

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 30, 2015, in Austin, Texas. The meeting was called to order at 10:03 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 3:41 p.m. on April 22, 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 Randy Clawson.

Chairman Lewis recognized and the commission received comments from Senator Juan "Chuy" Hinojosa, Representative Todd Hunter, and Representative Abel Herrero concerning the Harbor Bridge project.

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

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

ITEM 4. Discussion Items

a. Project Update on SH 249 Extension in Grimes County (Presentation)

This item was presented by Chief Planning and Projects Officer Russell Zapalac. The commission also heard comments from Montgomery County Judge Craig Doyal; Grimes County Judge Ben Leman; Harris County Commissioner R. Jack Cagle; Navasota Mayor Bert Miller; Tomball Mayor Gretchen Fagan; Magnolia City

Administrator Paul Mendez; Texas A&M System Vice Chancellor for Federal and State Relations Tommy Williams; and private citizens Judith Bennett; Charles Stephen "Steve" Floyd of Grimes County Landowners and Ranchers; Dennis Hughes of Stop Grimes 249; Melinda Hughes of Community Update; Larry Lynch of Stop Grimes 249; Chad Nobles; David Tullos of Grimes Citizen Advisory Group; and Catherine Walsh of Stop Grimes 249.

ITEM 8. Toll Roads

Montgomery and Grimes Counties - Authorize the department to issue a request for qualifications for the development, design, construction, and maintenance of the SH 249 Extension in Montgomery and Grimes counties from FM 1774 in Pinehurst to SH 105 near Navasota, Texas (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 Strategic Projects Division Director Katie Nees. The commission also heard comments from Dale Felton and Don Dixon.

114242
SPD

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

SH 249 is a major thoroughfare for motorists traveling from the City of Navasota, through the Northwest region of the greater Houston area to Houston. Due to an increase in traffic and demand, there is a need to address operational and capacity deficiencies in this mobility constrained corridor. An extension of SH 249 would improve mobility in the area and meet future travel demand stemming from projected population growth.

The SH 249 Extension (Project) in Montgomery and Grimes County provides for the addition of a new tolled facility from FM 1774 in Pinehurst, Texas to SH 105 near Navasota, Texas.

On April 14, 2015, the Grimes County Commissioners Court passed a resolution that supports the Project, contingent upon the Texas Transportation Commission (commission) including a fourth interchange as part of the Project scope and providing an additional \$4 million to be used for future SH 249 access road projects in Grimes County.

The delivery of the Project can be expedited through the employment of innovative methods for development and construction typically available in a design-build contract. Completion of the Project is a crucial element to responding to traffic demand and connectivity needs from the City of Navasota to the greater Houston area and is critical to the region's continued mobility and economic vitality.

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

IT IS THEREFORE ORDERED by the commission that the department is authorized to publish in the Texas Register and to post on the department's internet website, a request for qualifications to develop, design, construct, and maintain the SH 249 Extension.

IT IS FURTHER ORDERED by the commission that the department incorporate interchange improvements at FM 306 in the Project scope, and include \$4 million in the project budget for future Grimes County SH 249 access improvements.

ITEM 4. Discussion Items (continued)

b. Unified Transportation Program (UTP)

Overview of proposed May updates to the 2015 UTP (Presentation)

This item was presented by Transportation Planning and Programming Division Director James Koch. Finance Division Director and Innovative Finance and Debt Management Officer Ben Asher also answered questions from the commission. The commission also heard comments from Executive Director of BikeTexas Robin Stallings.

ITEM 7. Comprehensive Development Agreements

Nueces County - Approve the selection of the proposer who submitted the best value proposal to develop, design, construct, operate, maintain, and finance the US 181 Harbor Bridge Replacement Project in Nueces County, between US 181 at Beach Avenue and I-37, and authorize the executive director of the department to negotiate and execute a Comprehensive Development Agreement with the selected proposer (MO) (Presentation)

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 Strategic Projects Division Director Katie Nees and Corpus Christi District Engineer Lonnie Gregorcyk. The commission also heard comments from San Patricio County Judge Terry Simpson; Corpus Christi Mayor Nelda Martinez; Port of Corpus Christi Chairwoman Judy Hawley; and Nueces County Judge Lloyd Neal.

114243
SPD

Transportation Code, Chapter 223, Subchapter E prescribes the process by which the Texas Department of Transportation (department) may enter into a

comprehensive development agreement (CDA) with a private entity that provides for the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of an eligible highway project.

On February 27, 2014, by Minute Order 113853, the Texas Transportation Commission (commission) authorized and directed the department to issue a request for qualifications (RFQ) for the development, design, construction, and maintenance of all or any portion of the US 181 Harbor Bridge Replacement Project including the New Harbor Bridge, portions of US Highway 181 (US 181), Interstate Highway 37 (I-37), Crosstown Expressway (SH 286), the connection of Upper and Lower Broadway Street to I-37 and the demolition of the existing Harbor Bridge in the City of Corpus Christi.

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

Transportation Code § 223.203 and 43 TAC § 27.4 provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short-list. On June 26, 2014, by Minute Order 113976, the commission authorized the department to issue an RFP requesting detailed proposals from the short-listed teams, and authorized a payment for the work product of each unsuccessful responsive proposer of up to \$1,500,000. On October 2, 2014, the department issued the final RFP.

The RFP requested prices for the base project scope and also for two (2) options. Option 1 includes the addition of the Broadway Boulevard from Harbor Drive to I-37. Option 2 includes the transition of I-37 to a low speed arterial street system from the SH 286/US 181 Interchange to Mesquite Street.

On March 24, 2015 technical and financial proposals were received, and on April 7, 2015, the price proposal were received, from Flatiron/Dragados, JV; Traylor-Zachry-Fluor Crosstown Builders, LLC (Traylor Bros., Inc., Zachry Construction Corporation and Fluor Enterprises, Inc.); Harbor Bridge Constructors (Walsh Infrastructure, LLC); and Harbor Bridge Partners (Kiewit Development Co.), for the development, design, construction, maintenance, and financing of the US 181 Harbor Bridge Replacement Project. From March 25, 2015 until April 28, 2015, the department evaluated the proposals.

The proposals were evaluated in the following categories: (1) Pass/Fail and Responsiveness; (2) Technical and Technical Aesthetics Scores; and (3) Price Score. The proposals were first evaluated on the basis of certain pass/fail and responsiveness criteria set forth in the RFP. The Technical and Technical Aesthetics Scores were calculated based on the evaluation of each proposer's project development plans in the technical proposals, performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3 relating to proposers or their individual team members, and other performance evaluations relevant to the US 181 Harbor Bridge Project. The

technical Aesthetics Scores were calculated based on the evaluation of the technical Aesthetics Plan submitted by each proposer. In addition to department employees, one representative each from the City of Corpus Christi, Nueces County, San Patricio County, and the Port of Corpus Christi Authority were included on the panel evaluating the technical Aesthetics Plans.

To arrive at the Price Score, for each proposer, the Price Value for each Proposer was calculated using the prices for the design, construction and maintenance for the Base Scope and Option 2, plus the design and construction price for Option 1. The Lowest Price Value of all proposals was then divided by the Price Value of each proposer and multiplied by highest available price points to determine the Price Score.

The evaluation and scoring of each proposal under the Technical/Aesthetics Scores, and Price Score categories resulted in the proposals being ranked as follows: Flatiron/Dragados, JV; Traylor-Zachry-Fluor Crosstown Builders, LLC; Harbor Bridge Constructors; Harbor Bridge Partners. The proposal submitted by Flatiron/Dragados, JV was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination of the proposal submitted by the Flatiron/Dragados, JV provides the apparent best value to the department is approved. The department is authorized and directed to commence and complete negotiations with the Flatiron/Dragados, JV necessary to finalize the CDA to develop, design, construct, operate, maintain, and finance the US 181 Harbor Bridge Replacement Project.

IT IS FURTHER ORDERED that the CDA is awarded to Flatiron/Dragados, JV subject to, and effective upon the occurrence of all of the following: (1) the successful conclusion of negotiations; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; (4) notification and information having been provided to the Legislative Budget Board, in accordance with Transportation Code § 371.052(b) and Rider 22, Page VII-28, Chapter 1411, Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act); and (5) the mutual execution and delivery of the CDA by the executive director of the department and the developer.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Flatiron/Dragados, JV cannot be successfully completed, and that therefore the proposal submitted by Flatiron/Dragados, JV will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Traylor-Zachry-Fluor Crosstown Builders, LLC, the next highest ranked proposer, with award to the next highest ranked proposer subject to the terms and conditions in the immediately preceding paragraph of this order.

ITEM 5. Aviation

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

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

This item was presented by Director of Aviation Dave Fulton. The commission also heard comments from Sugar Land Mayor James Thompson.

114244
AVN

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

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal and state grant funds for the improvements.

On Thursday, April 2, 2015 a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the 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 \$17,598,734.

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

ITEM 6. Compliance Office
Compliance Office report

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

ITEM 9. Design-Build Agreement and Comprehensive Maintenance Agreement Various Counties - Approve the substantially final form of the design-build agreement and associated comprehensive maintenance agreement between the department and the selected best value proposer to develop, design, construct, and maintain the SH 360 Project from just south of I-20 to US 287 in Ellis, Johnson, and Tarrant counties, and authorize the executive director of the department to execute a design-build agreement, including the comprehensive maintenance agreement, with the selected proposer (MO)

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 Strategic Projects Division Director Katie Nees.

114245
SPD

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

On February 26, 2015, by Minute Order 114206, the Texas Transportation Commission (commission) approved the determination that the proposal submitted by Lane-Abrams Joint Venture provides the apparent best value to the department, and

authorized and directed the department to commence and complete negotiations with Lane-Abrams Joint Venture necessary to finalize the design-build contract and associated comprehensive maintenance agreement (COMA), to design, construct, and at the department's election, maintain approximately 9.7 miles of improvements to SH 360, generally from Green Oaks Boulevard to US 287 (SH 360 Project). The department and Lane-Abrams Joint Venture have negotiated and finalized the design-build contract and associated COMA for the Project.

Pursuant to the design-build contract between the department and Lane-Abrams Joint Venture, Lane-Abrams Joint Venture will design and construct an approximately 9.7 mile four-lane controlled access facility, comprised of a base scope and option work that includes the construction of two tolled main lanes in each direction from approximately two miles south of I-20 near Sublett Road/Camp Wisdom Road to US 287, grade-separate 9 cross streets, grade separate the US 287 main lanes with the SH 360 frontage roads, construction of the northbound frontage road from Heritage Parkway to US 287 including continuous northbound and southbound frontage roads at Union Pacific Railroad and the repair and resurfacing of existing frontage roads. Pursuant to the COMA, Lane-Abrams Joint Venture may perform comprehensive maintenance services, including routine maintenance, capital maintenance and incident management, for up to three five-year terms.

Government Code § 669.003 provides that a state agency may not enter into a contract with the executive head of the state agency, with a person who at any time during the four years before the date of the contract was the executive head of the state agency, or with a person who employs a current or former executive head of a state agency affected by this section, unless notification is provided to the Legislative Budget Board, not later than the fifth day before the date of the vote, of the terms of the proposed contract. In compliance with this requirement, on April 23, 2015, the department submitted to the Legislative Budget Board the terms of the proposed design-build contract and COMA.

IT IS THEREFORE ORDERED by the commission that the substantially final form of the design-build contract and associated comprehensive maintenance agreement are approved and the executive director of the department is authorized and directed to execute the design-build contract and comprehensive maintenance agreement with Lane-Abrams Joint Venture, for the design, construction, and at the department's election, maintenance of the SH 360 Project.

ITEM 10. Contracts

Award or reject contracts for maintenance, highway and building construction

(a) Highway Maintenance and Department 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 Director of Construction John Obr.

Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on April 7 and 8, 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 Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Construction John Obr.

114247
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 April 7 and 8, 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 11. 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.

114248
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 - F. 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 - 21, 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	US 75	10	0047-14-072	9
Collin	US 75	12	0047-14-072	17
Collin	US 75	13	0047-14-072	19
Collin	US 75	14	0047-14-072	8

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	US 75	16	0047-14-072	12
Collin	US 75	17	0047-14-072	6
Collin	US 75	19	0047-14-072	7
Collin	US 75	20	0047-14-072	30
Collin	US 75	7	0047-14-075	16
Collin	US 75	9	0047-14-075	47
Collin	FM 2514	3	2679-02-012	69
Collin	FM 2514	5	2679-02-012	72
Denton	FM 544	21	0619-05-035	14
Denton	FM 156	1	0718-01-065	2
Fort Bend	FM 1640	18	1683-01-039	1
Fort Bend	FM 2234	6	2105-01-036	12C
Harris	US 290	4	0050-09-086	2009
Harris	FM 865	2	0976-01-038	5
Starr	FM 755	8	1103-04-036	15
Starr	FM 755	11	1103-04-036	3
Starr	FM 755	15	1103-04-036	19

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	US 75	F	0047-14-071	25X
Harris	US 290	A	0050-06-077	1002
Harris	IH 610	B	0271-14-225	303
McLennan	IH 35	C	0015-01-234	186
McLennan	IH 35	D	0015-01-234	194
McLennan	IH 35	E	0015-01-234	199

Note: Exhibits A - F and 1 - 21 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders

Commissioner Austin 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)

114249
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

(1) El Paso County - S. Resler Drive at I-10 in El Paso - Consider the sale of right of way to the abutting landowner (MO)

114250
ROW

In the city of El Paso, EL PASO COUNTY, on S. RESLER DRIVE, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 2174, Page 452, Real Property Records of El Paso County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting or adjoining landowners. Camino Real Investments 1, Ltd., is the abutting landowner and has requested to purchase Tract 1 for \$234,248.

The commission finds \$234,248 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 Camino Real Investments 1, Ltd., for \$234,248; 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.

(2) Kaufman County - FM 598 at Quail Lane in Terrell - Consider the sale of a maintenance site to the county (MO)

114251
ROW

In the city of Terrell, KAUFMAN COUNTY, on FARM TO MARKET ROAD 598, the state of Texas acquired certain land for highway maintenance purposes by instrument recorded in Volume 836, Page 307, Deed Records of Kaufman County, Texas.

The land (Tract 1), 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 sale of any interest in real property to a governmental entity with the authority to condemn the property.

Kaufman County has requested to purchase Tract 1 for \$48,600.

The commission finds \$48,600 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 Kaufman County, Texas, for \$48,600; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Lubbock County - US 62/US 82, southwest corner, University Boulevard at Santa Fe Drive in Lubbock - Consider the sale of former railroad right of way to the abutting landowner (MO)

114252
ROW

In the city of Lubbock, LUBBOCK COUNTY, on US 62/US 82, the State of Texas acquired certain land for state highway purposes by instrument recorded in Volume 6729, Page 1, Real Property Records of Lubbock County, Texas.

A portion of the land (Tract 6RR), 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 sale of land no longer needed for a state highway purpose to abutting or adjoining landowners.

Bethel Property Management, LLC, is the abutting landowner and has requested to purchase Tract 6RR for \$290,536.

The commission finds \$290,536 to be a fair and reasonable value for the state's right, title, and interest in Tract 6RR.

IT IS THEREFORE ORDERED by the commission that Tract 6RR 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 6RR to Bethel Property Management, LLC, for \$290,536; **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.

(4) McLennan County - I-35, west side between 4th and 5th Streets in Waco - Consider the quitclaim of no-title land and sale of state-owned land to the abutting landowner (MO)

114253
ROW

In the city of Waco, McLENNAN COUNTY, on INTERSTATE 35, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 907, Page 66; Volume 930, Page 228; and Volume 951, Page 333, Official Public Records of McLennan 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 Exhibit A, are no longer needed for a state highway purpose.

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

DW 801 S. 4th Street, LP, the abutting landowner, has requested to purchase Tracts 2 and 3 for \$56,583, and has requested the quitclaim of Tract 1.

The city of Waco has requested that Tract 1 be quitclaimed to the abutting landowner.

The commission finds \$56,583 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 the tracts 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 DW 801 S. 4th Street, LP; 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 DW 801 S. 4th Street, LP.

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

(5) Panola County - FM 1794 east of Tatum - Consider the removal from the system and sale of right of way to an abutting landowner (MO)

114254
ROW

In PANOLA COUNTY, on FARM TO MARKET ROAD 1794, RCSJ 1760-01-026, 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 1794 from SH 43 eastward to FM 959 be removed from the state highway system, a distance of 4.3 miles.

Portions of the land, including all appurtenant drainage easements, if any (Tract 1), described in Exhibit 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 land no longer needed for a state highway purpose to abutting or adjoining landowners.

Luminant Mining Company, LLC, is an abutting landowner and has requested to purchase Tract 1 for \$217,570.

The commission finds \$217,570 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 FM 1794 from SH 43 eastward to FM 959, a distance of 4.3 miles, is removed from the state highway system.

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 conveying all of the state's right, title, and interest in Tract 1 to Luminant Mining Company, LLC; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas,

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

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

(6) Starr County - FM 650, one mile west of US 83 - Consider the quitclaim of no-title land to the county (MO)

114255
ROW

In STARR COUNTY, on FARM TO MARKET ROAD 650, the state of Texas used certain land for highway purposes, there being no record title in the state's name.

The land (Tract 1), 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, if there is no record title to the property, the quitclaim of any interest that might have accrued to the state by use of the property to the county or municipality where the property is located.

The county has requested that Tract 1 be quitclaimed to the county.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in Tract 1 to the county.

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 quitclaiming the state's right and interest in Tract 1 to Starr County, Texas.

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

(7) Tarrant and Johnson Counties - BU 287P in Mansfield - Consider the removal of a segment of BU 287P from the system; transfer of jurisdiction, control, and maintenance to the city; transfer of real property to the city; and redesignation of segments of two highways (MO)

114256
ROW

In the city of Mansfield (city), TARRANT and JOHNSON COUNTIES, on BUSINESS US 287P, RCSJ 0172-02-073, 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 BU 287P from FM 157 to FM 917 be removed from the state highway system, a distance of 2.54 miles, and that jurisdiction, control, and maintenance be transferred to the city. The executive director has also recommended that FM 157 from US 287 to US 287P be redesignated as BU 287P, and that BU 287P from FM 917 to US 287 be redesignated as FM 917.

Portions of the land, including all appurtenant drainage easements, if any (Parts 1 through 6), described in Exhibit B, are 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 has agreed to assume jurisdiction, control, and maintenance and has requested that Parts 1 through 6 be transferred to the city.

IT IS THEREFORE ORDERED by the commission that: 1) BU 287P from FM 157 to FM 917, a distance of 2.54 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city; 2) FM 157 from US 287 to BU 287P is redesignated as BU 287P; and 3) BU 287P from FM 917 to US 287 is redesignated as FM 917.

FURTHER, IT IS ORDERED by the commission that Parts 1 through 6 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 transferring all of the state's right, title, and interest in Parts 1 through 6 to the city of Mansfield, 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 Parts 1 through 6 cease to be used for public road purposes, they shall immediately and automatically revert to the state.

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

(8) Wichita County - US 82/US 277, northwest corner at Lawrence Road and Maplewood Avenue in Wichita Falls - Consider the exchange of drainage easements (MO)

114257
ROW

In the city of Wichita Falls, WICHITA COUNTY, Texas, on US 82/US 277, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 1223, Page 866, Deed Records of Wichita County, Texas.

A portion of the easement (Tract 2), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

Wal-Mart Real Estate Business Trust (owner) is the property owner and has granted to the state the easement needed for highway drainage purposes (Parcel 1E), described in Exhibit B. Owner has requested that Tract 2 be partially released and has executed an agreement with the state providing for the exchange and for owner to pay the state the \$63,216 difference between the value of Tract 2 and the value of Parcel 1E.

It is the opinion of the commission that it is proper and correct that the state release its interest in Tract 2 in exchange and as full consideration for Parcel 1E and the cash payment of \$63,216 to the state.

IT IS THEREFORE ORDERED by the commission that Tract 2 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 partially

releasing the state's right and interest in Tract 2 to Wal-Mart Real Estate Business Trust in exchange and as consideration for Parcel 1E and the cash payment of \$63,216 to the state.

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

c. Reports

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

114258
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 seven 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 commission chief clerk.

d. Finance

(1) Obligation Limit Report

Quarterly status report on the FY 2015 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts

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

(2) Quarterly report on FY 2015 State Highway Fund 6 cash status

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

(3) Accept the Quarterly Investment Report (MO)

114259
DMO

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments authorized under the Public Funds Investment Act, in accordance with investment policies approved by the commission.

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

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

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

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

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period. A quarterly investment report for the department for the period ending February 28, 2015, attached as Exhibit A, has been prepared in accordance with Government Code §2256.023 and Section 9.0 of the investment policy.

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

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

e. Transportation Planning

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

114260
TPP

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

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

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

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

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

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

location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

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

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

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

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

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

(2) Various Counties - Concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority for the right to develop, finance, design,

construct, operate and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (MO)

114261
TPP

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

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

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

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

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

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

In Minute Order 112015, dated October 29, 2009 the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The

minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 161 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 161 payments, as shown in Exhibit A. The RTC has also identified changes to the list of previously-approved projects, which are shown in Exhibit B. A summary of the funds associated with the SH 161 work program is set forth in Exhibit C, which is included for informational purposes only.

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

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

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

f. Speed Zones

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

114262
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.

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 commission chief clerk.

ITEM 3. Acknowledgement of Service

Recognize by resolution Randall C. "Randy" Redmond, P.E., the Dallas-Fort Worth Strategic Projects Office Director, for his 26 years of service to the department

This item was presented by Deputy Executive Director John Barton. Dallas-Fort Worth Strategic Projects Office Director and former Beaumont District Engineer Randy Redmond spoke to the commission.

ITEM 13. Executive Session Pursuant to Government Code, Chapter 551

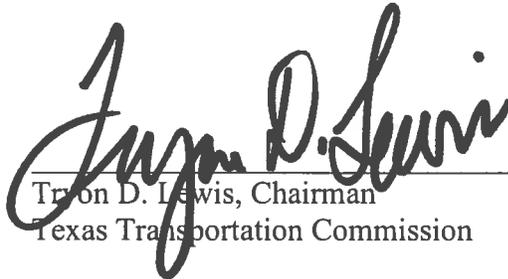
a. Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

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 engineer Don Dixon.

The regular meeting of the Texas Transportation Commission was adjourned at 1:36 p.m.

APPROVED:



Tryon D. Lewis, Chairman
Texas Transportation Commission

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on April 30, 2015, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation