

These are the minutes of the regular meeting of the Texas Transportation Commission held on July 25, 2013, Austin, Texas. The meeting was called to order at 9:00 am by Chairman Houghton with the following commissioners present:

Texas Transportation Commission:

Ted Houghton	Chairman
Fred Underwood	Commissioner
Jeff Austin III	Commissioner
Jeff Moseley	Commissioner
Victor Vandergriff	Commissioner

Administrative Staff:

Phil Wilson, Executive Director
 Jeff Graham, General Counsel
 Rose Guajardo Walker, Chief Clerk
 Kristen Webb, Assistant Chief Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation Assistant Chief 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 4:51 p.m. on July 17, 2013, as required by Chapter 551, of the Government Code, referred to as “The Open Meetings Act.”

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Division Director Jerral Wyer.

ITEM 2. Approval of Minutes of the June 26, 2013, Workshop and June 27, 2013, meeting of the Texas Transportation Commission

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0.

ITEM 3. Resolution

a. Resolution to extend sympathy to the relatives of Ciro A. Lozano, an employee of the El Paso District, who died while performing his duties with the department

This item was presented by Executive Director Phil Wilson.

b. Recognize Bill Glavin, Director of the Rail Division, for his service to the department

This item was presented by Executive Director Phil Wilson. The commission also received comments from Rail Division Director Bill Glavin.

ITEM 4. Discussion Item

a. Report on staff recommendations to address the safety challenges in the areas of the state with growing energy exploration and production

This item was presented by Deputy Executive Director John Barton. The commission also received comments from Chief Financial Officer James Bass.

b. Project Briefing

SH 249 Study – Update on the route location and environmental studies for a proposed facility from SH 249 south of Pinehurst to SH 6 near Navasota

This item was presented by Director of Planning Marc Williams. The commission also received comments from Magnolia Chief of Police Domingo Ibarra, Montgomery County Precinct 2 Commissioner Craig Doyal, Grimes County Judge Betty Shiflett and Harris County Precinct 4 Commissioner Jack Cagle.

The commission took a break at 11:16 a.m. and returned at 11:23 a.m.

ITEM 6. Aviation

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 vote of 5 – 0. This item was presented by Director of Aviation David Fulton. The commission also received comments from City of McKinney Mayor Brian Loughmiller.

113635
AVN

The Texas Department of Transportation (department) is authorized under the federal Airport and Airway Improvement 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, June 20, 2013, 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 \$18,091,778.

Note: Exhibit A is on file with the assistant chief clerk.

ITEM 17. Routine Minute Orders**d. Transportation Planning****Various Counties - Approve revisions to the Hidalgo County Metropolitan Planning Organization (HCMPO) and Harlingen-San Benito Metropolitan Planning Organization (HSBMPO) metropolitan planning area boundaries (MO)**

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Executive Director Phil Wilson. The commission also received comments from Hidalgo County Metropolitan Planning Organization Transportation Director Andrew A. Canon.

113636
TPP

Pursuant to Title 43, Texas Administrative Code, §16.51(c), the governor or the Texas Transportation Commission (commission), if the approval authority has been delegated to the commission, must approve the boundaries of a designated metropolitan planning area and any revision of those boundaries. The metropolitan planning organization must provide the governor and the Texas Department of Transportation with appropriate documentation and the rationale supporting any recommended boundary change.

In accordance with 23 U.S.C. §134 and 23 C.F.R. §450.312, a metropolitan planning area boundary shall, at a minimum, encompass the entire existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The metropolitan planning area boundary may be further expanded to encompass the entire metropolitan statistical area or combined statistical area.

On October 4, 2005, Governor Rick Perry delegated authority to the commission to approve metropolitan planning area boundary changes.

On April 10, 2013, the Harlingen-San Benito Metropolitan Planning Organization (HSBMPO) Policy Board approved a resolution recommending the expansion of the metropolitan planning area boundary to include a portion of Hidalgo County. On May 16, 2013, the Hidalgo County Metropolitan Planning Organization (HCMPO) approved a resolution recommending the exclusion of the portion of its current planning boundary being recommended for inclusion in the HSBMPO planning boundary. HCMPO also recommended the expansion of its northern metropolitan planning area boundary to the Brooks County line.

The commission has reviewed and accepted the documentation and rationale supporting the metropolitan planning area boundary changes provided by HSBMPO and HCMPO.

IT IS THEREFORE ORDERED by the commission that the proposed HSBMPO and HCMPO metropolitan planning area boundary changes, as shown in Exhibits A and B, are hereby approved.

Note: Exhibits A and B are on file with the assistant chief clerk.

ITEM 5. House Bill 1025 Projects

Approve projects to reconstruct, rehabilitate, or repair roadways and bridges on the state highway system damaged because of above normal usage of those roadways and bridges by heavier vehicles and other vehicles involved in energy exploration and production, and authorize those projects with CONSTRUCT authority (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Deputy Executive Director John Barton.

113637
ADM

House Bill 1025, 83rd Legislative Session, Regular Session, 2013, appropriated to the State Highway Fund \$225,000,000 from the General Revenue Fund to be used for maintenance and repairs of roadways and bridges within the state highway system for damage caused by oversize vehicles or overweight loads used in the development and production of energy or by above normal usage of roadways and bridges within the state highway system by vehicles used in the development and production of energy.

The bill requires that the Texas Transportation Commission (commission) prioritize projects to receive funding under this appropriation according to safety issues, traffic volumes, pavement widths and pavement conditions. The Texas Department of Transportation (department) has conducted an evaluation of the roads on the state highway system that are within areas experiencing high levels of energy development and production. The department ranked projects using a formula that assigned weight to four areas: roadway characteristics, including lane width; pavement condition; safety; and traffic, including the average daily traffic and truck volumes. Exhibit A lists the projects in order of priority as determined by the department's formula.

The commission, having reviewed the department's evaluation agrees with the department's determination.

IT IS THEREFORE ORDERED by the commission that the maintenance projects listed in Exhibit A are eligible to receive funding in FY 2014 and FY 2015 from the amount appropriated under House Bill 1025, 83rd Legislative Session, Regular Session, 2013.

Note: Exhibit A is on file with the assistant chief clerk.

ITEM 7. Public Transportation

a. Various Counties - Award federal and state funds to designated lead agencies and fiscal agents to support continuation of coordinated regional public transportation planning for FY 2014 (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Public Transportation Division Director Eric Gleason.

113638
PTN

The Texas Transportation Commission (commission) was designated by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, Statewide Transportation Planning Program (49 U.S.C. §5304) 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 FTA.

Under §5304, FTA provides the department with funds to be used for planning and coordination projects.

The commission desires to award §5304 federal and state matching funds to support the continued development of coordinated regional planning in public transportation.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the Texas Department of Transportation (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 authorized to distribute funds as described in Exhibit A, to lead agencies and fiscal agents responsible for regionally coordinated transportation planning, submit the necessary state application to the FTA, and enter into the necessary contracts in accordance with the priorities established in this minute order.

Note: Exhibit A is on file with the assistant chief clerk.

b. Potter County - Award federal §5317 New Freedom grant program funds to Panhandle Independent Living Center (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Public Transportation Division Director Eric Gleason.

113639
PTN

The Texas Transportation Commission (commission) was designated by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, New Freedom (49 U.S.C. §5317) in a letter dated October 4, 2005, and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that grant funds are distributed fairly and equitably within the state.

Panhandle Independent Living Center (PILC) has requested financial assistance to continue their very successful travel training project training individuals with disabilities to effectively ride the fixed route system in Amarillo.

Title 43, Texas Administrative Code §31.17 establishes a process by which projects may be evaluated and funds distributed.

The commission finds that the PILC project is eligible for funding and awards a total of \$96,000 in federal program funds.

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 as described above, notify the entity in writing, and enter into the necessary contracts.

c. **Various Counties** - Award state funds to Rolling Plains Management Corporation (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Public Transportation Division Director Eric Gleason.

113640
PTN

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

Transportation Code, Chapter 456 authorizes the Texas Transportation Commission (commission) to administer public transportation programs.

The Jack County Commissioners Court, on May 13, 2013 passed a court order which effectively named Rolling Plains Management Corporation (RPMC) as the Rural Transit District for Jack County effective July 1, 2013.

The Commission desires to award \$24,000 in state funds to RPMC for the continuity of public transportation services within Jack County.

IT IS THEREFORE ORDERED by the commission that the executive director, or the director's designee, is hereby authorized to proceed with the award of \$24,000. The executive director or the director's designee is also authorized to notify the recipients in writing and enter into any necessary contracts and agreements with the local recipients.

d. **Various Counties** - Award transportation development credits to Texoma Area Paratransit System (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Public Transportation Division Director Eric Gleason.

113641
PTN

The Texas Transportation Commission (commission) desires to award 715,300 Transportation Development Credits (TDC) to Texoma Area Paratransit System, Inc. to be used as local match for federal §5307 funded capital projects.

The commission recognizes that state and federal law permits the substitution of TDC as the required non-federal match for projects. Title 43, Texas Administrative Code (TAC), §5.109 establishes a process by which TDC may be awarded at the discretion of the commission.

In making this award, the commission has considered the potential of the project to expand the availability of funding for public transportation projects and finds that the project meets the established program goals set forth in 43 TAC §5.102 to maximize the use of available federal funds, particularly in situations in which federal funds otherwise would be unused because of the inability to provide the non-federal share; and to support public transit.

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 directors designee is directed to proceed with the award as described above and enter into the necessary contracts in accordance with the priorities established in this minute order.

ITEM 8. Transportation Enhancement Program

Select transportation enhancement projects submitted under the September 14, 2012 program call (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Deputy Executive Director John Barton. The commission also received comments from United Way for Great Austin Manager of Volunteer Engagement Annie Wells and Downtown Amarillo, Inc. Chair John Lutz.

113642
DES

Title 23, United States Code, §133(d)(2) and §160(e)(2), require that 10 percent of certain funds apportioned to a state pursuant to 23 U.S.C § 104(b)(3) be used for transportation enhancement activities. The Texas Transportation Commission (commission) allocated one-half of those funds to metropolitan planning organizations (MPOs) operating in transportation management areas as provided by Title 43, Texas Administrative Code, Chapter 16, Subchapter D. The commission has adopted administrative rules located in Title 43, Texas Administrative Code, Chapter 11, Subchapter E, governing the Transportation Enhancement Program (the rules).

Pursuant to the rules, a call for nominations of candidate projects was published in the Texas Register on September 14, 2012. Nominations were received by the Texas Department of Transportation (department) and evaluated for eligibility and technical standards. All eligible projects located within the metropolitan planning area of an MPO operating in a transportation management area were submitted to the respective MPO for evaluation and selection. Eligible projects were also submitted to the Transportation Enhancement Project Evaluation Committee (TEPEC) for review.

Exhibit A contains a program of candidate projects recommended by the department, as well as a list of projects previously selected by MPOs. In accordance with the rules, in selecting an eligible candidate project for funding, the commission considered:

- A) the list of all eligible candidate projects and any comments and recommendations from any governmental entity with jurisdiction over the activities included in the projects and the TEPEC;
- B) any other comments relevant to consideration of any candidate project for funding, including:
 - (1) evidence of support and opposition for the candidate project,

- (2) evidence of the commitment from the nominating entity to provide more than the minimum required non-federal share of allowable project costs and its ability to do so,
 - (3) an evaluation of proposed projects indicating the extent to which each project will meet accepted standards as established by applicable law and by accepted professional practice,
 - (4) the views, comments, and certifications of an MPO or a governing body of a city or county, and
 - (5) all other project specific information as appropriate;
- C) the potential benefit to the state of the candidate project; and
D) whether the candidate project enhances the surface transportation system.

IT IS THEREFORE ORDERED by the commission that the projects shown in Exhibit A, including those projects previously selected by MPOs, are hereby selected and designated for funding under the Transportation Enhancement Program and the executive director is authorized to proceed in the most feasible and economical manner with the execution of local agreements, as required by the rules.

IT IS FURTHER ORDERED that, for each project shown in Exhibit A and subsequently verified as eligible for development, the total amount of federal funds must be locally matched by a minimum of 20 percent.

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those projects submitted in the September 2012 program call.

Note: Exhibit A is on file with the assistant chief clerk.

ITEM 9. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Final Adoption

(1) Chapter 9 - Contract and Grant Management (MO)

Amendments to §9.35, Federal Process (Contracting for Architectural, Engineering, and Surveying Services)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Design Division Director Mark Marek.

113643
DES

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.35, Federal Process, relating to Contracting for Architectural, Engineering, and Surveying Services 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 §9.35 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: Exhibit A and B are on file with the assistant chief clerk.

b. Proposed Adoption

(1) Chapter 9 - Contract and Grant Management (MO)

Amendments to §§9.31 - 9.34, Repeal of §§9.36 - 9.40, and New §§9.36 - 9.42 (Contracting for Architectural, Engineering, and Surveying Services)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Chief Procurement and Deputy Administrative Officers Lauren Garduno.

113644
ADM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§9.31-9.34, the repeal of §§9.36-9.40, and new §§9.36 - 9.42, all relating to contracting for architectural, engineering, and surveying services to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, repeals, and new sections attached to this minute order as Exhibits A - C, 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 §§9.31-9.34, the repeal of §§9.36-9.40, and new §§9.36 - 9.42 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 A – C are on file with the assistant chief clerk.

(2) Chapter 28 - Oversize and Overweight Vehicles and Loads (MO)

New §§28.80 - 28.88, New Subchapter G, Analyses of Routes for Superheavy Permitted Loads

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Bridge Division Director Gregg Freeby.

113645
BRG

The Texas Transportation Commission (commission) finds it necessary to propose new §§28.80-28.88, new Subchapter G, Analyses of Routes for Superheavy

Permitted Loads to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed new sections, 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 new §§28.80-28.88 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 are on file with the assistant chief clerk.

(3) Chapter 31 - Public Transportation (MO)

Amendments to §31.3 (General), §31.11 and §31.13 (State Programs); §§31.16 - 31.18, §31.21, §31.22, §31.26, §31.36, and §31.37, New §31.30, and §31.31 (Federal Programs); New §31.38, §31.40, and §31.42, Amendments to §§31.43 - 31.45, §31.48, and §31.49, and Repeal of §31.40 and §31.42 (Program Administration); New §31.51 and Amendments to §31.57 (Property Management Standards)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Public Transportation Division Director Eric Gleason. The commission also received comments from Association of Community Transportation President John McBeth.

113646
PTN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§31.3, 31.11, 31.13, 31.16 - 31.18, 31.21, 31.22, 31.26, 31.36, 31.37, 31.43 - 31.45, 31.48, 31.49, and 31.57, the repeal of §§31.31, 31.40, and 31.42, and new §§31.30, 31.31, 31.38, 31.40, 31.42, and 31.51, all concerning public transportation, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, 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 amendments to §§31.3, 31.11, 31.13, 31.16 - 31.18, 31.21, 31.22, 31.26, 31.36, 31.37, 31.43 - 31.45, 31.48, 31.49, and 31.57, the repeal of §§31.31, 31.40, and 31.42, and new §§31.30, 31.31, 31.38, 31.40, 31.42, and 31.51, 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 – G are on file with the assistant chief clerk.

ITEM 10. Contested Case

Caldwell County - Reagan National Advertising of Austin v. Texas Department of Transportation - Consider action on proposal for decision by administrative law judge concerning cancellation of an outdoor advertising permit, final order (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 – 0. Commissioner Vandergriff abstained from voting. This item was presented by Rich O’Connell, Office of General Counsel.

113647
OGC

On July 25, 2013, the Texas Transportation Commission (commission) considered the staff’s proposed cancellation of Outdoor Advertising Permit Number 076376, held by Reagan National Advertising of Austin (Reagan). Reagan had requested an administrative hearing and the matter was referred to the State Office of Administrative Hearings. The proposal for decision concluded that the permit should be canceled. Under the Administrative Procedure Act and the commission’s rules, the matter is now appropriate for entry of a final order by the commission.

IT IS THEREFORE ORDERED that the commission issues the attached order in the case of Reagan National Advertising of Austin v. Texas Department of Transportation, Docket No. 601-12-6451. Reagan must remove the sign that is the subject of the cancelled permit no later than 30 days after the order is final.

ITEM 11. Office of Compliance and Ethics

Office of Compliance and Ethics Report

This item was presented by Office of Compliance and Ethics Director Suzanne Latimer.

ITEM 12. Design-Build Agreements

Various Counties - Authorize the department to issue a request for qualifications for the design and construction of the Energy Sector Roadway Repair Project, comprised of improvements to identified roadways within regions around the state that have been impacted by energy exploration and production (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Strategic Projects Division Director Ed Pensock.

113648
SPD

Subchapter F, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a design build contract with a private entity that provides for the design, construction, expansion,

extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project. Transportation Code, §223.242 authorizes the department to enter into, in each fiscal year, up to three design-build contracts for highway projects with estimated construction costs of \$50 million or more.

The Energy Sector Roadway Repair Project (Project) will provide for the reconstruction, rehabilitation and/or repair of roadways and/or bridges within the state highway system damaged by oversized vehicles or overweight loads used in the development and production of energy or by above normal usage of roadways and/or bridges within the state highway system by vehicles used in the development and production of energy. The Project may include identified roadways in the Corpus Christi, Yoakum, Laredo, and San Antonio Districts of the department. The estimated construction cost of the Project is approximately \$200 million.

The development and completion of the Energy Sector Roadway Repair Project can be expedited through the use of a design-build contract, and the employment of innovative methods for the development and construction of projects that are available with a design-build contract. Completion of the Project will rehabilitate and repair the heavily traveled energy impacted regions and improve safety and congestion of the identified roadways.

Transportation Code, §223.245 prescribes requirements for the procurement of a project to be developed under a design-build contract, and requires the department to publish a notice advertising the issuance of a request for qualifications in the *Texas Register* and on the department's internet website that includes the criteria that will be used to evaluate qualification statements, the relative weight given to the criteria, and the deadline by which qualification statements must be received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission (commission) that the department is authorized to publish in the *Texas Register* and to post on the department's internet website, a request for qualifications to design, construct, reconstruct, rehabilitate, and/or repair the Energy Sector Roadway Repair Project.

Note: Exhibit a is on file with the assistant chief clerk.

ITEM 13. Toll Roads

a. Various Counties - Authorize the executive director of the department to issue a request for qualifications for the development, design, construction, and potentially, financing, maintenance, and operation of the Segments H, I-1 and all or part of Segment I-2 of the SH 99 (Grand Parkway) in Harris, Liberty, Montgomery, and Chambers Counties (MO)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Strategic Projects Division Director Ed Pensock.

Subchapter E, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a comprehensive development agreement (CDA) with a private entity that provides for

the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of an eligible project.

Planning and development of State Highway 99 (Grand Parkway), a proposed outer circumferential highway traversing seven counties and serving the Houston area has been underway since the 1980s. During that time, the department and the counties in which the highway is proposed to be located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Chambers County.

In accordance with the requirements of Transportation Code, §228.0111 and the policies included in Minute Order 111410, the department and the counties in which the Grand Parkway is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway, agreed to waive the development of a market valuation of the Grand Parkway, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway. Each of the counties subsequently elected to exercise its option to develop, construct, and operate the portion of the Grand Parkway located within the territory of the county.

By resolution and order adopted on July 13, 2010, Chambers County withdrew its previous election to exercise that option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112528, the Texas Transportation Commission (commission) approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Chambers County.

On January 11, 2011, the Harris County Commissioners Court rescinded its September 15, 2009 action to exercise the county's option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112558, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Harris County.

On June 20, 2011, the Montgomery County Commissioners Court rescinded its September 14, 2009 action to exercise the county's option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112725, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Montgomery County.

On December 18, 2012, the Liberty County Commissioners Court elected to rescind the County's previous exercise of its option to develop, construct, and operate the portion of the Grand Parkway located within the county. To provide certainty for the procurement and contracting process for this portion of Grand Parkway, the Liberty County Commissioners Court further elected, pursuant to Transportation Code, §373.055, to waive and decline to exercise the county's option to develop, construct,

finance, and operate the portion of the Grand Parkway project located in the county. In Minute Order 113429, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Liberty County.

There exists the potential for expediting the development and completion of all or part of the Grand Parkway through the use of a Comprehensive Development Agreement, and the employment of innovative methods for the development and financing of projects that are available with a CDA. Development of the Grand Parkway is a crucial element to responding to growing traffic congestion throughout the Houston metropolitan area.

The department is contemplating the use of a CDA for the development, design, construction, financing, maintenance, and operation of the portion of the Grand Parkway for Segments H, I-1 and all or part of I-2 in Harris, Liberty, Montgomery and Chamber counties.

Section 223.203, Transportation Code prescribes requirements for a CDA procurement and requires the department to publish a request for qualifications in the *Texas Register* that includes the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received.

The planned improvements will provide increased capacity by creating a circumferential route that relieves traffic congestion and facilitates the efficient movement of people and goods within the developing communities of the metro core.

IT IS THEREFORE ORDERED by the commission that the department is authorized to publish in the *Texas Register* and in one or more newspapers of general circulation a request for qualifications to develop, design, construct, and potentially finance, maintain, and operate, Segments H, I-1 and all or part of Segment I-2 in Harris, Liberty, Montgomery, and Chambers counties pursuant to a comprehensive development agreement.

Note: Exhibit A is on file with the assistant chief clerk.

b. Chambers County - Establish new toll rate tables on SH 99 (Segment I-2) to align the tolling system with the current vehicle classification system in use by the department (MO)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Toll Operations Division Director Doug Woodall.

113650
FIN

Title 43, Texas Administrative Code, §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in traffic and revenue report; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

Segment I-2 of the Grand Parkway (State Highway 99) is a four-lane controlled access toll road extending 6.6 miles from Interstate 10 to Fisher Road in Chambers County. The Segment I-2 toll project is an all-electronic, open road tolling facility with a closed ramp system of toll collection.

The Texas Department of Transportation (department) desires to establish new toll rate tables for SH 99 Segment I-2. This change is necessary to reflect modifications to the vehicle classification system used at those locations, which classifies vehicles by shape. The new system will classify vehicles based on the number of axles. Implementation of the new system will commence in the month of September.

Pursuant to Minute Order 113486, dated February 28, 2013, the commission set new toll rates on SH 99, Segment I-2. The toll rates for the tolling points set forth in Exhibit A for SH 99, Segment I-2 will replace the toll rates for those tolling points as set forth in Minute Order 113486. In all other respects, Minute Order 113486 remains in full force and effect as ordered by the commission.

IT IS THEREFORE ORDERED that the department is authorized to charge tolls at the revised toll rates on SH 99, Segment I-2 in the amounts stated in Exhibit A, beginning on October 1, 2013.

Note: Exhibit A is on file with the assistant chief clerk.

c. Webb County - Establish new toll rate tables on SH 255 to align the tolling system with the current vehicle classification system in use by the department (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Toll Operations Division Director Doug Woodall.

113651
FIN

Title 43, Texas Administrative Code, §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in traffic and revenue report; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

Camino Colombia Toll Road (State Highway 255) is a 22-mile tollway made up of two sections. The southern section, from Farm to Market 1472 to the roadside operations building, is a 3.5 mile, four-lane, divided roadway. The northern section, which continues from the operations building to Interstate 35, is an 18.5 mile, two-lane, non-divided roadway. In December 2008, SH 255 was converted to an all-electronic, open road tolling facility.

The Texas Department of Transportation (department) desires to establish new toll rate tables for SH 255. This change is necessary to reflect modifications to the vehicle classification system used at those locations, which classifies vehicles by shape. The new system will classify vehicles based on the number of axles. Implementation of the new system will commence in the month of August.

Pursuant to Minute Order 111749, dated March 26, 2009, the commission set

new toll rates on SH 255. The toll rates for the tolling points set forth in Exhibit A for SH 255 will replace the toll rates for those tolling points as set forth in Minute Order 111749.

IT IS THEREFORE ORDERED that the department is authorized to charge tolls at the revised toll rates on SH 255 in the amounts stated in Exhibit A, beginning on or about August 21, 2013.

IT IS FURTHER ORDERED that the department shall determine the exact date on which each tolling point will be transitioned to the revised toll rate based on the schedule for implementation of the new vehicle classification system.

Note: Exhibit A is on file with the assistant chief clerk.

14. Contracts

Award or reject contracts for maintenance, highway and building construction

a. Highway Maintenance and Department Building Construction
(see attached itemized list) (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Construction Division Director John Obr.

113652
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 July 9 and 10, 2013, as shown on Exhibit A.

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 assistant chief clerk.

b. Highway and Transportation Enhancement Building Construction

(see attached itemized list) (MO)

Commissioner Mosely made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Construction Division Director John Obr.

113653
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 July 9 and 10, 2013, as shown on Exhibit A.

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 assistant chief clerk.

ITEM 15. Eminent Domain Proceedings

Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached list) (MO)

Commissioner Vandergriff made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded and the following minute order was approved by Commissioner Houghton, Commissioner Underwood, Commissioner Commissioner Austin, Commissioner Moseley and Commissioner Vandergriff (a vote of 5 – 0). This item was presented by Right of Way Division Director John Campbell.

113654
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening, constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of the parcels of land listed below, and more particularly described in the attached Exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to acquire fee simple title in the parcels or such lesser property interests as set forth in the attached Exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits A - G. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1 - 20, in accordance with Transportation Code, Sections 203.002 and 203.003.

The commission finds and determines that condemnation of the parcels is required.

IT IS THEREFORE ORDERED that the initiation of condemnation proceedings for the parcels is adopted and authorized by a single order for the parcels, and this first vote by the commission applies to all of the parcels.

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	SS 421	19	0291-10-084	159
Delta	SH 24	18	0136-03-060	64
Harris	FM 1960	11	1685-01-096	1402
Harris	FM 1960	13	1685-01-096	1404
Harris	SH 6	2	1685-05-103	1304
Montgomery	FM 1488	12	0523-10-037	6
Montgomery	FM 1488	3	0523-10-037	8
Montgomery	FM 1488	20	0523-10-037	9
Montgomery	FM 1488	4	0523-10-037	10
Montgomery	FM 1488	5	0523-10-037	18
Montgomery	FM 1488	16	0523-10-037	25
Navarro	SH 14	15	0093-02-018	7
Navarro	SH 14	14	0093-02-018	9
Nueces	SH 358	1	0617-01-172	37B
Rockwall	FM 740	6	1014-03-058	1
Rockwall	FM 740	7	1014-03-058	3
Rockwall	FM 740	8	1014-03-058	5
Rockwall	FM 740	9	1014-03-058	43
Rockwall	FM 740	10	1014-03-058	46
Travis	FM 973	17	1200-03-048	11

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bell	IH 35	F	0015-04-083	20, 23
Dallas	SH 183	D	0094-03-098	51, 51E
Harris	FM 1960	A	1685-01-096	1401
Harris	SH 6	B	1685-05-103	1303
Harris	SH 99	G	3510-06-005	153
Harris	US 290	C	0050-09-087	508
McLennan	IH 35	E	0015-01-221	113

Note: Exhibits A - G and 1 - 20 are on file with the assistant chief clerk.

ITEM 16. Traffic Operations

Collin, Dallas, Ellis, Parker, Rockwall and Tarrant Counties - Approve proposed Lane use restriction for trucks on I-20, I-30, I-35E, I-35W, I-45, I-635, I-820, SH 114, SH 121, SH 360, SL 12, US 75 and US 175 in Collin, Dallas, Ellis, Parker, Rockwall and Tarrant Counties (MO)

Commissioner Vandergriff made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Traffic Operations Division Director Carol Rawson.

113655
TRF

Transportation Code, §545.0651, authorizes the Texas Department of Transportation (department) to restrict through traffic, by class of vehicle, to two or more designated lanes of traffic on certain portions of the designated state highway system, and requires the Texas Transportation Commission (commission) to adopt rules. The commission adopted these rules, 43 TAC §§25.601-25.604 that became effective on January 8, 2004.

The department, working in conjunction with local jurisdictions developed proposed lane restrictions shown in Exhibit A. In accordance with §25.604(e)(3), the department conducted traffic studies to evaluate the impact of the lane restrictions. In accordance with §25.604(d), the department published a notice in the Texas Register for a 30-day comment period and held a public hearing in the local jurisdiction on the proposed restrictions. No comments were received at the public hearing and seven comments were received through the mail. None of the seven comments were opposed to the restricted truck lanes.

In accordance with Transportation Code §545.601 and 43 TAC §§25.601 25.604, the department is proposing lane restrictions that would establish consistent lane use restrictions applicable to trucks, as defined in Transportation Code, §541.201, with three or more axles, and to truck tractors, also as defined in Transportation Code, §541.201, regardless of whether the truck tractor is drawing another vehicle or trailer.

The proposed lane restrictions prohibit those vehicles from using lane one (inside left lane) of controlled access lanes on each side of the highways listed in Exhibit A. The proposed lane restrictions would be in effect 24-hours-a-day, 7-days-a-week, and would allow the operation of those vehicles in a prohibited traffic lane for the purposes of passing another vehicle or entering or exiting the highway.

In accordance with 43 TAC §25.604(h)(2), the executive director may temporarily suspend the lane restriction in an emergency.

The commission, having evaluated the truck lane restriction proposals based on the safety of the traveling public and the factors listed in 43 TAC §25.604(f), finds that the proposed lane restrictions should be approved.

IT IS THEREFORE ORDERED by the commission that the proposed lane restrictions for the highways listed in Exhibit A are approved and shall become effective upon placement of all necessary traffic control devices.

Note: Exhibit A is on file with the assistant chief clerk.

ITEM 17. Routine Minute Orders

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute orders by a vote of 5 – 0. The items were presented by Executive Director Phil Wilson.

a. Donations to the Department

Various Districts - Consider the acceptance of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner's land (See attached itemized list) (MO)

113656
CSO

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept and acknowledge 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.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

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 donations further the department's responsibilities and that none of the donors are a party to a contested case before the department nor have been a party to a contested case before the department during the last 30 days.

The commission also finds that none of the donors are subject to department

regulation or oversight, and that these donations will not influence or reasonably appear to influence the department in the performance of its duties.

The commission also finds that none of the donors are interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department.

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

IT IS THEREFORE ORDERED by the commission that the donations identified on the attached Exhibit A are approved for acceptance and acknowledgment. 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 donations.

Note: Exhibit A is on file with the assistant chief clerk.

b. Right of Way Dispositions and Donations

Ellis County - FM 661, old alignment, known as Lakeview Drive, in Grand Prairie - Consider the sale of surplus right of way to the abutting landowner (MO)

113657
ROW

In the city of Grand Prairie, ELLIS COUNTY, on FARM TO MARKET ROAD 661, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 391, Page 127; Volume 391, Page 132; and Volume 391, Page 141, Deed Records of Ellis County, Texas.

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

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.

The Bankston Second Family Limited Partnership is the abutting landowner and has requested to purchase the surplus land for \$20,768.

The commission finds \$20,768 to be a fair and reasonable value of the state's right, 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 right, title and interest in the surplus land to The Bankston Second Family Limited Partnership for \$20,768; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title and interest, 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 is on file with the assistant chief clerk.

c. Release of Access

Dallas County - I-635, eastbound frontage road approximately 1100 feet west of the Midway Road intersection - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

113658
DES

In DALLAS COUNTY, on Interstate 635, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 151, Page 2065, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

4121 Harvest Hill Road Holdings Limited Partnership, the current owner of the abutting property, has requested that access to and from the eastbound frontage road of I-635 be permitted along this northern property line at a new access point, described in Exhibit A. After the Texas Department of Transportation (department) reviewed an engineering study of traffic at this location, it was agreed by the parties that constructing a right-turn deceleration lane at the new access point is necessary for the safety and mobility of traffic along the frontage road.

Transportation Code, §201.103, empowers the Texas Transportation Commission (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, authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled-access highways.

Transportation Code, §203.031, authorizes the commission to designate locations on a controlled-access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility;\ provided that a right-turn deceleration lane and driveway are first constructed at the new access point in compliance with the department's applicable procedures, standards, criteria, and specifications, and at the abutting property owner's expense.

IT IS ORDERED by the commission that the new access point is designated as a location where ingress and egress are permitted to and from the eastbound frontage road of I-635, to be effective upon the department's written acknowledgment that the improvements described above were satisfactorily completed.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

Note: Exhibit A is on file with the assistant chief clerk.

e. Finance

(1) Obligation Limit Report

Quarterly status report on the FY 2013 Obligation Limit, the actual obligations utilized, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts

(2) Quarterly report on FY 2013 State Highway Fund 6 cash status

(3) Accept the Quarterly Investment Report (MO)

113659
DMO

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments authorized under the Public Funds Investment Act, in accordance with investment policies approved by the commission.

Government Code, §2256.005 requires the commission to adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds under its control, and to designate one or more officers or employees of the Texas Department of Transportation (department) as investment officer to be responsible for the investment of funds consistent with the investment policy.

Pursuant to this legislation and documented in Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy and investment strategy applicable to funds of the commission held under the Indenture of Trust dated July 15, 2002, securing the outstanding bonds, notes, and other obligations issued by the commission to finance a portion of the cost of the initial phase of the Central Texas Turnpike System, also known as the 2002 Project. The commission has designated the department's Chief Financial Officer as investment officer. In the absence of the Chief Financial Officer, the Innovative Financing/Debt Management Officer or the Deputy Director of Innovative Financing/Debt Management Office is authorized to act as investment officer.

Pursuant to Government Code §2256.005(e) and Section 20 of the investment policy, the investment policy and investment strategies of the commission have been reviewed and revised annually by minute order since 2003, most recently by Minute Order 113271, dated August 30, 2012.

Government Code, §2256.023 requires the designated investment officer to prepare and submit to the commission and the executive director, not less than quarterly, a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. The report must describe in detail the investment position of the department on the date of the report, and must be prepared jointly and signed by each investment officer.

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period. A quarterly investment report for the department for the period ending May 31, 2013, attached as Exhibit A, has been prepared in accordance with Government Code, §2256.023 and Section 9.0 of the investment policy.

IT IS THEREFORE ORDERED by the commission that the quarterly investment report attached as Exhibit A is accepted.

Note: Exhibit A is on file with the assistant chief clerk.

f. Speed Zones

Various Counties - Establish or alter regulatory and construction speed zones on

various sections of highways in the state (MO)113660
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 limit on a segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section of the highway.

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 portion of the minute order establishing the speed zone shown on the attached Exhibit C is canceled.

Note: Exhibits A - C are on file with the assistant chief clerk.

g. Compensation of Senior Leadership Positions

Set the compensation for five senior leadership positions of the Texas Department of Transportation in accordance with the General Appropriations Act (MO)

113661
OGC

The General Appropriations Act provides that the Texas Transportation Commission (commission) may set the amount of compensation for up to five senior leadership positions, in addition to the executive director of the Texas Department of Transportation (department), within the Group 8 salary classification.

The executive director of the department has established the titles of and assigned duties to five job positions that he has designated as senior leadership positions. The executive director has requested that the commission set the

compensation of all five positions within the Group 8 salary classification.

The commission finds that it is in the best interest of the state and the department to set the compensation of the five senior leadership positions at amounts that are within the Group 8 salary classification.

IT IS THEREFORE ORDERED by the commission that the five senior leadership positions designated by the executive director be compensated at annual salaries, determined by the executive director, that do not exceed the maximum salary established by the General Appropriations Act for the Group 8 salary classification.

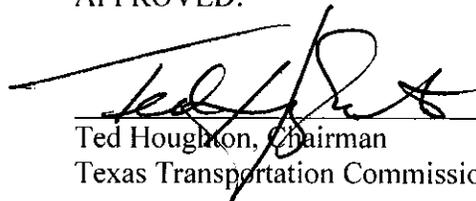
ITEM 18. Executive Session Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

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.

The commission did not receive any comments during the open comment period.

The regular meeting of the Texas Transportation Commission was adjourned at 12:53 p.m.

APPROVED:



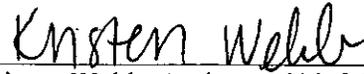
Ted Houghton, Chairman
Texas Transportation Commission

xxx

July 25, 2013

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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 July 25, 2013, in Austin, Texas.



Kristen Webb, Assistant Chief Clerk
Texas Department of Transportation