

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 28, 2013, Austin, Texas. The meeting was called to order at 9:01 am by Chairman Houghton with the following commissioners present:

Texas Transportation Commission:

Ted Houghton	Chairman
Fred Underwood	Commissioner
Bill Meadows	Commissioner
Jeff Austin III	Commissioner
Jeff Moseley	Commissioner

Administrative Staff:

Phil Wilson, Executive Director
 Jeff Graham, General Counsel
 Rose 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 3:15 p.m. on March 20, 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 Deputy Executive Director John Barton.

A presentation and video was given for Commissioner Bill Meadows.

The commission took a five minute break and returned at 9:35 a.m.

ITEM 2. Approval of Minutes of the February 28, 2013, meeting of the Texas Transportation Commission

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

ITEM 3. Appointments

Freight Advisory Committee
Appoint Members to the Freight Advisory Committee (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 Director of Planning Marc Williams.

113522
TPP

Pursuant to Minute Order 113421, dated January 31, 2013, the Texas Transportation Commission (commission) created the Freight Advisory Committee (committee) to facilitate effective planning for freight transportation.

The purpose of the committee is to serve as a forum for discussion regarding transportation decisions affecting freight mobility and promote the sharing of information between the private and public sectors on freight issues. The committee’s advice and recommendations will provide the Texas Department of Transportation (department) with a broad perspective regarding freight transportation matters and assist in identifying potential freight transportation facilities that are critical to the state’s economic growth and global competitiveness. Specifically, the committee shall: (1) provide advice regarding freight-related priorities, issues, projects and funding needs; (2) make recommendations regarding the creation of statewide freight transportation policies and performance measures; (3) make recommendations regarding the development of a comprehensive and multimodal statewide freight transportation plan; and (4) communicate and coordinate regional priorities with other organizations as requested by the department.

The individuals listed below have been selected because they will ensure that the committee represents a cross section of public and private freight stakeholders and reflects the diverse nature of the freight industry.

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| Judge Clay Lewis Jenkins | Dallas County |
| K. Alan Russell | The Tecma Group of Companies |
| French F. Thompson, III
(replacing Aaron Hegeman) | BNSF Railroad |

IT IS THEREFORE ORDERED by the commission that the individuals identified above are appointed as members of the Freight Advisory Committee.

b. Private Activity Bond Surface Transportation Corporation
Appoint a director to the Texas Private Activity Bond Surface Transportation Corporation (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 Chief Financial Officer James Bass.

113523
FIN

By Minute Order 111551 adopted on October 30, 2008, the Texas Transportation Commission (commission) authorized the creation of the Texas Private Activity Bond Surface Transportation Corporation (corporation) under the authority of Transportation Code, Chapter 431, Subchapters A through C and as further authorized by Title 43, Texas Administrative Code, Section 15.94. The corporation was created to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems including the issuance of private activity

bonds for comprehensive development agreement proposers approved by the commission.

The powers of the corporation are exercised through its board of directors consisting of three persons appointed by the commission. Under the articles of incorporation of the corporation, as approved by the commission, the directors of the corporation must be employees of the Texas Department of Transportation (department), and the commission duly appointed three initial members in Minute Order 111551. In Minute Order 112797 dated August 25, 2011, the commission appointed directors to a six year term. There is now a vacancy on the corporation's board of directors due to one director, Louis Carr, no longer being an employee of the department, as of March 13, 2013.

IT IS THEREFORE ORDERED that Scott Haywood, an employee of the department, is appointed to the board of directors of the corporation to serve Mr. Carr's remaining term expiring on August 31, 2017.

c. Grand Parkway Transportation Corporation

Appoint a director to the Grand Parkway Transportation Corporation (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 Chief Financial Officer James Bass.

113524
FIN

By Minute Order 113046 adopted on March 29, 2012, the Texas Transportation Commission (commission) authorized the creation of the Grand Parkway Transportation Corporation (corporation) under the authority of Transportation Code, Chapter 431, Subchapters A through C and as further authorized by Title 43, Texas Administrative Code, Section 15.95. The corporation was created to facilitate the developing, financing, refinancing, designing, constructing, reconstructing, expanding, operating, and maintaining of various segments of State Highway 99 (Grand Parkway) and act on behalf of the commission to promote and develop various segments of the Grand Parkway.

The powers of the corporation are exercised through its board of directors consisting of three persons appointed by the commission. Under the articles of incorporation of the corporation, as approved by the commission, the directors of the corporation must be employees of the Texas Department of Transportation (department), and the commission duly appointed three initial members in Minute Order 113046 to serve an initial term expiring on August 31, 2015.

There is now a vacancy on the corporation's board of directors due to one director, Louis Carr, no longer being an employee of the department, as of March 13, 2013.

IT IS THEREFORE ORDERED that Scott Haywood, an employee of the department, is hereby appointed to the board of directors of the corporation to serve Mr. Carr's remaining term expiring on August 31, 2015.

ITEM 4. 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 Aviation Division Director Dave Fulton.

113525
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, February 21, 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 \$19,862,182.

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

ITEM 5. Unified Transportation Program
Approve updates to the 2013 UTP (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 Director of Planning Marc Williams. The commission also received comments from the Director of Transportation Andrew Cannon representing the Hidalgo County Metropolitan Planning Organization.

113526
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects.

The Texas Transportation Commission (commission) has adopted rules in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects.

The rules include guidance regarding the development of the UTP and any updates to the program, as well as public involvement requirements.

The 2013 UTP was approved by the commission on April 26, 2012, in Minute Order 113074 and revisions to the 2013 UTP were approved by the commission on June 28, 2012, in Minute Order 113162; August 30, 2012, in Minute Order 113250;

October 25, 2012, in Minute Order 113319; December 13, 2012, in Minute Order 113401; and January 31, 2013, in Minute Order 113444.

On February 21, 2013, the department conducted public meetings across the state via WebEx, and a public hearing was held on March 5, 2013 to receive comments and testimony concerning the proposed updates to the 2013 UTP.

The updates to the 2013 UTP, as shown in Exhibit A, include revised funding allocations based on funds transfer requests and the allocation of remaining fiscal year 2013 funds. In addition, this minute order updates project specific program lists, incorporates information regarding transportation development credits, and includes minor revisions and technical corrections.

IT IS THEREFORE ORDERED by the commission that the updates to the 2013 UTP, as shown in Exhibit A, are hereby approved.

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

ITEM 6. Toll Roads

a. **Travis County - Establish new toll rate tables on SH 45 Southeast and the Cameron Ramps along SH 130 to align the tolling system with other locations on the Central Texas Turnpike System (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.

113527
TOD

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.

The Central Texas Turnpike System (CTTS) consists of the following elements: State Highway 130, which runs from Interstate 35 North of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast; SH 45 North, which runs from west of US 183 to SH 130/SH 45 North interchange; Loop 1, which runs from existing Loop 1 and Farm to Market 734 (Parmer Lane) to the Loop 1 / SH 45 North interchange; and SH 45 Southeast, which runs from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange.

The Texas Department of Transportation (department) desires to establish new toll rate tables for SH 45 Southeast and the Cameron Ramps along SH 130. 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 occur over a three-week period starting in the month of April.

Pursuant to Section 501(a) of the CTTS Indenture of Trust (indenture), prior to adopting any change in the toll rate schedule, the commission shall obtain and file with

the trustee a certificate by the traffic and revenue consultant that, in the consultant's opinion, the adoption of such proposed toll rate schedule will not adversely affect the ability of the commission to comply with its rate covenant in the indenture. The commission has received such certification from the traffic and revenue consultant and filed it with the trustee.

Pursuant to Minute Order 113244, dated August 30, 2012, the commission set new toll rates on the CTTS and authorized a toll escalation policy. The toll rates for the tolling points set forth in Exhibit A for SH 45 Southeast and the Cameron Ramps along SH 130 will replace the toll rates for those tolling points as set forth in Minute Order 113244. In all other respects, including the toll escalation policy for the CTTS, Minute Order 113244 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 the Cameron Ramps on SH 130 and SH 45 Southeast in the amounts stated in Exhibit A, beginning on or about April 1, 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.

b. Travis and Williamson Counties - Establish temporary toll rate tables on SH 130, Segments 1-4 and SH 45 Southeast to charge the two-axle rate for all vehicles, regardless of classification (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.

113528
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 a 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.

State Highway 130, Segments 1-4 is a four-lane, controlled access toll facility extending approximately 49 miles from Interstate 35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast, and is an element of the Central Texas Turnpike System 2002 Project (2002 Project). SH 45 Southeast is a four-lane, controlled access toll facility extending approximately 7.4 miles from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange, and was recently added to the Central Texas Turnpike System (CTTS).

In Minute Order 113244, dated August 30, 2012, the commission approved new toll rates on the CTTS and authorized a toll escalation policy. The Texas Department of Transportation (department) desires to establish temporary toll rate tables on SH 130, Segments 1-4 and SH 45 Southeast for a pilot period of up to one year. During the pilot

period, the two-axle rate set in Minute Order 113244, as escalated or amended, will be charged for all vehicles, regardless of classification.

The purpose of the pilot program is to reduce traffic congestion on I-35 and to make Central Texas roadways safer by encouraging greater through trips of trucks on Central Texas toll roads. At the end of the pilot program, the toll rates will revert back to the previously approved rates. A similar reduction in toll rates is being implemented for SH 130, Segments 5 and 6, extending approximately 41 miles from the southern terminus of Segment 4 to I-10 near Seguin.

In accordance with Section 502 of the Indenture of Trust for the 2002 Project (indenture), any change in classification that results in a reduced toll or any new classification shall be subject to a traffic consultant approving the same before it is implemented unless it is temporary. In all events, the commission shall not make a change in classification or any new classification unless the commission determines that such change is not expected to result in the receipt of revenues in amounts less than that contemplated in the rate covenant in the indenture.

In Minute Order 113487, dated February 28, 2013, the commission allocated \$11 million from the payments received from SH 130 Concession Company, LLC for the right to develop, finance, design, construct, operate, and maintain the SH 130, Segments 5 and 6 facility (SH 130 payments), to be used for congestion relief and air quality mitigation strategies. Of that amount, \$5 million will be used to make up the difference in revenues between the temporary toll rates charged to vehicles with more than two-axes and the toll rates for those vehicles approved by the commission in Minute Order 113244, as escalated or amended. The commission has determined that the expenditure of public funds to pay the cost of tolls not paid by vehicles with more than two-axes is a public purpose.

The department's traffic consultant has provided a certification indicating that the adoption of such a temporary change in classification of truck toll rates for the up to one-year pilot program, coupled with and limited by the funds provided by the department necessary to offset any loss in revenue, will not adversely affect the ability of the commission to comply with the rate covenant in Section 501 of the indenture.

IT IS THEREFORE ORDERED and determined by the commission that the temporary changes in classification and reduction in toll rates is not expected to result in the receipt of revenues in amounts less than that contemplated in the rate covenant in the indenture, and the department is authorized to charge tolls on SH 130, Segments 1-4 and SH 45 Southeast in the amounts stated in Exhibit A from April 1, 2013 to March 30, 2014, or until the date of any earlier termination of the pilot program, as described in this order.

IT IS FURTHER ORDERED that the department shall pay to the appropriate indenture account from the \$5 million in funds allocated by the commission from the SH 130 payments and from any other lawfully available funds of the department allocated by the commission the cost of tolls not paid by vehicles with more than two-axes. The payments to make up the difference in revenues between the temporary toll rates charged to vehicles with more than two-axes and the toll rates for those vehicles approved by the commission in Minute Order 113244, as escalated or amended, are

limited to the amount of funds that are allocated by the commission for that purpose. Once the funds allocated by the commission are depleted, the pilot program will end.

IT IS FURTHER ORDERED that the toll rates will revert back to the previously approved rates on March 31, 2014, or on the date of any earlier termination of the pilot program.

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

ITEM 7. Contested Case

Hill County - Fairway Outdoor Advertising 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 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 TxDOT Attorney Rich O’Connell.

113529
OGC

On March 28, 2013, the Texas Transportation Commission (commission) considered the staff’s proposed cancellation of Outdoor Advertising Permit Number 20457, held by Fairway Outdoor Advertising (Fairway). Fairway 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 not be canceled, but instead the commission should impose a \$500 administrative penalty. 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 Fairway Outdoor Advertising v. Texas Department of Transportation, Docket No. 601-12-6452, and directs that the department staff’s proposed cancellation of Permit Number 20457 is withdrawn. Fairway is ordered to pay a \$500 administrative penalty.

ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Final Adoption

(1) Chapter 1 - Management (MO)

Amendments to §1.85, Department Advisory Committees (Advisory Committees)

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 Director of Planning Marc Williams.

113530
TPP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.85, relating to department advisory committees, 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 §1.85 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 A and B are on file with the assistant chief clerk.

(2) Chapter 7 - Railroad Facilities (MO)

Amendments to §7.31, Safety Requirements (Rail Safety)

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 General Counsel Jeff Graham.

113531
OGC

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §7.31, relating to Safety Requirements, 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 §7.31 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 A and B are on file with the assistant chief clerk.

ITEM 9. Office of Compliance and Ethics

a. Office of Compliance and Ethics Report

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

b. Consider amendments to the employee ethics policy (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 Office of Compliance and Ethics Director Suzanne Latimer.

113532
OCE

On April 29, 1986, the Texas Transportation Commission (commission) adopted Minute Order 84437 to clarify and further strengthen the Texas Department of Transportation’s (department) policy concerning gifts or favors from outside parties with whom the department transacts business.

On December 13, 2007, the commission adopted an ethics policy to set uniform standards of conduct for all department employees and included the prior gift policy.

On May 31, 2012, the commission adopted Minute Order 113114 to revise the ethics policy to clarify certain provisions and to remove references to divisions that no longer exist within the department.

This minute order changes the ethics policy to align the ethics policy more closely with ethics laws for state employees.

IT IS THEREFORE ORDERED by the commission that the revised ethics policy attached as Exhibit A is hereby adopted.

IT IS FURTHER ORDERED that the executive director or his designee is directed to provide a copy of this policy to each employee of the department.

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

ITEM 10. Finance

Consider the preliminary approval of a request for financial assistance in the form of a loan from the Camino Real Regional Mobility Authority (CRRMA) to cover certain operations and maintenance expenses of the managed lanes on Loop 375 César Chávez—Border Highway Project, from US 54 to Zaragoza Road in El Paso County (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 Innovative Financing and Debt Management Office Director Benjamin Asher.

113533
DMO

The Texas Department of Transportation (department) and the Camino Real Regional Mobility Authority (CRRMA) have been proceeding with the development of the Loop 375, César Chávez—Border Highway Project, from US 54 to Zaragoza Road in El Paso County (project), under the jurisdictional limits of the CRRMA as described in Minute Order 110573, dated June 29, 2006.

The project includes the complete rehabilitation of the four existing lanes of Loop 375 from US 54 to Zaragoza Road as well as the construction of two new managed lanes along the same approximately nine mile corridor. After rehabilitation, the two existing lanes in each direction will remain nontolled.

The new single managed lane in each direction will become toll lanes, thereby increasing the capacity of the existing facility to six lanes.

The department and CRRMA have worked together to identify an approach to pursue the development of certain transportation system improvements related to Interstate 10 and the city of El Paso. The goal of the parties is to improve mobility by implementing projects proposed within the CRRMA’s 2008 Comprehensive Mobility

Plan, which generally consist of the Loop 375 Southern Corridor projects comprising of seven distinct toll projects in three different phases, and the Northeast Parkway toll project connecting Loop 375 in northeast El Paso with I-10 at the Texas-New Mexico state line.

Generally, 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 §27.53 of the toll equity rules, the CRRMA submitted a request for \$9.4 million of financial assistance in the form of a loan to cover certain operation and maintenance expenses of the managed lanes of the project. The loan will be drawn as needed and will pay for all operations and maintenance expenses not covered by toll revenues. The information and data required by §27.53(b) is either contained in the request for financing, in the petition for authorization to form the CRRMA filed with the department on January 27, 2009, or is already in the department's possession.

The commission finds that: (1) the project is consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the El Paso Metropolitan Planning Organization; (2) the project is in a nonattainment area and is consistent with the Statewide Transportation Improvement Program and Transportation Improvement Program for the El Paso Metropolitan Planning Organization, and with the State Implementation Plan; (3) the project will improve the efficiency of the state's transportation systems; (4) the project has the potential to expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application for financial assistance shows that the project and CRRMA are likely to have sufficient toll revenues to fully repay the loan.

The commission additionally finds that providing a loan will protect the public safety and prudently provide for the protection of public funds, while furthering the purposes of the project; and that the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE ORDERED that the requirements of § 27.53(c) of the toll equity rules for supplemental information and data be waived.

IT IS DETERMINED that the request for financial assistance in the form of a loan submitted by the CRRMA meets the applicable requirements of 43 TAC §§27.53 and 27.54(a) and, in accordance with those provisions, the commission grants preliminary approval of the request for financing in an amount not-to-exceed \$9.4 million, to cover certain operation and maintenance expenses of the managed lanes on

Loop 375 César Chávez—Border Highway Project, from US 54 to Zaragoza Road in El Paso County.

ITEM 11. 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.

113534
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 March 6 and 7, 2013.

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 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 Construction Division Director John Obr.

113535
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 March 6 and 7, 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, with the exception of Project Number PFT 2013(451) (Ellis County), be and are hereby respectively awarded to the lowest bidder or rejected as indicated therein. The award or rejection of Project Number PFT 2013(451) is hereby deferred to a later date.

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 12. 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 Moseley 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 Meadows, Commissioner Austin and Commissioner Moseley (a vote of 5 – 0). This item was presented by Resource Management Section Director Gus Cannon.

113536
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 - R. 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 - 24, 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

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 2786	8	3392-01-010	17
Collin	US 75	14	0047-14-071	42
Dallas	SL 12	9	0581-02-115	82
Dallas	SL 12	15	0581-02-115	85
Dallas	SH 183	20	0094-03-098	84
Dallas	SH 183	18	0094-03-098	81E
Dallas	SH 183	3	0094-03-100	44
Dallas	SH 183	19	0094-03-100	5
Dallas	SH 183	11	0094-03-100	29
Dallas	SH 183	16	0094-03-100	86
Dallas	SH 183	4	0094-03-100	19
Dallas	SH 183	17	0094-03-100	64
Dallas	SH 183	10	0094-03-100	18
Denton	FM 2499	13	2681-01-018	24
Denton	FM 2499	5	2681-01-018	29E
Denton	FM 2499	6	2681-01-018	9
Denton	FM 2499	12	2681-01-018	21
Denton	FM 2499	7	2681-01-018	13,13E
Denton	US 377	2	0081-04-036	10
McLennan	FM 1637	21	0833-03-040	9
McLennan	FM 1637	22	0833-03-040	18,18E
McLennan	FM 1637	23	0833-03-040	45
McLennan	FM 1637	24	0833-03-040	46
Travis	FM 973	1	1200-03-048	7

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	IH 35	A	0015-14-123	66
Bell	IH 35	B	0015-14-124	29
Dallas	SH 121	D	0364-02-020	13,13AC
Dallas	SH 121	C	0364-02-020	15,15AC
Dallas	SH 183	H	0094-03-100	92
Dallas	SH 183	E	0094-03-100	88
Dallas	SH 183	J	0094-03-100	33
Dallas	SH 183	K	0094-03-100	10

Dallas	SH 183	L	0094-03-100	9
Dallas	SH 183	N	0094-03-100	24
Dallas	SH 183	I	0094-03-100	28
Harris	IH 45	G	0500-03-546	305
Harris	IH 45	M	0500-03-546	306
Harris	SH 99	O	3510-06-005	147
Harris	SH 99	P	3510-06-005	114
Harris	SH 99	Q	3510-06-005	120
McLennan	IH 35	R	0015-01-220	30,30E
Tarrant	SH 121	F	0364-01-129	78

Note: Exhibits A - R and 1 - 24 are on file with the assistant chief clerk.

ITEM 15. Routine Minute Orders

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 Executive Director Phil Wilson. The commission also received comments from Caldwell County Judge Tom D. Bonn on item 13f. Deputy Executive Director John Barton and Traffic Operations Director Carol Rawson answered questions.

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)

113537
CSO

Transportation Code, §201.206, authorizes the Texas Department of Transportation (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.

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. 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

Falls County - I-35 at Old Blevins Road - Consider the conveyance of surplus right of way (surplus land) in exchange for needed right of way (new land) and acceptance of a donation to the state (MO)

113538
ROW

In FALLS COUNTY, on INTERSTATE 35, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 239, Page 550, Deed Records of Falls County, Texas.

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

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

Frank Mayborn Enterprises, Inc., (owner) has conveyed to the state land needed for a state highway purpose (new land), described in Exhibit B, and desires to make a partial donation to the state of the difference in value between the new land and the surplus land.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (department) to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new land provided by owner, which is \$15,192, exceeds the value of the surplus land, which is \$10,640, resulting in a difference in value of \$4,552.

Owner has executed and delivered a conveyance document under the terms of the donation agreement to convey the new land to the state and has requested that the state's rights, title and interest in the surplus land be conveyed to owner.

It is the opinion of the commission that it is proper and correct that the state convey its rights, title and interest in the surplus land to owner in exchange and as consideration for the partial donation and the conveyance of the new land to the state.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new land and that the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with owner, in accordance with Title 43, Texas Administrative Code, Chapter 1, Subchapter G.

FURTHER, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, 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 the state's rights, title and interest in the surplus land to Frank Mayborn Enterprises, Inc., in exchange and as consideration for the conveyance of the new land and donation to the state; 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 A and B are on file with the assistant chief clerk.

c. Highway Designations

1. Erath County - Redesignate SH 267 as US 67/US 377 along a new location and extend the Business US 67-K designation along the old alignment of US 67/US 377, in and around the city of Dublin (MO)

113539
TPP

In ERATH COUNTY, the Fort Worth District has requested the redesignation of STATE HIGHWAY 267 (SH 267) as US HIGHWAY 67/377 (US 67/377) along a new location in and around the city of Dublin, from County Road 234 (CR 234)

approximately 1.6 miles north of Farm to Market Road 219 (FM 219), southwestward to a point approximately 1.8 miles northeast of the Comanche county line; and the extension of the designation of BUSINESS US 67-K (BU 67-K) from approximately 0.8 mile north of FM 219 northward an additional 0.8 mile to CR 234.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation (department) has recommended that SH 267 be redesignated as US 67/377 on the state highway system and the BU 67-K designation be extended.

The Texas Transportation Commission (commission) finds that the redesignation of SH 267 as US 67/377 and the extension of BU 67-K 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 SH 267 be redesignated as US 67/377 along a new location in and around the city of Dublin, from CR 234 approximately 1.6 miles north of FM 219, southwestward to a point approximately 1.8 miles northeast of the Comanche county line, a distance of approximately 4.8 miles; and the designation of BU 67-K be extended northward from its existing terminus approximately 0.8 mile to CR 234.

IT IS FURTHER ORDERED that upon the start of construction of the new location roadway, the department shall forward this minute order, along with all other pertinent information, to the American Association of State Highway and Transportation Officials Special Committee on U.S. Route Numbering.

2. Smith County - Rescind Minute Order 84162, dated February 26, 1986, extending the designation of FM 345 near the community of Omen, and remove the extension from the state highway system (MO)

113540
TPP

In SMITH COUNTY, the Tyler District has requested that Minute Order 84162, dated February 26, 1986, be rescinded. The tender minute order extended the designation of Farm to Market 345 from the community of Omen southwestward along existing County Road 2142 to FM 346, a distance of approximately 2.9 miles. Smith County accepted the terms of the minute order on March 10, 1986; however, the county has not furnished the required right of way in accordance with the terms of the minute order.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended that Minute Order 84162 be rescinded and that the extension of FM 345 be removed from the state highway system.

The Texas Transportation Commission (commission) finds that the extension of FM 345 is not needed for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that Minute Order 84162 is rescinded and the extension of FM 345 is removed from the state highway system, a distance of approximately 2.9 miles, as shown in Exhibit A.

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

3. Titus County - In and near the city of Mount Pleasant, redesignate the segment of FM 1000 from US 271 to FM 1735 as FM 4000, and remove the segment from FM 1735 to SH 49 from the state highway system (MO)

113541
TPP

In TITUS COUNTY, officials have requested the redesignation of Farm to Market Road 1000 (FM 1000) as Farm to Market Road 4000 (FM 4000) from the US 271 Relief Route in southern Mount Pleasant eastward approximately 4.8 miles to FM 1735; and the removal of the segment from FM 1735 eastward to SH 49 from the state highway system, a distance of approximately 1.1 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended that a segment of FM 1000 be redesignated as FM 4000 on the state highway system and that a second segment be removed from the state highway system.

The Texas Transportation Commission (commission) finds that the redesignation and removal of segments of FM 1000 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 a segment of FM 1000 from the US 271 Relief Route in the city of Mount Pleasant eastward to FM 1735 is redesignated as FM 4000, and a second segment from FM 1735 eastward to SH 49 is removed from the state highway system.

d. Release of Access

Brazoria County - SH 288, immediately south of Discovery Bay Drive in Pearland - Consider the designation of a location on the highway at which access will be permitted to the abutting property

113542
DES

In BRAZORIA COUNTY, on STATE HIGHWAY 288, a designated controlled-access highway, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1039, Page 856 of the Deed Records of Brazoria County, with denial of access to the abutting remainder properties as described in the instrument.

Sam’s Real Estate Business Trust, the current owner of the abutting property Tract 9AC has requested that access to and from the southbound frontage road of SH 288 be permitted along their east property line as a new access point, described in Exhibit A.

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, and designates the new access point as a location where ingress and egress are permitted to and from the southbound frontage road of SH 288.

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

Travis and Williamson Counties - Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (CTTS) (MO)

113543
TOD

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

The commission has previously issued bonds and obligations, with approximately \$2,149,548,463 outstanding, to finance or refinance a portion of the costs of the Central Texas Turnpike System (system), pursuant to an Indenture of Trust and six supplemental indentures. The Indenture of Trust dated July 15, 2002 (Indenture), prescribes the terms, provisions and covenants related to the issuance of turnpike revenue bonds and obligations to finance a portion of the costs of the 2002 Project.

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

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

A report of actual traffic and revenue for the required period, attached as Exhibit A, has been prepared in accordance with Section 501(c) of the Indenture of Trust. IT IS THEREFORE ORDERED by the commission that the report of actual traffic and revenue attached as Exhibit A is accepted.

Note: Exhibit A 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)

113544
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 State Highway 146 established by Minute Order 109064, dated 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 A - D are on file with the assistant chief clerk.

14. 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

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 10:14 a.m.

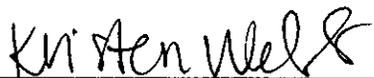
APPROVED:



Ted Houghton, Chairman
Texas Transportation Commission

XXX

I hereby certify that the above and foregoing pages constitute the full, true and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on March 28, 2013, in Austin, Texas.



Kristen Webb, Assistant Chief Clerk
Texas Department of Transportation