

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 27, 2014, in Laredo, Texas. The meeting was called to order at 9:00 a.m. by Chairman Houghton with the following commissioners present:

Texas Transportation Commission:

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

Commissioner Fred Underwood was not in attendance.

Administrative Staff:

James Bass, Interim Executive Director
 Jeff Graham, General Counsel
 Rose Guajardo Walker, Chief Clerk
 Robin Carter, 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 3:53 p.m. on February 19, 2014, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by District Administrator Melisa Montemayor.

ITEM 2. Approval of Minutes of the January 26, 2014, regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded, and the commission approved the minutes of the January 30, 2014 regular meeting by a vote of 4 - 0.

ITEM 4. Regional Mobility Authority

Webb County and the City of Laredo - Authorize Webb County and the City of Laredo to create the Webb County - City of Laredo Regional Mobility Authority (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Planning and Project Officer Russell Zapalac. The commission heard comments from Senator Judith Zaffarini, Representative Richard Pena Raymond, and Webb County Judge Danny Valdez.

113851
TPP

Pursuant to Chapter 370 of the Transportation Code, and 43 TAC Chapter 26 (RMA rules), Webb County (county) and the city of Laredo (city) jointly petitioned the Texas Transportation Commission (commission) for authorization to form a regional mobility authority (RMA) in Webb County and the city of Laredo (Webb County - City of Laredo Regional Mobility Authority). The petition was filed on January 27, 2014.

By e-mail dated January 28, 2014, the Texas Department of Transportation (department) notified the City of Laredo and Webb County that the petition met the requirements of §26.11 of the RMA rules.

The petition identifies the upgrade of an approximately 10.9 mile section of State Highway Loop 20, from US 59 to World Trade International Bridge IV, as the initial project for development by the RMA (Loop 20/US 59 Project). The Loop 20/US 59 Project will upgrade Loop 20 to interstate standards and provide an important reliever route for some of the commercial traffic from the World Trade International Bridge IV, and will provide for improved traffic circulation within the county. This designation of this section of Loop 20 is planned to be changed to US 59, the start of the process to designate US 59 as part of the Interstate 69 system in Laredo.

The board of directors of the RMA, as set forth in the petition, will be composed of nine members, with four directors appointed by the Webb County Commissioners Court and four directors appointed by the City Council of the City of Laredo, with the ninth member, the presiding officer, appointed by the Governor. The Webb County Commissioners shall appoint one (1) member from precinct one, one (1) member from precinct 2, one (1) member from precinct 3, and one (1) member from precinct 4. The City of Laredo shall appoint one (1) member from City Council Districts 1 & 2, one (1) member from City Council Districts 3 & 4, one (1) member from City Council Districts 5 & 6, and one (1) member from City Council Districts 7 & 8.

On February 4, 2014, the department conducted a public hearing in Webb County, pursuant to §26.12 of the RMA rules, to receive public comment on the proposed formation of the RMA. Notice of the public hearing was published in the Texas Register and in a newspaper of general circulation in the county.

At the public hearing, one elected official, the Laredo City Manager and three individuals spoke in favor of the creation of the RMA. One individual was concerned with the heavy truck traffic resulting from the Loop 20/US 59 project and also commented on concerns about tolling Loop 20/US 59 in the future. Two individuals submitted written comments, both in favor of creation of the RMA and requested more outreach in development of the project and funding mechanisms.

The commission finds that the creation of the RMA has sufficient public support. The commission bases this finding on: (1) the resolution of support from the Commissioners Court of Webb County; and (2) the support indicated at the public hearing and in the written comments.

The commission finds that creation of the RMA will result in direct benefits to the state, local governments, and the traveling public, and will improve the efficiency of the state's transportation systems. The RMA will benefit the state by constructing needed roadway projects, such as the projects identified in the county's petition, as the county's initial project and other potential candidate projects. The RMA will benefit local governments by increasing local control over transportation planning and through

additional transportation projects that may be funded through surplus revenue earned by the RMA. The traveling public will also benefit through improved mobility and traffic safety throughout the region encompassed by the RMA. The RMA will improve the efficiency of the state's transportation systems through the construction of the initial project and other potential candidate projects, which will enhance mobility and safety within these segments of the state highway system, and through the development and financing of additional projects in the future.

The commission finds that the RMA's potential candidate projects are consistent with the approved Texas Transportation Plan; included in the Statewide Transportation Improvement Program; and included in the approved plan of the Metropolitan Planning Organization. Subject to commission approval of the project under §26.31 of the RMA rules, the commission also finds that the projects will benefit the traveling public.

The commission finds that the composition of the board of directors of the RMA as described in the petition will adequately represent affected political subdivisions.

IT IS THEREFORE ORDERED that the commission authorizes the creation of the Webb County - City of Laredo Regional Mobility Authority.

IT IS FURTHER ORDERED that the initial project that may be developed, maintained, and operated by the RMA shall be the Loop 20/US 59 Project identified above. This order does not constitute final commission approval of the initial project or other potential candidate projects, which must be obtained pursuant to Chapter 370 of the Transportation Code and the applicable provisions of the RMA rules.

IT IS FURTHER ORDERED that the initial board of directors shall be composed of nine members, with four directors appointed by the Webb County Commissioners Court, and four directors appointed by the City Council of the city of Laredo, and the presiding officer appointed by the Governor.

ITEM 5. Transportation Planning

b. Webb County - In the city of Laredo, redesignate a segment of State Loop 20 as US 59 and redesignate a segment of US 59 as Business US 59-Z (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Planning and Project Officer Russell Zapalac.

113852
TPP

In WEBB COUNTY, the Texas Department of Transportation (department), in concurrence with the city of Laredo and the Laredo Metropolitan Planning Organization, is requesting the following redesignation of portions of STATE LOOP 20 (SL 20) and US 59 in order to begin the process of designating US 59 concurrent with the I-69 system:

1. A segment of SL 20 is to be redesignated on the state highway system as US 59 from the entrance to the World Trade Bridge (approximately 0.6 miles west of FM 1472) to the junction of SL 20 and US 59 in Laredo, a distance of approximately 10.9 miles.

2. A segment of US 59 is to be redesignated on the state highway system as BU 59-Z from the junction of SL 20 and US 59 to the southern terminus of US 59 in Laredo, a distance of approximately 3.6 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the department has recommended the redesignation of SL 20 and US 59 as described above.

The Texas Transportation Commission (commission) finds that the redesignation of SL 20 and US 59 will facilitate the flow of traffic, promote public safety and maintain continuity of the state highway system, and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that:

1. A segment of SL 20 is redesignated on the state highway system as US 59 from the entrance to the World Trade Bridge (approximately 0.6 miles west of FM 1472) to the junction of SL 20 and US 59 in Laredo, a distance of approximately 10.9 miles, as shown in Exhibit A.
2. A segment of US 59 is redesignated on the state highway system as BU 59-Z from the junction of SL 20 and US 59 to the southern terminus of US 59 in Laredo, a distance of approximately 3.6 miles, as shown in Exhibit A.

IT IS FURTHER ORDERED that 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 US Route Numbering for consideration.

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

ITEM 11. Design-Build Agreements

b. Nueces County - Authorize the department to issue a request for qualifications to develop, design, construct, and potentially maintain the US 181 Harbor Bridge Project in Nueces County (MO) (Presentation)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Planning and Project Officer Russell Zapalac. The commission heard from Senator Juan Hinojosa, Senator Todd Hunter, Mayor of Corpus Christi Nelda Martinez, and Corpus Christi District Engineer Lonnie Gregorzick.

113853
SPD

Subchapter E, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a comprehensive development agreement (CDA) with a private entity that provides for the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of an eligible project.

The US 181 Harbor Bridge in Nueces County is one of the oldest, demand-critical and mobility-constrained transportation corridors in the region. The proposed improvements will address structural deficiencies and navigational restrictions of the current bridge, and improve safety, connectivity, and level of service in the region.

Senate Bill 1730, 83rd Legislature, 2013, authorized the department to enter into a CDA for the US 181 Harbor Bridge Project in Nueces County between US 181 at Beach Avenue and I-37. The planned improvements will provide for the removal and replacement of the current bridge structure with a new divided six lane structure, including inside and outside shoulders; the re-routing of US 181 from I-37 to provide a new approach to the new bridge from the south; the reconstruction of the SH 286 and I-37 interchange to add direct connects to and from US 181 and I-37, and to and from I-37 and SH 286; the reconstruction of I-37 from Shoreline Boulevard to Nueces Bay Boulevard to accommodate the re-routing of US 181; and the reconstruction of US 181 north of the new bridge structure to Beach Avenue, including the reconstruction of the US 181 and Burlison Street grade separation.

The development and completion of the US 181 Harbor Bridge Project could be expedited through the use of a public-private partnership agreement, and the employment of innovative methods for the development of projects that are available with a public-private partnership agreement. Development of the US 181 Harbor Bridge Project is a crucial element of improving safety and connectivity throughout the Corpus Christi area.

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

IT IS THEREFORE ORDERED by the commission that the department is authorized to publish in the Texas Register and on the department's website a request for qualifications to develop, design, construct, and potentially maintain all or any portion of the US 181 Harbor Bridge Project in Nueces County between US 181 at Beach Avenue and I-37.

ITEM 3. Federal Legislative Priorities
Adopt federal policy priorities document (MO)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Federal Affairs Division Director Coby Chase.

113854
FLA

The United States Congress (Congress) is in the process of developing new legislation that will govern all transportation programs. Various legislation authorizing highway, transit, aviation, rail, and maritime programs either have expired or will expire shortly and need congressional reauthorization in the immediate future. Having a set of broad principles that will guide policy discussions surrounding reauthorization

bills will serve as an important tool in communicating with the Texas Congressional Delegation, federal agencies, and other transportation stakeholders.

The Texas Transportation Commission (commission) previously directed the Texas Department of Transportation (department) to develop proposed federal priorities reflecting key policy objectives of the commission for members of Congress and federal agencies to consider as they debate reauthorization and implementation of federal transportation programs.

As a result of this direction from the commission, department staff reached out to both stakeholder groups and the general public in an attempt to solicit input and ideas into what principles should guide future federal transportation policy. Department staff met with various coalition groups representing all transportation modes and published a call for ideas in the Texas Register on October 11, 2013. The input received from these groups helped shape the policy principles. Staff gathered input from within the department as well.

Exhibit A contains a list of common policy issues and ideas stemming from these deliberations and meetings. This document is intended to serve as a tool when discussing transportation policy with members of the Texas Congressional Delegation, federal agencies, and other transportation stakeholders as legislation is developed by Congress or as new opportunities are created by federal agencies.

IT IS THEREFORE ORDERED by the commission that Exhibit A is approved to serve as the commission's Federal Policy Priorities Document for federal transportation programs.

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

ITEM 5. Transportation Planning

a. Hidalgo County - Approve the transfer of Border Colonias Access Program funds from previously selected colonia projects to other eligible colonia projects (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Director of Planning Marc Williams

113855
LGP

Government Code, §1403.002, requires the Texas Public Finance Authority (TPFA), as authorized by the Office of the Governor, to issue general obligation bonds and notes in an aggregate amount not to exceed \$175 million. The TPFA shall, as directed by the Texas Department of Transportation, distribute the proceeds to counties to provide financial assistance for colonia access roadway projects to serve border colonias. Government Code, §1403.002, further requires the Texas Transportation Commission (commission) to establish a program to administer the use of the proceeds of the bonds and notes.

The commission approved projects for funding under the third call of the Border Colonias Access Program by Minute Order 111442, dated July 31, 2008.

Title 43, Texas Administrative Code, §15.105(10) provides that a county may use unexpended funds from a project on any other commission-selected county colonia project. Due to the cancellation of some previously-approved projects, Hidalgo County

(county) has requested approval to transfer a portion of the funds awarded to the county by Minute Order 111442 to other eligible colonia projects, as shown in Exhibit A.

IT IS THEREFORE ORDERED by the commission that the county's request to transfer a portion of the funds awarded to the county by Minute Order 111442 to other eligible colonias projects, as shown in Exhibit A, is approved.

IT IS FURTHER ORDERED that the remainder of the funds awarded to the county, \$568,379.91, may be used for eligible colonia project cost overruns.

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

ITEM 6. Advisory Committee Appointments

Appoint members to the Port Authority Advisory Committee (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Planning and Project Officer Russell Zapalac.

113856
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 individuals listed below fulfill the statutory requirements to serve as a member of the committee for a three-year term expiring on February 28, 2017.

Eduardo Campirano, Director, Port of Brownsville - Lower Coast
Jennifer Stastny, Executive Director, Port of Victoria - Lower Coast

IT IS THEREFORE ORDERED by the commission that Eduardo Campirano and Jennifer Stastny are appointed as members of the Port Authority Advisory Committee for the term specified.

ITEM 7. 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 4 - 0. This item was presented by Director of Aviation David Fulton.

113857
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 Friday, January 24, 2014 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 \$8,882,097.

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

ITEM 8. Public Transportation

Various Counties - Award transportation development credits to various transit agencies for public transportation projects (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Director of Public Transportation Eric Gleason.

113858
PTN

The Texas Transportation Commission (commission) desires to award 90,319 Transportation Development Credits (TDC) to transit agencies for projects serving urbanized areas in the Corpus Christi and San Antonio areas for use as local match for projects financed with federal funds from the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities (49 U.S.C. §5310) grant program.

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.

Title 43 Texas Administrative Code (TAC) §5.109 establishes a process by which TDC may be awarded at the discretion of the commission. The commission recognizes that state and federal law permits the substitution of TDC as the required non-federal match for projects. The urbanized areas of Corpus Christi and San Antonio have no capacity to award TDC for public transportation projects.

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.

IT IS THEREFORE ORDERED by the commission that the executive director or the directors designee is directed to proceed with the awards as described in Exhibit A, and enter into the necessary contracts in accordance with the priorities established in this minute order.

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

ITEM 9. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
a. Final Adoption
(1) Chapter 9 - Construction and Grant Management (MO)
Amendments to §9.3, Protest of Department Purchases under the State Purchasing and General Services Act (General)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Procurement Office and Deputy Administrative Officer Lauren Garduno.

113859
PRO

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.3, Protest of Department Purchases under the State Purchasing and General Services Act, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.3 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 9 - Construction and Grant Management (MO)
Amendments to §9.17, Award of Contract (Highway Improvement Contracts)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Deputy Executive Director John Barton.

113860
CST

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.17, relating to the award of highway improvement contracts, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.17 are adopted and are authorized for filing with the Office of 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 10. Office of Compliance and Ethics

Office of Compliance and Ethics Report

This item was presented by the Chief Audit Executive Benito Ybarra.

ITEM 11. Design-Build Agreements

a. Various Counties - Consider approval of a project agreement between the department and the North Texas Tollway Authority (NTTA), and a financial backstop agreement between the department, the NTTA, and the Regional Transportation Council (RTC), the transportation policy body of North Central Texas Council of Governments (NCTCOG), relating to the development, financing, design, construction, operation and maintenance of the SH 360 Project in Ellis, Tarrant and Johnson Counties, providing for the construction of toll lanes and other improvements to SH 360 from just south of I-20 to US 287, and authorize the department to issue a request for qualifications for the development, design, construction, and maintenance of the SH 360 Project (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Vandergriff abstained from this vote. This item was presented by Chief Planning and Project Officer Russell Zapalac.

113861
SPD

Pursuant to Chapter 366, Transportation Code, the North Texas Tollway Authority (NTTA) may construct, operate, maintain, expand, or extend a toll project in Collin, Dallas, Denton, and Tarrant counties, and in counties contiguous to those four counties. Under Chapter 373, Transportation Code, the NTTA has primary rights and responsibility to develop, finance, construct and operate a toll project within its jurisdiction.

State Highway 360 is a planned approximately 15-mile toll project in Tarrant, Ellis, and Johnson counties from just south of I-20 to US 67, and has been divided into two sections for project development. Section 1, from south of I-20 to US 287, is the initial project planned for development (SH 360 Project).

The SH 360 Project includes the design, construction, and, at the election of the Texas Department of Transportation (department), maintenance of approximately 9.7

miles of improvements, generally from Green Oaks Boulevard to US 287. The improvements include two toll lanes in each direction from East Sublett Road/Camp Wisdom Road to East Broad Street and one toll lane in each direction with periodic passing lanes from East Broad Street to US 287, in addition to frontage road and intersection improvements.

By Minute Order 113802, dated December 19, 2013, the Texas Transportation Commission (commission) authorized the department to negotiate a project agreement and a financial backstop agreement for the SH 360 Project, based on the term sheet for the development, financing, construction, operation and maintenance of the SH 360 Project approved by the NTTA Board of Directors in Resolution No. 13-178, and to present the project agreement and the financial backstop agreement to the commission for approval.

Pursuant to the project agreement between the department and the NTTA (Project Agreement), the department will contribute up to \$300 million to fund for the design and construction of the SH 360 Project and will procure, design, and oversee the construction of the SH 360 Project. The department will perform routine and capital roadway operations and maintenance on behalf of NTTA for 5 years, then at the department's discretion thereafter, subject to reimbursement from project revenues. The NTTA will provide the tolling services and will be responsible for the routine and capital operations and maintenance of the toll collection equipment and system.

Upon evaluation of the available project funding and finance options, the department, the NTTA, and the Regional Transportation Council (RTC), the transportation policy body of the North Central Texas Council of Governments (NCTCOG) negotiated a financial backstop agreement under which the RTC will provide certain financial support for the SH 360 Project (Financial Backstop Agreement).

The Project Agreement and Financial Backstop Agreement provide that construction costs and other SH 360 Project costs funded by the department, including certain right of way costs, utility costs, and consultant costs, will be reimbursed by the NTTA from project revenues, and that if revenues are insufficient to repay the department in full, or to pay for project operating and maintenance costs, the RTC will repay unpaid amounts through the commission's reduction of the region's Unified Transportation Program (UTP) allocation in the amount of those shortfalls, or from other available funds identified for or allocated to the region.

The Project Agreement contains the terms for NTTA's repayment to the department of up to \$294 million for development costs incurred, at a rate of 4.25%, compounded annually. The repayment term is 35 years after the date of substantial completion of the SH 360 Project, which includes deferment of principal and interest for 5 years after the substantial completion date and a 5 year interest-only period commencing from the 5th anniversary of the substantial completion date and ending on the date that is one day before the 10th anniversary of the substantial completion date.

Transportation Code, §223.242 authorizes the department to enter into up to three design-build contracts each year for highway projects with a construction cost estimate of \$50 million or more. Development of the SH 360 Project will provide significant congestion relief within the developing areas of south Arlington, Mansfield

and Grand Prairie while providing an improved north/south alternative to regional motorists. The project meets the conditions necessary for design-build delivery.

IT IS THEREFORE ORDERED that the Project Agreement between the department and the NTTA, and the Financial Backstop Agreement between the department, the RTC, and the NTTA are approved, and the executive director of the department is authorized to execute and deliver those agreements on behalf of the department.

IT IS FURTHER ORDERED that the department is authorized to publish in the Texas Register and post on the department's Internet website a request for qualifications for the development, design, construction, and maintenance of the SH 360 Project.

ITEM 12. State Infrastructure Bank (SIB)

Collin County - Greater Texoma Utility Authority - Consider granting final approval of an application from the Greater Texoma Utility Authority to borrow up to \$340,000 from the State Infrastructure Bank (SIB) to pay for waterline relocation required for the widening of SH121 (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Financial Officer James Bass.

113862
DMO

The Greater Texoma Utility Authority (utility authority) submitted an application to the Texas Department of Transportation (department) for financial assistance to borrow \$340,000 from the State Infrastructure Bank (SIB) to pay for the Authority's costs of waterline relocation required for the widening of SH 121 from SH5 to 1.65 miles east of FM455 (project). The revised SIB rules, approved by the Texas Transportation Commission (commission) by Minute Order 113110 on May 31, 2012 and effective June 21, 2012 (rules), allow for final approval by the commission of any SIB loan in the principal amount of \$10 million or less, without first going through the preliminary approval process described in the rules.

The department and the utility authority have entered into a standard utility agreement setting forth the terms on which the utility authority will relocate the waterlines and the department will participate in the costs of the project. The SIB loan will enable the work to be advanced prior to the dates on which the department's participation amount is paid.

The interim executive director or his designee implemented actions authorized and required by the rules for final approval, and also hereby determines that the requirement to submit any information or data that was not submitted by the Authority is waived as permitted by the rules either because the information or data is not relevant or the department already possesses the information or data. The interim executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The interim executive director recommends that the commission grant final approval of the SIB application for financial assistance.

The commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan, the State Implementation Plan, and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project will improve the efficiency of the state's transportation systems; (3) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (4) the application shows that the project and the applicant are likely to have sufficient revenues to assure repayment of the financial assistance.

The commission finds that providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; 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 application for SIB financial assistance submitted by the Greater Texoma Utility Authority to borrow \$340,000 from the State Infrastructure Bank is granted final approval. The interim executive director or his designee is directed and authorized to enter into the financial assistance agreement as negotiated with the utility authority. The loan will be repaid over a period of no more than 20 months at 1.0 percent interest per annum. The final maturity date will be October 31, 2016.

ITEM 13. Contracts

Award or reject contracts for maintenance, highway and building construction

(a) Highway Maintenance and Department Building Construction (MO)

Commissioner Vandergriff made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Construction Director John Obr.

113863
MNT

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 February 4 and 5, 2014, 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 (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Construction Director John Obr.

113864
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 February 4 and 5, 2014, 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 Texas Transportation Commission (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 14. 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 Chairman Houghton, Commissioner Austin, Commissioner Vandergriff, and Commissioner Moseley (a vote of 4 - 0). This item was presented by Right of Way Director John Campbell.

113865
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 - Z. 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 - 33, 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>
Archer	US 277	24	0156-05-047	12
Archer	US 277	22	0156-05-047	11A
Archer	US 277	23	0156-05-047	13
Dallas	SH 183	4	0094-03-100	38
Dallas	SH 183	18	0094-03-100	37
Dallas	SH 183	32	0094-07-042	33
Dallas	SH 183	33	0094-07-042	34
Harris	FM 1960	17	1685-01-096	1403
Harris	SH 99	20	3510-06-006	215
Harris	SH 99	19	3510-06-006	250B
Harris	SH 99	31	3510-06-006	226
Harris	US 290	13	0050-08-096	709
Harris	US 290	7	0050-09-086	2019
Harris	US 290	14	0050-09-086	2004
Harris	US 290	15	0050-09-086	2052
Harris	US 290	6	0050-09-086	2010
Harris	US 290	5	0050-09-086	2020
Harris	US 290	9	0050-09-086	2005
Harris	US 290	16	0050-09-090	441
Harris	US 290	10	0050-09-090	403

Harris	US 290	11	0050-09-090	404
Montgomery	SH 99	25	3510-07-007	727
Montgomery	SH 99	26	3510-07-007	629, 629TE
Nacogdoches	US 59	8	0176-01-099	5
Nueces	US 77	2	0102-02-100	19
Nueces	US 77	3	0102-02-100	12
Nueces	US 77	1	0102-02-100	11
Randall	SL 335	27	2635-02-027	3C
Randall	SL 335	21	2635-02-027	4
Randall	SL 335	29	2635-02-027	3F
Randall	SL 335	28	2635-02-027	3D
Randall	SL 335	30	2635-02-027	3G
Zapata	US 83	12	0038-04-063	2

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	SH 183	Z	0094-07-042	38
Denton	IH 35E	N	0196-02-110	27
Denton	IH 35E	M	0196-01-097	31
Harris	SH 99	S	3510-06-005	146
Harris	SH 99	Q	3510-06-005	148B
Harris	SH 99	R	3510-06-005	109
Harris	SH 99	P	3510-06-006	233
Harris	SH 99	Y	3510-06-006	220, 220TE
Harris	SH 99	X	3510-06-006	346
Harris	SH 99	O	3510-06-006	275B
Harris	US 290	C	0050-08-096	704
Harris	US 290	D	0050-08-096	721
Harris	US 290	F	0050-08-096	701
Harris	US 290	H	0050-08-096	705
Harris	US 290	I	0050-08-096	706
Harris	US 290	J	0050-08-096	726
Harris	US 290	G	0050-09-086	2025
Harris	US 290	B	0050-09-086	2038
Harris	US 290	K	0050-09-086	2029
Harris	US 290	E	0050-09-086	2001
Harris	US 290	L	0050-09-090	438
Harris	US 290	A	0050-09-090	412
Montgomery	SH 99	W	3510-07-007	615
Tarrant	IH 35W	T	0014-16-266	832
Tarrant	IH 35W	V	0014-16-266	825
Tarrant	IH 35W	U	0014-16-266	822

Note: Exhibits A - Z and 1 - 33 are on file with the assistant chief clerk.

ITEM 15. Routine Minute Orders

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute orders by a vote of 4 - 0. This item was presented by Interim Executive Director James Bass.

a. Right of Way Dispositions and Donations**(1) Bell County – FM 2410, southwest corner at FM 439 – Consider the sale of surplus right of way to the abutting landowner (MO)**

113866
ROW

In BELL COUNTY, on FARM TO MARKET ROAD 2410, the state of Texas acquired certain land by instrument recorded in Volume 766, Page 182, Deed Records of Bell County, Texas.

A portion of the land (surplus land), shown on 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.

KLN Medical Partners, LP, is the abutting landowner and has requested that the surplus land be sold to the partnership for \$122,422.

The commission finds \$122,422 to be a fair and reasonable value of the state's right, title and interest in the surplus land.

IT IS THEREFORE ORDERED by the commission that the surplus land is no longer needed for a state highway purpose, and the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title and interest in the surplus land to KLN Medical Partners, LP, for \$122,422; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

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

(2) Brazos County – FM 2154, old alignment at SH 6 – Consider the sale of surplus right of way to an abutting landowner (MO)

113867
ROW

In BRAZOS COUNTY, on FARM TO MARKET ROAD 2154, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 248, Page 48, Official 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.

Lawrence F. Hegar is an abutting landowner and has requested to purchase the surplus land for \$29,000.

The commission finds \$29,000 to be a fair and reasonable value of the state's right, title and interest in the surplus land.

IT IS THEREFORE ORDERED by the commission that the surplus land is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title and interest in the surplus land to Lawrence F. Hegar for \$29,000; 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 land.

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

(3) McLennan County – SS 396 west of Lake Air Drive in Waco – Consider the sale of surplus right of way to the abutting landowner (MO)

113868
ROW

In the city of Waco, McLENNAN COUNTY, on STATE SPUR 396, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume P, Page 6, Cause No. 17456, County Court-at-Law Records of McLennan 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.

Froner Corporation, a Texas corporation, is the abutting landowner and has requested to purchase the surplus land for \$28,224.

The commission finds \$28,224 to be a fair and reasonable value of the state's right, title and interest in the surplus land.

IT IS THEREFORE ORDERED by the commission that the surplus land is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title and interest in the surplus land to Froner Corporation, a Texas corporation, for \$28,224; 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) Potter County – I-40 at Tee Anchor Boulevard in Amarillo – Consider the sale of access rights to the abutting landowner (MO)

113869
ROW

In the city of Amarillo, POTTER COUNTY, on INTERSTATE 40, a designated controlled access highway, the state of Texas acquired and controls certain access rights to the highway facility to and from the abutting land by instrument recorded in Volume 4401, Page 740, Official Public Records of Potter County, Texas.

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

Washington Street Venture II, owner of a 0.583-acre tract of land conveyed by deed recorded in Volume 4401, Page 740, Official Public Records of Potter County, Texas (Washington Street 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 Washington Street Venture II for \$3,450.

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 \$3,450.

IT IS THEREFORE ORDERED by the commission that the surplus access rights are no longer needed for a state highway purpose, and the commission 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 Washington Street Venture II for a cash consideration of \$3,450.

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

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

b. Finance

(1) Accept the annual continuing disclosure report for the State Highway Fund revenue bonds (MO)

113870
DMO

Article III, Section 49-n of the Texas Constitution authorized the Legislature to authorize the Texas Transportation Commission (commission) to issue bonds and other public securities to: (i) finance state highway improvement projects that are eligible for funding with revenues dedicated under Section 7-a; and (ii) pay the costs of issuing the bonds. The bonds are payable from and secured by a prior lien on certain revenues deposited to the credit of the State Highway Fund held in the treasury of the state of Texas.

Pursuant to a Master Resolution and a First Supplemental Resolution, each adopted on March 30, 2006, and Second, Fourth, and Fifth Supplemental Resolutions adopted on October 26, 2006; August 23, 2007; and August 29, 2008 respectively, the commission issued six series of bonds under Transportation Code, Section 222.003 and other applicable law.

Under provisions of the First, Second, Fourth, Fifth, and Sixth Supplemental Resolutions, the commission has covenanted to provide annually, within 180 days after

the end of each fiscal year, financial information and operating data with respect to the State Highway Fund of the general type in the attached Exhibit A.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data, attached as Exhibit A, is accepted.

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

(2) Accept the annual continuing disclosure report for the Texas Mobility Fund (MO)

113871
DMO

Article III, Section 49-k of the Texas Constitution created the Texas Mobility Fund (Mobility Fund) within the treasury of the State of Texas (state) to be administered by the Texas Transportation Commission (commission) as a revolving fund to: (i) provide a method of financing the construction, reconstruction, acquisition and expansion of state highways, including costs of any necessary design and costs of acquisition of rights of way, as determined by the commission in accordance with standards and procedures established by law; and (ii) provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects in accordance with the procedures, standards and limitations established by law.

Pursuant to a Master Resolution, a First Supplemental Resolution and a Second Supplemental Resolution each adopted on May 4, 2005, a Third Supplemental Resolution adopted on May 25, 2006, a Fourth Supplemental Resolution and Fifth Supplemental Resolution each adopted on September 28, 2006, a Sixth Supplemental Resolution adopted on May 24, 2007, a Seventh Supplemental Resolution adopted on September 27, 2007, and an Eighth Supplemental Resolution adopted on December 18, 2008, and amended, restated and adopted on April 30, 2009, the commission issued eight series of bonds under Transportation Code, Chapter 201 and other applicable law. The bonds are secured by and payable from a pledge of and lien on all or part of the moneys in the Mobility Fund, and a full faith and credit pledge of the state, and which bonds were issued in the name and on behalf of the state to: (i) pay all or part of the costs of constructing, reconstructing, acquiring, and expanding State highways, including any necessary design and acquisition of rights of way, in the manner and locations determined by the commission that, according to conclusive findings of the commission, have an expected useful life, without material repair, of not less than 10 years; (ii) provide participation by the state in the payment of part of the costs of constructing and providing publicly owned toll roads and other public transportation projects that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state; and (iii) pay the costs of issuance.

Under provisions of the First, Third, Fourth, Sixth, Seventh, and Eighth Supplemental Resolutions, the commission has covenanted to provide annually, within six months after the end of each fiscal year, financial information and operating data with respect to the Mobility Fund.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data, attached as Exhibit A, is accepted.

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

(3) Travis and Williamson Counties - Accept the annual continuing disclosure report for the Central Texas Turnpike System (MO)

113872
DMO

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue turnpike 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 issued turnpike revenue bonds and other obligations to finance a portion of the costs of the Central Texas Turnpike System (System), a turnpike project composed initially of the State Highway 130 (Segments 1 through 4), State Highway 45 North, and Loop 1 project elements (2002 Project). Effective September 1, 2012, the commission added the State Highway 45SE toll road to the System. The commission also authorized the execution of an indenture of trust and six supplemental indentures to secure revenue bonds and other obligations issued for the 2002 Project. 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 716 of the indenture requires the commission to provide annually, within 6 months after the end of each fiscal year, updated financial information and operating data with respect to the commission and the System of the general type included in specified sections of the final official statements relating to the Series 2002 and Series 2012 First Tier Obligations issued for the 2002 Project (annual report).

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data with respect to the commission and the System, Exhibit A, is accepted.

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

c. Speed Zones

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

113873
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 limit on a segment of US 380 established by Minute Order 108409, dated January 25, 2001 and listed in Exhibit D, is no longer necessary.

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

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

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

ITEM 16. Executive Session Pursuant to Government Code, Chapter 551

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

b. Section 551.074 - Deliberate on the search for a new executive director of the Texas Department of Transportation

c. Section 551.074 - Interview selected applicants for and discuss the employment of the executive director of the Texas Department of Transportation

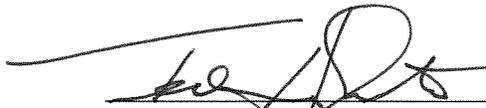
The commission did not convene to executive session.

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 department. 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 received no further comments.

The regular meeting of the Texas Transportation Commission was adjourned at 11:00 a.m.

APPROVED:



Ted Houghton, Chairman
Texas Transportation Commission

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 February 27, 2014, in Laredo, Texas.



Robin Carter, Assistant Chief Clerk
Texas Department of Transportation