

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 30, 2014, in El Paso, 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 left the meeting at 11:23 a.m. and Commissioner Austin left at 11:28 a.m.

**Administrative Staff:**

LtGen. Joe Weber, Executive Director  
 Jeff Graham, General Counsel  
 Rose Guajardo Walker, Chief Clerk  
 Robin Carter, Assistant Chief Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation, Assistant Chief Clerk.

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 3:26 p.m. on October 22, 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 Bob Bielek.

Chairman Houghton recognized the President of the University of Texas at El Paso Dr. Diana Natalicio. El Paso Mayor Oscar Leeser, El Paso County Judge Veronica Escobar, Senator Jose Rodriguez, and El Paso Chamber of Commerce President Richard Dayoub provided opening remarks.

**ITEM 2. Approval of Minutes of the September 18, 2014 regular meeting and the September 24, 2014 special meeting of the Texas Transportation Commission**

Commissioner Underwood made a motion, which was seconded, and the commission approved the minutes of the September 18, 2014 regular meeting and the September 24, 2014 special meeting by a vote of 5 - 0.

Executive Director General Weber asked Deputy Executive Director John Barton to come forward. Mr. Barton spoke in honor of Chairman Houghton and his

many accomplishments. A video of the Chairman at events was viewed by the commission. Senator Rodriguez , Judge Escobar, and retired El Paso City Manager Joyce Wilson also spoke.

District Engineer Bob Bielek reviewed the accomplishments of the El Paso district and the commission viewed a presentation of the El Paso area projects.

**ITEM 3. Discussion**

**2015 Unified Transportation Program (UTP) November Updates (Presentation)**

This item was presented by Director of Planning Marc Williams.

**ITEM 4. Aviation**

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

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

114087  
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, September 12, 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 \$7,220,475.

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

**ITEM 5. Public Transportation**

**a. Various Counties - Award federal Job Access Reverse Commute and New Freedom funds, state funds, and transportation development credits to various transit agencies (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.

114088  
PTN

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

The federal grant §5316 Job Access Reverse Commute (JARC) and §5317 New Freedom programs have been repealed under Moving Ahead for Progress in the 21st Century. Residual grant funds of \$1,155,115 from JARC and New Freedom programs, and \$80,000 in state funds have been identified for award with this minute order to sustain existing projects. Title 43, Texas Administrative Code (TAC), §31.17 and §31.18 establish a process by which projects are evaluated and funds distributed for JARC and New Freedom projects.

The commission recognizes that state and federal law permits the substitution of Transportation Development Credits (TDC) as the required non-federal match for projects. 43 TAC §5.109 establishes a process by which TDC may be awarded at the discretion of the commission. TDC of 193,761 are available for use as local match for federally funded capital projects.

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

The commission finds that the projects listed in Exhibit A are eligible for funding and desires to award a total of \$1,155,115 in federal funds, \$80,000 in state funds and 193,761 in TDC.

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

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards as identified in Exhibit A, notify the entities in writing, and enter into the necessary contracts.

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

**b. El Paso County - Award federal Rural Transportation Assistance Program funds to El Paso County (MO)**

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Planning Marc Williams.

114089  
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit

Administration (FTA) grant program, Formula Grants Program for Rural Areas (49 U.S.C. §5311), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

Title 43, Texas Administrative Code, §31.37 establishes a process by which funds are distributed and describes the program purpose to foster the development of state and local capacity to meet the training and technical assistance needs of rural public transportation systems.

The department received a request from El Paso County to fund a study to determine options for continuing transit services previously funded by two programs repealed and realigned under the Moving Ahead for Progress in the 21st Century.

The commission finds that the project is eligible for funding and awards a total of \$19,000 in federal Rural Transportation Assistance Program §5311b(3) funds for the purpose described above.

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

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award as described, submit the necessary state application to the FTA and enter into the necessary contracts.

**c. Various Counties - Award transportation development credits to Corpus Christi Regional Transportation Authority and El Paso Metropolitan Planning Organization (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.

114090  
PTN

The Texas Transportation Commission (commission) desires to award 226,754 Transportation Development Credits (TDC) to Corpus Christi Regional Transportation Authority and El Paso Metropolitan Planning Organization to be used as the local match for federally funded capital and operating projects as listed in Exhibit A.

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

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

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

In making this award, the commission has considered the potential of the projects to expand the availability of funding for public transportation projects and finds

that the projects meet the established program goals set forth in 43 TAC §5.102 to support public transit.

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

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

**ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**a. Emergency Adoption**

**(1) Chapter 25 – Traffic Operations (MO)**

**New §25.28, Traffic and Engineering Investigation Requirements for Reducing Speeds on Certain Types of Roadways (Procedures for Establishing Speed Zones)**

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.

114091  
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt, on an emergency basis, new §25.28, relating to Traffic Engineering Investigation Requirements for Reducing Speeds on Certain Types of Roadways, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that new §25.28 is adopted on an emergency basis and is authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

**b. Final Adoption**

**(1) Chapter 26 - Regional Mobility Authorities (MO)**

**Amendments to §26.2, Definitions (General Provisions), and new §26.36, Projects of Another Governmental Entity (Approval of a Transportation Project)**

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.

114092  
TPP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §26.2, Definitions, and new §26.36, Projects of Another Governmental Entity, relating to the planning, design, construction, maintenance, repair, or operation of a transportation project by a regional mobility authority, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble, and adopted amendments and new section, 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 §26.2 and new §26.36 are adopted and are authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

**c. Proposed Adoption**

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

**Amendments to §9.3, Protest of Department Purchases under the State Purchasing and General Services Act (General)**

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Chief Procurement and Field Support Operations Officer Lauren Garduno.

114093  
PFS

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

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.3 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 21 - Right of Way (MO)  
Amendments to §21.602, Highway Asset to be Leased, §21.603, Methods of Awarding  
Leases, §21.604, Lease Agreement, and §21.606, Requests to Lease (Leasing of  
Highway Assets)

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 Real Estate Roland Tilden.

114094  
 RMD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§21.602, 21.603, 21.604, and 21.606, relating to Leasing of Highway Assets 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 §§21.602, 21.603, 21.604, and 21.606, 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 7. Lease Agreement**

Authorize the department to initiate any necessary due diligence and enter into negotiations with the Yucca Council of Boy Scouts of America (Local El Paso Area) to lease land on the Loop 375 Border Highway Extension (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 Real Estate Roland Tilden.

114095  
 RMD

In EL PASO COUNTY, on Loop 375 Border Highway Extension, the state of Texas acquired certain land for highway purposes, including that certain real property described in the attached Exhibit A (Property).

Yucca Council of Boy Scouts of America (Council) has requested to lease a portion of the Property, the exact portion to be determined by the Texas Department of Transportation (department) and the Council, for the purpose of constructing an urban camp site for youth in the El Paso area. The Council expects the camp site will provide a much needed opportunity for outdoor experiences for the boys and girls of the El Paso community who, due to economic circumstances, may never have the opportunity to attend an outdoor camping location outside of the El Paso area.

Transportation Code, Chapter 202, Subchapter C, authorizes the department to lease highway right of way.

In accordance with Title 43, Texas Administrative Code, §21.603, if the Texas Transportation Commission (commission) finds it to be in the public interest, the commission may waive the fair market value requirement for a lease for social purposes.

IT IS THEREFORE ORDERED by the commission that the staff of the department is authorized and directed to obtain or perform any surveys, environmental assessments, investigations and other evaluations of the Property on behalf of the department and enter into negotiations for a lease agreement for the property with the Council. The lease agreement shall be in a form approved by the department.

IT IS ALSO ORDERED by the commission that the fair market value requirement is waived for the lease of all or a portion of the Property for social purposes to Yucca Council of Boy Scouts.

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

**ITEM 8. Office of Compliance, Ethics, and Investigations**  
Office of Compliance, Ethics, and Investigations Report

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

**ITEM 9. Toll Roads**

Various Counties - Designate SH 99 (Grand Parkway) Segment H from US 59 to US 90 East, Segment I-1 from US 90 East to I-10 East, and Segment I-2B from FM 1405 to SH 146 in Chambers, Harris, Liberty, and Montgomery 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 potential maintenance of Segments H, I-1 and all or part of Segment I-2 of SH 99; and approve a stipulated amount as payment for the work product of unsuccessful proposers (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.

114096  
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 estimated construction costs of \$50 million or more.

On June 26, 2014, by Minute Order 113979, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential

maintenance of the SH 99 Grand Parkway Segments H, I-1, and I-2 in Chambers, Harris, Liberty and Montgomery counties (SH 99 H&I project). Maintenance of parts of Segment I-2A in Chambers County, currently in operation as a four-lane controlled-access toll facility extending 8.7 miles from I-10 East to FM 1405, may also be included in the project. The project will increase capacity by providing a new two to four lane controlled-access toll facility as Segments H and I-1 from US 59 North to I-10 East, a new four-lane controlled access toll facility as Segment I-2B from FM 1405 to SH 146, and the addition of connection facilities to the existing Segment I-2A facility.

The department issued the RFQ on July 31, 2014. Four (4) proposer teams responded to the RFQ. Following the department's evaluation of the qualifications statements, a short list of teams were determined to be best qualified to be on the short list of proposer teams that will be requested to submit detailed proposals to develop, design, construct, and maintain 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. The department intends to issue an RFP for the SH 99 H&I Project and to request detailed proposals from the short-listed teams to develop, design, construct, and maintain the SH 99 H&I project.

Transportation Code § 223.249(a) and 43 TAC § 9.153(f) require 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 the proposal. The stipend must be a minimum of twenty-five hundredths of one percent of the contract amount, the stipulated amount must be stated in the RFP, and it 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 SH 99 H&I Project or other department projects without further payment to the unsuccessful proposer. Transportation Code § 223.249(b) and 43 TAC § 9.153(f) require the department to pay a partial stipend in the event that a procurement is terminated before the execution of a design-build contract.

The SH 99 Segment H runs from US 59 North to US 90 East; Segment I-1 from US 90 East to I-10 East; Segment I-2A from I-10 East to FM 1405; and Segment I-2B from FM 1405) to SH 146. The SH 99 Segments H and I-1 were environmentally cleared through the department's receipt of a record of decision for Segments H and I-1 on June 24, 2014. SH 99 Segments I-2A and I-2B were environmentally cleared through the department's receipt of a record of decision on August 13, 1998 with two re-evaluations, one in 2002 and one in 2012; and two approved categorical exclusions, one in 2006 and one in 2008.

Transportation Code, § 228.051 provides that the commission, by order, may designate one or more lanes of a segment of the state highway system as a toll project or system. Minute Order 111167, dated December 13, 2007, previously designated Segment I-2A from I-10 to Fisher Road as a toll project on the state highway system.

IT IS THEREFORE ORDERED that the department is authorized to issue an RFP to develop, design, construct and, potentially, maintain the SH 99 Grand Parkway

Segments H, I-1 and all or part of I-2 in Chambers, Harris, Liberty, and Montgomery counties and, potentially, to maintain the existing Segment I-2A facility in Chambers County.

IT IS FURTHER ORDERED that, after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer that submits a responsive, but unsuccessful, proposal for the SH 99 H&I 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 0.25% of the successful proposer's price for all work under the design-build agreement.

IT IS FURTHER ORDERED that in the event the procurement is terminated prior to the execution of the design-build agreement, and after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer a partial stipend based upon the value of the work product 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 \$747,000.

IT IS FURTHER ORDERED that payment for work product may only be paid to the extent that the work product submitted meets the minimum criteria and the proposer satisfies the conditions for payment identified by the department in the SH 99 H&I Project procurement documents.

IT IS FURTHER ORDERED that the SH 99 Grand Parkway Segment H from US 59 North to US 90 East; Segment I-1 from US 90 East of I-10 East; and Segment I-2B from FM 1405 to SH 146 in Chambers, Harris, Liberty and Montgomery Counties is designated a toll project on the state highway system.

**ITEM 10. Contested Case**

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

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by General Counsel Jeff Graham.

114097  
OGC

On October 30, 2014, the Texas Transportation Commission (commission) considered the staff's proposed cancellation of Outdoor Advertising Permit Number 20860, held by Direct Advertising, Inc. Direct Advertising requested a contested case hearing and the matter was referred to the State Office of Administrative Hearings. The Administrative Law Judge concluded in the amended proposal for decision that the permit should be canceled. Under the Administrative Procedure Act and the commission's rules, the matter is now appropriate for entry of a final order by the commission.

IT IS THEREFORE ORDERED that the commission issues the attached order in the case of Texas Department of Transportation v. Direct Advertising, Inc., Docket

No. 601-14-0875, and directs the executive director to take the necessary steps to implement this order.

**ITEM 11. Texas Mobility Fund Obligations**

Approve a Tenth Supplemental Resolution authorizing the issuance of new money and refunding obligations of the Texas Mobility Fund in one or more series; approve documents relating to the issuance of such obligations and the refunding of certain outstanding Texas Mobility Fund revenue bonds, including official statements, purchase contracts, and escrow agreements; designate certain department officials to take all action necessary to deliver the bonds; and approve an application to the Texas Bond Review Board, if necessary, for authority to issue such obligations (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 Financial Officer James Bass.

114098  
DMO

Pursuant to Minute Order 110081, dated May 4, 2005, the Texas Transportation Commission (commission) approved a Master Resolution Establishing the Texas Transportation Commission Mobility Fund Revenue Financing Program, as subsequently amended by the First Amendment and Second Amendment (master resolution), to establish a revenue financing program (mobility fund revenue financing program) pursuant to which the commission may issue obligations including bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on all or part of the moneys in the Texas Mobility Fund (fund). Under such master resolution, the commission approved nine supplemental resolutions to the master resolution which authorized the issuance of nine series of Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, i.e., Series 2005-A, Series 2005-B, Series 2006, Series 2006-A, Series 2006-B, Series 2007, Series 2008, Taxable Series 2009A (Build America Bonds - Direct Payment) and Series 2014, (collectively, the "outstanding parity debt"). Any terms not otherwise defined herein have the meaning given in the tenth supplement, as hereinafter defined.

Section 49-k, Article III of the Texas Constitution (constitutional provision) and Transportation Code, Chapter 201, Subchapter M, and other applicable law, including Government Code, Chapters 1207 and 1371, authorize the commission to issue bonds and other obligations secured by all or part of the money in the fund to: 1) pay all or part of the costs of constructing, reconstructing, acquiring, and expanding State highways; 2) provide participation by the State in the payment of part of the costs of constructing and providing publicly owned toll roads and other public transportation projects; 3) create debt service accounts; 4) pay interest on obligations for a period of not longer than two years; 5) refund or cancel outstanding obligations; and 6) pay the commission's costs of issuance (collectively, projects) and staff of the Texas Department of Transportation (department) is reviewing all the outstanding parity debt for refunding and cash defeasance opportunities to achieve debt service savings and create additional capacity for the issuance of new money obligations.

Transportation Code, Chapter 201, Subchapter M, provides that the commission may guarantee on behalf of the State the payment of any obligations and credit agreements secured by the fund by pledging the full faith and credit of the State to the payment of the obligations and credit agreements in the event the revenue and money dedicated to the fund and on deposit in the fund under the constitutional provision, are insufficient for that purpose.

The commission has determined it to be in the best interest of the State and the fund to issue additional obligations, on parity with the previously issued outstanding parity debt, secured by revenues and money dedicated to the fund and on deposit in the fund under the constitutional provision and by a pledge of the full faith and credit of the State for additional projects including to refund all or part of the outstanding parity debt for debt service savings.

The master resolution, together with the "Tenth Supplemental Resolution to the Master Resolution Establishing the Texas Transportation Commission Mobility Fund Revenue Financing Program" (tenth supplement), prescribes the terms, provisions and covenants related to the issuance of additional bonds in one or more series of State of Texas General Obligation Mobility Fund Obligations (obligations) with such title and series designation as set forth in the tenth supplement and any series of obligations may be issued for refunding purposes if the refunding results in any of the following: (i) provides a net present value debt service savings of not less than 3% of the outstanding parity debt refunded; (ii) provides long-term fixed rates for refunded variable rate bonds; (iii) other variable rate financing for refunded variable rate bonds; or (iv) any combination thereof.

Government Code, §1231.041 provides that a State agency may not issue a State security, including a bond, unless the issuance is approved by the Texas Bond Review Board (board) or exempted under law, including by board rule, from review by the board.

Under the tenth supplement, the Department Representative, as defined in the tenth supplement, includes the Chief Financial Officer of the department, the Innovative Financing/Debt Management Officer, and the Deputy Director, Innovative Financing/Debt Management Office, is authorized to determine the method of sale for each series of obligations as well as the price and other terms of each series of the obligations as prescribed in each award certificate.

Under the tenth supplement, the Department Representative is authorized to price all or a portion of one or more series of the bonds with various interest rate and other structures including variable rate bonds, put bonds, index bonds and others, which may require the use of liquidity provider(s), tender agents, remarking agents, calculation agents and other entities performing various functions in connection with any such interest rate structures.

The commission understands that a preliminary official statement (pos) and final official statement (official statement) in substantially the form of the pos will be distributed in connection with the public offering of one or more series of the obligations, which pos and official statement will include a description of the general obligation pledge of the State's full faith and credit in the event the revenue and money

dedicated to and on deposit in the fund are insufficient for payments due on the obligations and any related credit agreements.

IT IS THEREFORE ORDERED by the commission that the chairman and the executive director are authorized and directed to execute and deliver each series of the obligations and such other documents and certificates to carry out the intent of this order and the Department Representative, on behalf of the commission, is authorized and directed to execute and deliver the tenth supplement, each purchase contract, if applicable, paying agent/registrars agreement and escrow agreement and similar agreements necessary for any series of the obligations (collectively, program documents), in the form approved by the Department Representative or in substantially the form previously approved by the commission in connection with the outstanding parity debt, as applicable, with such changes as the Department Representative, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of the program documents.

IT IS FURTHER ORDERED by the commission that the Department Representative, on behalf of the commission, is authorized and directed to execute and deliver any remarketing agreement, liquidity agreement, tender agent agreement and similar agreements necessary for any variable rate bonds (collectively, variable rate documents), and the variable rate documents and similar agreements in connection with any variable rate bonds are approved in substantially the form previously approved by the commission in connection with the outstanding parity debt, as defined in the tenth supplement, with such changes as the Department Representative executing the same may approve, such approval to be conclusively evidenced by execution of the variable rate documents.

IT IS FURTHER ORDERED by the commission that any necessary ancillary documents in connection with the issuance of a series of the obligations, the program documents and the variable rate documents are hereby approved, and the Department Representative, on behalf of the commission, is authorized and directed to execute and deliver such documents.

IT IS FURTHER ORDERED by the commission that the pos and the official statement are approved for distribution with such changes as the Department Representative, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of the pos and the official statement, and the Department Representative, on behalf of the commission, is authorized to deem the pos and official statement final for purposes of Rule 15c2-12 of the Securities and Exchange Commission (rule) with such omissions as permitted by the rule.

IF IS FURTHER ORDERED by the commission that the Department Representative, on behalf of the commission, is authorized and directed to file with the board an application for approval or exemption.

IT IS FURTHER ORDERED by the commission that a pledge of the full faith and credit of the State be utilized in connection with each series of the obligations and the payment obligations of the commission under any credit agreements.

IT IS FURTHER ORDERED by the commission that each member of the commission, each Department Representative, the Executive Director, and the General

Counsel are authorized and directed to perform all such acts and execute such documents and notices, including execution of certifications to the underwriters or purchasers, the Attorney General, the Comptroller of Public Accounts, the board and other parties, as may be necessary to carry out the intent of this order and other orders of the commission relating to the mobility fund revenue financing program, the program documents and the variable rate documents.

**ITEM 12. Contracts**

**Award or reject contracts for maintenance, highway and building construction**

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

114099  
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 October 7 and 8, 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 5 - 0. This item was presented by Deputy Executive Director John Barton.

114100  
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 October 7 and 8, 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 13. Eminent Domain Proceedings**

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

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

114101  
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 - O. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1 - 24, in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cameron	FM 803	14	1138-02-016	1
Dallas	US 75	11	0047-07-222	5
Dallas	US 75	12	0047-07-222	1
Denton	FM 156	15	0718-01-065	23
Denton	FM 455	6	0816-02-067	6
Grimes	SH 30	23	0212-04-034	12
Harris	US 290	18	0050-08-090	828
Harris	US 290	10	0050-08-096	716
Harris	US 290	24	0050-09-087	529
Hays	SL 82	4	0016-09-035	3,3E
Lee	US 290	16	0114-07-070	28
Lee	US 290	20	0114-07-070	27
Lee	US 290	21	0114-07-070	29
Lee	US 290	13	0114-07-070	25
Lee	US 290	19	0114-07-070	43
Lee	US 290	17	0114-07-070	42
McLennan	FM 1637	2	0833-03-041	114
McLennan	FM 1637	8	0833-03-041	99
Montgomery	FM 1488	7	0523-10-037	11
Montgomery	FM 1488	5	0523-10-037	14
Montgomery	FM 1488	1	0523-10-037	15
Montgomery	FM 1488	3	0523-10-037	16
Montgomery	FM 1488	9	0523-10-037	17
Palo Pinto	US 281	22	0250-02-041	1

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 35E	F	0196-03-248	79
Dallas	US 175	M	0196-02-113	39

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	US 175	L	0197-02-113	37
Dallas	US 175	N	0197-02-113	38
Denton	IH 35E	G	0196-02-109	27
Denton	IH 35E	H	0196-02-109	113
Denton	IH 35E	J	0196-02-109	112
Denton	IH 35E	I	0196-02-109	22
Denton	IH 35E	K	0196-02-109	41
Harris	IH 10	A	0508-01-326	206, 206TE
Harris	IH 10	D	0508-01-326	217, 217TE
Harris	SH 6	B	1685-05-103	1305
Harris	US 290	C	0050-08-090	829
Harris	US 290	O	0050-09-087	522
Harris	US 290	E	0050-09-087	517

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

**ITEM 14. Routine Minute Orders**

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute orders by a vote of 5 - 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)

114102  
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. Real Estate Dispositions and Donations**

**(1) Bell County - FM 2410 at Mountain Lion Drive in Harker Heights - Consider the sale and quitclaim of right of way to the abutting landowner (MO)**

114103  
ROW

In the city of Harker Heights, BELL COUNTY, on FARM TO MARKET ROAD 2410, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 4010, Page 240, Deed Records of Bell County, Texas, and the state used certain other land for highway purposes to which there is no record title.

Portions of the land (Tracts 1 and 2), described in Exhibit A, are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in real property no longer needed for a state highway purpose to abutting landowners and may recommend the quitclaim of any interest that might have accrued to the state by use of the property to abutting property owners at the request of the county or municipality.

Stripes, LLC, the abutting landowner, has requested to purchase Tract 1 for \$86,467, and has requested the quitclaim of Tract 2.

The city of Harker Heights has requested that Tract 2 be quitclaimed to the abutting landowner.

The commission finds \$86,467 to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that the land is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Stripes, LLC; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from Tract 1.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming Tract 2 to Stripes, LLC.

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

(2) Caldwell County - SH 130 at US 183 north of Lockhart - Consider the transfer of mitigation site and maintenance funds to Guadalupe-Blanco River Trust (GBRT) (MO)

114104  
ROW

In CALDWELL COUNTY, on STATE HIGHWAY 130, the state of Texas acquired certain land for mitigation of adverse environmental impacts by instruments recorded in Volume 540, Page 393; Volume 496, Page 370; Volume 515, Page 110; Volume 529, Page 114; and Volume 580, Page 833, Official Public Records of Caldwell County, Texas.

The land (property), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, §201.617, the Texas Department of Transportation may transfer any interest in real property to an appropriate public agency, as authorized by the regulatory authority that requires the mitigation, with or without monetary consideration, if the property is used or is proposed to be used for mitigation purposes.

The Guadalupe-Blanco River Trust (GBRT) has agreed to manage and maintain the property and has requested the transfer of the property to GBRT. Approval of this proposal by the US Army Corps of Engineers is pending.

It is the opinion of the Texas Transportation Commission (commission) that the property should be transferred to GBRT along with a one-time payment of \$400,000 to GBRT to maintain the site as a wetlands area.

IT IS THEREFORE ORDERED by the commission that the property is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general and the US Army Corps of Engineers, that the governor of Texas execute a proper instrument transferring all of the state's right, title, and interest in the property and making a one-time payment of \$400,000 to the Guadalupe-Blanco River Trust; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the

oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the property.

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

(3) Dallas County - SH 180, W. Davis Street from SH 12 east to I-35E in Dallas - Consider the removal from the system, transfer of control, jurisdiction, and maintenance to the city, and quitclaim of right of way to the city (MO)

114105  
ROW

In the city of Dallas, DALLAS COUNTY, on STATE HIGHWAY 180, the state of Texas acquired certain land for highway purposes by various instruments, and the state used certain other 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 SH 180 from SH 12 east to I-35E be removed from the state highway system, a distance of 6.199 miles, and that control, jurisdiction, and maintenance be transferred to the city.

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

In accordance with Texas Transportation Code, §202.021, the Texas Transportation Commission (commission) may recommend the quitclaim of any interest that might have accrued to the state by use of the property to the county or municipality where the property is located.

The city of Dallas has requested that the land be quitclaimed to the city.

IT IS THEREFORE ORDERED by the commission that SH 180 from SH 12 east to I-35E, a distance of approximately 6.199 miles, is removed from the state highway system, and control, jurisdiction, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that the land is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming all of the state’s right, title, and interest in the land to the city of Dallas, Texas; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state’s rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

FURTHER, if the land ceases to be used for public road purposes, the land shall immediately and automatically revert to the state.

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

(4) Dallas County - I-635 at US 75 and Churchill Road in Dallas – Consider the sale of right of way to an abutting landowner (MO)

Deferred

This item was not considered by the commission.

(5) El Paso County - SL 375 adjacent to Union Pacific Railroad (UPRR) tracks near S. Park Street - Consider the sale of right of way to the abutting landowner (MO)

114106  
ROW

In the city of El Paso, EL PASO COUNTY, on STATE LOOP 375, the state of Texas acquired certain land needed for highway purposes by instrument recorded in Volume 315, Page 421, Deed Records of El Paso County, Texas.

A portion of the land (Tract 41), described in Exhibit A, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting landowners.

The Union Pacific Railroad Company is the abutting landowner and has requested to purchase Tract 41 for \$46,584.

The commission finds \$46,584 to be a fair and reasonable value for the state's right, title, and interest in Tract 41.

IT IS THEREFORE ORDERED by the commission that Tract 41 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 41 to The Union Pacific Railroad Company for \$46,584; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(6) El Paso County - I-10 at SH 20 (Mesa Street) in El Paso - Consider the sale of right of way to an abutting landowner (MO)

114107  
ROW

In the city of El Paso, EL PASO COUNTY, on INTERSTATE 10, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1054, Page 363, Official Public Records of Real Property of El Paso County, Texas. A portion of the land (Tract 1), described in Exhibit A, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting or adjoining landowners.

Riddhi Hospitality, Inc., is an abutting landowner and has requested to purchase Tract 1 for \$775,000.

The commission finds \$775,000 to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Riddhi Hospitality, Inc., for \$775,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur,

and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(7) McLennan County - US 81, west side, on the north side of the Brazos River in Waco - Consider the release of a right of way easement (MO)

114108  
ROW

In the city of Waco, McLENNAN COUNTY, Texas, on US 81, the state of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 847, Page 391, Deed Records of McLennan County, Texas. A portion of the easement (Tract 5), 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.

Baylor University, a Texas non-profit corporation, is the owner of the fee in the property and has requested to purchase Tract 5 for \$22,421.

The commission finds \$22,421 to be a fair and reasonable value of the state's right and interest in Tract 5.

IT IS THEREFORE ORDERED by the commission that Tract 5 is no longer needed for a state highway purpose. The commission 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 5 to Baylor University, a Texas non-profit corporation, for \$22,421.

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

(8) McLennan County - I-35 from Martin Luther King Blvd. to S BU 77 - Consider the acknowledgement of a donation of land for a highway improvement project (MO)

114109  
ROW

In McLENNAN COUNTY, on Interstate Highway 35 from Martin Luther King Blvd. to South BU 77, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

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.

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 United States of America (owner) is the owner of the property described in Exhibit A, and wants to donate the property, estimated at \$3,050, to the department for construction of a highway improvement project.

The executive director found that the donation identified on the attached Exhibit A was 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. The donation agreement has been executed and accepted by the department under Title 43, Texas Administrative Code, §1.504.

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.

(9) **Shelby County** - US 84, north side, east of FM 2787 - Consider the sale of right of way to the abutting landowner (MO)

114110  
ROW

In SHELBY COUNTY, on US 84, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 184, Page 281, Deed Records of Shelby County, Texas.

A portion of the land (Tract 1), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in real property no longer needed for a state highway purpose to abutting landowners.

Ricky Blount and wife, Helen Blount, are the abutting landowners and have requested to purchase Tract 1 for \$2,420.

The commission finds \$2,420 to be a fair and reasonable value of the state's right, title, 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 that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Ricky Blount and wife, Helen Blount, for \$2,420; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas,

sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from Tract 1.

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

(10) Tarrant County - I-30 at FM 157 (Collins Street) in Arlington - Consider the sale of a maintenance site to the city of Arlington (MO)

114111  
ROW

In the city of Arlington, TARRANT COUNTY, on I-30, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 2927, Page 199, Deed Records of Tarrant County, Texas.

A portion of the land (Tract 09-9), described in Exhibit A, is no longer needed for a state highway purpose.

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

The city of Arlington has requested to purchase Tract 09-9 for \$7.602 million. The commission finds \$7.602 million to be a fair and reasonable value of the state's right, title, and interest in Tract 09-9.

IT IS THEREFORE ORDERED by the commission that Tract 09-9 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 09-9 to the city of Arlington, Texas, for \$7.602 million; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Finance

(1) Obligation Limit Report

Quarterly status report on the FY 2014 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts (Report)

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

(2) Quarterly report on FY 2014 State Highway Fund 6 cash status (Report)

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

(3) Accept the Quarterly Investment Report (MO)

114112  
DMO

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds

and funds under its control in investments authorized under the Public Funds Investment Act, in accordance with investment policies approved by the commission.

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

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

Pursuant to Government Code §2256.005(e) and Section 20 of the investment policy, the investment policy and investment strategies of the commission have been reviewed and revised annually by minute order since 2003, most recently by Minute Order 114054, dated August 28, 2014.

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

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period. A quarterly investment report for the department for the period ending August 31, 2014, attached as Exhibit A, has been prepared in accordance with Government Code, §2256.023 and Section 9.0 of the investment policy.

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

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

**d. Designation of Access Control**

**(1) Bexar County - US 281, approximately 350 feet south of Jones Maltsberger Road - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)**

114113  
DES

In BEXAR COUNTY, on US HIGHWAY 281, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 7545, Page 706, Deed Records of Bexar County, Texas, and in Volume 6823, Page 569, Deed Records of Bexar County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Evander Partners, the current owner of the abutting property, has requested that access to and from the southbound frontage road of US 281 be permitted along their east 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 southbound frontage road of US 281.

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) Dallas County - I-30, east of Beltline Road - Consider the designation of one location on the frontage road at which access will be permitted to the abutting property (MO)

114114  
DES

In DALLAS COUNTY, on Interstate 30, a designated controlled-access highway, the State of Texas, acting by and through its Texas Turnpike Authority, acquired certain land for highway purposes by instrument recorded in Volume 2004204, Page 05972, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument. The Texas Turnpike Authority (TTA), pursuant to its Resolution No. 565 dated December 6, 1977, transferred, effective December 31, 1977, the Dallas-Fort Worth Turnpike (Turnpike) to the State Department of Highways and Public Transportation (Highway Department). The Highway Department, pursuant to its Minute Order No. 73792 dated December 14, 1977, directed the Engineer-Director of the Highway Department to add the Turnpike to the Texas State Highway System and assume its maintenance responsibility, effective at the time and date of transfer by the TTA to the Highway Department. Transportation Code §201.003(a) provides that a reference in law to the State Highway Department of Highways and Public Transportation means the Texas Department of Transportation.

QuikTrip Corporation, the current owner of the abutting property, has requested that access to and from the westbound frontage road of I-30 be permitted along the southern property line at one 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 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 point will not compromise the mobility, safety or operation of the existing state highway facility, and designates this new access point as a location where ingress and egress are permitted to and from the westbound frontage road of I-30.

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

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

**e. 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)**

114115  
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 assistant 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)

114116  
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 has identified changes to the list of previously-approved projects, which are shown in Exhibit A. A summary of the funds associated with the SH 161 work program is set forth in Exhibit B, 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 changes to the list of previously-approved projects as shown in Exhibit A.

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 and B are on file with the assistant chief clerk.

**f. Annual Toll Rate Adjustments**

**(1) Travis and Williamson Counties - Accept the annual escalated toll rates**

for the Central Texas Turnpike System (CTTS), as calculated on each toll escalation determination date (MO)

114117  
TOD

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

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

Minute Order 113244, dated August 30, 2012, authorized the executive director to annually escalate toll rates on the CTTS in accordance with established indices and the toll escalation policy set forth in the minute order. The Texas Department of Transportation (department) has established a toll rate escalation percentage of 1.7% (toll rate escalation percentage) to be applied to the current base toll rates for each CTTS element and paypoint, generating the schedule of increased toll rates for calendar year 2015 shown on Exhibit A. The toll rate escalation percentage and the escalated toll rate table shown in Exhibit A for each CTTS element have been prepared in accordance with the toll escalation policy established in Minute Order 113244. As provided in Minute Order 113244, the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for each CTTS element, attached as Exhibit A, is accepted replacing the current rate tables with the escalated toll rates on January 1, 2015.

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

(2) Harris, Montgomery, and Chambers Counties - Accept the annual escalated toll rates for portions of SH 99 (Grand Parkway) consisting of the tolled portion of Segment D in Harris County, and Segments E, F-1, F-2, G, and I-2 (MO))

114118  
TOD

The Texas Department of Transportation (department) and the seven counties in the Houston area in which State Highway 99 (Grand Parkway) is located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Chambers County. In accordance with the requirements of Transportation Code §228.0111 and the policies included in Minute Order 111410 dated June 26, 2008, the department and the seven counties 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, including terms for establishing baseline toll rates and toll escalation policies applicable to the Grand Parkway.

In Minute Order 113399, dated December 13, 2012, the Texas Transportation Commission (commission) established a toll rate escalation policy, consistent with the terms and conditions of the Market Valuation Waiver Agreement, as shown on Exhibit A for the tolled portion of Segment D in Harris County and Segments E, F-1, F-2, and G, which comprise the initial elements of the Grand Parkway System (system) to be operated on behalf of the commission by the Grand Parkway Transportation Corporation (GPTC) pursuant to a project agreement between the department and GPTC and in accordance with a trust agreement between GPTC and the trustee for the holders of GPTC's toll revenue bonds issued to pay the costs of constructing the system. Minute Order 113399 also authorized GPTC to charge tolls for the tolled portion of Segment D of the Grand Parkway in Harris County and for Segments E, F-1, F-2, and Segment G of Grand Parkway in Harris and Montgomery counties. Minute Order 113399 further authorized the chairman of the commission to execute a toll rate agreement with the GPTC regarding covenants to maintain toll rates on the tolled portion of Segment D of the Grand Parkway in Harris County and on the Grand Parkway Segments E, F-1, F-2, and G in Harris and Montgomery counties in accordance with the toll rate agreement.

Minute Order 111167, dated December 13, 2007, designated Grand Parkway Segment I-2 as a toll project on the state highway system. Segment I-2 is in operation outside the Grand Parkway System as a four-lane controlled-access toll road extending from I-10 to Fisher Road in Chambers County (Segment I-2 toll project). Minute Order 112756, dated July 28, 2011, authorized the department to charge tolls in Chambers County on the Segment I-2 toll project from I-10 to Fisher Road, and Minute Order 113399 established toll rates and a toll rate escalation policy that replaced the toll rates established earlier to make the toll rates for the Segment I-2 toll project consistent with the rates and toll rate escalation policy in effect for the segments comprising the system and the terms and conditions of the Market Valuation Waiver Agreement.

The toll rate escalation policy adopted by the commission in Minute Order 113399 provides for the department to calculate the annual toll rate escalation percentage (toll rate escalation percentage) in accordance with the toll rate escalation policy and report the toll rate escalation percentage to the GPTC and the commission each year at or before the commission's October meeting. The department has established a toll rate escalation percentage of 2.22% to be applied to the current base toll rates for each segment of Grand Parkway identified above and each pay point, generating the schedule of increased toll rates for calendar year 2015 shown on the attached Exhibit A.

The toll rate escalation percentage and the escalated toll rates shown in Exhibit A for each segment of Grand Parkway identified above have been prepared in accordance with the toll rate escalation policy established in Minute Order 113399. As provided in Minute Order 113399, the percentage increase in the toll rates will be

effective automatically on January 1 of the next calendar year and implemented by the executive director and by the GPTC, as applicable, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for each segment of Grand Parkway identified above, attached as Exhibit A, is accepted replacing the current rate tables with the escalated toll rates on January 1, 2015.

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

**g. Environmental Review**

**Cameron County - Authorize acquisition of a conservation easement on or fee simple title to approximately 0.90 acre of land for compensatory mitigation purposes (MO)**

114119  
ENV

The Cameron County Regional Mobility Authority, in cooperation with the Texas Department of Transportation (department), is proposing to re-align a section of FM 803 (Olmito North Road) in Cameron County, Texas, to connect directly with I-69E (US 77/83) at Rancho Viejo (CSJ: 1138-02-015) (project). The purpose of the project is to improve traffic operations and mobility at the FM 803 and SH 550 intersection.

As a condition of the permit for placement of fill associated with the project, the U.S. Army Corps of Engineers is requiring compensatory mitigation, which would include 0.90 acre of adjacent/nearby wetland creation. The parcel comprising the 0.90-acre mitigation area is described in Exhibit A (property).

In accordance with Texas Transportation Code, Chapter 203, Subchapter D, Section 203.052, and 43 Texas Administrative Code §2.13(d)(3), the Texas Transportation Commission finds and determines that the acquisition of a conservation easement on, or fee simple title to, the property is necessary or convenient to mitigate adverse environmental effects that directly result from the project.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to proceed to acquire a conservation easement on, or fee simple title to, the property for mitigation purposes.

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

**h. Speed Zones**

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

114120  
TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in Exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

It has also been determined that the speed limit on a segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section of the highway.

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

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portion of the minute order establishing the speed zone shown on the attached Exhibit C is canceled.

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

**ITEM 15. Executive Session Pursuant to Government Code, Chapter 551**

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

**b. Section 551.074 - Deliberate on the duties of individual staff reporting to the commission office**

The commission did not meet in executive session.

**OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.**

During the open comment period, Hector Gutierrez, Hector Gonzales of the Lincoln Park Conservation Committee, Ana L. Reza, Cemeli de Aztlan of Equal Voice Network, Dave Valero of Fire Power 40, and Miguel Juarez of the Lincoln Park Conservation Committee all spoke in favor of preserving the Lincoln Center. Scott

White of Velo Paso Bicycle-Pedestrian Coalition and Victor Cordero spoke regarding transportation alternatives funds.

The regular meeting of the Texas Transportation Commission was adjourned at 11:39 a.m.

APPROVED:

  
\_\_\_\_\_  
Ted Houghton, Chairman  
Texas Transportation Commission

\*\*\*

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on October 30, 2014, in El Paso, Texas.

  
\_\_\_\_\_  
Robin Carter, Interim Chief Clerk  
Texas Department of Transportation