

These are the minutes of the regular meeting of the Texas Transportation Commission, which was held on November 18, 2010 in Austin, Texas. The meeting was called to order by Chair Delisi at 9:04 a.m. with the following commissioners and administrative staff present:

**Texas Transportation Commission:**

Deirdre Delisi	Chair
Ted Houghton	Commissioner
Ned Holmes	Commissioner
Fred Underwood	Commissioner
Bill Meadows	Commissioner

**Administrative Staff:**

Amadeo Saenz, Executive Director  
Steve Simmons, Deputy Executive Director  
Bob Jackson, General Counsel  
Roger Polson, Executive Assistant to the Deputy Executive Director

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 2:40 p.m. on November 10, 2010, as required by Chapter 551, of the Government Code, referred to as "The Open Meetings Act."

**ITEM 1. Approval of Minutes of the October 27, 2010 workshop, and the October 28, 2010 regular meeting of the Texas Transportation Commission.**

Commissioner Holmes made a motion, which was seconded, and the commission approved the minutes of the October 27, 2010 workshop, and the October 28, 2010 regular meeting of the Texas Transportation Commission by a 5-0 vote.

**ITEM 2. Reports**

**a. Report on the review of recommendations contained in several documents, including the Grant Thornton management and organizational review**

The commission received this report delivered by the Restructure Council's David Laney.

**d. Update on the department's Internal Compliance Program (ICP)**

The commission received this report delivered by Deputy Executive Director Steve Simmons.

**b. Grand Parkway Association – Annual report on the status of projects and activities undertaken during the preceding 12 months**

The commission received this report introduced by Executive Director Amadeo Saenz and presented by the Grand Parkway Association Executive Director David Gornet. The commission also received comments from the Grand Parkway Association Chairman Billy Burge.

**c. Report on the activities of the I-69 segment committees and the Alliance for I-69 Texas**

The commission received this report delivered by Assistant Executive Director for Engineering Operations John Barton. The commission also received comments from these members of the I-69 Segment Committees: Jerry Sparks, Jim Weheimer, Domingo Montalvo, Joe Phillips and Terry Simpson. The commission also received comments from members of the Alliance for I-69: John Thompson, Richard Morrison and David Garza.

**ITEM 3. Aviation**

**a. Various Counties – Award federal and state grant funding for airport improvement projects at various locations (MO)**

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a 5-0 vote. The item was recommended by staff and presented by Aviation Division Director Dave Fulton.

112490  
AVN

The Texas Department of Transportation (department) is authorized under the federal Aviation Development Act and the state Aviation Facilities Development and Financial Assistance Act to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal and state grant funds for the improvements.

On Thursday, October 21, 2010, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$11,662,812.

Note: Exhibit A is on file with the minute order clerk.

**ITEM 4: Texas Rail Plan**

**Approval of the Texas Rail Plan (MO)**

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 5-0 vote. The item was recommended by staff and

presented by Rail Division Director Bill Glavin. The commission received comments from the Gulf Coast Rail District Executive Director Maureen Crocker

112491  
RRD

On August 31, 2005, the governor, in a letter to the Federal Railroad Administration (FRA), designated the Texas Department of Transportation (department) as the agency that will administer and coordinate Texas' participation in rail planning activities and responsibilities.

The Passenger Rail Investment and Improvement Act of 2008 requires states to develop state rail plans which include freight and passenger rail to qualify for federal funding. The department has updated and revised the 2005 Texas Rail System Plan to establish a common vision for the state to enhance the department's opportunities for receiving federal funds. While official guidance has yet to be issued, the main components of a state rail plan include establishing a vision, goals, and objectives for the rail system and its integration into the state's multimodal transportation system. Other key components are an inventory of the freight and passenger rail infrastructure and the performance of a needs assessment. The final component is planning for the future by developing prioritized programs and financing strategies to achieve the state's vision, goals, and objectives.

In addition, Transportation Code §201.6013 requires the department to create a long-term plan for a statewide passenger rail system, which is required to include annual updates on existing and proposed passenger rail systems, analysis of potential interconnectivity difficulties, and ridership projections. It also requires the department to coordinate the planning, construction, operation, and maintenance of a statewide passenger rail system and to coordinate with local entities involved with passenger rail responsibilities.

The Texas Rail Plan has been presented for stakeholder and public comment by means of various stakeholder workshops and public meetings conducted throughout the state. The purpose of the workshops and meetings was to solicit input and comments from affected public agencies, rail industry representatives, freight shippers, private providers of transportation, providers of freight transportation services, public transit users, rail advocacy groups, and the general public. A public hearing for the Texas Rail Plan was held on October 6, 2010. Nine oral comments were received and two written statements were submitted at the hearing.

After due deliberation and consideration, the Texas Transportation Commission finds that the Texas Rail Plan creates a common vision for the further development of freight and passenger rail in the state. The Texas Rail Plan, attached as Exhibit A to this order, also fully satisfies the requirements of Texas Transportation Code §201.6013 and is consistent with the department's Strategic Plan for 2011-2015.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the Texas Rail Plan, which is attached as Exhibit A to this order, is hereby approved.

IT IS FURTHER ORDERED that the executive director, or his designee, shall submit the Texas Rail Plan to the FRA and sign all necessary certifications required by state and federal regulations.

Note: Exhibit A is on file with the minute order clerk.

**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 27 - Toll Projects (MO)**

**Amendments to §27.82, Toll Operations (Operation of Department Toll Projects)**

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 5-0 vote. The item was recommended by staff and presented by Turnpike Authority Division Director Mark Tomlinson.

112492  
TTA

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §27.82, relating to toll operations, 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 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 §27.82 are adopted and are authorized for filing with 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 are on file with the minute order clerk.

**b. Proposed Adoption**

**(1) Chapter 7 - Rail Facilities and Chapter 31 - Public Transportation (MO)**

Repeal of §7.1, Definitions (General Provisions); Amendments to §7.10, Definitions, §7.11, Comprehensive Development Agreements, §7.12, Construction and Maintenance Contracts, the Repeal of §7.13, Leasing of Rail Facilities and New §7.13, Contracts with Rail Operators and Leases (Contracts); Amendments to §7.20, Definitions, §7.21, Abandonment of Rail Line by Rural Rail Transportation District, §7.22, Acquisition of Abandoned Rail Facilities (Abandoned Rail); Amendments to §7.30, Definitions, §7.31, Safety Requirements, §7.32, Filing Requirements, §7.33, Reports of Accidents/Incidents, §7.34, Hazardous Materials - Telephonic Reports of Incidents, §7.35, Hazardous Materials - Written Reports, §7.36, Clearances of Structures Over and Alongside Railway Tracks, §7.37, Visual Obstructions at Public Grade Crossings, §7.38, Wayside Detector Map, List, or Chart, §7.39, Right to Inspect Railroad Property, §7.40, Enforcement of Safety Requirements, §7.41, Rail Safety Program Fee, and §7.42, Administrative Review (Rail Safety); New §7.80, Purpose; Application of Subchapter, §7.81, Definitions, §7.82, System Safety Program Plan; System Security Plan, §7.83, Annual Review, §7.84, Audits, §7.85, Certification of Compliance, §7.86, Hazard Management Process, §7.87, Accident Report; Investigations, §7.88, Corrective Action Plan, §7.89, Rail Transit Accident, §7.90, Disclosure of Information (Rail Fixed Guideway System State Safety Oversight Program);

Amendments to §31.2, Organization, and §31.3, Definitions (General); Amendments to §31.48, Project Oversight (Program Administration); Repeal of Subchapter F, Rail Fixed Guideway System State Safety Oversight Program, §§31.60 - 31.63

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 5-0 vote. The item was recommended by staff and presented by Rail Division Director Bill Glavin.

112493  
RRD

The Texas Transportation Commission (commission) finds it necessary to propose repeal of §7.1 and §7.13, new §7.13, and amendments to §§7.10-7.12, §§7.20-7.22, and §§7.30-7.42, all relating to rail facilities to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, repeal, and new section attached to this minute order as Exhibits A - E, 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 repeal of §7.1 and §7.13, new §7.13, and amendments to §§7.10-7.12, §§7.20-7.22, and §§7.30-7.42 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 are on file with the minute order clerk.

**(2) Chapter 21 - Right of Way (MO)**

Repeal of Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141-21.163, and Subchapter K, Control of Signs along Rural Roads, §§21.401-21.581; and New Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141-21.203, New Subchapter J, Regulation of Electronic Signs, §§21.251-21.260, New Subchapter K, Control of Signs along Rural Roads, §§21.401-21.446, and New Subchapter Q, Regulation of Directional Signs §§21.941-21.947

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 4-0 vote (Commissioner Holmes was off the dais and did not vote). The item was recommended by staff and presented by Right of Way Division Director John Campbell. The commission received comments from Star Carey, the owner of Media Outdoor Display Mike Poole, Director Outdoor Advertising Association of Texas Tim Anderson and Executive Director of Scenic Texas Carroll Shaddock.

112494  
ROW

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of Chapter 21, Subchapter I, Regulation of Signs along Interstate and Primary

Highways, §§21.141 - 21.163, and Subchapter K, Control of Signs along Rural Roads, §§21.401 - 21.581; and propose new Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141 - 21.203; new Subchapter J, Regulation of Electronic Signs, §§21.251 - 21.260; new Subchapter K, Control of Signs along Rural Roads, §§21.401 - 21.446; and new Subchapter Q, Regulation of Directional Signs, §§21.941 - 21.947, all relating to regulation of signs along interstate and primary highways and rural roads to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repeals and new sections, attached to this minute order as Exhibits A - G, 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 repeal of §§21.141-21.163 and §§21.401-21.581 and new §§21.141-21.203, §§21.251-21.260, §§21.401-21.446, and §§21.941-21.947 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 are on file with the minute order clerk.

#### **ITEM 6. Toll Roads**

Establish fees to be charged for administering electronic toll collection customer accounts (MO)

This item was deferred.

#### **ITEM 7. Transportation Planning**

a. Adopt the 2035 Statewide Long-Range Transportation Plan (MO)

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 4-0 vote (Commissioner Holmes absent). The item was recommended by staff and presented by Transportation Planning & Programming Division Director Jim Randall. The commission received comments from Executive Director of Bike Texas Robin Stallings, and Roger Baker.

112495  
TPP

In compliance with Title 23 U.S.C. §135, as implemented by 23 C.F.R. Part 450, and Transportation Code §201.601, the Texas Department of Transportation (department) has developed a statewide long-range transportation plan (SLRTP) covering a period of 24 years that provides for the development and implementation of a transportation system and contains all modes of transportation, including: (1) the systems and facilities for highways and turnpikes, aviation, public transportation, railroads and high-speed railroads, waterways, pedestrian walkways, and bicycle transportation facilities; and (2) the transportation users of each type of transportation facility.

The 2035 SLRTP, which is attached as Exhibit A, has been developed in cooperation with the metropolitan planning organizations and, as appropriate, in consultation with affected state, tribal, and local agencies responsible for transportation, land use management, natural resources, environmental protection, conservation, and historic preservation. The SLRTP includes capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system. In addition, it includes long-term transportation goals with measurable targets, priority corridors, a financially constrained project listing and an unconstrained identification of needs.

The SLRTP has been presented for public comment by means of various public meetings conducted in each department district throughout the state. Stakeholder meetings were also held in each department region to solicit input and comment from affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties. A public hearing on the SLRTP was held in Austin on October 1, 2010 and written comments were accepted through November 1, 2010. A summary of the comments is included in the SLRTP.

By letter dated October 4, 2005, the governor delegated the power and responsibility for approving the SLRTP to the Texas Transportation Commission (commission) or its designees. After due deliberation and consideration, the commission finds that the requirements of Title 23 U.S.C. §135 and Transportation Code §201.601 have been fully satisfied as they pertain to the development of the SLRTP.

IT IS THEREFORE ORDERED that the 2035 SLRTP, which is attached as Exhibit A to this order, is hereby adopted.

IT IS FURTHER ORDERED that the executive director, or his designee, submit the 2035 SLRTP to the Federal Highway Administration in accordance with federal requirements.

Note: Exhibit A is on file with the minute order clerk.

b. Accept the 2010 Border Trade Advisory Committee report (MO)

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 4-0 vote (Commissioner Holmes absent). The item was recommended by staff and presented by Transportation Planning & Programming Division Director Jim Randall.

112496  
TPP

Transportation Code, Section 201.114 requires the Texas Transportation Commission (commission) to appoint members of the Border Trade Advisory Committee (committee). The purpose of the committee is to define and develop a strategy and make recommendations to the commission and governor for addressing the highest priority border trade transportation challenges.

The committee previously identified four main goals, which are documented in the first Border Trade Advisory Committee Report (report) dated November 16, 2006. These

goals are: (1) promoting the development of ample and expandable trade transportation corridors, (2) developing coordination mechanisms to foster trade between Mexico and Texas, (3) leveraging safety and security measures to enhance trade efficiencies, and (4) demonstrating the economic benefits of international trade at the national, state, and local levels. The committee also identified strategies, implementation actions, measures, and responsible parties related to each goal.

The committee continued to meet during 2009 and 2010, and the members provided information regarding the efforts their respective organizations have taken to meet the goals developed in 2006. The 2010 report, which is set forth in Exhibit A, contains an update detailing the actions taken by each entity to address the committee's recommendations.

Transportation Code, Section 201.6011 requires the Texas Department of Transportation to update the International Trade Corridor Plan biennially and report to the presiding officer of each house of the legislature no later than December 1 of each even-numbered year. The plan must address implementation of the recommendations made by the committee.

IT IS THEREFORE ORDERED that the 2010 Border Trade Advisory Committee Report, as set out in Exhibit A, is accepted by the commission and will be further incorporated into the International Trade Corridor Plan as required by law.

Note: Exhibit A is on file with the minute order clerk.

c. **Starr County** - Authorize the department to tender a proposal to Starr County and the City of Rio Grande City to designate FM 755 on a new alignment from US 83, approximately 0.6 mile east of Pete Diaz Boulevard, northward to the current location of FM 755 (MO)

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 4-0 vote (Commissioner Holmes absent). The item was recommended by staff and presented by Transportation Planning & Programming Division Director Jim Randall.

112497  
TPP

In STARR COUNTY, local officials have requested that FM 755 be designated on a new alignment from US 83 approximately 0.6 mile east of Pete Diaz Boulevard northward to FM 755, a distance of approximately 1.94 miles, to facilitate a more direct connection to the Starr-Camargo International Bridge. The referenced limits were previously designated on the state highway system as FM 7550 by Minute Order 112283, dated May 27, 2010.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the Executive Director has recommended FM 755 be designated on a new alignment.

The Texas Transportation Commission (commission) finds that designating FM 755 on a new alignment 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 Minute Order 112283, dated May 27, 2010, is rescinded.

IT IS FURTHER ORDERED by the commission that the executive director is hereby directed to tender the following proposal to Starr County and the city of Rio Grande City:

Provided that:

The City of Rio Grande City will accept control, jurisdiction and maintenance of the current alignment of FM 755 from US 83 northward to the city limits of Rio Grande City upon the opening to traffic of any portion of the new alignment of FM 755; and

Starr County will accept control, jurisdiction and maintenance of the current alignment of FM 755 from the city limits of Rio Grande City to the point of intersection of the new alignment with the current alignment of FM 755 upon the opening to traffic of any portion of the new alignment of FM 755.

The Texas Department of Transportation (department) will designate FM 755 on a new alignment from US 83 approximately 0.6 mile east of Pete Diaz Boulevard northward to FM 755, a distance of approximately 1.94 miles.

Upon acceptance of the provisions of this Order by Starr County and the city of Rio Grande City, IT IS ORDERED that the above referenced limits are designated a part of the state highway system as FM 755; however, any existing county road or city street within the above referenced limits will not be designated or incorporated therein prior to the award of the construction contract by the department; and

IT IS FURTHER ORDERED that the executive director is hereby authorized to remove the approximately 2.3-mile section of the current alignment of FM 755 from the state highway system and return control, jurisdiction and maintenance to the city and county as described above, upon the opening of any portion of the new alignment of FM 755 to traffic.

This order shall become operative upon acceptance by the city and county, and if not accepted within 90 days of this date, the actions contained in this order shall not be implemented.

#### **ITEM 8. Regional Mobility Authorities**

##### **Final Approval**

**Smith County – North East Texas Regional Mobility Authority (NETRMA) – Consider the final approval of a request from the NETRMA for financial assistance up to \$90 million to pay for the development and construction of Segment 3B of Toll 49 (MO)**

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 3-0 vote (Commissioner Underwood and Holmes absent). The item was recommended by staff and presented by Finance Division Director Brian Ragland. The commission received comments from Smith County Judge Joel Baker, NETRMA Chairman Jeff Austin, and Gary Holbrooks, NETRMA.

112498  
FIN

The Texas Department of Transportation (department) and the North East Texas Regional Mobility Authority (NETRMA) have been proceeding with the development of the Toll 49 facility in Smith County, a project under the jurisdictional limits of the NETRMA.

The project is consistent with the Statewide Transportation Plan (Plan) and the Metropolitan Transportation Plan of the Tyler Metropolitan Planning Organization, and is listed in the FY 2008-2011 Statewide Transportation Improvement Program (STIP).

The project is the development and construction of Segment 3B of Toll 49 from SH 31 north to I-20. The proposed 10-mile toll facility includes two lanes of an ultimate four-lane toll road, with a connection to the existing Toll 49 facility at SH 31, and ramps connecting to I-20. The project is located within the boundaries of the NETRMA, and is subject to the market valuation and primacy requirements of Transportation Code, §228.0111. Pursuant to Transportation Code, §228.0111, the NETRMA has exercised its option to develop, construct, and operate the project.

Transportation Code, §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code, §222.103 authorizes the department to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the Texas Transportation Commission (commission).

Pursuant to Transportation Code, §222.103, the commission adopted Title 43, Texas Administrative Code, §§27.50-27.58 (toll equity rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In accordance with Sections 27.53 and 27.54(a) of the toll equity rules, the commission, in Minute Order 112476, dated October 28, 2010, granted preliminary approval of financial assistance in an amount up to \$90 million, in the form of a loan, to pay for the development and construction of Segment 3B of Toll 49.

In accordance with Section 27.54 of the toll equity rules, negotiations have been conducted and a financial assistance agreement that complies with Section 27.55 of those rules has been developed.

Environmental clearance of the project was obtained on December 20, 2005. The NETRMA has committed that the project will comply with all applicable environmental laws, and has committed that the NETRMA will assume all liability and responsibility for identifying and securing all federal and state environmental permits, issues, commitments, and approvals necessary for the development of the project.

The completion of the project will benefit the state and the traveling public and improve the efficiency of the state's transportation system by enhancing local and regional mobility, decreasing congestion, increasing safety, increasing economic development opportunities, decreasing travel time, decreasing air pollution, providing reliable travel speeds for users and improved access for emergency response, and enhancing operational efficiency and quality of life in the project corridor and the regional transportation system.

The financial assistance will enhance the ability of the project to go forward as a toll facility, improving the efficiency of the state transportation system, and potentially expanding the availability of funding for transportation projects or reducing direct state costs. Without the financial assistance, the timeline to complete the project and realize the benefits described above could be delayed indefinitely.

Based on the above information, the commission has determined that providing financial assistance will provide for the protection of public funds, and that, given the level of project development to date, the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate adverse environmental impacts.

NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by the North East Texas Regional Mobility Authority meets the applicable requirements of 43 TAC §27.53 and §27.54 and, in accordance with those provisions, the commission grants final approval of the request for financing in the amount of up to \$90 million, not to exceed the difference between the amount of eligible project costs and the amount of the State Infrastructure Bank (SIB) loan for the project approved in Minute Order 112475, in the form of a loan, to be used for the purposes described herein, and directs the executive director to enter into a financial assistance agreement with the North East Texas Regional Mobility Authority (NETRMA).

IT IS FURTHER ORDERED that interest on the financial assistance will accrue from the date of disbursement at 4.18 percent per annum, compounding annually if not paid. If, at the end of the term of the SIB loan, any amount of the financial assistance cannot be repaid by NETRMA, that amount will be considered equity in the project, and repaid through the payment to the department in perpetuity of a share of revenues generated by Segments 1, 2, 3A, 3B, 4 and 5 of Toll 49. The revenue sharing terms will be determined at the end of the term of the SIB loan.

**ITEM 9. Obligation Limit Report**

Status report on the FY 2011 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.

The report was given by Finance Division Director Brian Ragland.

**ITEM 10. Contracts**

**a. Award or Reject Highway Improvement Contracts**

**(1) Highway Maintenance and Department Building Construction (MO)**

Commissioner Meadows made a motion, which was seconded, and the commission approved the following minute order by a 4-0 vote (Commissioner Holmes absent). The item was recommended by staff and presented by Construction Division Director Russel Lenz.

112499  
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 November 4 and 5, 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 is on file with the minute order clerk.

(2) **Highway and Transportation Enhancement Building Construction (MO)**

Commissioner Houghton made a motion, which was seconded, and the commission approved the following minute order by a 4-0 vote (Commissioner Holmes absent). The item was recommended by staff and presented by Construction Division Director Russel Lenz.

112500  
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 November 4 and 5, 2010.

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 A is on file with the minute order clerk.

### **ITEM 11. Routine Minute Orders**

Commissioner Houghton made a motion, which was seconded, and the commission approved the following routine minute orders by a 4-0 vote (Commissioner Holmes absent). The items were recommended by staff and presented by Executive Director Amadeo Saenz.

#### **a. Donations to the Department**

**(1) Administration – Acknowledge a donation from The Bond Buyer (Source Media) for a Texas Department of Transportation employee's lodging and travel expenses to attend The Bond Buyer's 11<sup>th</sup> Annual Transportation Finance/P3 Conference in Miami, Florida on November 8-9, 2010 (MO)**

112501  
GSD

This minute order acknowledges a donation of an estimated \$1,050 from The Bond Buyer (Source Media) for a Texas Department of Transportation employee's lodging and travel expenses to attend The Bond Buyer's 11<sup>th</sup> Annual Transportation Finance/P3 Conference in Miami, Florida on November 8-9, 2010.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and provides 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.

IT IS THEREFORE ORDERED by the commission that the donation of an estimated \$1,050 by The Bond Buyer (Source Media) 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 acceptance of the donation.

**(2) Bryan District – Acknowledge a donation from the Walker County Proud Communities for wildflower seeds to be planted on state right of way (MO)**

112502  
GSD

This minute order acknowledges a donation to the Texas Department of Transportation (department) from Walker County Proud Communities for an estimated \$1,450 worth of wildflower seeds to be planted on the state's right of way.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and provides 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.

IT IS THEREFORE ORDERED by the commission that the donation of an estimated \$1,450 worth of wildflower seeds 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 acceptance of the donation.

(3) **Traffic Division** – Consider a donation from the American Traffic Safety Services Association for a department employees' registration and travel expenses to attend the 41<sup>st</sup> Annual Convention & Traffic Expo in San Antonio, Texas on February 14-17, 2011 (MO)

This item was deferred.

**b. Eminent Domain Proceedings**

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

112503  
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
Collin	FM 545	7	1012-02-031	24
Collin	FM 545	5	1012-02-031	3
Collin	FM 545	6	1012-02-031	6
Dallas	SH 78	3	0009-02-056	2
Denton	FM 2181	11	2054-02-018	108
Denton	FM 2181	1	2054-02-018	9
Denton	FM 2181	10	2054-02-018	82
Denton	FM 2181	9	2054-02-018	81
Denton	FM 2181	8	2054-02-018	78
Denton	FM 423	2	1567-02-030	81
Montgomery	FM 1774	12	1400-04-026	206
Tarrant	SH 26	4	0363-01-123	15A

#### CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Angelina	SL 287	U	2553-01-102	2
Gregg	SL 281	R	1763-03-039	12
McLennan	IH 35	K	0014-08-082	47, 47AC
McLennan	IH 35	H	0014-08-082	13
McLennan	IH 35	G	0014-08-082	65, 65AC
McLennan	IH 35	M	0014-08-082	64
McLennan	IH 35	I	0014-08-082	39

McLennan	IH 35	BB	0014-08-082	38, 38E, 38AC
Montgomery	IH 45	AA	0675-08-092	1
Tarrant	IH 820	J	0008-14-093	40
Tarrant	IH 820	F	0008-14-093	118
Tarrant	IH 820	E	0008-14-093	105
Tarrant	IH 820	Q	0008-14-093	120
Tarrant	IH 820	D	0008-14-093	17
Tarrant	IH 820	V	0008-14-093	152
Tarrant	IH 820	W	0008-14-093	110
Tarrant	IH 820	S	0008-14-093	117
Tarrant	SH 121	O	0364-01-119	599
Tarrant	SH 121	C	0364-01-119	623
Tarrant	SH 121	B	0364-01-119	604
Tarrant	SH 121	A	0364-01-119	552
Tarrant	SH 121	N	0364-01-119	591
Tarrant	SH 121	X	0364-01-119	503
Tarrant	SH 121	Y	0364-01-119	558
Tarrant	SH 121	Z	0364-01-119	559
Tarrant	SH 183	L	0364-05-038	660
Tarrant	SH 183	T	0364-05-038	633
Tarrant	SH 183	P	0364-05-038	648

## CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Tarrant	SH 121	CC	0364-01-119	611
Tarrant	SH 183	DD	0364-05-038	652
Tarrant	SH 121	EE	0364-01-119	608
Tarrant	SH 121	FF	0364-01-119	622

Note: Exhibits are on file with the minute order clerk.

**c. Right of Way Dispositions and Donations**

**(1) Comal County - FM 1863 at Schoenthal Road - Consider the amendment of MO 112323 to correct the legal description (MO)**

112504  
ROW

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

The Texas Transportation Commission (commission) approved Minute Order 112323 on June 24, 2010, authorizing the sale of surplus land. The legal description attached to the minute order included an incorrect sketch. The legal description is being corrected by this minute order to include the correct sketch, as described in Exhibit A.

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

NOW, THEREFORE, IT IS ORDERED that Minute Order 112323 be amended only with respect to the incorrect legal description attached to that minute order, and all other provisions of Minute Order 112323 are to remain unchanged.

FURTHER, the commission 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 Shelley King Minus and husband, Stephen Minus; 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.

(2) Cooke County – FM 1306 at FM 51 in Gainesville - Due to the realignment of the intersection, consider removal of the old alignment and transfer of control, jurisdiction and maintenance, and transfer of right of way to the City of Gainesville (MO)

112505  
ROW

In the city of Gainesville, COOKE COUNTY, on FARM TO MARKET ROAD 1306, the State of Texas acquired certain land for state highway purposes by instruments recorded in Volume 194, Page 491, and Volume 195, Page 218, Deed Records of Cooke County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that a segment of FM 1306 be removed from the state highway system and that control, jurisdiction and maintenance be transferred to the city.

A portion of the land (surplus land), described in Exhibit B, 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 transfer to the city.

The fair value of the surplus land has been determined to be \$100,946, and the cost of future maintenance over the next 20 years is estimated to be \$135,003.

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

The commission finds \$100,946 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 a segment of FM 1306 is removed from the state highway system.

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 land to the City of Gainesville, Texas, in consideration of the savings to the state of future maintenance costs; 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 are on file with the minute order clerk.

**(3) Jasper County – US 96 north of Calvert Street in Jasper - Consider the sale of surplus right of way to the abutting landowners (MO)**

112506  
ROW

In JASPER COUNTY, on US 96, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 64, Page 610, Official Records of Jasper 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.

Spencer R. Bradshaw and wife, Marilyn M. Bradshaw, are the abutting landowners and have requested that the surplus land be sold to them for \$6,662.

The commission finds \$6,662 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 Spencer R. Bradshaw and wife, Marilyn M. Bradshaw, for \$6,662; 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: Exhibits are on file with the minute order clerk.

**(4) Wichita County – US 82/277, Kell Boulevard at Arthur Street in Wichita Falls - Consider the sale of surplus right of way to the abutting landowner (MO)**

112507  
ROW

In WICHITA COUNTY, on US 82/277, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 1066, Page 762; Volume 1064, Page 722; Volume 1186, Page 24; and Volume 1195, Page 361, Deed Records of Wichita County, Texas.

Portions of the land (surplus land), described in Exhibit A, 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 recommend the sale of surplus land to the abutting landowner.

Rickey Howard Neas is the abutting landowner and has requested that the surplus land be sold to him for \$1,960.

The commission finds \$1,960 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 Rickey Howard Neas, for \$1,960; 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: Exhibits are on file with the minute order clerk.

#### **d. Load Zones & Postings**

**Randall County** – Remove load restriction on a bridge on the state highway system (MO)

112508  
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 load limit on a bridge on the state- highway system in Randall County should be removed.

IT IS THEREFORE ORDERED by the commission that the maximum load limit which may be moved over the bridge described in Exhibit A be 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 removal of this load limitation effective and operative.

Note: Exhibits are on file with the minute order clerk.

#### **e. Speed Zones**

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

112509  
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.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limits on the segments of US 180 and Farm to Market Road 2855 and established by Minute Orders 108409 and 109064, dated January 25, 2001 and October 31, 2002, and listed in Exhibit D, are 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 speed zones shown on the attached Exhibits C and D are canceled.

Note: Exhibits are on file with the minute order clerk.

### **OPEN COMMENT PERIOD**

There were no open comments.

#### **12. Executive Session Pursuant to Government Code, Chapter 551**

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

**b. Section 551.074 - Discuss the duties of one or more persons who fill a position of Deputy Executive Director, Chief Financial Officer, Assistant Executive Director, General Counsel, Audit Office Director, Director of Government and Public Affairs, Director of Strategic Policy and Performance Management, and other division and office directors**

There was an executive session on Item 12.b. The commission adjourned the open meeting at 12:03 p.m. and entered executive session.

The commissioned reconvened the open meeting at 12:44 p.m. and adjourned at 12:45 p.m.

APPROVED:

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Ted Houghton, Acting Chair  
Texas Transportation Commission

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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 November 18, 2010, in Austin, Texas.

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Roger Polson,  
Interim Chief Minute Order Clerk  
Texas Department of Transportation