

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 18, 2014, in Austin, Texas. The meeting was called to order at 9:01 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

Administrative Staff:

LtGen. Joe Weber, Executive Director
 Jeff Graham, General Counsel
 Robin Carter, Interim Chief Clerk

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 4:33 p.m. on December 10, 2014, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Randy Clawson.

ITEM 2. Approval of Minutes of the November 20, 2014 regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded, and the commission approved the minutes of the November 20, 2014 regular meeting by a vote of 5 - 0.

ITEM 3. Acknowledgment of Service

a. Recognize by resolution Howard Holland, P.E., Maintenance Division director, for his 24 years of service to the department

This item was introduced by Deputy Executive Director John Barton. Mr. Holland addressed the commission.

b. Recognize by resolution Edward P. Pensock, Jr., P.E., Strategic Projects Division director, for his 24 years of service to the department

This item was introduced by Deputy Executive Director John Barton. Mr. Pensock addressed the commission.

c. Acknowledge Margo Richards, Travel Division director, for her service to the department

This item was introduced by Deputy Executive Director John Barton. Ms. Richards addressed the commission.

The commission took a break from 10:02 a.m. - 10:12 a.m.

ITEM 4. Discussion Items

a. East Texas Corridor Studies - I-20 East Texas and I-369 Harrison County/Marshall (I-20 Presentation; I-369 Presentation)

This item was presented by Transportation Planning and Programming Division Director James Koch. The commission also heard comments from Bill Stoudt, Chairman of the I-20 Study Group and Gregg County Judge, and Hugh Taylor, Harrison County Judge.

b. TxDOT 2015 Transportation Alternatives Program Call for Projects (Presentation)

This item was presented by Public Transportation Division Director Eric Gleason. The commission also heard comments from Robin Stallings, Executive Director of Bike Texas; Steve Gonzales, Executive Director, El Camino Real de las Tejas NHT Association; Dr. Bill Shea, CEO, Pegasus Wireless Health; and Fred Ramirez, P.E.

c. Proposition 1 Funds Status Update (Presentation)

This item was presented by Deputy Executive Director John Barton.

ITEM 5. Aviation

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

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Aviation Dave Fulton.

114147
AVN

The Texas Department of Transportation (department) is authorized under the state Aviation Facilities Development and Financial Assistance Act to award state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airport listed in Exhibit A is currently in need of improvement to preserve the airport or to meet standards. The department recommends the award of state grant funds for the improvements.

On Friday, November 14, 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 \$190,000.

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

ITEM 6. Public Transportation

Bexar County - Award Transportation Development Credits to VIA Metropolitan Transit (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Public Transportation Eric Gleason.

114148
PTN

The Texas Transportation Commission (commission) desires to award 68,720 Transportation Development Credits (TDC) to VIA Metropolitan Transit to be used as the local match for federally funded capital projects.

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 directors designee is directed to proceed with the awards as described, and enter into the necessary contracts in accordance with the priorities established in this minute order.

ITEM 7. Advisory Committee Appointment

Appoint members to the Bicycle Advisory Committee (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Public Transportation Division Director Eric Gleason.

114149
PTN

The Bicycle Advisory Committee (committee) makes recommendations to the Texas Transportation Commission (commission) on the development of bicycle tourism

trails in this state, provides recommendations on the selection of projects relating to the Safe Routes to School Program, and reviews and makes recommendations on items of mutual concern between the Texas Department of Transportation and the bicycling community. The committee functions under Title 43, Texas Administrative Code, §1.85 concerning advisory committees.

The commission desires to make the following two committee appointments:

Name	Location	Term Expiration
Allison Blazosky	San Antonio	August 31, 2016
Ramiro Gonzalez	Brownsville	August 31, 2017

IT IS THEREFORE ORDERED by the commission that the two individuals identified above are appointed as members of the committee for the terms specified.

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

a. Final Adoption

(1) Chapter 23 - Travel Information (MO)

Repeal of §§23.1 - 23.2, General Provisions, §23.10 and §§23.12 - 23.14, Travel Information, §§23.28 - 23.29, Texas Highways Magazine, §§23.51 - 23.59, Promotional Product Program, and §§23.101 - 23.105, Merchandising Program; and simultaneously proposing new §§23.1 - 23.2, General Provisions, §§23.11 - 23.20, Travel Information, §§23.41 - 23.50, Travel Information Centers, §§23.61 - 23.73, Promotional Product Program, and §§23.81 - 23.85, Subscriber and Purchaser Information

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 Travel Information Division Director Margo Richards.

114150
TRV

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §§23.1 - 23.2, §23.10, §§23.12 - 23.14, §§23.28 - 23.29, §§23.51 - 23.59, and §§23.101 - 23.105; and new §§23.1 - 23.2, §§23.11 - 23.20, §§23.41 - 23.50, §§23.61 - 23.73, and §§23.81 - 23.85, all relating to travel information, and codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§23.1 - 23.2, §23.10, §§23.12-23.14, §§23.28 - 23.29, §§23.51 - 23.59, and §§23.101 - 23.105 and new §§23.1 - 23.2, §§23.11 - 23.20, §§23.41 - 23.50, §§23.61 - 23.73, and §§23.81 - 23.85, are adopted and are authorized for filing with the Office of Secretary of State.

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

Note: Exhibits A - G are on file with the interim chief clerk.

(2) Chapter 25 - Traffic Operations (MO)

Amendments to §25.401, Definitions, §25.404, Specifications for Information Logo Signs, §25.405, Commercial Establishment Eligibility, §25.407, Logo Sign Program Operation, and §25.408, TOD Sign Program Operation (Information Logo Sign and Tourist-Oriented Directional Sign Program)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Traffic Operations Division Director Carol Rawson.

114151
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §25.401, §25.404, §25.405, §25.407 and §25.408 relating to Information Logo Sign and Tourist-Oriented Directional Sign Program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §25.401, §25.404, §25.405, §25.407 and §25.408 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

(3) Chapter 28 - Oversize and Overweight Vehicles and Loads (MO)
Amendments to §28.100, Purpose, and §28.102, Authority's Powers and Duties (Hidalgo County Regional Mobility Authority Permits)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Maintenance Division Director Michael Lee.

114152
MNT

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §28.100 and §28.102, relating to Hidalgo County Regional Mobility Authority Permits to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this

minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the Texas Register.

IT IS THEREFORE ORDERED by the commission that the amendments to §28.100 and §28.102 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

b. Proposed Adoption

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

Amendments to §9.31, Definitions, and §9.34, Comprehensive Process (Contracting for Architectural, Engineering, and Surveying Services)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Professional Engineering Procurement Services Division Director Lorena Echeverria de Misi.

114153
PEPS

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §9.31, Definitions, and §9.34, Comprehensive Process, relating to Contracting for Architectural, Engineering, and Surveying Services, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.31, Definitions, and §9.34, Comprehensive Development, 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 interim chief clerk.

(2) Chapter 16 - Planning and Development of Transportation Projects (MO)

Amendments to §16.153, Funding Categories, and §16.154, Transportation Allocation Funding Formulas (Transportation Funding)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Transportation Planning and Programming Division Director James Koch.

114154
TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §16.153 and §16.154, relating to Transportation Funding, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §16.153 and §16.154 are proposed for adoption and are authorized for publication in the Texas Register for the purpose of receiving public comments.

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

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

(3) Chapter 25 - Traffic Operations (MO)

New §25.28, Reducing Speeds on Roadways with a Greater Than Average Crash Rate (Procedures for Establishing Speed Zones)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Travel Information Division Director Margo Richards.

114155
TRF

The Texas Transportation Commission (commission) finds it necessary to propose new §25.28, relating to Procedures for Establishing Speed Zones, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the new §25.28 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 interim chief clerk.

Subject to no objections from other commissioners, Chairman Houghton recessed the meeting at 11:33 a.m. for the Hall of Honor Induction Ceremony honoring former Texas Transportation Commissioner Ned Holmes. The commission returned from recess at 12:04 p.m.

ITEM 9. Office of Compliance, Ethics, and Investigations
Office of Compliance, Ethics, and Investigations Report

This item was presented by Chief Audit and Compliance Officer Benny Ybarra.

ITEM 10. Toll Roads

a. **Harris County** - Authorize the executive director of the department to amend the agreement with Harris County for the further development and operation of the Katy Managed Lanes Project, a managed lanes facility within the limits of I-10 from SH 6 to I-610, to extend the date for transferring the Katy Managed Lanes Project to the department until December 2015 (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Toll Operations Division Director Doug Woodall. The commission also received comments from Don Dixon, Engineer.

114156
TOD

On March 14, 2003, the Texas Department of Transportation (department), Harris County (County), and the Federal Highway Administration entered into an agreement to construct, improve, maintain, and operate a toll facility within the median of Interstate Highway 10 known as the Katy Managed Lanes. This agreement provides for the design and construction of a County toll project comprised of four managed lanes within the median of Interstate Highway 10 from west of State Highway 6 to Interstate Highway 610, a distance of approximately 12 miles (Katy Managed Lanes Project).

In Minute Order 114038, dated August 28, 2014, the Texas Transportation Commission (commission) authorized the executive director of the department to enter into an interlocal agreement with the County for the further development and operation of the Katy Managed Lanes Project, the reallocation of resources and responsibility for the development of the US 290 Managed Lanes Project, a proposed managed lane facility on US 290 from Interstate Highway 610 to State Highway 99, and potential development of the Hempstead Tollway Project.

As consideration for the reduction of the County's contribution for the US 290 Managed Lanes Project, the executed interlocal agreement provides that the County will transfer ownership and all responsibility for the Katy Managed Lanes to the department, and waives its primacy rights for development of toll facilities in the US 290 and Hempstead Road corridors. The transfer will include all responsibility for operation, maintenance, and enforcement of the Katy Managed Lanes and associated diamond

lanes, and termination of operating and maintenance agreements between the department and the County.

The interlocal agreement contemplates the transfer of ownership and responsibility for the Katy Managed Lanes to the department by December 31, 2014. As the department and the County are still negotiating the terms for the transfer, the interlocal agreement needs to be amended to extend the date for transferring the Katy Managed Lanes to the department.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is authorized to amend the interlocal agreement with Harris County for development of the US 290 Managed Lanes Project, further development and operation of the Katy Managed Lanes Project, and potential development of the Hempstead Tollway Project, to extend the date for transferring the Katy Managed Lanes to the department until December 31, 2015.

b. Various Counties - Approval to exceed contract term restrictions for the procurement of indefinite deliverable contracts for engineering services associated with traffic and revenue for transportation projects throughout the state (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Toll Operations Division Director Doug Woodall.

114157
TOD

Title 43, Texas Administrative Code, §9.32(b)(1)(B) provides that for an indefinite deliverable architectural, engineering or surveying services contract, the contract period in which initial work authorizations may be issued may not be longer than two years after the date of contract execution, unless approved by the Texas Transportation Commission (commission) prior to the solicitation posting date.

The Texas Department of Transportation (department) is in various stages of planning, procurement and negotiation with respect to transportation projects that would be innovatively funded or developed using non-traditional delivery methods, including comprehensive development agreements, and design-build agreements. The department intends to enter into indefinite deliverable statewide contracts for the services of professional engineers and other professionals to perform traffic and revenue engineering services for statewide transportation highway projects.

The department intends to enter into up to three (3) indefinite deliverable contracts with the sum of all contracts not to exceed a total of \$30 million and a single contract not to exceed a contract dollar value of \$10 million. The solicitation of these indefinite deliverable contracts will be for the provision of engineering and other professional services associated with traffic and revenue for transportation highway projects throughout the state. Establishing a longer potential contract term is essential to allow these professionals to support and implement the various projects efficiently.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue solicitations for no more than three indefinite deliverable contracts limited to the provision of engineering and other professional services, with contract periods in which initial work authorizations may be issued up to but no longer than five

years after a contract is executed, and the sum of the above-described contracts shall be for no more than a total of \$30 million and a single contract not to exceed \$10 million.

ITEM 11. Lease Agreement

Authorize the department to enter into negotiations for a Lease Agreement with the Yucca Council of Boy Scouts of America (Local El Paso Area) and to enter into a Lease Agreement to lease land on the Loop 375 Border West Expressway (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Real Estate Division Director Roland Tilden.

114158
RMD

In El Paso County, on Loop 375 Border West Expressway, 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, 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 Texas Department of Transportation (department) to lease highway right of way.

The Texas Transportation Commission (commission) finds that the property to be leased will not be needed for highway purposes during the period of the lease, being a term of twenty-five years with an option to renew if acceptable to both parties for an additional twenty-five years, and that the lessee's use of the property will be consistent with safety, maintenance, operation, and beautification of the state highway system. The commission also finds that the lease is in the public interest for social mitigation purposes, and as such, will be economically beneficial to the department and that in accordance with Transportation Code, §202.052, and Title 43, Texas Administrative Code, §21.603, the requirement to charge fair market value for the lease may be waived.

IT IS THEREFORE ORDERED by the commission that the staff of the department is authorized and directed to enter into negotiations for and execute a lease agreement for all or a portion of the Property with the Council.

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 mitigation purposes to Yucca Council of Boy Scouts.

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

ITEM 12. Real Estate

Travis County - Bull Creek Road in Austin - Consider the sale of real property by sealed bid (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 Real Estate Division Director Roland Tilden.

114159
ROW

In the city of Austin, TRAVIS COUNTY, on BULL CREEK ROAD, certain land was transferred to the State Department of Highways and Public Transportation, now Texas Department of Transportation, by instrument recorded in Volume 10806, Page 452-457, Real Property Records of Travis County, Texas.

All of the land (Tract 1) 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 any interest in real property no longer needed for a state highway purpose to the general public.

William Cannon League Development, LLC, submitted a bid of \$46,761,001, which was the highest acceptable bid received.

The commission finds \$46,761,001 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. 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 William Cannon League Development, LLC, for \$46,761,001; 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 Tract 1.

ITEM 13. Contracts

Award or reject contracts for maintenance, highway and building construction

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

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

114160
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 December 2 and 3, 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 interim 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 Director of Construction John Obr.

114161
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 December 2 and 3, 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 interim chief clerk.

ITEM 14. Eminent Domain Proceedings

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

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

114162
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 - B. 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 - 19, in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 1378	13	1392-01-038	2
Collin	FM 2514	15	2679-03-011	14
Collin	FM 2514	16	2679-03-011	4
Collin	FM 2514	17	2679-03-011	13
Dallas	US 75	14	0047-07-222	1
Dallas	US 175	1	0197-02-113	35
Dallas	US 175	2	0197-02-113	28
Dallas	US 175	3	0197-02-113	24
Dallas	US 175	4	0197-02-113	27
Dallas	US 175	5	0197-02-113	12
Dallas	US 175	6	0197-02-113	25
Dallas	US 175	7	0197-02-113	11

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	SH 114	18	0353-02-068	18
Denton	SH 114	19	0353-02-068	12
Denton	FM 156	9	0718-01-065	52
Denton	FM 156	10	0718-01-065	39
Denton	FM 156	11	0718-01-065	35
Denton	FM 156	12	0718-01-065	15
Harris	FM 865	8	0976-01-038	2

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	IH 10	B	0508-01-326	201,201TE
Harris	SH 99	A	3510-06-006	241X

Note: Exhibits A - B and 1 - 19 are on file with the interim chief clerk.

ITEM 15. 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)

114163
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 interim chief clerk.

b. Real Estate Dispositions and Donations

(1) Bexar County - FM 2696 from Comal County line to San Antonio city limits - Consider removal from the system, transfer of control, jurisdiction, and maintenance to the county and quitclaim of the state's accrued interest in real property to the county (MO)

114164
ROW

In BEXAR COUNTY, on FARM TO MARKET ROAD 2696, certain land acquired by Bexar County in its own name was used by the state for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 2696 from the Comal County line south to the San Antonio city limit be removed from the state highway system, a distance of 6.2 miles, and that jurisdiction, control, and maintenance be transferred to the county.

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

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend, if the interest in real property was acquired and held by a county in its own name for use by the state, that the governor execute a deed to the county quitclaiming any interest that might have accrued to the state by use of the property.

Bexar County has agreed to assume jurisdiction, control, and maintenance and has requested that the land be quitclaimed to the county.

IT IS THEREFORE ORDERED by the commission that FM 2696 from the Comal County line south to the San Antonio city limit, a distance of 6.2 miles, is removed from the state highway system and that jurisdiction, control, and maintenance are transferred to the county.

FURTHER, IT IS ORDERED by the commission that the real property 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 any interest in Tract 1 to Bexar County, Texas, that might have accrued to the state.

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

(2) Bexar County - Various highways in San Antonio - Consider removal from the system, transfer of control, jurisdiction, and maintenance to the city, and transfer of real property to the city (9 MOs)

114165
ROW

In the city of San Antonio, BEXAR COUNTY, on FARM TO MARKET ROAD 471, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 471 from SL 1604 eastward to Leon Valley city limit be removed from the state highway system, a distance of 5.0 miles, and that jurisdiction, control, and maintenance be transferred to the city. The executive director has also recommended that FM 471 from the Leon Valley west city limit east to SH 16 be redesignated as State Spur 471, a distance of approximately 0.97 mile.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission, upon issuance of the Project Acceptance Letter for project CSJ 0849-01-047, that FM 471 from SL 1604 eastward to Leon Valley city limit, a distance of 5.0 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city. In addition, FM 471 from the Leon Valley west city limit east to SH 16 is redesignated as SS 471, a distance of approximately 0.97 mile.

FURTHER, IT IS ORDERED by the commission that, upon issuance of the Project Acceptance Letter for project CSJ 0849-01-047, Tract 1 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 transferring all of the state's right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114166
ROW

In the city of San Antonio, BEXAR COUNTY, on FARM TO MARKET ROAD 1517, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 1517 from SH 16 east to Huebner Road be removed from the state highway system, a distance of 1.8 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that FM 1517 from SH 16 east to Huebner Road, a distance of 1.8 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 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 transferring all of the state’s right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114167
ROW

In the city of San Antonio, BEXAR COUNTY, on FARM TO MARKET ROAD 1560, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 1560 from Helotes city limit east to SL 1604 be removed from the state highway system, a distance of 1.4 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property

transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that, upon issuance of the Project Acceptance Letter for project CSJ 2230-01-013, FM 1560 from Helotes city limit east to SL 1604, a distance of 1.4 miles, is removed from the state highway system, and jurisdiction, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that, upon issuance of the Project Acceptance Letter for project CSJ 2230-01-013, Tract 1 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 transferring all of the state’s right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114168
ROW

In the city of San Antonio, BEXAR COUNTY, on FARM TO MARKET ROAD 3487, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 3487 from FM 471 south to I-410 be removed from the state highway system, a distance of 3.2 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, if any, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that FM 3487 from FM 471 south to I-410, a distance of 3.2 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 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 transferring all of the state’s right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114169
ROW

In the city of San Antonio, BEXAR COUNTY, on STATE LOOP 345, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that SL 345 from Balcones Heights city limit south to I-10 be removed from the state highway system, a distance of 2.7 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that SL 345 from Balcones Heights city limit south to I-10, a distance of 2.7 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 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 transferring all of the state's right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114170
ROW

In the city of San Antonio, BEXAR COUNTY, on STATE LOOP 368, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that SL 368 from Alamo Heights city limit south to I-35 be removed from the state highway system, a distance of 2.2 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property

transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that SL 368 from Alamo Heights city limit south to I-35, a distance of 2.2 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 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 transferring all of the state's right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114171
ROW

In the city of San Antonio, BEXAR COUNTY, on STATE SPUR 53, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that SS 53 from UTSA east to I-10 be removed from the state highway system, a distance of 1.5 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that, upon issuance of the Project Acceptance Letter for project CSJ 2230-02-004, SS 53 from UTSA east to I-10, a distance of 1.5 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that, upon issuance of the Project Acceptance Letter for project CSJ 2230-02-004, Tract 1 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 transferring all of the state's right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114172
ROW

In the city of San Antonio, BEXAR COUNTY, on STATE SPUR 66, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that SS 66 from SH 16 east to Applewhite Road be removed from the state highway system, a distance of 1.4 miles, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that SS 66 from SH 16 east to Applewhite Road, a distance of 1.4 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 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 transferring all of the state's right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

114173
ROW

In the city of San Antonio, BEXAR COUNTY, on STATE SPUR 537, the state of Texas acquired and/or used certain land for highway purposes.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that SS 537 from US 281 south to I-410 be removed from the state highway system, a distance of 1.0 mile, and that jurisdiction, control, and maintenance be transferred to the city.

The land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property

transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The city of San Antonio has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that SS 537 from US 281 south to I-410, a distance of 1.0 mile, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 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 transferring all of the state's right, title, and interest in Tract 1 to the city of San Antonio, 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 Tract 1.

FURTHER, if Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

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

(3) Dallas County - SP 366 at Pearl Street in Dallas - Consider the quitclaim of right of way to honor a reversionary clause (MO)

114174
ROW

In the city of Dallas, DALLAS COUNTY, on STATE SPUR 366, the state of Texas and city of Dallas jointly acquired certain land for highway purposes by instrument recorded in Volume 84020, Page 3739, Deed Records of Dallas County, Texas.

The instrument conveying the land contained a clause to the effect that if the right of way is no longer necessary for highway purposes, the right of way would be relinquished to the city of Dallas.

A portion of the land (Tract 2), described in Exhibit A, is no longer needed for highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim of the state's interest to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state.

The commission finds that it is proper and correct that the state quitclaim its right, title, and interest in Tract 2 to comply with the reversionary clause contained in the instrument of conveyance to the state.

IT IS THEREFORE ORDERED by the commission that Tract 2 is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming the state's right, title, and interest in Tract 2 to the city of Dallas, Texas.

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

(4) Denton County - SH 114 at Cleveland Gibbs Road in Northlake - Consider the sale of right of way to the abutting landowner (MO)

114175
ROW

In the town of Northlake, DENTON COUNTY, on STATE HIGHWAY 114, the state of Texas acquired certain land for highway purposes by instruments recorded in County Clerk's File No. 95-R0023491, and County Clerk's File No. 94-R014439, Deed Records of Denton 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.

Chadwick Farms, Ltd., a Texas limited partnership, is the abutting landowner and has requested to purchase Tract 1 for \$44,300.

The commission finds \$44,300 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. 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 Chadwick Farms, Ltd., a Texas limited partnership, for \$44,300; 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 interim chief clerk.

(5) Stephens County - FM 717, old alignment east of Breckenridge, five miles north of US 180 - Consider the sale and quitclaim of right of way to the abutting landowner (MO)

114176
ROW

In STEPHENS COUNTY, on FARM TO MARKET ROAD 717, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 306, Page 448, and in Volume 305, Page 567, Deed Records of Stephens 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, 2, and 3), described in Exhibits A and B, are 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 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.

MM Terry Ranch, Ltd., has requested to purchase Tracts 2 and 3 for \$2,396, and has requested the quitclaim of Tract 1.

Stephens County has requested that Tract 1 be quitclaimed to the abutting landowner.

The commission finds \$2,396 to be a fair and reasonable value of the state's right, title, and interest in Tracts 2 and 3.

IT IS THEREFORE ORDERED by the commission that Tracts 1, 2, and 3 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 Tracts 2 and 3 to MM Terry Ranch, Ltd.; 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 Tracts 2 and 3.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming Tract 1 to MM Terry Ranch, Ltd.

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

c. Reports of Environmental Review of Projects

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

d. Transportation Planning

(1) San Angelo Metropolitan Planning Organization

Tom Green County - Approve revisions to the San Angelo Metropolitan Planning Organization (MPO) metropolitan planning area boundary (MO)

114177
TPP

Pursuant to Title 43, Texas Administrative Code, §16.51(c), the governor or the Texas Transportation Commission (commission), if the approval authority has been delegated to the commission, must approve the boundaries of a designated metropolitan planning area and any revision of those boundaries. The metropolitan planning organization must provide the governor and the Texas Department of Transportation with appropriate documentation and the rationale supporting any recommended boundary change.

In accordance with 23 U.S.C. §134 and 23 C.F.R. §450.312, a metropolitan planning area boundary shall, at a minimum, encompass the entire existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The metropolitan planning area boundary may be further expanded to encompass the entire metropolitan statistical area or combined statistical area.

On October 4, 2005, Governor Rick Perry delegated authority to the commission to approve metropolitan planning area boundary changes.

On August 15, 2013, the San Angelo Metropolitan Planning Organization (MPO) Policy Board approved a resolution recommending the expansion of the metropolitan planning area boundary to include the additional areas identified as urbanized by the U.S. Census Bureau.

The commission has reviewed and accepted the documentation and rationale supporting the metropolitan planning area boundary changes provided by the San Angelo MPO.

IT IS THEREFORE ORDERED by the commission that the proposed San Angelo MPO metropolitan planning area boundary changes, as shown in Exhibit A, are hereby approved.

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

(2) Sherman-Denison Metropolitan Planning Organization

Grayson County - Approve revisions to the Sherman-Denison Metropolitan Planning Organization (MPO) metropolitan planning area boundary (MO)

114178
TPP

Pursuant to Title 43, Texas Administrative Code, §16.51(c), the governor or the Texas Transportation Commission (commission), if the approval authority has been delegated to the commission, must approve the boundaries of a designated metropolitan planning area and any revision of those boundaries. The metropolitan planning organization must provide the governor and the Texas Department of Transportation with appropriate documentation and the rationale supporting any recommended boundary change.

In accordance with 23 U.S.C. §134 and 23 C.F.R. §450.312, a metropolitan planning area boundary shall, at a minimum, encompass the entire existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The metropolitan planning area boundary may be further expanded to encompass the entire metropolitan statistical area or combined statistical area.

On October 4, 2005, Governor Rick Perry delegated authority to the commission to approve metropolitan planning area boundary changes.

On February 6, 2014, the Sherman-Denison Metropolitan Planning Organization (MPO) Policy Board approved a resolution recommending the expansion of the metropolitan planning area boundary to include the additional areas identified as urbanized by the U.S. Census Bureau.

The commission has reviewed and accepted the documentation and rationale supporting the metropolitan planning area boundary changes provided by the Sherman-Denison MPO.

IT IS THEREFORE ORDERED by the commission that the proposed Sherman-Denison MPO metropolitan planning area boundary changes, as shown in Exhibit A, are hereby approved.

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

e. Finance

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

114179
TOD

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, bond

anticipation notes, and other obligations to finance turnpike projects on the state highway system, and to enter into trust agreements and indentures of trust governing matters relating to the issuance of such obligations.

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

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

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

A report of actual traffic and revenue, attached as Exhibit A, has been prepared consistent with the reports previously filed pursuant to Section 501(c) of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the report of actual traffic and revenue attached as Exhibit A is accepted.

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

f. Highway Designation

Dawson County - In the city of Lamesa, extend the designation of SH 349 from the intersection of State Spur 137 eastward to US 87 (MO)

114180
TPP

In Dawson County, the Lubbock District has requested to extend the designation of SH 349 in the city of Lamesa from the intersection of State Highway 137 eastward to US 87, a distance of approximately 1.7 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended extending the designation of SH 349 on the state highway system.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the designation of SH 349 is extended from the intersection of State Highway 137 eastward to US 87, a distance of approximately 1.7 miles, as shown in Exhibit A.

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

g. Speed Zones

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

114181
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 including the use of the emergency rules procedures established by new §25.28 Traffic and Engineering Investigation Requirements for Reducing Speeds on Certain Types of Roadways.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

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

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

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

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

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

b. Section 551.074 - Discussion regarding the evaluation of the performance of the executive director

c. Section 551.074 - Deliberate on the employment, evaluation, reassignment, and duties of the individual staff reporting to the commission office

The commission went in to executive session at 12:24 p.m. and the commission returned from executive session at 12:42 p.m.

ITEM 17. Executive Director Compensation

Consider the evaluation of the performance and, if appropriate, approve compensation adjustment of the Executive Director (MO)

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

114182
ADM

Section 201.301, Transportation Code, authorizes the Texas Transportation Commission (commission) to elect an executive director for the Texas Department of Transportation (department). The commission establishes the compensation to be paid the executive director in accordance with the General Appropriations Act for that position.

The commission elected Lt. Gen. Joseph F. Weber as executive director of the department on April 4, 2014, with the adoption of Minute Order 113906. The commission has evaluated the performance of General Weber and finds his performance to be exceptional. The commission finds that it is in the best interest of the state and the department to increase the compensation of the executive director to the maximum amount payable for that position under the current General Appropriations Act.

IT IS THEREFORE ORDERED by the commission that the Executive Director of the Texas Department of Transportation be compensated at an annual salary of \$292,500.

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

The commission received no further comments. The regular meeting of the Texas Transportation Commission was adjourned at 12:44 p.m.

APPROVED:



Ted Houghton, Chairman
Texas Transportation Commission

December 18, 2014

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on December 18, 2014, in Austin, Texas.



Robin Carter, Interim Chief Clerk
Texas Department of Transportation