to execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Shelley King Minus and husband, Stephen Minus, for \$17; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(4) Denton County – US 380 at FM 423 in Frisco – Consider the sale of a surplus easement (MO)

112324
ROW

In the city of Frisco, DENTON COUNTY, on US 380, the State of Texas acquired an easement interest in certain land needed for highway purposes by instrument recorded in Volume 334, Page 90, Deed Records of Denton County, Texas.

A portion of the easement (surplus easement), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus easements.

The Rudman Partnership is the underlying fee owner and has requested that the surplus easement be sold to the partnership for \$57,748.

The commission finds \$57,748 to be a fair and reasonable value for the state's rights and interest in the surplus easement.

NOW, THEREFORE, the commission finds that the surplus easement is no longer needed for a department purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument partially releasing all of the state's rights and interest in the surplus easement to The Rudman Partnership for \$57,748.

Note: Exhibit A on file with minute order clerk.

(5) Hays County – FM 2001 east of Buda – Consider the exchange of drainage easements (MO)

112325
ROW

In HAYS COUNTY, on FARM TO MARKET ROAD 2001, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 157, Page 425, Deed Records of Hays County, Texas.

The easement (surplus easement), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the exchange of a surplus easement as partial or full consideration for other land needed by the state for highway purposes.

Buffington Meadow Park, Ltd., a Texas limited partnership (owner), is the property owner and has granted to the state the easement needed for highway drainage purposes (new easement), described in Exhibit B. Owner is the owner of the fee underlying the surplus easement and has requested that the surplus easement be released to owner. Owner will pay to the state the \$7,293 difference in value between the value of the surplus easement and that of the new easement.

It is the opinion of the commission that it is proper and correct that the state release its interest in the surplus easement in exchange and as full consideration for the new easement and the cash payment of \$7,293 to the state.

NOW, THEREFORE, the commission finds that the surplus easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument partially releasing the state's rights and interest in the surplus easement to Buffington Meadow Park, Ltd., a Texas limited partnership, in exchange and as consideration for the new easement and the cash payment of \$7,293 to the state.

Note: Exhibits A and B on file with minute order clerk.

(6) Hunt County – US 380, Business US 380J and FM 36 in Floyd – Consider the designation of US 380 on a new location, removal from the system of existing BU 380J and a segment of FM 36 and re-designation of old location of US 380 as BU 380J; also consider the transfer and quitclaim of surplus right of way on existing BU 380J and FM 36 (MO)

112326
ROW

In the city of Floyd, HUNT COUNTY, on US 380, US 380J and FARM TO MARKET ROAD 36, the State of Texas used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended the designation of US 380 on a new location and that existing US 380J and FM 36 from new US 380 to existing US 380J, shown in Exhibit A, be removed from the state highway system and that control, jurisdiction and maintenance be transferred to the county. The executive director has also recommended the designation of existing US 380 as US 380J.

The surplus land, described in Exhibits B, C, and D, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property and may recommend the quitclaim to the county of any interest that might have accrued to the state by use of the property, if there is no record title to the property.

The fair value of the surplus state land has been determined to be \$149,600, and the cost of future maintenance over the next 20 years is estimated to be \$564,000.

The commission finds \$149,600 to be a fair and reasonable value of the state's rights, title and interest in the surplus land.

IT IS THEREFORE ORDERED by the commission that: 1) US 380 is designated on a new location; 2) existing US 380 is designated as BU 380J, and 3) existing BU 380J and FM 36 from new US 380 to existing BU 380J are removed from the state highway system and transferred to the county for control, jurisdiction and maintenance.

FURTHER, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument transferring the state's rights, title and interest in the surplus state land to Hunt County, Texas, in consideration of the savings to the state of future maintenance costs, and a proper instrument quitclaiming the surplus no-title land to Hunt County, Texas; **SAVE AND EXCEPT**, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus state land.

Note: Exhibits A through D on file with minute order clerk.

(7) Jeff Davis County – SH 118 in Fort Davis from 8.94 miles north of SH 17 to 8.988 miles north of SH 17 – Consider the acceptance of a donation of land for a highway improvement project (MO)

112327
ROW

In JEFF DAVIS COUNTY, on STATE HIGHWAY 118 from 8.94 miles north of SH 17 to 8.98 miles north of SH 17, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

The Nature Conservancy, a District of Columbia non-profit corporation, successor by merger to The Nature Conservancy of Texas, Inc. (owner) is the owner of the properties described in Exhibit A. The owner wants to donate this property, estimated at \$5,500, to the department for construction of a highway improvement project.

The owner may be subject to department regulations or oversight, but is not currently party to a contested case before the department. The owner may also be interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

A donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

(8) Jefferson County – US 90 at FM 364 in Beaumont – Consider the sale of surplus right of way to the abutting landowner (MO)

112328
ROW

In the city of Beaumont, JEFFERSON COUNTY, on US 90, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 1243, Page 305, and Volume 1247, Page 270, Deed Records of Jefferson County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowner.

Magna Properties, Ltd., is the abutting landowner and has requested that the surplus land be sold to the partnership for \$988,000.

The commission finds \$988,000 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Magna Properties, Ltd., for \$988,000; SAVE

AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(9) Montgomery County – I-45 north of SH 105 in Conroe – Consider the sale of access rights to the abutting landowner (MO)

112329
ROW

In MONTGOMERY COUNTY, on INTERSTATE 45, a designated controlled access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 666, Page 645, Deed Records of Montgomery County, Texas, and the state owns and controls certain access rights to the highway facility to and from the abutting land.

A portion of the access rights (surplus access rights), shown on Exhibit A, is no longer needed for a state highway purpose.

Conroe Crossroads Center, L.P., owner of a 16.801-acre tract of land conveyed by deed recorded under County Clerk's File 2007-078987, Official Public Records of Real Property, Montgomery County, Texas (Conroe Crossroads Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state sell the surplus access rights to Conroe Crossroads Center, L.P., for \$140,000.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus access rights to the abutting landowner.

The Texas Department of Transportation has determined that the sale of the surplus access rights is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highway.

It is the opinion of the commission that it is proper and correct that the state sell the surplus access rights to the abutting landowner for a cash consideration of \$140,000.

NOW, THEREFORE, the commission finds that the surplus access rights are no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument granting the state's interest in the surplus access rights to Conroe Crossroads Center, L.P., for a cash consideration of \$140,000.

IT IS FURTHER ORDERED that the surplus access rights will be exclusive to the Conroe Crossroads Tract, and nothing in this order shall be construed to directly or indirectly approve conveyance of access rights to the properties abutting the Conroe Crossroads Tract.

Note: Exhibit A on file with minute order clerk.

(10) Panola and Rusk Counties – FM 3231 from FM 1251 south to US 79 – Consider the amendment of MO 112254, dated April 29, 2010, to provide for the revision of the mineral reservation by the state and the renaming of the exhibits (MO)

112330
ROW

In PANOLA and RUSK COUNTIES, on FARM TO MARKET ROAD 3231, the State of Texas acquired certain right of way both by instruments of conveyance and by use of certain land to which there is no record title in the state's or county's name.

The Texas Transportation Commission (commission) approved Minute Order 112254 on April 29, 2010, authorizing the transfer of land, along with control, jurisdiction and maintenance, to Panola and Rusk Counties and the removal of a segment of FM 3231 from the state highway system. Pursuant to Texas Natural Resources Code §§11.083, the state has determined that coal and lignite should not have been retained in the mineral reservation by the state. The minute order is being amended to correct the mineral reservation. In addition, the exhibits in MO 112254 are being renamed.

FURTHER, the commission finds that the surplus state land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute proper instruments transferring the state's rights, title and interest in the surplus state land described in Exhibits B, B-1, and B-2 to Panola and Rusk Counties, Texas, to be divided between the counties according to the state surplus land located within their county boundaries, in consideration of the savings to the state of future maintenance costs, and quitclaiming the state's rights and interest in the surplus state land described in Exhibits C and D to Panola County and Rusk County, Texas, to be divided between the counties according to the surplus state land located within their county boundaries; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus state land described in Exhibits B, B-1, and B-2, EXCEPT, because it is impractical in this instance for the state to retain them, coal and lignite.

Note: Exhibits A through D on file with minute order clerk.

(11) Tarrant County – I-30 at Horne Street in Fort Worth – Consider the sale of surplus right of way (MO)

112331
ROW

In the city of Fort Worth, TARRANT COUNTY, on INTERSTATE 30, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 7264, Page 227; Volume 7273, Page 446; Volume 7281, Page 377; Volume 7263, Page 1284; Volume 7272, Page 1434; Volume 7269, Page 396; Volume 7263, Page 1276; Volume 7264, Page 1772; and Volume 7325, Page 360, Deed Records of Tarrant County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Department of Transportation advertised the surplus land for sale.

Tom Purvis submitted a bid of \$27,057. It was the only bid received.

The Texas Transportation Commission (commission) finds \$27,057 to be a fair and reasonable value of the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Tom Purvis for a cash consideration of \$27,057; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(12) Victoria County – FM 622 at Coletto Creek at the Goliad-Victoria county line – Consider the quitclaim of surplus land to Victoria County (MO)

112332
ROW

In VICTORIA COUNTY, on FARM TO MARKET ROAD 622, the State of Texas used certain land acquired in the county's name for highway purposes.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim to a county or municipality any interest in property acquired and held by the county or municipality in its own name for use by the state.

Victoria County (county) has requested that the surplus land be quitclaimed to the county.

It is the opinion of the commission that it is proper and correct that the state quitclaim its rights and interest in the surplus land to the county.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument quitclaiming all of the state's rights and interest in the surplus land to Victoria County, Texas.

Note: Exhibit A on file with minute order clerk.

(13) Williamson County – BU 79-B, Second Street in Taylor – Consider the removal from the system and transfer of control, jurisdiction and maintenance to the city; also consider the transfer and quitclaim of the surplus right of way to the city (MO)

112333
ROW

In the city of Taylor, WILLIAMSON COUNTY, on BUSINESS US 79-B, the State of Texas used certain land for state highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that a segment of BU 79-B be removed from the state highway system and that control, jurisdiction and maintenance be transferred to the city. It is further recommended that a segment of SH 95 along Main Street be concurrently designated as BU 79-B.

Portions of the land (surplus land), described in Exhibits B and C, are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property and may recommend the quitclaim to the city of any interest that might have accrued to the state by use of the property, if there is no record title to the property.

The fair value of the surplus state land has been determined to be \$389,427, and the cost of future maintenance over the next 25 years is estimated to be \$3.22 million.

The city has requested that the surplus land be transferred and quitclaimed to the city.

The commission finds \$389,427 to be a fair and reasonable value of the state's rights, title and interest in the surplus state land.

IT IS THEREFORE ORDERED by the commission that: 1) a segment of BU 79-B is removed from the state highway system along Second Street from US 79/FM 397 to SH 95, a distance of approximately 1.5 miles; and 2) a segment of BU 79-B is designated on the state highway system concurrent with SH 95 along Main Street from US 79 to Second Street, a distance of approximately 1.1 miles.

FURTHER, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument transferring the state's rights, title and interest in the surplus state land in consideration of the savings to the state of future maintenance costs, and quitclaiming the surplus no-title land to the City of Taylor, Texas; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus state land.

Note: Exhibits A through C on file with minute order clerk.

f. Speed Zones

Various Counties – Establish or alter regulatory and construction speed zones on various sections of highways in the state (MO)

112334
TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in Exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limits on the segment of Farm To Market Road 523 established by Minute Order 109064, dated October 31, 2002, and listed in Exhibit C, is no longer necessary.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached Exhibits A and B are declared as tabulated in those exhibits. The executive director is directed to implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing the speed zone shown on the attached Exhibit C is canceled.

Note: Exhibits A through C on file with minute order clerk.

OPEN COMMENT PERIOD – At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the commission. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

14. Executive Session Pursuant to Government Code, Chapter 551, **Section 551**

a. Section 551.071 – Consultation with and advice from legal counsel regarding any item on this agenda

The commission did not meet in executive session.

The regular meeting of the Texas Transportation Commission adjourned at 10:58 a.m.

APPROVED:

Deirdre Delisi, Chair
Texas Transportation Commission

xxx

I hereby certify that the above and foregoing pages constitute the full, true and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on June 24, 2010, in Austin, Texas.

Dee Hernandez, Chief Minute Clerk
Texas Department of Transportation