

These are the minutes of the regular meeting of the Texas Transportation Commission held on May 30, 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
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 4:45 p.m. on May 22, 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 April 25, 2013 meeting of the Texas Transportation Commission

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

ITEM 3. Resolution

Recognize Connie Bohuslav, Executive Assistant, upon her retirement from the department after 25 years of service

This item was presented by Executive Director Phil Wilson. The commission also received comments from Connie Bohuslav.

The chair took up item 5b.

ITEM 5. Appointments

b. Appoint one member to the Grand Parkway Association Board of Directors (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 Director of Planning Marc Williams. The commission also received comments from Elyse Lanier and Former Houston Mayor and Former Texas Transportation Commission Chairman Bob Lanier.

113575
TPP

Pursuant to Transportation Code, Chapter 431, and Title 43, Texas Administrative Code, Chapter 15, Subchapter H, the Texas Transportation Commission (commission) has the authority to appoint members to the Board of Directors (board) of the Grand Parkway Association.

The board has nominated Ms. Elyse Lanier to serve a six-year term on the board, and has submitted the required documentation for review.

The board published an appropriate notice of the nomination and the proposed consideration by the commission at least 20 days prior to the date of this order, and has furnished the commission with the requisite publisher’s affidavit.

Based upon the review and consideration of all relevant information as documented and filed with the commission, as well as the board’s recommendation, it appears to the commission that the nominee is fully eligible and qualified to serve as a member of the board in accordance with Transportation Code, Chapter 431, and Title 43, Texas Administrative Code, Chapter 15, Subchapter H.

IT IS THEREFORE ORDERED by the commission that effective on the date of this order, Elyse Lanier is hereby appointed to serve as a member on the board for the Grand Parkway Association, with a term expiring May 30, 2019.

ITEM 4. Discussion Items

a. Status of the 2013 Unified Transportation Program

This item was deferred.

b. TxDOT preparation for 2013 Hurricane Season

This item was presented by Deputy Executive Director John Barton.

c. Update on the award of funds to continue safe operation of air traffic control towers impacted by recent federal action

This item was presented by Aviation Division Director Dave Fulton.

ITEM 5. Appointments

a. Appoint one member to the Port Authority Advisory Committee (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 Maritime Division Director Herman Deutsch.

113576
MRD

Transportation Code, §55.006, requires the Texas Transportation Commission (commission) to appoint a seven-member Port Authority Advisory Committee (committee) to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for exchange of information between the commission, the department and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members serve staggered three-year terms, unless removed sooner at the discretion of the commission.

The commission has determined that the individual listed below fulfills the statutory requirements to serve as a member of the committee for a three-year term expiring on May 30, 2016.

Roger Guenther, Deputy Director of Operations – Port of Houston Authority

IT IS THEREFORE ORDERED by the commission that Roger Guenther is appointed as a member of the Port Authority Advisory Committee for the term specified.

ITEM 6. Aviation

Various Counties - Award federal and state grant funding for airport improvement projects at various locations (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 Aviation Division Director Dave Fulton.

113577
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, April 18, 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 \$19,600,800.

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

ITEM 7. Public Transportation

a. Jefferson County - Award transportation development credits to the City of Beaumont for the replacement of transit vehicles (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 Public Transportation Division Director Eric Gleason.

113578
PTN

The Texas Transportation Commission (commission) desires to award 300,000 Transportation Development Credits (TDC) to the city of Beaumont to be used as local match for a federally funded Congestion Mitigation and Air Quality capital project.

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.

b. Various - Award federal funds from the Job Access Reverse Commute Program (JARC, §5316), Bus and Bus Facilities Program (§5309), and state funds, and transportation development credits to the South Plains Community Action Association (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 Public Transportation Division Director Eric Gleason.

113579
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant programs, 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.

South Plains Community Action Association has requested financial assistance to procure vehicles to establish a commuter route for employees and the general public who were impacted by a recent plant closure.

Title 43, Texas Administrative Code §31.16 and §31.17 establishes a process by which projects may be evaluated and funds distributed.

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.

The commission finds that the project in Exhibit A is eligible for funding and awards a total of \$134,676 in federal program funds and 28,072 in TDC.

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 identified in Exhibit A, notify the entity in writing, and enter into the necessary contracts.

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

c. Various Counties - Award federal §5304 and state match, §5311, §5311(f), Rural Transit Assistance Program funds for the FY 2013 coordinated call for projects, and award transportation development credits (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.

113580
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor in a letter dated October 4, 2005, as the administering agency for the Federal Transit Administration (FTA) grant programs and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

Title 43, Texas Administrative Code, Sections §31.22, §31.36 and §31.37 establishes the process by which program proposals shall be evaluated and funds distributed. On October 19, 2012, the department published a Notice of Request for Proposal for projects in the Texas Register. Project criteria included project planning

and coordination, demonstration of need and benefits of the project, and project management.

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 projects to expand the availability of funding for public transportation projects and finds that the projects meet 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.

The commission finds that the projects in Exhibit A are eligible for funding and awards a total of \$8,878,706 in federal and state program funds and 754,670 in TDC. 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 awards as described in Exhibit A, submit the necessary state application to the FTA and enter into the necessary contracts.

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

d. Various Counties - Award federal §5311, Formula Grants for Rural Areas Program, funds to rural transit districts for FY 2013 (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 Public Transportation Division Director Eric Gleason.

113581
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, Formula Grants Program for Rural Areas (49 U.S.C. §5311), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

Title 43, Texas Administrative Code (TAC), §31.36(g)(4), establishes a formula for calculating awards to rural transit systems based on vehicle revenue miles. The distribution of the awards is shown in Exhibit A.

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 awards as described in Exhibit A, submit the necessary state application to the FTA and enter into the necessary contracts.

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

e. Various Counties - Award federal §5311, Formula Grants for Rural Areas Program, funds to rural transit districts for FY 2013 (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 Public Transportation Division Director Eric Gleason.

113582
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, Formula Grants Program for Rural Areas (49 U.S.C. §5311), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The commission awarded federal formula funds in Minute Order 113394 on December 13, 2012. The commission now desires to award additional federal funds to help mitigate negative formula impacts as a result of using 2010 census data in the formula.

Title 43, Texas Administrative Code (TAC), §31.36(g)(3), establishes criteria for awarding funds to rural transit districts at the discretion of the commission. The distribution of the awards is shown in Exhibit A.

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 awards as described in Exhibit A, submit the necessary state application to the FTA and enter into the necessary contracts.

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

f. Various Counties - Award federal and state funds, and transportation development credits to Texoma Area Paratransit 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 Public Transportation Division Director Eric Gleason.

113583
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 Collin County Commissioners Court, on April 22, 2013 passed a court order which effectively named Texoma Area Paratransit System, Inc. (TAPS) as the Rural Transit District for Collin County effective July 1, 2013.

IT IS THEREFORE ORDERED by the commission that the executive director, or the director's designee, is hereby authorized to proceed with the awards not to exceed the balance amounts as shown in Exhibit A to TAPS and enter into the necessary contracts.

IT IS FURTHER ORDERED by the commission that the executive director or the director's designee is authorized to direct the transfer of Collin County Committee on Aging assets funded by the department and retitle the assets to TAPS with department secured interest. 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.

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

ITEM 8. Transportation Planning

Various Counties - Designate various Interstate Highways concurrent with existing US Highways (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.

113584
TPP

The Texas Transportation Commission (commission) previously authorized the Texas Department of Transportation (department) to submit applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting that the following highway segments be added to the Interstate Highway System:

- A 3.5 mile segment of US 59, from I-30 to State Loop 151 in Texarkana, to be designated as I-369 (Exhibit A).
- A 53.3 mile segment of US 77, from the junction of Business 77 north of Raymondville to the limits of access control just north of the United States-Mexico International Border Crossing Complex, to be designated as I-69 East (I-69E) (Exhibit B).
- A 46.8 mile segment of US 83, from the junction of Showers Road in Palmview to US 77 in Harlingen, to be designated as I-2 (Exhibit C).
- A 13.5 mile segment of US 281, from the junction of FM 2812 in Edinburg to US 83 in Pharr, to be designated as I-69 Central (I-69C) (Exhibit D)

Before a segment of highway can be added to the Interstate Highway System, AASHTO must take action to approve the application. Furthermore, the Federal Highway Administration (FHWA) must confirm that the highway segment meets the applicable Interstate designation regulations and criteria, and approve any associated

design exception requests. Following such confirmation, the FHWA Administrator must take action to approve the addition of the highway segment to the Interstate Highway System. As of May 24, 2013, AASHTO and the FHWA Administrator have issued the required approvals.

Additionally, Minute Order 112875, dated October 27, 2011, designated I-69 on the state highway system concurrent with US 77 from I-37 in Corpus Christi southward approximately 6.2 miles to SH 44 in Robstown. FHWA subsequently informed the department and AASHTO that this segment of I-69 should be renumbered as I-69 East (I 69E). During its spring 2013 meeting, AASHTO approved an application to change the Interstate route numbering of this Interstate system segment from I-69 to I-69E.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the department has recommended the concurrent designations described above. The commission finds that the concurrent designations described above will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and are necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that I-369 (as shown on Exhibit A), I-69E (as shown on Exhibit B), I-2 (as shown on Exhibit C), and I-69C (as shown on Exhibit D) are to be so designated on the state highway system concurrent with the existing route numbers.

IT IS FURTHER ORDERED that the previously-designated portion of I-69/US 77 be designated on the state highway system as I-69E, concurrent with the existing US 77 route number (as shown in Exhibit E).

Note: Exhibits A - F are 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 2 - Environmental Review of Transportation Projects (MO)

Amendments to §2.12, Project Coordination (General Provisions), and §2.103, Public Participation for an Environmental Impact Statement or Supplemental Environmental Impact Statement (Public Participation)

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 General Counsel Jeff Graham.

113585
OGC

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §2.12 and §2.103, both relating to environmental review of transportation projects, 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 - 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 §§2.12 and 2.103 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 - C are on file with the assistant chief clerk.

(2) Chapter 2 - Environmental Review of Transportation Projects (MO)

Repeal of §2.21, Purpose, and §2.22, Memorandum of Understanding with the Texas Parks and Wildlife Department; and New Subchapter G, Memorandum of Understanding with the Texas Parks and Wildlife Department, New §§2.201-2.216

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 Environmental Affairs Division Director Carlos Swonke.

113586
ENV

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §2.21 and §2.22, and the simultaneous replacement of the repealed sections with new Subchapter G, Memorandum of Understanding with the Texas Parks and Wildlife Department, §§2.201-2.214, relating to coordination of environmental review of transportation projects by the Texas Parks and Wildlife Department, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted 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 repeal of §2.21 and §2.22 and new §§2.201-2.214 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 - C are on file with the assistant chief clerk.

(3) Chapter 5 - Finance (MO)

Amendments to §5.107, Award by Commission, and §5.109, Discretionary Award (Transportation Development Credit Program)

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 Finance Division Director Brian Ragland.

113587
FIN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §5.107 and §5.109 relating to transportation development credit program 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 §5.107 and §5.109 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.

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

New §9.40, Contract Under a Pilot Program (Contracting for Architectural, Engineering, and Surveying Services)

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 Chief Procurement and Deputy Administrative Officer Lauren Garduno.

113588
ADM

The Texas Transportation Commission (commission) finds it necessary to adopt new §9.40, Contract Under a Pilot Program, 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 new section, 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 §9.40 is adopted and is 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.

b. Proposed Adoption

(1) Chapter 4 - Employment Practices (MO)

Repeal of §§4.60-4.63 (Employee Training and Education) and New §4.61, Tuition Assistance Program (Employee Training and Education)

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 Chief Procurement and Deputy Administrative Officer Lauren Garduno.

113589
ADM

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§4.60-4.63 and new §4.61, Tuition Assistance Program, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repeals and new sections, attached to this minute order as Exhibits A - 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 repeal of §§4.60-4.63 and new §4.61 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 5 - Finance (MO)

Amendments to §5.52, Definitions, §5.58, Calculation of Pass-Through Fares and Tolls, and §5.59, Project Development by Public or Private Entity, and New §5.61, Solicitation of Private Proposals (Pass-Through Fares and Tolls)

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 Chief Financial Officer James Bass.

113590
FIN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §5.52, Definitions, §5.58, Calculation of Pass-Through Fares and Tolls, and §5.59, Project Development by Public or Private Entity, and new §5.61, Solicitation of Private Proposals, all relating to Pass-Through Fares and Tolls, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments and new section, 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 §5.52, §5.58, and §5.59, and new §5.61 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 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.

113591
DES

The Texas Transportation Commission (commission) finds it necessary to propose 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 proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §9.35 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.

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

New §28.60, Purpose, §28.61, Definition, and §28.62, District’s Powers and Duties, §28.63, Permit Eligibility, §28.64, Permit Issuance Requirements and Procedures, §28.65, Permit Weight Limits for Axles, §28.66, Movement Requirements and Restrictions, and §28.67, Records (New Subchapter F, Port Freeport Permits)

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 Deputy Executive Director John Barton.

113592
MNT

The Texas Transportation Commission (commission) finds it necessary to propose new §§28.60 - 28.67 relating to Port Freeport Permits 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 §§28.60 - 28.67 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.

ITEM 10. 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 11. Toll Roads

a. Dallas and Tarrant Counties - Consider the approval of the department's determination to exercise its option to develop, finance, construct, and operate the I-30 Managed Lanes Project from Baird Farm Road in Tarrant County to I-35E in Dallas County (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 Strategic Projects Division Director Ed Pensock.

113593
SPD

The Texas Department of Transportation (department) and the North Texas Tollway Authority (NTTA) have been cooperating in the proposed reconstruction and redevelopment of I-30 in Dallas and Tarrant Counties, including the proposed construction of tolled managed lanes from Baird Farm Road in Tarrant County to I-35E in Dallas County (I-30 Managed Lanes Project). Improvements to this corridor are critical to the region's continued mobility and economic vitality.

By Resolution 13-37, adopted on March 20, 2013, the NTTA Board of Directors waived the NTTA's option to develop, finance, construct and operate the I-30 Managed Lanes Project.

Pursuant to Transportation Code, §373.055(b), the department and the NTTA entered into an agreement to alter the time limit for the department to exercise its option under Transportation Code, §373.053 to develop, finance, construct, and operate the I-30 Managed Lanes Project.

The department has determined that its option to develop, finance, construct, and operate the I-30 Managed Lanes Project should be exercised.

IT IS THEREFORE ORDERED by the commission that the department's determination to exercise its option to develop, finance, construct, and operate the I-30 Managed Lanes Project pursuant to Transportation Code, §373.053 is approved, and the

project is authorized with CONSTRUCT authority.

IT IS FURTHER ORDERED that the executive director, on behalf of the commission, is authorized to perform all such acts and execute such documents necessary to carry out the intent of this minute order.

b. El Paso County - Consider the approval of the department's determination to exercise its option to develop, construct, finance, and operate the portion of the Loop 375 Border Highway West Extension in El Paso County from Racetrack Drive near Doniphan Road and New Mexico 273 (west of downtown) to US 54 (east of downtown) in the City of El Paso (Project) and authorize the department to issue a request for qualifications for the development, design, construction, maintenance, operation and potentially financing of the Project (MO) (Presentation)

Commissioner Moseley made a motion to accept a modified minute order, 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.

113594
SPD

The Texas Department of Transportation (department) has been planning the proposed Loop 375 Border Highway West Extension Project (Loop 375 BHW Project) from Racetrack Drive near Doniphan Road and New Mexico 273 (west of downtown) to US 54 (east of downtown) in the City of El Paso.

The Loop 375 BHW Project would add capacity by providing a new four-lane, controlled access toll facility that closes the gap from the terminus of the existing Loop 375 to US 85. The intent is to improve safety and mobility, enhance system continuity, and accommodate projected growth throughout this southwest section of El Paso. The total project is approximately 9 miles in length.

By Board Resolution adopted on May 8, 2013, the Board of Directors of the Camino Real Regional Mobility Authority (CRRMA) waived and declined to exercise the CRRMA's option to develop, finance, construct and operate the Loop 375 BHW Project pursuant to Transportation Code §373.055. Pursuant to Transportation Code §373.053, the department has determined that its option to develop, finance, construct, and operate the Loop 375 BHW Project should be exercised.

The planned improvements may provide increased capacity through the addition of controlled access lanes that are critical to the region's continued mobility and economic viability. Increasing capacity will relieve congestion, reduce travel time, and improve air quality, as well as provide social and economic benefits locally, regionally and statewide.

IT IS THEREFORE ORDERED by the Texas Transportation Commission (commission) that the department's determination to exercise its option to develop, finance, construct, and operate the Loop 375 Border Highway West Extension Project, pursuant to Transportation Code, §373.053, is approved, and the project is authorized with CONSTRUCT authority.

c. **Various Counties** - Consider the approval of a prohibition on the use of bicycles on limited-access and controlled-access toll projects on the state highway system (MO)

This item was presented by Toll Operations Division Director Doug Woodall. The commission also received comments from Bike Texas Executive Director Robin Stallings. This item was deferred.

ITEM 12. Contracts

Award or reject contracts for maintenance, highway and building construction

a. Highway Maintenance and Department Building Construction

(see attached itemized list) (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 Construction Division Deputy Director Darren Hazlett.

113595
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 May 7 and 8, 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 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 Construction Division Deputy Director Darren Hazlett.

113596
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 May 7 and 8, 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 13. 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 Meadows, Commissioner Austin and Commissioner Moseley (a vote of 5 – 0). This item was presented by Right of Way Division Director John Campbell.

113597
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 - F. 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 - 23, 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
Collin	US 75	18	0047-14-071	40
Collin	US 75	17	0047-14-071	48
Dallas	SH 183	1	0094-03-098	58
Dallas	SH 183	4	0094-03-100	45
Dallas	SH 183	8	0094-03-100	87
Dallas	SH 183	23	0094-03-100	55
Delta	SH 24	3	0136-03-060	61
Denton	FM 720	22	1567-01-034	1
Denton	US 377	11	0081-04-036	5
Denton	US 377	7	0081-04-036	2
Denton	US 377	9	0081-04-036	11
Denton	US 377	10	0081-04-036	4
Denton	US 377	14	0081-04-036	14
Denton	US 377	15	0081-04-036	1
Denton	US 377	13	0081-04-036	3
Eastland	FM 2214	5	1697-02-025	13
Harris	US 290	2	0050-09-084	650A
Montgomery	FM 1774	12	1400-04-027	212
Nueces	SH 358	21	0617-01-172	39
Nueces	SH 358	20	0617-01-172	43
Nueces	SH 358	19	0617-01-172	23
Nueces	SH 358	16	0617-01-172	56
Rockwall	FM 740	6	1014-03-058	29

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bell	IH 35	E	0015-04-083	49
Bell	IH 35	F	0015-04-083	138
Bell	IH 35	B	0015-14-124	46

Dallas	SH 183	A	0094-03-100	62
Dallas	SH 183	C	0094-03-100	12
McLennan	IH 35	D	0015-01-221	103AC

Note: Exhibits A - F and 1 - 23 are on file with the assistant chief clerk.

ITEM 14. Traffic Operations

Highway Safety Plan - Approve funding for the 2014 Highway Safety Plan (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 Traffic Operations Division Director Carol Rawson.

113598
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and deaths, injuries and property damage.

The Moving Ahead for Progress in the 21st Century Act also appropriated various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the FY 2014 Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the HSP is approved and the executive director is directed to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$100,244,203.68 as shown in Exhibit A. The estimated cost for this program is contingent upon the appropriation of funds by the U.S. Congress and could increase or decrease from the requested amount.

IT IS FURTHER ORDERED that, should additional federal funds become available, the director of the Traffic Operations Division is authorized to approve an increase in the HSP up to 10 percent of the total approved budget and the executive director or the director's designee is authorized to approve an increase in the HSP up to 50 percent of the total approved budget, or to the extent of the additional federal funds.

Note: Exhibit A is 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.

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)

113599
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

(1) Brazoria County - SL 419 and SH 35 in Old Ocean - Consider the removal from the system of a segment of SL 419, transfer of control, jurisdiction, and maintenance to the county and re-designation of the remaining segment of SL 419. Also consider the sale of surplus right of way on SH 35 to the county (MO)

113600
ROW

In BRAZORIA COUNTY on STATE LOOP 419, the State of Texas used certain land for highway purposes, and on STATE HIGHWAY 35, the state acquired certain land for highway purposes by instrument recorded as Clerk's File No. 00-008111, Official Records of Brazoria County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, the removal from the state highway system of a segment of SL 419, the transfer of control, jurisdiction and maintenance to the county and the re-designation of the remaining segment of SL 419.

A portion of SH 35 right of way (surplus land), described in Exhibit B, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to a governmental entity with the authority to condemn the property.

The county has requested that the surplus land be sold to the county for \$20,000.

The commission finds \$20,000 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

IT IS THEREFORE ORDERED by the commission that: 1) SL 419 from SH 35 eastward to County Road 374 is removed from the state highway system, a distance of approximately 1.07 miles; 2) control, jurisdiction and maintenance is transferred to the county; and 3) SL 419 from CR 374 eastward to SH 35 is re-designated as State Spur 419, a distance of approximately 0.97 mile.

FURTHER, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying the state's right, title and interest in the surplus land to Brazoria County, Texas, for \$20,000; 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 state land.

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

(2) Brazos County - SH 6 at SH 40 in College Station - Consider the sale of surplus right of way to the abutting landowner (MO)

113601
ROW

In the city of College Station, BRAZOS COUNTY, on STATE HIGHWAY 6, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 863, Page 231, Deed Records of Brazos 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.

Brazos Texas Land Development, LLC, is the abutting landowner and has requested to purchase the surplus land for \$203,863.

The commission finds \$203,863 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 Brazos Texas Land Development, LLC, for \$203,863; 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.

(3) Collin County - FM 2478, old alignment at Kathryn Lane in Plano - Consider the sale of surplus right of way to the abutting landowner (MO)

113602
ROW

In the city of Plano, COLLIN COUNTY, on FARM TO MARKET ROAD 2478, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 539, Page 395, Deed Records of Collin 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.

Bloomfield Homes, L.P., is the abutting landowner and has requested that the surplus land be sold to the company for \$6,059.

The commission finds \$6,059 to be a fair and reasonable value for the state's right, title and interest in the surplus land.

NOW, THEREFORE, 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 that the value of the surplus land is less than \$10,000 and authorizes the executive director to execute a proper instrument conveying all of the state's right, title and interest in the surplus land to Bloomfield Homes, L.P., for \$6,059; 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.

(4) El Paso County – I-10 at SL 375, south of Rojas Drive in El Paso- Consider the sale of access rights to the abutting landowner (MO)

113603
ROW

In the city of El Paso, EL PASO COUNTY, on INTERSTATE 10, a designated controlled access highway, the state of Texas acquired certain land for highway purposes by instrument recorded as Document #20100060316, Official Records of El Paso County, Texas, and the state owns and controls certain access rights to the highway facility to and from the abutting land.

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

Amerco Real Estate Company of Texas, Inc., owner of an 11.6189-acre tract of land conveyed by deed recorded under Document #20100077206, Official Records of El Paso County, Texas (Amerco Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state sell the surplus access rights to Amerco, for \$258,794.

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

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

It is the opinion of the commission that it is proper and correct that the state sell the surplus access rights to the abutting landowner for a cash consideration of \$258,794.

NOW, THEREFORE, the commission finds that the surplus access rights are no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the state's interest in the surplus access rights to Amerco Real Estate Company of Texas, Inc., for a cash consideration of \$258,794.

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

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

(5) Houston County - FM 357 4.1 miles southeast of Kennard - Consider the acceptance of a donation of a roadway easement maintained by the state (MO)

113604
ROW

In HOUSTON COUNTY, on FARM TO MARKET ROAD 357 4.1 miles southeast of Kennard, the Texas Department of Transportation (department) maintains an easement for roadway purposes.

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

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

Carl Ray Pope (owner) is the owner of the property described in Exhibit A and wants to donate this property, estimated at \$8,860, to the department for continued use as a roadway easement.

The owner is not subject to department regulations or oversight, or interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

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

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

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

(6) Upshur County - SH 154 from 0.7 miles west of US 259 to US 259
Consider the acceptance of a donation of land for a highway improvement project (MO)

113605
ROW

In UPSHUR COUNTY, on STATE HIGHWAY 154 from 0.7 miles west of US 259 to US 259, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

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

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

New Diana Independent School District (owner) is the owner of the property described in Exhibit A and wants to donate this property, estimated at \$1,342, to the department for construction of a highway improvement project.

The owner is not subject to department regulations or oversight, or interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

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

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

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

c. Highway Designation

Navarro County - Designate SH 31 along a new location around the city of Corsicana and redesignate the old alignment as SH 31-D Business (MO)

113606
ROW

In NAVARRO COUNTY, the Dallas District has requested the designation of State Highway 31 (SH 31) along a new location from County Road 5141 south of Corsicana east and northeastward approximately 13.0 miles to County Road SE 70; and the redesignation of the old alignment as State Highway 31-D Business (SH 31-D Business), a distance of approximately 10.3 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended that SH 31 be designated on the state highway system along a new location and that the old location be redesignated as SH 31-D Business.

The Texas Transportation Commission (commission) finds that the designation of SH 31 along a new location and redesignation of the existing location of SH 31 as SH 31-D Business 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 31 be designated along a new location, a distance of approximately 13.0 miles; and that the old alignment of SH 31 be redesignated as SH 31-D Business.

d. Release of Access

Fort Bend - US 59, immediately south of First Colony Boulevard in Sugar Land - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

113607
DES

In FORT BEND COUNTY, on US HIGHWAY 59, a designated controlled-access highway, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 580, Page 688 of the Fort Bend County Deed Records and in Fort Bend County Clerk's File No. 2004127988, with denial of access to the abutting remainder properties as described in the instrument.

Bellagio Management, L.L.C., the current owner of the abutting property Tract 14AC has requested that access to and from the southbound frontage road of US 59 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 US 59.

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. Redesignation of Access

Travis County - Authorize the redesignation of access control along Loop 1, approximately 1800 feet south of the US 290/SH 71 (Ben White Boulevard) intersection, for the property owned by Mopac Condominiums, Ltd, to move the access point from its original location to a new location (MO)

113608
DES

In TRAVIS COUNTY, on LOOP 1, a designated controlled-access highway, access was permitted to the abutting property owner at a location as described by metes and bounds pursuant to a deed recorded in Volume 11753, Page 1005, Real Property Records of Travis County.

Mopac Condominiums, Ltd, the current owner of the abutting property, has requested a redesignation of the control of access along its property line. The original access point, as shown in Exhibit A and attached hereto (original access point), will become controlled whereby access is denied. Access will be permitted at the new access point as shown and described in Exhibit B (new access point).

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 is necessary for the mobility, safety and operation of the state highway facility and, conditional upon the release and relinquishment of the original access point, authorizes redesignation of permitted access along LP 1 from its original access location to the new location described in Exhibit B.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to enter into any necessary agreements with Mopac Condominiums, Ltd containing terms consistent with the provisions of this order.

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

f. Reports

Accept the annual Inspection Report for the Central Texas Turnpike System (MO)

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In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 130 has been designated a toll project and a controlled-access state highway from Interstate-35 north of Georgetown to a southern terminus at US 183.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 45N has been designated a toll project and a controlled-access state highway from west of US 183 to SH 130.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY LOOP 1 has been designated a toll project and a controlled-access state highway from Farm to Market 734 (Parmer Lane) in Austin to the intersection of Loop 1 and SH 45N.

In TRAVIS COUNTY, STATE HIGHWAY 45 SOUTHEAST has been designated as a turnpike project and a controlled access state highway from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange.

The Texas Transportation Commission (commission) has issued toll revenue bonds and other obligations to finance a portion of the costs of the 2002 Project of the Central Texas Turnpike System (system), a toll project originally composed of the SH 130, SH 45N, and Loop 1 project elements, and has entered into an Indenture of Trust, with Bank of New York Mellon Trust Company, National Association, as Trustee to secure the revenue bonds and other obligations issued for the 2002 Project.

On August 30, 2012, the commission ordered the addition of SH 45 Southeast to the system in accordance with the terms of the sixth supplemental indenture (sixth supplement) and the minute order approving the sixth supplement.

In Section 707 of the Indenture of Trust, the commission covenants that it shall cause the general engineering consultant to make an inspection of the system at least once in the fiscal year following the substantial completion of the 2002 Project and in each fiscal year thereafter.

Following each inspection and on or before the 90th day prior to the end of each fiscal year, the general engineering consultant shall submit to the commission a report concerning the inspection, setting forth (a) their findings as to whether the system has been maintained in good repair, working order and condition; (b) their advice and recommendations as to the proper maintenance, repair and operation of the system during the ensuing fiscal year; and (c) an estimate of the amount of money necessary for such purposes, including their recommendations, as to the total amounts and classifications of items and amounts that should be provided for in the annual operating budget, the annual maintenance budget and annual capital budget for the next ensuing fiscal year.

Section 707 of the Indenture of Trust requires copies of the report to be filed with the U.S. Department of Transportation and the Trustee.

The commission has previously engaged PBS&J to serve as general engineering consultant in accordance with the Indenture of Trust. The FY 2013 Central Texas Turnpike System Annual Inspection Report, attached as Exhibit A, has been prepared by Atkins North America, Inc. (formerly PBS&J) in accordance with Section 707 of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the general engineering consultant's FY 2013 Central Texas Turnpike System Annual Inspection Report attached as Exhibit A is accepted.

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

g. Speed Zones

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

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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 various 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.

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 zones shown on the attached Exhibit C are canceled.

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

ITEM 16. Executive Session Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

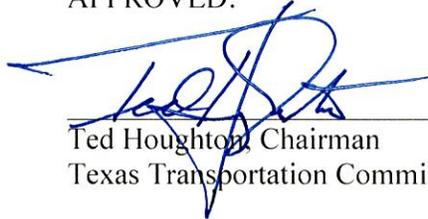
OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the commission.

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 11:32 a.m.

APPROVED:



Ted Houghton, Chairman
Texas Transportation Commission

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I hereby certify that the above and foregoing pages constitute the full, true and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on May 30, 2013, in Austin, Texas.



Kristen Webb, Assistant Chief Clerk
Texas Department of Transportation