

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 26, 2015, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Lewis with the following commissioners present:

**Texas Transportation Commission:**

Tryon D. Lewis	Chairman
Jeff Austin, III	Commissioner
Jeff Moseley	Commissioner
Victor Vandergriff	Commissioner
J. Bruce Bugg, Jr.	Commissioner

**Administrative Staff:**

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

Registration sheets listing others in attendance are on file with the Texas Department of Transportation, Commission 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 2:55 p.m. on March 18, 2015, 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 Sydney Maloy.

**ITEM 2. Approval of Minutes of the February 26, 2015 regular meeting of the Texas Transportation Commission**

Commissioner Austin made a motion, which was seconded by Commissioner Moseley, and the commission approved the minutes of the February 26, 2015 regular meeting by a vote of 5 - 0.

**ITEM 3. Acknowledgement of Service**

Recognize by resolution Paul D. Frerich, P.E., District Engineer, Yoakum District, for his 31 years of service to the department

This item was presented by Deputy Executive Director John Barton. Paul Frerich also spoke to the commission.

**ITEM 4. Advisory Committee Appointment**

**Appoint member to the Port Authority Advisory Committee (MO)**

Commissioner Moseley made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Maritime Division Director Dan Harmon.

114230  
MRD

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

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

The commission has determined that the individual listed below fulfills the statutory requirements to serve as a member of the committee for a three-year term expiring on March 31, 2018.

Larry Kelley, Deputy Port Director, Port of Port Arthur - Upper Coast

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

**ITEM 5. Highway Designation**

**Harris County - Designate a segment of the state highway system as I-69, concurrent with US 59 from the existing I-69 termini at I-610 North and I-610 West in the city of Houston (MO) (Presentation)**

Commissioner Austin made a motion, which was seconded by Commissioner Moseley, 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.

114231  
TPP

In Harris County, officials have requested the designation of a segment of the state highway system as I-69, concurrent with US 59 from the existing I-69 termini at I-610 North and I-610 West in Houston, a total distance of approximately 11.9 miles.

Minute Order 113100, dated April 26, 2012, authorized the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as I-69. During the 2014 AASHTO Spring Meeting, the AASHTO Special

Committee on US Route Numbering conditionally approved the application for the I-69 segment described above.

The Deputy Administrator of the Federal Highway Administration approved the inclusion of this segment of I-69 on the Interstate Highway System on March 9, 2015.

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

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

IT IS THEREFORE ORDERED by the commission that I-69 is designated on the state highway system concurrent with US 59 from the existing I-69 termini at I-610 North and I-610 West in Houston, a total distance of approximately 11.9 miles, as shown in Exhibit A.

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

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

**a. Final Adoption**

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

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

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

114232  
PEPS

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

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

(2) 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 Bugg made a motion, which was seconded by Commissioner Vandergriff, 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.

114233  
TRF

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

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

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

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

**b. Proposed Adoption**

**(1) Chapter 7 - Rail Facilities (MO)**

Amendments to §7.30, Definitions, §7.32, Filing Requirements, §7.33, Reports of Accidents/Incidents, §7.34, Hazardous Materials -- Telephonic Reports of Incidents, §7.38, Wayside Detector Map, List, or Chart, and §7.42, Administrative Review (Rail Safety)

Commissioner Bugg made a motion, which was seconded by Commissioner Austin, 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.

114234  
TRF

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§7.30, 7.32, 7.33, 7.34, 7.38, and 7.42 relating to Rail Safety 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 §§7.30, 7.32, 7.33, 7.34, 7.38, and 7.42 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 commission chief clerk.

**ITEM 7. Compliance Office**

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

**ITEM 8. State Infrastructure Bank  
Henderson and Anderson Counties - Poynor Community Water Supply Corporation -  
Consider granting final approval of an application from the Poynor Community Water  
Supply Corporation to borrow up to \$650,000 from the State Infrastructure Bank (SIB)  
to pay for water utility relocations required for the reconstruction of US 175 (MO)**

Commissioner Moseley made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute order by a vote of 4 - 0. Commissioner Austin recused himself from this vote. This item was presented by Innovative Finance and Debt Management Officer Ben Asher.

114235  
DMO

The Texas Department of Transportation (department) is reconstructing US 175 in Henderson and Anderson Counties for approximately 8.7 miles to widen it from an existing two-lane to a four-lane divided highway (Project).

The Poynor Community Water Supply Corporation (Corporation) initially applied to the Texas Transportation Commission (commission) for a \$980,000 State Infrastructure Bank (SIB) loan to pay for the relocation of utility lines necessary for the construction of the Project for approximately 4.5 miles along the highway, but reduced the requested amount upon a determination that the Project would cost \$650,000.

The Corporation proposed that the SIB loan will be secured by a pledge of the commission’s reimbursements under a Standard Utility Agreement between the Corporation and the commission dated December 23, 2014, and revenues of the water system.

The commission’s rules regarding the SIB at 43 Texas Administrative Code (TAC) §6.32 allow for final approval by the commission of any SIB loan in the principal amount of \$10 million or less, without first going through the preliminary approval process described in the rules.

The executive director or his designee implemented actions authorized and required by the rules for final approval, and also hereby determines that the requirement to submit any information or data that was not submitted by the Corporation is waived as permitted by the rules either because the information or data is not relevant or the

department already possesses the information or data. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department, resulting in the issuance of a Finding of No Significant Impact on June 9, 2004. As a result of the study, the department must complete its coordination with the Texas Historical Commission before any work may be performed in two specific locations. The executive director recommends that the commission grant final approval of the SIB application for financial assistance.

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

In accordance with 43 TAC §6.32(e), the commission has determined that providing financial assistance for the Project will protect the public safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB, and that the Project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE ORDERED that the application for SIB financial assistance submitted by the Corporation to borrow up to \$650,000 from the State Infrastructure Bank is granted final approval. The executive director or his designee is directed and authorized to enter into the financial assistance agreement as negotiated with the Corporation. The loan will be repaid over a period of no more than 10 years at 2.1 percent interest per annum.

### **ITEM 9. Contracts**

#### **Award or reject contracts for maintenance, highway and building construction** **(a) Highway Maintenance and Department Building Construction (MO)**

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

114236  
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on March 5 and 6, 2015, 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 commission chief clerk.

**(b) Highway and Transportation Enhancement Building Construction (MO)**

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

114237  
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 March 5 and 6, 2015, 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 commission chief clerk.

**ITEM 10. 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 Bugg 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 by Commissioner Vandergriff and the following minute order was approved by Chairman Lewis, Commissioner Austin, Commissioner Moseley, Commissioner Vandergriff, and Commissioner Bugg (a vote of 5 - 0). This item was presented by Right of Way Division Director John Campbell.

114238  
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 - T. 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 - 15, 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>
Bastrop	SH 71	3	0265-05-077	11
Bastrop	SH 71	5	0265-05-077	4
Bastrop	SH 71	6	0265-05-077	8
Bastrop	SH 71	10	0265-05-077	10
Collin	US 75	1	0047-14-072	40
Collin	US 75	11	0047-14-072	35,35E
Collin	US 75	12	0047-14-072	37,37E
Collin	US 75	2	0047-14-075	53
Collin	US 75	13	0047-14-075	15
Collin	US 75	14	0047-14-075	52

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	FM 544	4	0619-05-035	8
Fort Bend	US 90A	7	0027-06-059	2
Harris	US 290	9	0050-08-096	716
Harris	FM 865	8	0976-01-038	8
Hays	SL 82	15	0016-09-035	6A

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	SH 71	J	0265-05-077	5
Bastrop	SH 71	K	0265-05-077	6
Dallas	US 175	C	0197-02-113	45
Dallas	US 175	D	0197-02-113	47
El Paso	IH 10	A	2121-02-154	6
Fort Bend	IH 69	G	0027-12-126	208
Fort Bend	IH 69	L	0027-12-126	202
Fort Bend	IH 69	M	0027-12-126	204
Fort Bend	IH 69	N	0027-12-126	205
Fort Bend	IH 69	O	0027-12-126	206
Fort Bend	IH 69	P	0027-12-126	207
Fort Bend	IH 69	Q	0027-12-126	209
Fort Bend	IH 69	E	0027-12-127	202
Fort Bend	IH 69	F	0027-12-127	12
Fort Bend	IH 69	R	0027-12-127	203
Fort Bend	IH 69	S	0027-12-127	19
Fort Bend	IH 69	T	0027-12-127	212
McLennan	IH 35	B	0015-01-234	197
McLennan	IH 35	I	0015-01-234	210
Webb	SL 20	H	0086-14-056	6

Note: Exhibits A - T and 1 - 15 are on file with the commission chief clerk.

**ITEM 11. Routine Minute Orders**

Commissioner Vandergriff made a motion, which was seconded by Commissioner Bugg, 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)

114239  
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 commission chief clerk.

**b. Real Estate Dispositions and Donations**

**Travis County - SL 360, northeast corner at S. Lamar/Ben White Boulevard in Austin - Consider the sale of right of way to the abutting landowner (MO)**

114240  
ROW

In TRAVIS COUNTY, on STATE LOOP 360, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 3250, Page 2116, Deed Records of Travis 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. Lakehills South, L.P., is an abutting landowner and has requested to purchase Tract 1 for \$750,000.

The commission finds \$750,000 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 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 the state's right, title, and interest in Tract 1 to Lakehills South, L.P., for \$750,000; 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 commission chief clerk.

### **c. Speed Zones**

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

114241  
TRF

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

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

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

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

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

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

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that an environmental speed limit on a segment of FM 521

established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, is no longer necessary.

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

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

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

**ITEM 12. 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**

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.**

The commission heard comments from Timothy Ingalls of Share the Road Amarillo; Durwood Mayfield of Bike Texas; and Williams Forbes, presenting preliminary results of Livability Study, Associate Professor of Geography, Stephen F. Austin State University (not speaking on behalf of the University), all concerning Transportation Alternative Program funds.

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

APPROVED:



Tryon D. Lewis, Chairman  
Texas Transportation Commission

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March 26, 2015

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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 March 26, 2015, in Austin, Texas.

*Robin Carter*

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Robin Carter, Commission Chief Clerk  
Texas Department of Transportation