

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 29, 2015, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Lewis with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

LtGen. Joe Weber, Executive Director
 Jeff Graham, General Counsel
 Robin Carter, 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 3:40 p.m. on October 21, 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 Senator Don Huffines.

ITEM 2. Approval of Minutes of the September 24, 2015 regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the minutes of the September 24, 2015 regular meeting by a vote of 5 - 0.

ITEM 3. Discussion Items

a. 2016 Unified Transportation Program (UTP) November updates (Presentation)

This item was presented by Transportation Planning and Programming Director James Koch.

b. Aviation Advisory Committee (Presentation)
Update from the Texas Aviation Advisory Committee

This item was introduced by Aviation Division Director David Fulton and presented by Texas Aviation Advisory Committee Chairman Jim Schwertner. The

Commission also heard from Texas Aviation Advisory Committee Board Member John White.

ITEM 4. Advisory Committee

Port Authority Advisory Committee

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

Vice Chairman Moseley 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 Maritime Division Director Dan Harmon.

114387
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 the 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 October 31, 2018.

Mike Mierzwa, Port Director, Port of Galveston - Upper Coast

IT IS THEREFORE ORDERED by the commission that Mr. Mike Mierzwa is appointed as a member of the Port Authority Advisory Committee for the term specified. Mr. Mierzwa will replace Mr. Glenn Carlson, the committee member currently representing Port Freeport.

ITEM 5. Aviation

Various Counties - Award state grant funding for airport improvement projects at various locations (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 Director of Aviation Dave Fulton.

114388
AVN

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

The 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 state grant funds for the improvements.

On Thursday, October 1, 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 \$1,221,800.

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

ITEM 6. Public Transportation

a. Various Counties - Award federal §5316 Job Access and Reverse Commute and §5317 New Freedom funds and transportation development credits to various transit agencies (MO)

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

114389
PTN

The Texas Transportation Commission (commission) desires to award \$437,987 in federal grant program funds under the Federal Transit Administration and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The federal grant §5316 Job Access Reverse Commute (JARC) and §5317 New Freedom programs have been repealed under Moving Ahead for Progress in the 21st Century. Residual grant funds of \$437,987 from JARC and New Freedom programs have been identified for award with this minute order to sustain existing projects. Title 43, Texas Administrative Code (TAC), §31.17 and §31.18 establish processes by which projects are evaluated and funds distributed for JARC and New Freedom projects.

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

In making this award, the commission has considered the potential to expand the availability of funding for public transportation projects and finds that an award up to 51,598 TDC meets the established program goals set forth in 43 TAC §5.102 to maximize the use of available federal funds, particularly in situations in which federal funds otherwise would be unused because of the inability to provide the non-federal share, and to support public transit.

The commission finds that the projects listed in Exhibit A are eligible for funding and desires to award a total of \$437,987 in federal funds and 51,598 TDC. Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

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

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

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

b. Smith County - Award transportation development credits to the City of Tyler (MO)

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

114390
PTN

The Texas Transportation Commission (commission) desires to award 29,305 transportation development credits (TDC) to the City of Tyler to be used as the local match for federally funded capital projects.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the Texas Department of Transportation. Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

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

In making this award, the commission has considered the potential of the projects to expand the availability of funding for public transportation projects and finds that the projects meet the established program goals set forth in 43 TAC §5.102 to support public transit.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award and enter into the necessary contracts in accordance with the priorities established in this minute order.

ITEM 7. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Final Adoption

Chapter 10 - Ethical Conduct by Entities Doing Business with the Department Amendments to §10.6, Conflict of Interest (General Provisions) (MO)

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 Chief Audit and Compliance Officer Benny Ybarra.

Chairman Lewis also recognized Representative Joe Pickett.

114391
CMP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §10.6, relating to Conflict of Interest, 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 §10.6 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.

a. Proposed Adoption

(1) Chapter 9 - Contract and Grant Management

Amendments to §9.81, Definitions, §9.83, Notice and Letter of Interest, §9.85, Evaluation, §9.87, Selection, and §9.89, Qualification Requirements for Appraisers (Contracts for Scientific, Real Estate Appraisal, Right of Way Acquisition, and Landscape Architectural Services) (MO)

Commissioner Vandergriff made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Right of Way John Campbell.

114392
ROW

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§9.81, 9.83, 9.85, 9.87, and 9.89, relating to Contracts for Scientific, Real Estate Appraisal, Right of Way Acquisition, and Landscape Architectural Services, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.81, 9.83, 9.85, 9.87 and 9.89 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.

(2) Chapter 30 - Aviation**New §§30.501-30.503 (Meteorological Evaluation Towers) (MO)**

Vice Chairman 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 Director of Aviation David Fulton.

114393
AVN

The Texas Transportation Commission (commission) finds it necessary to propose new §§30.501-30.503, Meteorological Evaluation Towers, relating to Aviation, 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 new §§30.501-30.503 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 8. Financial Assistance for Projects**a. Accept the Quarterly Investment Report (MO)**

Vice Chairman 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 Innovative Financing/Debt Management Officer Ben Asher.

114394
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.

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 114360, dated August 27, 2015. In Section 5.0 of the investment policy, the commission has designated the department's Chief Financial Officer and the Innovative Financing/Debt Management Officer as investment officers. In the absence of the Chief Financial Officer, the Innovative Financing/Debt Management Officer, or a designee of any of the investment officers is authorized to act as investment officer.

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

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

b. Bexar County - Alamo Regional Mobility Authority - Consider approving a request from the Alamo Regional Mobility Authority (ARMA) for: (1) cancellation of \$1,669,011 of the \$19,800,000 grant for development of the US 281 North Improvement Project that was authorized by Minute Order 111359 dated May 29, 2008; and (2) preliminary approval of a grant in the amount of \$1,669,011 to be used for the development costs of the Loop 1604 Managed Lanes Project (MO)

Deferred

This item was not considered by the commission.

c. Harris County - Authorize the Private Activity Bond Surface Transportation Corporation (corporation) to perform the functions necessary to promote and develop the SH 288 Toll Lanes Project finance plan including the issuance of private activity bonds and the loaning of any proceeds from private activity bonds issued by the corporation for the SH 288 Toll Lanes Project being developed through a comprehensive development agreement between the Texas Department of Transportation and the Blueridge Transportation Group (MO)

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Innovative Financing/Debt Management Officer Ben Asher.

114395
DMO

On February 26, 2015, by Minute Order 114205 the Texas Transportation Commission (commission) conditionally awarded the SH 288 Toll Lanes Project comprehensive development agreement to the Blueridge Transportation Group.

Blueridge Transportation Group has proposed that the Texas Private Activity Bond Surface Transportation Corporation (corporation) issue private activity bonds for a portion of the financing for the SH 288 Toll Lanes Project.

Pursuant to Chapter 431, Texas Transportation Code (Act), the corporation, at the request of the commission, can perform the functions of the Act and any other functions not specified by the Act necessary to promote and develop the transportation facilities and systems being developed by concession agreements with private developers.

IT IS THEREFORE ORDERED by the commission that the corporation perform the functions authorized by the Act and any other functions not specified by the Act as necessary to promote and develop the SH 288 Toll Lanes Project finance plan including the issuance of private activity bonds and the loaning of any proceeds from private activity bonds issued by the corporation for the SH 288 Toll Lanes Project being developed through a comprehensive development agreement between the Texas Department of Transportation and Blueridge Transportation Group.

d. Travis County - Central Texas Regional Mobility Authority - Consider granting final approval of applications from the Central Texas Regional Mobility Authority (CTRMA) to receive a State Infrastructure Bank loan of up to \$30,000,000 and a State Highway Fund loan of up to \$30,000,000, to be used for construction of US 183 South - Bergstrom Expressway (MO)

Commissioner Vandergriff 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 Innovative Financing/Debt Management Officer Ben Asher.

114396
DMO

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) have been proceeding with the development of the US 183 South – Bergstrom Expressway facility in Travis County, a project under the jurisdictional limits of the CTRMA (project).

The project is approximately 8 miles in length and would include three new toll lanes and two to three improved non-tolled general purpose lanes in each direction between US 290 and SH 71 with direct connectors at US 183 and SH 71, and improvements on SH 71 adjacent to US 183. The project also includes a proposed sidewalk and shared-use path within the right of way adjacent to the roadway and an outside bike lane. The project is located within the boundaries of the CTRMA, and is

subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code §373.052, the CTRMA has exercised its option to develop, finance, construct, and operate the project.

Transportation Code §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code §222.103 authorizes the department to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the Texas Transportation Commission (commission).

Pursuant to Transportation Code §222.103, the commission adopted Title 43 Texas Administrative Code (TAC) §§27.50-27.58 (financial assistance rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

Pursuant to Transportation Code, Chapter 222, Subchapter D, the commission adopted Title 43 TAC §§6.1-6.45 (SIB rules) to prescribe conditions for the commission's financial assistance from the State Infrastructure Bank.

In accordance with the SIB rules and the financial assistance rules, the CTRMA has submitted a request to receive: (1) a State Infrastructure Bank loan of up to \$30,000,000; and (2) a State Highway Fund loan of up to \$30,000,000, all to be used for construction of US 183 South – Bergstrom Expressway.

The information and data required by the financial assistance rules is either contained in the request for financing, is already in the department's possession, or may be waived.

On February 24, 2011, the commission adopted Minute Order 112605, directing that if financial assistance is provided to a public entity under Transportation Code §222.103 from a statewide funding source: (1) that assistance shall be repaid, or (2) the department shall require the entity to which the assistance is provided to agree to share project revenue with the department, in such amounts and for such period of time as is approved by the commission. These requirements do not apply to financial assistance provided from funds allocated to metropolitan planning organizations and department districts.

The SIB rules provide for both preliminary and final approval by the commission of any SIB loan in the principal amount of more than \$10 million, unless the commission waives the preliminary approval requirement for that application. The intended use of the financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project. Under the SIB rules, the executive director or his designee determined that the requirement to submit any information or data that was not submitted by CTRMA 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. Pursuant to the commission's rules at 43 TAC §6.32, the executive director affirms that the necessary social, economic, and environmental impact studies for the project have been completed and approved by the department, resulting in the issuance

of a Finding of No Significant Impact on March 6, 2015. The executive director recommends that the commission grant preliminary approval of the SIB application for financial assistance.

In accordance with 43 TAC §6.32(c)(2) and 43 TAC §27.54(a)(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 project and the CTRMA 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 DETERMINED AND ORDERED that the requests submitted by the Central Texas Regional Mobility Authority for: (1) a State Infrastructure Bank loan of up to \$30,000,000; and (2) a State Highway Fund loan of up to \$30,000,000, all to be used for construction of US 183 South – Bergstrom Expressway, meet the applicable requirements of 43 TAC §§6.23, 6.31, 27.53 and 27.54(a) and, in accordance with those provisions, and as an exception to the requirements of Minute Order 112605, the commission grants final approval of the requests for financing.

IT IS FURTHER ORDERED that the executive director or his designee is directed and authorized to negotiate and enter into financial assistance agreements which comply with the commission's rules and which contain the following terms:

- 1) The loans will be repaid over a period of no more than 30 years after the date of the first scheduled payment at 4.00 percent interest per annum.
- 2) The loans must be closed and all loan funds must be drawn within one year after the date of this minute order. The loans may be funded in one or more draws and may have a separate payment schedule for each draw. Initial repayment of the loans may be deferred up to the fifth anniversary of the date of initial funding of each payment schedule.
- 3) CTRMA will pledge system revenues as security for repayment of the loans. The loans shall be secured by CTRMA's system revenues, which shall be on parity with the security pledged for CTRMA's proposed loan from the Federal Highway Administration's Transportation Infrastructure Finance and Innovation Act program for the project, and which shall be subordinate to CTRMA's senior lien bonds that are secured by system revenues.

ITEM 9. State Infrastructure Bank

a. Hidalgo County - Hidalgo County Regional Mobility Authority - Consider preliminary approval of a request from the Hidalgo County Regional Mobility Authority for a State Infrastructure Bank loan in the amount of up to \$42,210,000 to

pay for costs of constructing Segments 1, 2, and the Border Safety Inspection Facility Connector (part of Segment 3) of the SH 365 project (MO)

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 Innovative Financing/Debt Management Officer Ben Asher. Hidalgo County Regional Mobility Authority Chairman Randy Sweeten also spoke to the commission.

114397
DMO

The Texas Department of Transportation (department) and the Hidalgo County Regional Mobility Authority (HCRMA) have been proceeding with the development of the State Highway 365 project along a new location in Hidalgo County. The project includes three segments of construction of both toll and non-toll improvements from FM 396 (Anzalduas Highway) to US 281 (Military Highway) for a project length of 15.2 miles (project). Segments 1 and 2 are for construction of toll road improvements from FM 396 (Anzalduas Highway) to US 281 (Military Highway). Segment 3, which constitutes US 281 and the Border Safety Inspection Facility (BSIF) Connector, is a non-toll improvement from 0.45 Mile East of Spur 600 (Cage Blvd) to FM 2557 (Stewart Rd), and from Spur 29 (S Veterans Drive) to US 281 (Military Highway) below the San Juan Rd overpass.

The department and the HCRMA, pursuant to former Transportation Code §228.0111, agreed on market valuation business terms for the project, and the HCRMA, in Board Resolution No. 2010-38, adopted on July 27, 2010, exercised its option to develop the project.

Pursuant to Transportation Code, Chapter 222, Subchapter D, the commission adopted Title 43 Texas Administrative Code §§6.1-6.45 (SIB rules) to prescribe conditions for the commission's financial assistance from the State Infrastructure Bank (SIB).

In accordance with the SIB rules, the HCRMA has submitted a request to receive a State Infrastructure Bank loan of up to \$42,210,000 for the construction of Segments 1, 2, and the Border Safety Inspection Facility Connector (part of Segment 3) of the project.

The SIB rules provide for both preliminary and final approval by the commission of any SIB loan in the principal amount of more than \$10 million, unless the commission waives the preliminary approval requirement for that application. The intended use of the financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project. Under the SIB rules, the executive director or his designee determined that the requirement to submit any information or data that was not submitted by HCRMA 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.

Pursuant to the commission's rules at 43 TAC §6.32(d), the executive director affirms that the necessary social, economic, and environmental impact studies for the project have been completed by the department.

The executive director recommends that the commission grant preliminary approval of HCRMA's application for financial assistance from the SIB.

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 HCRMA are likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED that the application for financial assistance in the form of a loan from the SIB submitted by the Hidalgo County Regional Mobility Authority meets the applicable requirements of the SIB rules and, in accordance with those provisions, the commission grants preliminary approval of the application for a SIB loan in an amount not to exceed \$42,210,000 for the construction of Segments 1, 2, and the Border Safety Inspection Facility Connector (part of Segment 3) of the project, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

b. Nueces County - Nueces County - Consider preliminary approval of a request from Nueces County for a State Infrastructure Bank loan in the amount of up to \$12,000,000 to pay for the county's cost participation in the Harbor Bridge Project (MO)

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Innovative Financing/Debt Management Officer Ben Asher.

114398
DMO

The Texas Department of Transportation (department) and Nueces County have entered into an Advance Funding Agreement whereby Nueces County will provide cost participation in the amount of \$12,000,000 for the US 181 Harbor Bridge Replacement Project (project). The project includes the construction of the new Harbor Bridge and 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 Corpus Christi, Texas. The project limits extend both north-south along US 181 and the Crosstown Expressway and east-west along I-37 and include: US 181 at Beach Avenue on the north; Crosstown Expressway at Laredo Street on the south; I-37 and Nueces Bay Boulevard on the west; and I-37 and Mesquite Street on the east side with a total length of 6.44 miles.

Pursuant to Transportation Code, Chapter 222, Subchapter D, the commission adopted Title 43 Texas Administrative Code (TAC) §§6.1-6.45 (SIB rules) to prescribe conditions for the commission's financial assistance from the State Infrastructure Bank (SIB).

In accordance with the SIB rules, Nueces County has submitted an application for a State Infrastructure Bank loan of up to \$12,000,000 for its cost participation in the project.

The SIB rules provide for both preliminary and final approval by the commission of any SIB loan in the principal amount of more than \$10 million, unless the commission waives the preliminary approval requirement for that application. The intended use of the financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project. Under the SIB rules, the executive director or his designee determined that the requirement to submit any information or data that was not submitted by Nueces County 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 recommends that the commission grant preliminary approval of Nueces County's application for financial assistance from the SIB.

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 Nueces County is likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED that the application submitted by Nueces County for financial assistance in the form of a loan meets the applicable requirements of the SIB rules and, in accordance with those provisions, the commission grants preliminary approval of Nueces County's application for a SIB loan in an amount not to exceed \$12,000,000 for Nueces County's cost participation in the project, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

c. San Patricio County - San Patricio County - Consider preliminary approval of a request from San Patricio County for a State Infrastructure Bank loan in the amount of up to \$12,000,000 to pay for the county's cost participation in the Harbor Bridge Project (MO)

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Innovative Financing/Debt Management Officer Ben Asher.

114399
DMO

The Texas Department of Transportation (department) and San Patricio County have entered into an Advance Funding Agreement whereby San Patricio County will provide cost participation in the amount of \$12,000,000 for the US 181 Harbor Bridge Replacement Project (project). The project includes the construction of the new Harbor Bridge and 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 Corpus Christi, Texas. The project limits extend both north-south along US 181 and the Crosstown Expressway

and east-west along I-37 and include: US 181 at Beach Avenue on the north; Crosstown Expressway at Laredo Street on the south; I-37 and Nueces Bay Boulevard on the west; and I-37 and Mesquite Street on the east side with a total length of 6.44 miles.

Pursuant to Transportation Code, Chapter 222, Subchapter D, the commission adopted Title 43 Texas Administrative Code (TAC) §§6.1-6.45 (SIB rules) to prescribe conditions for the commission's financial assistance from the State Infrastructure Bank (SIB).

In accordance with the SIB rules, San Patricio County has submitted an application for a State Infrastructure Bank loan of up to \$12,000,000 for its cost participation in the project.

The SIB rules provide for both preliminary and final approval by the commission of any SIB loan in the principal amount of more than \$10 million, unless the commission waives the preliminary approval requirement for that application. The intended use of the financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project. Under the SIB rules, the executive director or his designee determined that the requirement to submit any information or data that was not submitted by San Patricio County 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 recommends that the commission grant preliminary approval of San Patricio County's application for financial assistance from the SIB. 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 San Patricio County is likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED that the application submitted by San Patricio County for financial assistance in the form of a loan meets the applicable requirements of the SIB rules and, in accordance with those provisions, the commission grants preliminary approval of San Patricio County's application for a SIB loan in an amount not to exceed \$12,000,000 for San Patricio County's cost participation in the project, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

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 Vandergriff, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Deputy Director of Construction Darren Hazlett.

114400
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on October 6 and 7, 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 Vandergriff, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Deputy Director of Construction Darren Hazlett.

114401
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on October 6 and 7, 2015, as well as Ft. Worth District, Tarrant County, Job Number 3001,

Project Number NH 2016(098), deferred from the September 24, 2015, Commission meeting, as shown on Exhibit A.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted, rejected or deferred, 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, with the exception of Project Number NH 2016(098) (Tarrant County), be and are hereby respectively awarded to the lowest bidder or rejected as indicated therein. The award or rejection of Project Number NH 2016(098) is hereby deferred to a later date.

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 Vice Chairman Moseley and the following minute order was approved by Chairman Lewis, Commissioner Austin, Vice Chairman Moseley,

Commissioner Vandergriff, and Commissioner Bugg (a vote of 5 - 0). This item was presented by Right of Way Division Director John Campbell.

114402
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 - 13, 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>
Burleson	FM 60	4	0648-03-064	33
Collin	FM 2514	1	2679-02-009	29
Collin	FM 2514	2	2679-02-009	14
Collin	FM 2514	5	2679-02-009	53
Collin	FM 2514	6	2679-02-009	26
Collin	FM 2514	3	2679-03-011	9
Denton	FM 720	10	1567-01-038	17
Denton	FM 720	11	1567-01-038	16
Fort Bend	FM 2234	7	2105-01-036	49
Fort Bend	FM 2234	12	2105-01-036	41
Fort Bend	FM 2234	13	2105-01-036	31
Hidalgo	FM 493	8	0863-01-057	4C
Tarrant	SH 360	9	2266-02-129	38

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 20	F	2374-03-082	8
El Paso	SL 375	E	2552-04-041	44
Harris	IH 45	A	0500-03-579	4
McLennan	IH 35	B	0015-01-234	206, 206AC
McLennan	IH 35	C	0015-01-234	96
McLennan	IH 35	D	0015-01-234	216

Note: Exhibits A - F and 1 - 13 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders

Vice Chairman Moseley made a motion, which was seconded by Commissioner Austin, 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 acknowledgment 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)

114403
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

(1) Bexar County - SL 368, Ausway Lane at Broadway in Alamo Heights - Consider the quitclaim of right of way to Bexar County (county) (MO)

114404
ROW

In the city of Alamo Heights, BEXAR COUNTY, Texas, on STATE LOOP 368, the state of Texas used certain land for highway purposes that was acquired in the name of Bexar County (county) and certain other land to which there is no record title. The land acquired in the county's name (Tracts 4 and 6) and the land to which there is no record title (Tracts 3 and 5), 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 quitclaim to a county or municipality any interest in real property that might have accrued to the state:

a) if the interest in the property was acquired and held by the county or municipality in its own name for use by the state; and b) if there is no record title to the property.

Bexar County has requested the quitclaim of Tracts 3, 4, 5, and 6 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 Tracts 3, 4, 5, and 6 to the county.

IT IS THEREFORE ORDERED by the commission that Tracts 3, 4, 5, and 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 quitclaiming the state's right and interest in Tracts 3, 4, 5, and 6 to Bexar County, Texas.

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

(2) Brazos County - BS 6-R (Texas Avenue) in Bryan - Consider the sale of the old Bryan District headquarters site to the city of Bryan (MO)

114405
ROW

In the city of Bryan, BRAZOS COUNTY, on BUSINESS STATE HIGHWAY 6-R, the state of Texas acquired certain real property for highway purposes by instruments recorded in Volume 81, Page 76; Volume 88, Page 71; Volume 107, Page 232; and Volume 186, Page 405, Deed Records of Brazos County, Texas.

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

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

The city of Bryan has requested to purchase Tract 1 for \$1 million.

The commission finds \$1 million 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 the city of Bryan, Texas, for \$1 million; **SAVE AND EXCEPT**, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Collin County - US 380, east of SH 289 in Prosper - Consider the sale of a right of way easement to the owner of the fee in the property (MO)

114406
ROW

In the town of Prosper, COLLIN COUNTY, on US 380, the state of Texas acquired an easement interest in certain land by instrument recorded in Volume 313, Page 368, Deed Records of Collin County, Texas.

The easement (Tract 1E), shown on Exhibit A, is no longer needed for a state highway purpose.

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

380 & 289, L.P., is the owner of the fee in the property and has requested to purchase Tract 1E for \$2,824.

The commission finds \$2,824 to be a fair and reasonable value for the state's right and interest in Tract 1E.

IT IS THEREFORE ORDERED by the commission that Tract 1E is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument releasing all of the state's right and interest in Tract 1E to 380 & 289, L.P., for \$2,824.

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

(4) Fort Bend County - FM 1463 at Corbitt Road - Consider the sale of right of way to an abutting landowner (MO)

Deferred

This item was not considered by the commission.

(5) Hidalgo County - US 83, northwest corner at Mile 6 Road in Weslaco - Consider the sale of right of way to the abutting landowner (MO)

114407
ROW

In the city of Weslaco, HIDALGO COUNTY, on US 83, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1019, Page 174, Deed Records of Hidalgo 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 highway right of way acquired and no longer needed for a state highway purpose to abutting landowners.

Falars-V, Inc., is the abutting landowner and has requested to purchase Tract 1 for \$80,067.

The commission finds \$80,067 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 Falars-V, Inc., for \$80,067; 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.

(6) Hopkins County - FM 3389, west side, south of County Road 1100 - Consider the sale of a drainage easement to the owners of the fee in the property (MO)

114408
ROW

In HOPKINS COUNTY, on FARM TO MARKET ROAD 3389, the state of Texas acquired an easement interest for highway drainage purposes by instrument recorded in Volume 423, Page 252, Deed Records of Hopkins County, Texas.

The easement (Tract 1), shown on Exhibit A, is no longer needed for a state highway purpose.

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

Larry Vititow and Wanda Vititow, husband and wife, are the owners of the fee in the property and have requested to purchase Tract 1 for \$150.

The commission finds \$150 to be a fair and reasonable value for the state's right and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument releasing all of the state's right and interest in Tract 1 to Larry Vititow and Wanda Vititow, husband and wife, for \$150.

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

(7) Johnson County - US 67, east of Eastern Street in Keene - Consider the sale of right of way to Keene Independent School District (Keene ISD) (MO)

114409
ROW

In the city of Keene, JOHNSON COUNTY, on US 67, the state of Texas acquired certain land by instrument recorded in Volume 2278, Page 167, Official Public Records of Johnson County, Texas.

A portion of the land (Tract 15-08), described in Exhibit A, is no longer needed for a state highway purpose.

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

Keene Independent School District is the abutting landowner and has requested to purchase Tract 15-08 for \$9,081.

The commission finds \$9,081 to be a fair and reasonable value for the state's right, title, and interest in Tract 15-08.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument conveying all of the state's right, title, and interest in Tract 15-08 to Keene Independent School District for \$9,081; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas,

sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from Tract 15-08.

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

c. 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 (Report)

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

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

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

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

114410
TOD

The Texas Department of Transportation (department) and the seven counties in the Houston area in which State Highway 99 (Grand Parkway) is located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Chambers County. In accordance with the requirements of Transportation Code §228.0111 and the policies included in Minute Order 111410 dated June 26, 2008, the department and the seven counties entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway, agreed to waive the development of a market valuation of the Grand Parkway, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway, including terms for establishing baseline toll rates and toll escalation policies applicable to the Grand Parkway.

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

regarding covenants to maintain toll rates on the tolled portion of Segment D of the Grand Parkway in Harris County and on the Grand Parkway Segments E, F-1, F-2, and G in Harris and Montgomery counties in accordance with the toll rate agreement.

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

The toll rate escalation policy adopted by the commission in Minute Order 113399 provides for the department to calculate the annual toll rate escalation percentage (toll rate escalation percentage) in accordance with the toll rate escalation policy and report the toll rate escalation percentage to the GPTC and the commission each year at or before the commission's October meeting. The department has established a toll rate escalation percentage of 2.00% to be applied to the current base toll rates for each segment of Grand Parkway identified above and each pay point, generating the schedule of increased toll rates for calendar year 2016 shown on the attached Exhibit A.

The toll rate escalation percentage and the escalated toll rates shown in Exhibit A for each segment of Grand Parkway identified above have been prepared in accordance with the toll rate escalation policy established in Minute Order 113399. As provided in Minute Order 113399, the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director and by the GPTC, as applicable, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for each segment of Grand Parkway identified above, attached as Exhibit A, is accepted replacing the current rate tables with the escalated toll rates on January 1, 2016.

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

(4) Travis and Williamson Counties - Accept the annual escalated toll rates for the Central Texas Turnpike System (CTTS), as calculated on each toll escalation determination date (MO)

114411
TOD

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

covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

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

Minute Order 113244, dated August 30, 2012, authorized the executive director to annually escalate toll rates on the CTTS in accordance with established indices and the toll escalation policy set forth in the minute order. The Texas Department of Transportation (department) has established a toll rate escalation percentage of 0.2% (toll rate escalation percentage) to be applied to the current base toll rates for each CTTS element and paypoint, generating no increase to the toll rates for calendar year 2016 shown on Exhibit A. The toll rate escalation percentage and the escalated toll rate table shown in Exhibit A for each CTTS element have been prepared in accordance with the toll escalation policy established in Minute Order 113244. As provided in Minute Order 113244, the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for each CTTS element, attached as Exhibit A, is accepted replacing the current rate tables with the escalated toll rates on January 1, 2016.

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

d. Reports

(1) Compliance Office report

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

(2) Travis and Hays Counties - Report of Environmental Review of Project - Accept public hearing report for State Highway 45 Southwest (MO)

114412
ENV

Transportation Code §201.811(b) and 43 TAC §2.107(e)(2) both state that for a public hearing regarding an Environmental Impact Statement (EIS), the project sponsor will document the number of positive, negative, and neutral public comments received.

This information must be presented to the commission in an open meeting and reported on the department's website in a timely manner.

A report of the status of a recent public hearing for an EIS, attached as Exhibit A, has been prepared in accordance with Transportation Code §201.811(b). The project is SH 45SW (CSJ: 1200-06-004 & 1200-07-001).

IT IS THEREFORE ORDERED by the commission that the report of the status of public hearings for EISs attached as Exhibit A is accepted.

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

e. Transportation Planning

Bexar County - Amend Minute Order 114169, which removed a portion of State Loop 345 from the state highway system and transferred jurisdiction, control and maintenance to the city of San Antonio, to correct the Exhibit map (MO)

114413
TPP

In the city of San Antonio, Bexar County, on State Loop 345, the state of Texas acquired and/or used certain land for highway purposes.

The Texas Transportation Commission (commission) approved Minute Order 114169 on December 18, 2014, which removed a portion of SL 345 from the state highway system and transferred jurisdiction, control, and maintenance to the city of San Antonio. Exhibit A (map) of Minute Order 114169 incorrectly identified the portion of SL345 that was to be removed from the state highway system.

Exhibit A of this order correctly reflects the portion of SL 345 that was to be removed from the state highway system.

IT IS THEREFORE ORDERED by the commission that Minute Order 114169 is amended by replacing Exhibit A with the correct map, which is attached as Exhibit A of this order. All other provisions of Minute Order 114169 remain unchanged.

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

f. Designation of Access Control

(1) Bexar County - SS 422, approximately 1400 feet south of I-35 - Consider the designation of two locations on the highway at which access will be permitted to the abutting property (MO)

114414
DES

In BEXAR COUNTY, on STATE SPUR 422, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 3561, Page 438 Deed Records of the Bexar County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Rimini Family Limited Partnership, the current owner of the abutting property, has requested that access to SS 422 be permitted along its east property line at two new access points described in Exhibit A (south) and Exhibit A (north).

Transportation Code, §201.103, empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002, authorizes the commission to lay out, construct, maintain and operate a modern state highway system with an emphasis on the construction of controlled-access highways.

Transportation Code, §203.031, authorizes the commission to designate locations on a controlled-access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access points will not compromise the mobility, safety, or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress is permitted to SS 422.

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

Note: Exhibit A south and Exhibit A north are on file with the commission chief clerk.

(2) Dallas County - I-20, near Houston School Road in Lancaster - Consider the designation of one location on the eastbound frontage road at which access will be permitted to the abutting property (MO)

114415
DES

In DALLAS COUNTY, on Interstate 20, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 855, Page 1128, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

DMJ PROPERTIES, LTD., the current owner of the abutting property, has requested that access from the eastbound frontage road of I-20 be permitted along the northern property line at one new access point, described in Exhibit A.

Transportation Code, §201.103, empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002 authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled access highways.

Transportation Code, §203.031 authorizes the commission to designate locations on a controlled access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates this new access point as a location where ingress only is permitted from the eastbound frontage road of I-20.

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

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

g. Speed Zones

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

114416
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 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, pending or contemplated litigation, or other legal matters.

b. Section 551.074 - Deliberate on the search for a new executive director of the Texas Department of Transportation

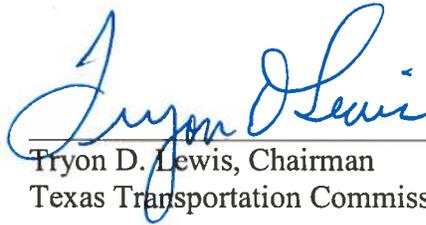
The commission recessed to executive session at 10:32 a.m. and returned from executive session at 11:51 a.m.

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

The commission received comments from Chad Nobles, Amy Nobles, Kate Nobles, Sandra Nobles, Robert Nobles, Dean Eversol, and engineer Don Dixon.

Commissioner Bugg motioned adjournment and Commissioner Vandergriff seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:11 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 October 29, 2015, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation