

These are the minutes of the regular meeting of the Texas Transportation Commission held on June 26, 2014, in Pasadena, 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
Fred Underwood	Commissioner
Jeff Austin, III	Commissioner
Jeff Moseley	Commissioner
Victor Vandergriff	Commissioner

Commissioner Vandergriff departed at 12:31 p.m.

Administrative Staff:

LtGen. Joe Weber, Executive Director
 Joanne Wright, Deputy 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 4:46 p.m. on June 18, 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 Engineer Mike Alford.

ITEM 3. Memorial Resolution honoring Michael "Mike" Bailey a 24-year veteran of the San Antonio District

This item was presented by Deputy Executive Director John Barton. The commission recognized the Mike Bailey family.

Chairman Houghton recognized Representative Allen Fletcher, Representative Ed Thompson, Representative Mary Ann Perez, Representative Joe Pickett, Senator Jose Rodriguez, Harris County Judge Ed Emmitt, Chairman of the Port of Houston Authority Janiece Longoria, and Representative Rick Miller.

ITEM 2. Approval of Minutes of the May 29, 2014 regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded, and the commission approved the minutes of the May 29, 2014 regular meeting by a vote of 5 - 0.

ITEM 1. (continued)

Receive comments from and recognition of area public officials, community and civic leaders, and private citizens. District Presentation on regional projects.

This item was presented by District Engineer Mike Alford and Houston District Strategic Projects Major Project Office Director Eddie Sanchez.

ITEM 4. Houston Region Items

a. Freight and Multi-Modal

Update on freight advisory committee activities

This item was introduced by Director of Planning Marc Williams and presented by Harris County Judge Ed Emmitt.

b. Green Ribbon Program

This item was presented by District Landscape Architect Dana Cote.

c. Grand Parkway Association

Various Counties - 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 heard comments from Chairman of the Grand Parkway Association Billy Burge and board member Guy Harrell.

113966
TPP

The Texas Transportation Commission (commission) by Minute Order 111441, dated July 31, 2008, reappointed Guy Harrell to serve a six-year term on the board of directors (board) of the Grand Parkway Association, a transportation corporation created by the commission under Transportation Code, Chapter 431.

Mr. Harrell's current term expires on July 25, 2014.

Pursuant to Title 43, Texas Administrative Code (TAC), §15.85, the board has nominated Mr. Harrell for a third term and has submitted updated and currently effective documentation for commission review.

Based upon 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 43 TAC, Chapter 15, Subchapter H.

IT IS THEREFORE ORDERED by the commission that effective on the date of this order, Guy Harrell is hereby re-appointed to serve as a member on the board for the Grand Parkway Association, with a term expiring July 25, 2020.

ITEM 5. Unified Transportation Program (UTP)
Approve updates to the 2014 UTP (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. Commissioner Vandergriff abstained from this vote. This item was presented by Director of Planning Marc Williams. The commission also heard from Legislative Director for Senator Kirk Watson Sandy Gusman; Capital Metro Board member John Langmore; President and CEO of VIA Metropolitan Transit Jeffrey Arndt; Chairman of Houston METRO Gilbert Garcia; Houston METRO board member and former Bellaire resident Cindy Siegal; Chairman of Uptown Houston Kindal Miller; President of Dallas Area Rapid Transit Gary Thomas; and Representative Joe Pickett.

113967
 TPP

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

The Texas Transportation Commission (commission) has adopted rules in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects. The rules include guidance regarding the development of the UTP and any updates to the program, as well as public involvement requirements.

The 2014 UTP was approved by the commission on August 29, 2013, in Minute Order 113675 and revisions to the 2014 UTP were approved by the commission on December 19, 2013, in Minute Order 113791; March 27, 2014, in Minute Order 113885 and May 29, 2014 in Minute Order 113948.

On May 15, 2014, the department conducted public meetings across the state via WebEx, and a public hearing was held on June 10, 2014 to receive comments and testimony concerning the proposed updates to the 2014 UTP.

The updates to the 2014 UTP, as shown in Exhibit A, include revised allocations based on funds transfer requests in multiple categories and funding authorizations for project priorities. In addition, this minute order revises project specific program lists, incorporates information regarding transportation development credit awards and remaining balances, and includes minor revisions and technical corrections.

IT IS THEREFORE ORDERED by the commission that the updates to the 2014 UTP, as shown in Exhibit A, are hereby approved.

IT IS FURTHER ORDERED the commission will provide a letter to the Houston Metropolitan Transit Authority and Uptown Houston District outlining the intended use of the potential funding for the I-610 bus lane facility, as described in Exhibit A.

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

ITEM 6. Lincoln Center

Discussion regarding the TxDOT property in El Paso known as the Lincoln Center

This item was introduced by Deputy Executive Director John Barton. The commission heard comments from Select House Committee on Transportation Funding, Expenditures, and Finance Chairman Joe Pickett and Senator José Rodriguez. The commission also heard remarks from Chuy Benitez, photographer for the Lincoln Center; and from Hector Gonzales of the Lincoln Park Conservation Committee. City of El Paso Deputy City Manager Shawn LaGlen also addressed the commission.

ITEM 7. Highway Designation

Webb County - Designate a segment of the state highway system as I-69W, concurrent with US 59 from I-35 to west of FM 1472 in the city of Laredo (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.

113968
TPP

In Webb County, officials have requested the designation of a segment of the state highway system as I-69W, concurrent with US 59 from I-35 to west of FM 1472 in the city of Laredo, a distance of approximately 1.4 miles.

Minute Order 113100, dated April 26, 2012, authorized the submission of applications to the American Association of State Highway Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as I-69. During the 2014 AASHTO Spring Meeting, the Special Committee on US Route Numbering approved the application for the US 59 segment described above.

The Administrator of the Federal Highway Administration approved the inclusion of this segment of US 59 on the Interstate Highway System on June 17, 2014.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended the concurrent designation of I-69W with US 59 on the state highway system.

The Texas Transportation Commission (commission) finds that the designation 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 I-69W is designated on the state highway system concurrent with US 59 from I-35 to west of FM 1472 in the city of Laredo, a distance of approximately 1.4 miles, as shown in Exhibit A.

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

ITEM 8. Aviation

Various Counties - Award federal and state grant funding for airport improvement projects at various locations (MO)

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

113969
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, May 23, 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 \$12,208,140.

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

ITEM 9. Public Transportation

a. Various Counties - Award federal and state funds, and transportation development credits to Rural Economic Assistance League and Alamo Area Council of Governments (MO)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Chief Planning and Projects Officer Russell Zapalac.

113970
PTN

The Texas Transportation Commission (commission) desires to award funds and transportation development credits previously awarded to Bee Community Action Agency (BCAA), as identified in Exhibit A, to Rural Economic Assistance League, Inc. (REAL) and Alamo Area Council of Governments (AACOG).

The board of directors of BCAA, a former rural transit district, passed a resolution on May 12, 2014 dissolving the transit district effective June 4, 2014; thus discontinuing public transportation services to Aransas, Bee, Live Oak, McMullen, and

Refugio counties. To continue public transportation programs in the impacted counties, the board of directors of REAL has passed a resolution to serve as the transit district for Aransas, Bee, Live Oak, and Refugio counties and the board of directors of AACOG has passed a resolution to serve as the rural transit district for McMullen County.

In Minute Orders 113394, 113581, 113582, 113613, 113616, 113858, 113876, 113877, 113928, 113929, 113930, and 113931 dated December 13, 2012, May 30, 2013, May 30, 2013, June 27, 2013, June 27, 2013, February 27, 2014, March 27, 2014, March 27, 2014, May 29, 2014, May 29, 2014, May 29, 2014, and May 29, 2014, respectively, the commission approved various awards to BCAA.

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

Transportation Code, Chapter 456 authorizes the commission to administer public transportation programs.

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 REAL and AACOG and to enter into the necessary contracts.

IT IS FURTHER ORDERED by the commission that the executive director, or the director's designee, is hereby authorized to direct the transfer of BCAA assets funded by the department and retitle assets to the appropriate rural transit districts of REAL and AACOG with a 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 10. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Proposed Adoption

(1) Chapter 11 – Design (MO)

New §§11.300-11.317 (Transportation Alternatives Program)

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.

113971
DES

The Texas Transportation Commission (commission) finds it necessary to propose new §§11.300 – 11.317, relating to Transportation Alternatives Program 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 the new §§11.300 – 11.317 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.

(2) Chapter 16 – Planning and Development of Transportation Projects (MO)
Amendments to §16.153, Funding Categories, and §16.154, Transportation Allocation Funding Formulas (Transportation Funding)

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.

113972
 TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §16.153 and §16.154, relating to Transportation Funding, and 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 §16.153 and §16.154 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 21 - Right of Way (MO)
Amendments to §21.31-21.40 (Utility Accommodation), and new §§21.961-21.968 (Leasing of Right of Way to Saltwater Pipeline Operators)

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

113973
 ROW

The Texas Transportation Commission (commission) finds it necessary to propose amendments §§21.31-21.40 relating to Utility Accommodation; and new §§21.961-21.972 relating to Leasing of Right of Way to Saltwater Pipeline Operators 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 - 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 §§21.31-21.40, and new §§21.961-21.972 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.

(4) Chapter 27 – Toll Projects (MO)

Amendments to §27.80, Definitions, and §27.82, Toll Operations (Operation of Department Toll Projects)

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 Innovative Finance and Debt Management Officer Ben Asher.

113974
TOD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §27.80 and §27.82 relating to Operation of Department Toll Projects 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 §27.80 and §27.82 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 11. Strategic Plan

Adopt final 2015-2019 Strategic Plan for official submission to the Legislative Budget Board and Governor's Office (MO) (Presentation)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Chief of Staff Rich McMonagle.

113975
ADM

Texas Government Code, Chapter 2056, requires that each state agency prepare a five-year strategic plan every biennium. The Governor's Office and the Legislative Budget Board require certain items to be covered in the plan.

The strategic plan represents the commitment by the Texas Department of Transportation (department) to work with others to provide safe and reliable transportation solutions for Texas.

The mission, philosophy, goals, objectives, priorities, and measures contained in this plan focus on delivering safe, well-maintained, and reliable transportation systems to connect Texas communities and making the department a best in class state agency.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the document entitled Agency Strategic Plan for the Fiscal Years 2015-2019 Period, as shown in Exhibit A, is adopted and approved for submission to the Governor's Office, the Legislative Budget Board, and other required officials.

IT IS FURTHER ORDERED that the executive director or his designee is authorized to approve alterations to the plan if any such alterations are requested by the Legislative Budget Board.

IT IS FURTHER ORDERED that the executive director or his designee shall proceed with the publication of the plan on the agency's website, as required by the Governor's Office and the Legislative Budget Board.

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

ITEM 12. Office of Compliance, Ethics, and Investigations
Office of Compliance, Ethics, and Investigations Report

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

ITEM 13. Comprehensive Development Agreements

a. Nueces County - Authorize the department to issue a request for proposals for the development, design, construction, maintenance and, at the department's option, financing of the US 181 Harbor Bridge Project in Nueces County, between US 181 at Beach Avenue and I-37, and approve a stipulated amount as payment for the work product of unsuccessful proposers (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 Chief Planning and Projects Officer Russell Zapalac.

113976
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.

On February 27, 2014, by Minute Order 113853, the Texas Transportation Commission (commission) authorized and directed the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential

maintenance of all or any portion of the US 181 Harbor Bridge Replacement Project between US 181 at Beach Avenue and I-37 in the city of Corpus Christi. The department issued the RFQ on March 26, 2014. On April 24, 2014, by Minute Order 113910, the commission ratified the inclusion in the RFQ of the potential requirement that the developer, at the department's option, carry costs incurred under the CDA beyond the completion of the project. Seven proposer teams responded to the RFQ. On June 20, 2014, following the department's evaluation of the seven proposer team submissions, four proposer teams were determined to be best qualified to develop, design, construct, maintain, and, at the department's option, finance the US 181 Harbor Bridge Replacement Project.

Transportation Code § 223.201(f)(12) authorizes the department to enter into a CDA for the development, financing, construction, maintenance, and operation of the US 181 Harbor Bridge Replacement Project in Nueces County between U.S. Highway 181 at Beach Avenue and Interstate Highway 37. Transportation Code, § 223.203 and 43 TAC § 27.4 provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. The department intends to issue an RFP for the US 181 Harbor Bridge Replacement Project and request detailed proposals from the four short-listed teams to develop, design, construct, maintain, and, at the department's option, finance the project.

Transportation Code, § 223.203(m) and 43 TAC § 27.4(f) authorize the department to pay an unsuccessful private entity that submits a detailed proposal that is responsive to the requirements of the RFP a stipulated amount in exchange for the work product contained in that proposal. The stipulated amount must be stated in the RFP and may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions. Payment for this work product would allow the department to use the work product for the benefit of the US 181 Harbor Bridge Replacement Project or other department projects without further payment to the unsuccessful proposer.

IT IS THEREFORE ORDERED that the department is authorized and directed to issue an RFP to develop, design, construct, maintain, and, at the department's option, finance the US 181 Harbor Bridge Replacement Project.

IT IS FURTHER ORDERED that the department is authorized to pay to each proposer that submits a responsive, but unsuccessful proposal for the US 181 Harbor Bridge Replacement Project an amount based upon the value of the work product provided in the proposal that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$1,500,000.

IT IS FURTHER ORDERED that payment for work product may only be paid if the work product submitted meets the minimum criteria and other conditions for payment identified by the department in the US 181 Harbor Bridge Replacement Project procurement documents.

b. Tarrant County - Consider the approval of an interim tolling services agreement with the North Texas Tollway Authority (NTTA) for the DFW Connector Project, along SH 114 from SH 26 to east of International Parkway in Tarrant County (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. Commissioner Vandergriff recused himself from this vote. This item was presented by Innovative Finance and Debt Management Officer Ben Asher. Chief Planning and Projects Officer Russell Zapalac also provided information to the commission.

113977
TOD

In Minute Order 111815, dated May 28, 2009, the Texas Transportation Commission (commission) designated facilities along SH 114 from SH 114L Business to east of International Parkway and SH 121 from FM 2499 to SH 360, including tolled, managed lanes along SH 114 (DFW Connector Project) as a toll project on the state highway system.

The DFW Connector Project opened to traffic in April 2014, and includes two tolled managed lanes in each direction, extending 4.1 miles along SH 114 from SH 26 to east of International Parkway. The DFW Connector Project is an all-electronic, open road tolling facility. It will have a closed ramp system of toll collection. The tolling configuration consists of one mainlane toll gantry in each direction.

Pursuant to Transportation Code, §366.038, the North Texas Tollway Authority (NTTA) shall provide, for reasonable compensation, tolling services for a toll project in the boundaries of the NTTA, regardless of whether the toll project is developed, financed, constructed, and operated under an agreement with the NTTA or another entity. Tolling services means those services normally provided through the NTTA's customer service center, including customer service, customer account maintenance, transponder supply, and toll collection and enforcement.

Before providing tolling services for a toll project, the NTTA must execute a written agreement that sets out the terms and conditions for the tolling services to be provided and the terms of compensation for those services.

The Texas Department of Transportation (department) and the NTTA contemplate executing a regional tolling services agreement (Regional TSA) for all department managed lane projects in NTTA's boundaries that are not bond financed and not subject to a concession agreement. However, until such time that the Regional TSA is consummated, the department and the NTTA have negotiated an interim tolling services agreement (Interim TSA) for the DFW Connector Project, under which the department will provide tolling services for the DFW Connector Project on an interim basis, except for certain tolling services the NTTA provides for transactions involving its customers, or until the NTTA commences provision of full back office and customer services for the DFW Connector Project.

The Interim TSA would be in effect through June 30, 2015, unless terminated earlier due to the consummation of the Regional TSA or as otherwise authorized under the Interim TSA. TxDOT will provide tolling services for the DFW Connector Project through August 31, 2014 or any later date that NTTA needs to be ready to provide

tolling services. Thereafter, and until the Regional TSA is consummated, NTTA will provide the tolling services under the Interim TSA.

Should NTTA begin performing tolling services prior to the execution of the Regional TSA, NTTA will be compensated as follows: (1) for transponder transactions, \$.04 plus 2% of collected toll; (2) for video transactions occurring prior to January 1, 2015, \$.28 (regardless of whether collected) plus 2% of collected toll; and (3) for video transactions occurring on or after January 1, 2015, \$.14 (regardless of whether collected) plus 2% of collected toll. This interim compensation rate will be retroactively adjusted to the same compensation terms and conditions as ultimately agreed to in the final Regional TSA.

IT IS THEREFORE ORDERED by the commission that the interim tolling services agreement with the NTTA for the DFW Connector Project is approved, and the executive director of the department is authorized to execute the interim tolling services agreement with the NTTA, pending the execution of the Regional TSA covering the DFW Connector Project and certain other managed lanes projects in the boundaries of the NTTA.

ITEM 14. Toll Roads

a. Various Counties - Designate the SH 360 Project, providing for the construction of toll lanes and other improvements from approximately 2 miles south of I-20 near East Sublett Road/Camp Wisdom Road to US 287 in Ellis, Tarrant, and Johnson Counties, as a toll project on the state highway system; authorize the department to issue a request for proposals for the development, design, construction, and maintenance of the SH 360 Project; and approve a stipulated amount as payment for the work product of unsuccessful proposers (MO)

The commission took no action on this item.

b. Travis County - Approve the selection of the proposer who submitted the best value proposal to develop, design, and construct the SH 71 Toll Lanes Project from Presidential Blvd to east of SH 130 in Travis County, and authorize the executive director of the department to execute a Design-Build Agreement with the selected proposer (MO) (Presentation)

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 Projects Officer Russell Zapalac.

113978
SPD

Transportation Code, Chapter 223, Subchapter F, prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project. Transportation Code § 223.242 authorizes the department to enter into, in each fiscal year, up to three design-build contracts for highway projects with a construction cost estimate of \$50 million or more to the department.

The SH 71 Toll Lanes Project (Project) will include the design and construction of SH 71 toll lanes from Presidential Boulevard to a point just east of SH 130 in Travis County, along with the realignment of FM 973 from just south of the Colorado River to a point approximately 0.5 miles south of the current SH 71/FM 973 intersection. The purpose of the Project is to add toll lanes and to realign FM 973 through the project limits. The department has concluded that harnessing private-sector creativity through a design-build approach is the best way to ensure cost-effective and expedited delivery of the Project and provide needed safety improvements, congestion relief and economic development benefits to the public. The Project's design and construction cost is approximately \$100 million.

On October 31, 2013, by Minute Order 113740, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the development, design, and construction of the Project. The department issued the RFQ on November 15, 2013. Ten proposer teams responded to the RFQ. On January 15, 2014, following the department's evaluation of those submissions, five teams were determined to be best qualified to submit detailed proposals to develop, design, and construct the project.

Transportation Code § 223.246 and 43 TAC § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. On January 30, 2014, by Minute Order 113827, the department was authorized to issue an RFP and on March 5, 2014, the department issued an RFP for the SH 71 Toll Lanes Project.

On May 21, 2014 proposals were received from Balfour Beatty Infrastructure, Inc.; The Lane Construction Corporation; McCarthy Building Companies, Inc.; and OHL USA, Inc. One of the shortlisted proposers, CH2M Hill Engineers, Inc., declined to submit a proposal. From May 22, 2014 until June 16, 2014, the department evaluated those proposals.

The proposals were evaluated in the following categories: (1) Pass/Fail and Responsiveness; (2) Technical Score; and (3) Price Score. The proposals were first evaluated on the basis of certain pass/fail and responsiveness criteria set forth in the RFP. Next, the technical proposals, including the project development plans were evaluated and assigned adjectival ratings and numerical scores for each evaluation subfactor. Points were assigned to the technical proposals based on those ratings and the weightings of the individual evaluation factors, with the sum of those points resulting in a total evaluation score, which was multiplied by a defined percentage to arrive at the Technical Score.

To arrive at the Price Score, the Price Value was determined for each proposer, which is the sum, for each proposer, of the design-build price and the alternative technical concept price. The lowest Price Value of all proposers was then divided by the Price Value for a particular proposer, with the result being multiplied by a defined percentage to arrive at the Price Score. The Price Scores were determined without knowing which prices were submitted by which proposer.

The Technical Score points assigned to the technical proposal were then added to the Price Score points to determine the total number of points received by each

proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the Technical Score and Price Score categories, as well as the Pass/Fail review, resulted in the proposals being ranked in descending order as follows: McCarthy Building Companies, Inc., Balfour Beatty Infrastructure, Inc., OHL USA, Inc. and The Lane Construction Corporation. The proposal submitted by McCarthy Building Companies, Inc. was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by McCarthy Building Companies, Inc. provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with McCarthy Building Companies, Inc. necessary to finalize the design-build contract to develop, design, and construct the SH 71 Toll Lanes Project, and to modify the design-build contract as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the design-build contract is awarded to McCarthy Building Companies, Inc. subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration and other governmental approvals as identified by the department; and (4) the mutual execution and delivery of the design-build contract by the executive director of the department or his designee and the developer.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with McCarthy Building Companies, Inc. cannot be successfully completed, and that therefore the proposal submitted by McCarthy Building Companies, Inc. will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Balfour Beatty Infrastructure, Inc. next highest ranked proposer, with award to the next highest ranked proposer subject to the terms and conditions in the immediately preceding paragraph of this order.

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

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

113979
SPD

Subchapter F, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project. Planning and development of State Highway 99 (Grand Parkway), a

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

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

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

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

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

On December 18, 2012, the Liberty County Commissioners Court elected to rescind the County's previous exercise of its option to develop, construct, and operate the portion of the Grand Parkway located within the county. The Liberty County Commissioners Court further elected, pursuant to Transportation Code, §373.055, to waive and decline to exercise the county's option to develop, construct, finance, and operate the portion of the Grand Parkway project located in the county. In Minute Order 113429, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Liberty County.

On July 25, 2013, by Minute Order 113649, the commission authorized the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential finance, maintenance, and operation of Grand Parkway Segments H, I-1, and all or part of I-2 in Harris, Liberty, Montgomery, and Chambers counties pursuant to a comprehensive development agreement.

Currently, there exists the potential for expediting the development and completion of all or part of the Grand Parkway through the use of innovative methods for the development and construction of a project available in a design-build contract.

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

Development of the Grand Parkway is a crucial element to responding to growing traffic congestion throughout the Houston metropolitan area. The planned improvements will provide increased capacity by creating a circumferential route that relieves traffic congestion and facilitates the efficient movement of people and goods within the developing communities of the Houston metro core.

IT IS THEREFORE ORDERED that the department is authorized to publish in the Texas Register and to post on the department's internet website, a request for qualifications to develop, design, construct, and potentially maintain Grand Parkway Segments H, I-1, and all or part of I-2 in Harris, Liberty, Montgomery, and Chambers counties pursuant to a design-build contract.

ITEM 15. SH 183 Project

Discussion regarding the delay of construction on the State Highway (SH) 183 Managed Lanes Project, including costs relating to such a delay

The commission took no action on this item.

ITEM 16. Toll Equity

a. Smith County - North East Texas Regional Mobility Authority - Consider preliminary approval of a request from North East Texas Regional Mobility Authority (NET RMA) to convert a toll equity loan in the outstanding principal amount of approximately \$55,000,000 to a grant for project costs primarily relating to Segment 3B of Loop 49, locally known as Toll 49 (LP49) and evidenced by a Financial Assistance Agreement dated as of March 1, 2011 (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Austin abstained from this vote. This item was presented by Innovative Financing/Debt Management Officer Benjamin Asher. The commission also heard comments from Vice Chairman of the Board for NET RMA Gary Halbrooks; Smith County Judge Joel Baker; and Gregg County Judge Bill Stoudt.

113980
DMO

The Texas Department of Transportation (department) and the North East Texas Regional Mobility Authority (NET RMA) have been developing the Toll 49 facility in Smith County, part of a proposed outer loop around the City of Tyler, Texas.

The Toll 49 project is currently composed of five segments (1, 2, 3A, 3B, and 5) that extend from SH 110 to I-20 (project). The project is an approximately 26-mile tolled highway system that traverses the south and west sides of Tyler.

Pursuant to Minute Orders 112498, dated November 18, 2010, and 112608, dated February 24, 2011, the department and NET RMA entered into a financial assistance agreement dated as of March 1, 2011, under which the department made a toll equity loan to the NET RMA in an initial principal amount of \$50,032,600. Under the agreement, the principal accreted value of the loan is currently approximately \$55,000,000 (toll equity loan). Simultaneously, the department made a State Infrastructure Bank loan to the NET RMA in an initial principal amount of \$39.2 million. The proceeds of the two loans were used by the NET RMA for the development and construction of Segment 3B of Toll 49, from SH 31 north to I-20 and for certain pre-development costs related to the project. The 10-mile toll facility for which financial assistance is being provided includes two lanes of an ultimate four-lane toll road, with connections to the existing Toll 49 facility at SH 31, and ramp connections to I-20.

The NET RMA has requested that the commission modify the toll equity loan to remove the repayment obligations and that the funds advanced thereunder be considered a grant, in order to enhance the ability of the NET RMA to advance additional segments of the Toll 49 project.

The commission finds that it is in the public interest to approve the request by the NET RMA to modify the toll equity loan to remove the repayment obligations and that such approval would convert the accreted principal value of the approximately \$55,000,000 toll equity loan to a grant, as allowed under Texas Transportation Code §222.103 and 43 Texas Administrative Code §27.52.

IT IS THEREFORE ORDERED that NET RMA's request to remove the repayment obligations relating to the toll equity loan to NET RMA is granted preliminary approval. The executive director or his designee is directed and authorized to implement the actions authorized in this Minute Order.

b. Smith County - North East Texas Regional Mobility Authority - Consider final approval of a request from North East Texas Regional Mobility Authority (NET RMA) for financial assistance in the amount of \$3,545,000 for the costs of acquisition and construction of toll equipment for Loop 49, locally known as Toll 49 (LP49) (MO)

Commissioner Underwood 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 Innovative Financing/Debt Management Officer Benjamin Asher.

113981
DMO

The Texas Department of Transportation (department) and the North East Texas Regional Mobility Authority (NET RMA) have been developing the Loop 49 facility in

Smith County, part of a proposed outer loop around the City of Tyler, Texas.

The Toll 49 project is currently comprised of five segments (1, 2, 3A, 3B, and 5) that extend from SH 110 to I-20 (Toll 49 Project). The Toll 49 Project is an approximately 26 mile tolled highway system that traverses the south and west sides of Tyler, and includes two lanes of an ultimate four lane toll road.

On February 28, 2013, by Minute Order 113483, the Texas Transportation Commission (commission) approved the removal from the designated state highway system and transfer to the NET RMA of Segments 1, 2, 3A, and 5 of Loop 49, comprising the roadway facilities and underlying right of way, and the right of way underlying Segment 3B of Toll 49, from SH 110 to I-20, effective on the date of substantial completion of the work required to be performed by the NET RMA on Segment 3B. On March 17, 2014, the Governor of Texas approved the transfer in accordance with Transportation Code §228.151.

The NET RMA has determined that certain Toll 49 tolling equipment which was initially installed on Segments 1, 2, 3A, and 5 of Toll 49 on behalf of the department prior to assumption of toll operations by NET RMA is technically incompatible with the NET RMA toll collection system, and has submitted a request for a grant from the State Highway Fund (SHF) to finance the replacement of the tolling equipment, in accordance with 43 Texas Administrative Code (TAC) §27.53.

As required by 43 TAC §27.53, on December 1, 2009, the NET RMA Board of Directors passed a resolution adopting an ethics and internal compliance program that addresses standards of conduct for the NETRMA officers and employees. These policies meet the requirements set forth in 43 TAC §10.51.

The executive director has waived the requirement to complete a study of the social, economic, and environmental impacts because the study is inapplicable or unnecessary due to the nature of the requested assistance, under 43 TAC §27.54(b)(2). The NET RMA has committed that the project will comply with all applicable environmental laws, and has committed that the NET RMA will assume all liability and responsibility for identifying and securing all federal and state environmental permits, issues, commitments, and approvals necessary for the development of the project.

On May 29, 2014, by Minute Order 113944, the commission granted preliminary approval of an application for financial assistance from the NET RMA for a grant of up to \$3,545,000 from the State Highway Fund for the costs of acquisition and construction of toll equipment for the Toll 49 Project.

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

The request for financial assistance submitted by the NET RMA meets the applicable requirements of 43 TAC §27.53 and §27.54(c) for final approval.

IT IS THEREFORE ORDERED that the application for SHF financial assistance submitted by the NET RMA for a grant in the amount of up to \$3,545,000 from the State Highway fund, to be used for the purposes described herein, is granted final approval. The executive director or his designee is directed and authorized to implement the actions authorized and required by the applicable toll equity rule provisions.

ITEM 17. State Infrastructure Bank

Hill County - City of Whitney - Consider granting final approval of an application from the City of Whitney to borrow up to \$510,000 from the State Infrastructure Bank (SIB) to pay for relocation of utility lines for the widening of FM 933 from a two lane roadway to a four lane roadway with a continuous left turn lane from FM 1713 proceeding 3 miles south to FM 1244 in Whitney (MO)

Commissioner Underwood 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 Innovative Financing/Debt Management Officer Benjamin Asher.

113982
DMO

The Texas Department of Transportation (department) is widening FM 933 from a two lane roadway to a four lane roadway with a continuous left turn lane from FM 1713 proceeding approximately 3 miles south to FM 1244 in the City of Whitney (City).

The City applied for a \$510,000 State Infrastructure Bank (SIB) loan to pay for the relocation of utility lines necessary for the widening of FM 933.

The Texas Transportation Commission's (commission) rules regarding the SIB at 43 Texas Administrative Code §6.32 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 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 City 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 executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the SIB application for financial assistance.

In accordance with 43 Texas Administrative Code (TAC) §6.32(c)(2), the commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air Act non-attainment area; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the project and the applicant are likely to have sufficient revenues to assure repayment of the financial assistance.

In accordance with 43 TAC §6.32(e), the commission has determined that providing financial assistance for the Project will protect the public 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 City to borrow up to \$510,000 from the State Infrastructure Bank is granted final approval. The executive director or his designee is directed and authorized to enter into the financial assistance agreement as negotiated with the City. The loan will be repaid over a period of no more than 30 years at 3.50 percent interest per annum.

ITEM 18. Contracts

Award or reject contracts for maintenance, highway and building construction

(a) Highway Maintenance and Department 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 Deputy Executive Director John Barton.

113983
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 June 12 and 13, 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 Deputy Executive Director John Barton.

113984
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 June 12 and 13, 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 19. Eminent Domain Proceedings

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

Commissioner Moseley made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded and the following minute order was approved by Chairman Houghton, Commissioner Underwood, Commissioner Austin, and Commissioner Moseley (a vote of 4 - 0). This item was presented by Deputy Executive Director John Barton.

113985
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 - W. 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 - 11, 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>
Angelina	BU 59-G	4	0176-02-107	2
Cherokee	US 69	2	0199-03-039	24
Cherokee	US 69	1	0199-03-039	27
Harris	SH 99	9	3510-06-006	242
Harris	US 290	7	0050-06-077	1001
Harris	US 290	8	0050-06-077	1010
Harris	US 290	5	0050-09-086	2033
Harris	US 290	3	0050-09-087	504
McLennan	FM 1637	6	0833-03-041	76
Montgomery	SH 99	11	3510-07-007	756E,756TE
Rockwall	FM 3097	10	3148-01-008	5

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 35E	R	0196-03-248	86
Denton	IH 35E	E	0195-03-072	121
Denton	IH 35E	U	0195-03-072	119
Denton	IH 35E	G	0196-01-097	47,47AC
Denton	IH 35E	F	0196-01-100	28
Denton	IH 35E	T	0196-02-109	31
Denton	IH 35E	W	0196-02-109	26
Denton	IH 35E	S	0196-02-109	36

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35E	V	0196-02-109	35
Denton	IH 35E	M	0196-02-109	23
Harris	FM 1960	K	1685-01-096	1405
Harris	SH 99	O	3510-06-006	246
Harris	SH 99	N	3510-06-006	251
Harris	US 290	H	0050-08-090	824
Harris	US 290	A	0050-08-096	725
Harris	US 290	D	0050-09-086	2041
Harris	US 290	I	0050-09-086	2050
Harris	US 290	B	0050-09-086	2018
Harris	US 290	C	0050-09-090	417
Harris	US 290	J	0050-09-090	421
Montgomery	SH 99	P	3510-07-007	635,635TE
Montgomery	SH 99	L	3510-07-007	654
Tarrant	IH 35W	Q	0014-16-266	820

Note: Exhibits A - W and 1 - 11 are on file with the assistant chief clerk.

ITEM 20. Routine Minute Orders

Commissioner Austin 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 Executive Director General Joe Weber.

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)

113986
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 90th 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 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further 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 executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director 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 executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

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

b. Right of Way Dispositions and Donations

(1) Bell County - FM Spur 817 at I-35 in Temple - Consider the removal removal from the system, transfer of control, jurisdiction and maintenance to the city, and quitclaim of land to the city (MO)

113987
ROW

In the city of Temple, BELL COUNTY, on FARM TO MARKET SPUR 817, the state of Texas used certain land for highway purposes to which there is no record title.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM Spur 817 be removed from the state highway system and that control, jurisdiction, and maintenance be transferred to the city.

The land (Tract 1), described in Exhibit B, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Section 202.021, the Texas Transportation Commission (commission) may quitclaim any interest that might have accrued to the state by use of the property to the city where the property is located. The city of Temple has requested that Tract 1 be quitclaimed to the city.

IT IS THEREFORE ORDERED by the commission that FM Spur 817, a distance of approximately 0.7 mile, is removed from the state highway system and control, jurisdiction, and maintenance are transferred to the city.

FURTHER, the commission finds that Tract 1 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 quitclaiming Tract 1 to the city of Temple, Texas.

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

(2) Comal County - SH 46, north side, west of Windmill Ranch Road - Consider the sale of a drainage easement (MO)

113988
ROW

In COMAL COUNTY, Texas, on STATE HIGHWAY 46, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 172, Page 939, Deed Records of Comal County, Texas.

A portion of the easement (Tract 1), described in Exhibit A, is no longer needed for a 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 any interest in real property no longer needed for a state highway purpose.

RFM Commercial Mortgage 1, Ltd., a Texas limited partnership, is the owner of the fee in the property and has requested to purchase Tract 1 for \$126,924.

The commission finds \$126,924 to be a fair and reasonable value for the state's right and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and recommends, subject to approval of the attorney general, that the governor of Texas execute a proper instrument releasing the state's right and interest in Tract 1 to RFM Commercial Mortgage 1, Ltd., a Texas limited partnership, for \$126,924.

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

c. Report on Environmental Review of Projects - Accept the semiannual report on projects being processed under the department's environmental review process (Report)

Note: The Report is on file with the assistant chief clerk.

d. Transportation Planning

(1) Various Counties - Concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (MO)

113989
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in Exhibit A. The RTC has also identified changes to the list of previously-approved projects, which are shown in Exhibit B. A summary of funds associated with the SH 121 work program is set forth in Exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects as shown in Exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously-approved projects as shown in Exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering,. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

(2) Various Counties - Concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (MO)

113990
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (SH 161 payments).

Pursuant to Transportation Code, §228.012, the SH 161 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 161 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 161 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 161 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009 the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 161 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional

project costs in the NCTCOG MPA boundary to be funded with the SH 161 payments, as shown in Exhibit A. The RTC has also identified changes to the list of previously-approved projects, which are shown in Exhibit B. A summary of the funds associated with the SH 161 work program is set forth in Exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects as shown in Exhibit A that have been selected by the RTC to be funded with the SH 161 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance or use of public roads, and are therefore eligible to be funded with the SH 161 payments. The commission also concurs with the changes to the list of previously-approved projects as shown in Exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right-of-way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 161 payments subaccounts will not themselves be funded from the SH 161 payments subaccounts. Funds from the SH 161 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

e. Designation of Access Control

(1) Dallas County - I-20, west of JJ Lemmon Road - Consider the designation of two locations on the frontage road at which access will be permitted to the abutting property (MO)

113991
DES

In DALLAS COUNTY, on Interstate 20, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 902, Page 79, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

The Dallas Morning News of Texas, Inc. and the Dallas Morning News, L.P., the current owners of the abutting property, have requested that access to and from the westbound frontage road of I-20 be permitted along the southern property line at two new access points, 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 layout, 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 points will not compromise the mobility, safety or operation of the existing state highway facility, and designates these new access points as locations where ingress and egress are permitted to and from the westbound frontage road of I-20.

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.

(2) Fort Bend County - US 59, approximately 3600 feet south of University Boulevard to approximately 1300 feet south of University Boulevard – Consider the designation of two locations on the highway at which access will be permitted to the abutting property (MO)

113992
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 Fort Bend County Clerk File Number 98103479, with denial of access to the abutting remainder properties as described in the instrument.

The University of Houston System, the current owner of the abutting property, has requested that access to and from the northbound frontage road of US 59 be permitted along their west property line at two new access points described in Exhibit A and Exhibit B.

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 points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress are permitted to and from the northbound 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: Exhibits A and B are on file with the assistant chief clerk.

(3) **Harris County** - US 59, approximately 20 feet south of Texas Street - Consider the designation of two locations on the highway at which access will be permitted to the abutting property (MO)

113993
DES

In HARRIS COUNTY, on US HIGHWAY 59, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in Harris County Clerk's File Number B239791 and File Number S111191, with denial of access to the abutting remainder properties as described in the instrument.

City of Houston, the current owner of the abutting property, has requested that access underneath the US 59 elevated main lanes section be permitted along their east and west property line at new access points described in Exhibit A and Exhibit B.

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 points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress are permitted underneath the US 59 elevated main lane section.

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

(4) **San Patricio County** - I-37, approximately 800 feet north of SH 459 to approximately 400 feet south of SH 459 - Consider the designation of two locations on the highway at which access will be permitted to the abutting property (MO)

113994
DES

In SAN PATRICIO COUNTY, on INTERSTATE HIGHWAY 37, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 387, Page 316, San Patricio County Deed Records, with denial of access to the abutting remainder properties as described in the instrument.

HEB Grocery Company, LP, the current owner of the abutting property, has requested that access to and from the southbound frontage road of I-37 be permitted along their east property line at the new access points 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 points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress are permitted to and from the southbound frontage road of I-37.

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.

(5) Williamson County - I-35, approximately 600 feet south of SH 29 to approximately 1300 feet south of SH 29 - Consider the designation of two locations on the highway at which access will be permitted to the abutting property (MO)

113995
DES

In WILLIAMSON COUNTY, on INTERSTATE HIGHWAY 35, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 466, Page 276, Deed Records of Williamson County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Jay L. Wolf, the current owner of the abutting property, has requested that access to and from the northbound frontage road of I-35 be permitted along its west property line at the new access points described in Exhibit A (Tract 2 and 3).

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 points will not compromise the mobility, safety or operation of the existing state highway facility, and

designates the new access points as locations where ingress and egress are permitted to and from the northbound frontage road of I-35.

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.

(6) Williamson County - I-35, approximately 850 feet north of RM 2243 - Consider the designation of a location on the highway at which access will be permitted to the abutting property(MO)

113996
DES

In WILLIAMSON COUNTY, on INTERSTATE HIGHWAY 35, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 464, Page 521, Deed Records of Williamson County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Georgetown Healthcare Community Services, Inc., the current owner of the abutting property, has requested that access to and from the northbound frontage road of I-35 be permitted along their west property line at 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 northbound frontage road of I-35.

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.

f. Highway Designations

Titus County - In the city of Mount Pleasant, designate a segment of US 67, redesignate a segment of US 67 as State Spur 134, remove the concurrent US 67 designation with SH 49 and remove the US 67 designation along Elsy Street. (MO)

113997
TPP

In Titus County, the Atlanta District and the City of Mount Pleasant have requested the following actions:

1. Designate a segment of US Highway 67 (US 67) on the state highway system along the existing alignment from approximately 0.2 mile west of US 271 to Elsy Street, a distance of approximately 0.7 mile.
2. Redesignate a segment of US 67 as State Spur 134 from the existing US 67 eastward to the proposed US 271, a distance of approximately 0.2 mile.
3. Remove the concurrent US 67 designation with State Highway 49 from the proposed US 271 eastward to Elsy Street, a distance of approximately 0.4 mile.
4. Remove the US 67 designation along Elsy Street from the existing US 67 southward to the existing US 271, a distance of approximately 0.3 mile.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions. The Texas Transportation Commission (commission) finds that these actions 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:

1. A segment of US 67 is designated on the state highway system along the existing alignment from approximately 0.2 mile west of US 271 to Elsy Street, a distance of approximately 0.7 mile.
2. A segment of US 67 is redesignated as State Spur 134 from the existing US 67 eastward to the proposed US 271, a distance of approximately 0.2 mile.
3. The concurrent designation of US 67 with State Highway 49 from the proposed US 271 to Elsy Street is removed, a distance of approximately 0.4 mile.
4. The designation of US 67 along Elsy Street from the existing US 67 southward to the existing US 271 is removed, a distance of approximately 0.3 mile.

g. Speed Zones

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

113998
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 FM 1774 established by Minute Order 109064, dated October 31, 2002 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 21. 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 551.071 - Consultation with and advice from legal counsel regarding pending or contemplated litigation

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 comments from Mary Anne Piacentini, Executive Director of the Katy Prairie Conservancy.

Commissioner Moseley recognized special guests Sanjay Ram (Ramabhadran), P.E., President, Indo-American Chamber of Commerce of Greater Houston, and Jagdip

Ahluwalia, Executive Director, Indo-American Chamber of Commerce of Greater Houston. The regular meeting of the Texas Transportation Commission was adjourned at 1:05 p.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 June 26, 2014, in Pasadena, Texas.



Robin Carter, Assistant Chief Clerk
Texas Department of Transportation