

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 28, 2016, in Austin, Texas. The meeting was called to order at 9:04 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:

James Bass, 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 2:45 p.m. on April 20, 2016, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

ITEM 1. Safety Briefing

This item was presented by Safety Officer Jessica Smith.

Chairman Lewis recognized Senator Don Huffines who addressed the commission.

ITEM 2. Approval of Minutes of the March 31, 2016 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 March 31, 2016 regular meeting by a vote of 5 - 0.

ITEM 3. Acknowledgment of Service

Recognize by resolution Robert H. "Bob" Ratcliff, P.E., Atlanta District Engineer, for almost 37 years of service to the department

This item was presented by Director of District Operations Randy Hopmann. Mr. Ratcliff spoke to and thanked the commission. The commission congratulated Mr. Ratcliff. Photographs were taken.

ITEM 4. Discussion**a. Strategic Plan****Update and discussion regarding the draft 2017-2021 Texas Department of Transportation's Strategic Plan (Presentation)**

This item was presented by Government Affairs Division Director Jerry Haddican.

b. Unified Transportation Program**2016 Unified Transportation Program (UTP) May Updates (Presentation)**

This item was presented by Transportation Planning and Programming Division Interim Director Lauren Garduno. The commission also heard comments from private citizen Don Dixon.

ITEM 5. Advisory Committee Appointment**Appoint new member to the I-69 Corridor Advisory Committee (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 Transportation Planning and Programming Division Interim Director Lauren Garduno.

114555
TPP

Pursuant to 43 TAC §1.86 and Minute Order 111294, dated March 27, 2008, the Texas Transportation Commission (commission) created an advisory committee to assist the Texas Department of Transportation (department) in the transportation planning process for the corridor planned as part of Interstate Highway 69 (I-69).

The purpose of the I-69 Corridor Advisory Committee (committee) is to facilitate and achieve support and consensus from affected communities, governmental entities, and other interested parties in the planning of transportation improvements in the I-69 corridor and in the establishment of development plans for that corridor. The committee's advice and recommendations will provide the department with an enhanced understanding of public, business, and private concerns about the I-69 corridor, facilitating the department's communications and project development objectives and resulting in greater cooperation between the department and all affected parties during project planning and development.

In Minute Order 114494, dated February 25, 2016, the commission appointed new members to the committee. A vacancy on the committee for a representative from the Rio Grande Valley will be filled by Alan Johnson of Harlingen.

Under 43 TAC §1.86, the commission may appoint members of an advisory committee from the following groups as deemed appropriate by the commission: affected property owners and owners of business establishments; technical experts; representatives of local governmental entities; members of the general public; economic development officials; chambers of commerce officials; members of the environmental community; department staff; and professional consultants representing the department.

Mr. Johnson has been selected because he will ensure the committee represents a geographic distribution across the corridor area and reflects a diverse cross-section of the widely varying stakeholder groups needed to help the department identify and reach consensus on corridor needs and potential transportation solutions.

IT IS THEREFORE ORDERED by the commission that Alan Johnson is appointed as a member of the I-69 Corridor Advisory Committee.

ITEM 6. Transportation Planning

Bell and Coryell Counties - Authorize the submission of an application to the American Association of State Highway and Transportation Officials to establish a 25-mile segment of US 190 as I-14 (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 Transportation Planning and Programming Division's Corridor Planning Branch Manager Roger Beall. The commission also heard remarks from the chairman of Gulf Coast Strategic Highway Coalition - I-14, John Thompson; and from the executive director of Heart of Texas Defense Alliance/Killeen, retired Major General Kendall Cox.

114556
TPP

In accordance with 23 CFR Part 470, Subpart A, and the policies of the Federal Highway Administration and the American Association of State Highway and Transportation Officials (AASHTO), state departments of transportation must coordinate changes to the interstate system with AASHTO by submitting an application for recognition of new interstate route segments to the Special Committee on US Route Numbering.

The Texas Department of Transportation (department) proposes to designate a 25-mile segment of US 190 from the US 190/Business 190 junction in Copperas Cove to I-35 in Belton as INTERSTATE HIGHWAY 14 (I-14).

This minute order authorizes the department to petition the AASHTO Special Committee on US Route Numbering to recognize this segment of US 190 as I-14, since it complies with federal regulations and is of sufficient length to provide substantial service to the traveling public.

IT IS THEREFORE ORDERED by the commission that the department is authorized to submit an application to the AASHTO Special Committee on US Route Numbering requesting the recognition of I-14 along US 190 from the US 190/Business 190 junction in Copperas Cove to I-35 in Belton, which is eligible for inclusion on the interstate system.

IT IS UNDERSTOOD that following approval of the application by the AASHTO Special Committee on US Route Numbering, the commission will consider designating this route segment as I-14 by minute order. Additional commission action will be required for designation of future segments.

ITEM 7. Public Transportation

Various Counties - Award federal §5311 Formula Grants for Rural Areas Program funds for FY 2016 (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 Public Transportation Division Director Eric Gleason.

114557
PTN

The Texas Transportation Commission (commission) desires to award \$19,494,762 of federal funds under the Federal Transit Administration (FTA) Formula Grants for Rural Areas Program (49 U.S.C. §5311) to Texas rural transit districts 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 United States Congress has passed the Fixing America’s Surface Transportation (FAST) Act, authorizing funding for federal fiscal years (FY) 2016 – 2020. FTA has made available the apportionments for FY 2016. Awards to rural transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code, §31.36(g)(2). The distribution of the FY 2016 awards is shown in Exhibit A.

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 FY 2016 §5311 FTA allocation for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the FY 2016 program of projects.

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

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

a. Proposed Adoption

(1) Chapter 1 - Management

Amendments to §1.4, Public Access to Commission Meetings, §1.5, Public Hearings (Public Meetings and Hearings), and §1.11, Petition (Procedure for Adoption of Rules) (MO)

Commissioner Bugg made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 4 - 0. At the time of this vote Commissioner Austin was temporarily out of the meeting room. Upon Commissioner Austin's return, he was recognized by the Chairman to state that he

would have voted yes on this item. This item was presented by General Counsel Jeff Graham.

114558
ADM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §1.4, Public Access to Commission Meetings, and §1.5, Public Hearings, relating to Public Meetings and Hearings, and §1.11, Petition, relating to Procedure for Adoption of Rules, 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 - C, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§1.4, 1.5, and 1.11 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 - C are on file with the commission chief clerk.

(2) Chapter 10 - Ethical Conduct by Entities Doing Business with the Department
Amendments to §10.5, Benefit (General Provisions) (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 Compliance Division Director Kristin Alexander.

114559
CMP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §10.5, Benefit, relating to General Provisions, 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 §10.5 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.

(3) Chapter 9 - Contract and Grant Management

Amendments to §9.150, Purpose, §9.151, Definitions, §9.152, General Rules for Design-Build Contracts, §9.153, Solicitation of Proposals, and §9.155, Conflict of Interest and Ethics Policies (Design-Build Contracts) (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 Strategic Contract Management Division Interim Director Frank Holzmann.

114560
SCM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§9.150 - 9.153 and §9.155, relating to Design-Build Contracts, 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 §§9.150 - 9.153 and §9.155 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.

(4) Chapter 27 - Toll Projects

Amendments to §27.8, Conflict of Interest and Ethics Policy (Comprehensive Development Agreements), §27.91, Definitions, and §27.92, Financial Terms (Determination of Terms for Certain Toll Projects) (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 Strategic Contract Management Division Interim Director Frank Holzmann.

114561
SCM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §27.8, Conflict of Interest and Ethics Policies, relating to Comprehensive Development Agreements, and §27.91, Definitions, and §27.92, Financial Terms, relating to Determination of Terms for Certain Toll Projects, 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 - C, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by

the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §27.8, §27.91 and §27.92 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 - C are on file with the commission chief clerk.

b. Rule Review

In accordance with Government Code, §2001.039, Readoption of Title 43 Texas Administrative Code Chapter 1, Management; Chapter 5, Finance; Chapter 11, Design; Chapter 15, Financing and Construction of Transportation Projects; Chapter 21, Right of Way; and Chapter 27, Toll Projects (MO)

Commissioner Bugg 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 General Counsel Jeff Graham.

114562
ADM

Government Code, §2001.039 requires state agencies to readopt their rules every four years and, prior to readopting, to consider whether the reason for adopting each rule continues to exist.

During February and March 2016, the Texas Department of Transportation reviewed Title 43 Texas Administrative Code, Part 1, Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27, Toll Projects. The Notice of Intent to review was published in the *Texas Register* on February 12, 2016 (41 TexReg 1132).

No comments were received regarding this rule review.

The Texas Transportation Commission (commission) finds that the reasons for initially adopting these rules continue to exist.

IT IS THEREFORE ORDERED by the commission that the executive director provide for filing with the Office of the Secretary of State, Texas Register Division, a notice readopting these rules.

ITEM 9. Design Build Contract

Dallas County - Authorize the department to issue a request for qualifications to design, develop, construct, and potentially maintain the Southern Gateway Project, including improvements to I-35E from south of the I-35E/US 67 interchange to Colorado Boulevard, with transition work extending north to Reunion Boulevard and improvements to US 67 from the I-35E/US 67 interchange to I-20 in Dallas County (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 Strategic Contract Management Division Interim Director Frank Holzmann.

114563
SCM

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 \$150 million or more.

The department has been planning the proposed Southern Gateway Project (Project), consisting of improvements to I-35E and US 67, including non-tolled managed lanes along I-35E from south of the I-35E/US 67 interchange to Colorado Boulevard, with transition work extending north to Reunion Boulevard, and along US 67 from the I-35E/US 67 interchange to I-20 in Dallas County. The Southern Gateway Project will improve safety and mobility, enhance system continuity, and accommodate projected growth throughout this region. The planned improvements will provide increased capacity through the addition of additional general purpose lanes along with non-tolled managed lanes that are critical to the region's continued mobility and economic viability. Increasing capacity will relieve congestion and reduce travel time as well as provide social and economic benefits locally, regionally and statewide.

Transportation Code, §223.245 prescribes requirements for a design-build contract procurement, and requires the department to publish a notice advertising a request for qualifications in the Texas Register that includes the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received.

IT IS THEREFORE ORDERED by the commission that the department is authorized to publish in the Texas Register a notice advertising the issuance of a request for qualifications to design, develop, construct, and potentially maintain the Southern Gateway Project in Dallas County, consisting of improvements to I-35E from south of the I-35E/US 67 interchange to Colorado Boulevard, with transition work extending north to Reunion Boulevard, and improvements to US 67 from the I-35E/US 67 interchange to I-20, and to post the notice and the request for qualifications on the department's website.

ITEM 10. Finance

Accept the Quarterly Investment Report (MO)

Commissioner Austin 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 Project Finance and Debt Management Division Director Ben Asher.

114564
PFD

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 also approved and adopted a written investment policy and investment strategy applicable to funds in the prepaid TxTag custodial account under the Master Lockbox and Custodial Account Agreement by and between the Bank of New York Mellon Trust Company, N.A., as custodian, and the department.

The commission has designated the department's Chief Financial Officer and the Director, Project Finance and Debt Management Division as investment officers. The Chief Financial Officer is primarily responsible for the execution of investment strategy and activities on a daily basis. However, in his/her absence, the Department's Director, Project Finance and Debt Management Division, or a designee of any of the investment officers (as evidenced in a delegation memorandum) shall perform these duties and responsibilities. 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.

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 29, 2016, 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.

ITEM 11. Contracts

Award or reject contracts for maintenance, highway and building construction

(a) Highway Maintenance and Department Building Construction (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 Construction Division Director Tracy Cain.

114565
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 April 5 and 6, 2016, 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, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

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

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

114566
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 5 and 6, 2016, 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, 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 12. 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 Gus Cannon.

114567
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 - II. 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 - 41, 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	SH 289	5	0091-05-064	10
Collin	SH 289	7	0091-05-064	3
Dallas	US 80	10	0095-02-115	2,2E
Dallas	US 80	14	0095-02-115	1, 1E
Dallas	US 80	15	0095-02-115	4
Denton	US 377	24	0081-03-057	1
Ellis	US 287	23	0172-08-098	13,13E
Fort Bend	FM 2234	32	2105-01-036	38A
Fort Bend	FM 2234	37	2105-01-036	21
Fort Bend	US 90A	34	0027-06-054	2
Harris	FM 521	30	0111-01-093	5
Harris	FM 521	31	0111-01-093	7
Harris	FM 521	33	0111-01-093	6
Harris	FM 521	35	0111-01-093	9
Harris	FM 521	36	0111-01-093	8
Howard	US 87	4	0908-12-026	23
Howard	US 87	25	0908-12-026	4
Howard	US 87	26	0908-12-026	1
Howard	US 87	27	0908-12-026	35
Kaufman	FM 1388	40	1217-03-022	2
Kaufman	FM 1388	41	1217-03-022	3
Kaufman	FM 1388	39	1217-03-023	1
Navarro	SH 31	1	0162-11-002	53
Navarro	SH 31	2	0162-11-002	25A,25AE
Navarro	SH 31	8	0162-11-002	10,10E
Navarro	SH 31	9	0162-11-002	22,22E
Navarro	SH 31	11	0162-11-002	31
Navarro	SH 31	12	0162-11-002	12
Navarro	SH 31	13	0162-11-002	21
Navarro	SH 31	29	0162-11-002	25B

EMINENT DOMAIN (continued)
NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Tarrant	SH 360	6	2266-02-129	34D
Tarrant	SH 360	16	2266-02-129	85
Tarrant	SH 360	17	2266-02-129	90
Tarrant	SH 360	18	2266-02-129	89
Tarrant	SH 360	19	2266-02-129	83
Tarrant	SH 360	20	2266-02-129	91
Tarrant	SH 360	21	2266-02-129	28E
Tarrant	SH 360	22	2266-02-129	87TE
Tarrant	SH 360	38	2266-02-129	86
Wharton	US 59	28	0089-06-084	18
Wharton	US 59	3	0089-07-150	36

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Dallas	IH 30	R	1068-04-167	6,6E
Dallas	IH 30	II	1068-04-137	8
Dallas	IH635	H	2374-02-141	2,2E
Dallas	IH635	I	2374-02-141	3,3E
Navarro	SH 31	W	0162-11-002	55,55E
Denton	IH 35W	U	0081-13-061	1
Denton	IH 35W	V	0081-13-061	2
Denton	IH 35W	X	0081-13-061	4,4E
Denton	IH 35W	Y	0081-13-061	7
Denton	IH 35W	Z	0081-13-061	9
El Paso	SL 375	FF	2552-04-041	9A
El Paso	SL 375	GG	2552-04-041	47
Howard	US 87	N	0908-11-234	25
Howard	US 87	B	0908-12-026	7
Howard	US 87	HH	0908-12-026	36
Howard	US 87	J	0908-12-026	38
Howard	US 87	K	0908-12-026	37
Howard	US 87	O	0908-12-026	34
Howard	US 87	P	0908-12-026	39
Howard	US 87	S	0908-12-026	28
Howard	US 87	T	0908-12-026	5
Howard	US 87	C	0908-12-026	12
McLennan	IH 35	A	0015-01-234	63
McLennan	IH 35	D	0015-01-234	6
McLennan	IH 35	E	0015-01-234	92
McLennan	IH 35	F	0015-01-234	78
McLennan	IH 35	G	0015-01-234	50

EMINENT DOMAIN (continued)
CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
McLennan	IH 35	M	0015-01-234	208,208AC
McLennan	IH 35	Q	0015-01-234	100
Navarro	SH 31	L	0162-11-002	19
Tarrant	SH 183	CC	0364-05-038	56
Tarrant	SH 183	DD	0364-05-038	64
Tarrant	SH 183	EE	0364-05-038	65
Tarrant	SH 360	AA	2266-02-129	29,29AC,29E
Tarrant	SH 360	BB	2266-02-129	26,26TE

Note: Exhibits A - II and 1 - 41 are on file with the commission chief clerk.

ITEM 13. Routine Minute Orders

Commissioner Austin made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute orders by a vote of 5 - 0. This item was presented by Executive Director James Bass.

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)

114568
 CPD

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 Donations

Various Districts - Consider for acknowledgement of the acquisition by gift/donation of required right of way accepted by the department for purposes of constructing, maintaining, widening, straightening, or extending the state highway system. (See attached itemized list) (MO)

114569
ROW

The Texas Department of Transportation (department) is acquiring the right of way for highway improvement projects by donations.

This minute order considers acknowledgement of acceptance of donations of real property to the State of Texas by the department. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely

to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The 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, §223.049, and §224.001. The donation agreement has been executed and accepted by the department under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

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

c. Real Estate Dispositions

(1) Atascosa County - SH 97 southwest of Pleasanton - Consider the release of a drainage easement (MO)

114570
ROW

In ATASCOSA COUNTY, on STATE HIGHWAY 97, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Book 220, Page 328, Deed Records of Atascosa County, Texas.

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

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

Sellbak I, Ltd., (Sellbak) is the owner of the fee in the property and has requested the release of Tract 2. Sellbak has constructed, at its own cost, a drainage facility which eliminates the necessity of the drainage easement on Tract 2. The costs associated with construction of the facility exceeded the value of Tract 2, and the facility will benefit the state highway system by reducing the demand on its drainage capacity.

In light of these equities, the commission finds \$0 to be a fair and reasonable value for the state's right and interest in Tract 2.

IT IS THEREFORE ORDERED by the commission that Tract 2 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 2 to Sellbak I, Ltd., for \$0.

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

(2) Bexar County - I-37, southeast corner at SL 13 in San Antonio - Consider the sale of access rights to the abutting landowner (MO)

114571
ROW

In the city of San Antonio, BEXAR COUNTY, on INTERSTATE 37, a designated controlled access highway, the state of Texas acquired and controls certain access rights to the highway facility and to STATE LOOP 13 to and from the abutting land by instrument recorded as Document #20120183883, Official Public Records of Bexar County, Texas.

Portions of the access rights (Tract 1AC), shown on Exhibit A, are no longer needed for highway purposes.

The Trails RV Resort, Repair Shop and Parts Sales, LLC, (Trails RV) owner of a 2.634-acre tract of land conveyed by deed recorded as Doc #20120183883, Official Public Records of Bexar County, Texas (Trails RV Tract), is the landowner abutting the property lines along which access is proposed to be released and has requested that the state sell Tract 1AC to Trails RV for \$60,000.

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.

The Texas Department of Transportation has determined that the sale of Tract 1AC is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highways.

It is the opinion of the commission that it is proper and correct that the state sell Tract 1AC to Trails RV for \$60,000.

IT IS THEREFORE ORDERED by the commission that Tract 1AC 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 granting the state's interest in Tract 1AC to The Trails RV Resort, Repair Shop and Parts Sales, LLC, for \$60,000.

IT IS FURTHER ORDERED that Tract 1AC will be exclusive to the Trails RV Tract, and nothing in this order shall be construed to directly or indirectly approve conveyance of access rights to the properties abutting the Trails RV Tract.

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

(3) Bexar County - SL 1604 east of Lockhill-Selma Road in San Antonio - Consider the sale of a drainage easement (MO)

114572
ROW

In the City of San Antonio, BEXAR COUNTY, on STATE LOOP 1604, the state of Texas acquired an easement interest in certain land by instrument recorded in Volume 26, Page 575, Probate Records of Bexar County, Texas.

A portion of the easement (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 any interest in real property acquired and no longer needed for a state highway purpose.

SW Lockhill, LLC, a Texas limited liability company, is the owner of the fee in the property and has requested to purchase Tract 1 for \$101,300.

The commission finds \$101,300 to be a fair and reasonable value of 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 recommends, subject to approval of the attorney general, that the governor of Texas execute a proper instrument releasing the state’s right and interest in Tract 1 to SW Lockhill, LLC, a Texas limited liability company, for \$101,300.

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

(4) Dallas County - I-20, east of Lake Ridge Parkway in Grand Prairie - Consider the sale of access rights to the abutting landowner (MO)

114573
ROW

In the city of Grand Prairie, DALLAS COUNTY, on INTERSTATE 20, the state of Texas acquired and controls certain access rights to the highway facility to and from the abutting land by instrument recorded in Volume 2002125, Page 2595, Deed Records of Dallas County, Texas.

A portion of the access rights (Tract 1), shown on Exhibit A, is no longer needed for highway purposes.

QuikTrip Corporation, an Oklahoma corporation (QuikTrip), owner of a 0.367-acre tract of land conveyed by deed recorded Instrument No. 201300341844, Official Public Records of Dallas County, Texas (QuikTrip Tract), is the landowner abutting the property line along which access is proposed to be released and has requested that the state sell Tract 1 to QuikTrip for \$57,057.

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.

The Texas Department of Transportation has determined that the sale of Tract 1 is not expected to compromise the safety or add traffic volume in an amount to exceed the capacity of the existing highway.

It is the opinion of the commission that it is proper and correct that the state sell Tract 1 to the abutting landowner for \$57,057.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose, and the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the state’s interest in Tract 1 for ingress only to QuikTrip Corporation, an Oklahoma corporation, for \$57,057.

IT IS FURTHER ORDERED that Tract 1 will be exclusive to the QuikTrip Tract, and nothing in this order shall be construed to directly or indirectly approve conveyance of access rights to the properties abutting the QuikTrip Tract.

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

(5) Dallas County - SH 78 at Naaman School Road in Garland - Consider the quitclaim of land quitclaimed to the state in error (MO)

114574
ROW

In the City of Garland, DALLAS COUNTY, on STATE HIGHWAY 78, certain land was deeded to the state of Texas by instrument recorded as Document Number 201000218485, Official Public Records of Dallas County, Texas.

The land (Tract 1), described in Exhibit A, was not intended to be acquired by the state and is not 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 of an interest in real property not intended to be acquired and not needed for a highway purpose.

Rose M. Jones of 2934 Geneva Drive, Garland, TX 75040, was the intended grantee and has requested that Tract 1 be quitclaimed to her.

IT IS THEREFORE ORDERED by the commission that Tract 1 was not intended to be acquired and is not needed for a 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, title, and interest in Tract 1 to Rose M. Jones of 2934 Geneva Drive, Garland, TX 75040.

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

(6) Hays County - FM 2439, from RM 12 to Dixon Street in San Marcos - Consider the transfer of right of way and drainage easements to the City of San Marcos (MO)

114575
ROW

In the City of San Marcos, HAYS COUNTY, on FARM TO MARKET ROAD 2439, the state of Texas acquired certain land and drainage easements for highway purposes by instrument recorded Volume 176, Page 319, Deed Records of Hays County, Texas.

The land (Tract 1), described in Exhibit A, and easements (Tracts 2 and 3), 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 transfer of highway right of way to a governmental entity that has assumed jurisdiction, control, and maintenance of the right of way for public road purposes.

The City of San Marcos has assumed jurisdiction, control, and maintenance of the tracts for public road purposes and has requested that the tracts be transferred to the city.

IT IS THEREFORE ORDERED by the commission that Tracts 1, 2, and 3 are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring all of the state’s right, title, and interest in Tracts 1, 2, and 3 to the City of San Marcos, Texas.

IT IS FURTHER ORDERED that if Tracts 1, 2, and 3 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.

(7) Hays County - RM 12, old alignment of RM 12 at SH 80 in San Marcos - Consider the transfer of real property to the City of San Marcos (MO)

114576
ROW

In the City of San Marcos, HAYS COUNTY, on RANCH TO MARKET ROAD 12, the state of Texas acquired certain land for highway purposes by instruments

recorded Volume 112, Page 353, and Volume 114, Page 150, Deed Records of Hays County, Texas.

The land (Tracts 1 and 2), 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 transfer of highway right of way to a governmental entity that has assumed jurisdiction, control, and maintenance of the right of way for public road purposes.

The City of San Marcos has assumed jurisdiction, control, and maintenance of Tracts 1 and 2 for public road purposes and has requested that they be transferred to the city.

IT IS THEREFORE ORDERED by the commission that Tracts 1 and 2 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 Tracts 1 and 2 to the City of San Marcos, Texas.

IT IS FURTHER ORDERED that if Tracts 1 and 2 cease to be used for public road purposes, they shall immediately and automatically revert to the state.

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

(8) Tarrant County - I-20 at Lubbock Avenue in Fort Worth - Consider the sale of right of way to the abutting landowner (MO)

114577
ROW

In the City of Fort Worth, TARRANT COUNTY, on INTERSTATE 20, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 7706, Page 2061, Deed Records of Tarrant County, Texas.

A portion of the land (Tract 15-07), 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 acquired and no longer needed for a state highway purpose.

QuikTrip Corporation is the abutting landowner and has requested to purchase Tract 15-07 for \$16,618.

The commission finds \$16,618 to be a fair and reasonable value of the state's right, title, and interest in Tract 15-07.

IT IS THEREFORE ORDERED by the commission that Tract 15-07 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 15-07 to QuikTrip Corporation for \$16,618; **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.

(9) Tarrant County - SH 121, east of North Richland Hills city limit in Hurst - Consider the transfer of right of way to the City of Hurst (MO)

114578
ROW

In the City of Hurst, TARRANT COUNTY, on STATE HIGHWAY 121, the state of Texas acquired certain land for highway purposes by instruments recorded under Document Numbers D209276966, D207084692, D210010195, D206339576, and D207412164, Official Public Records of Tarrant County, Texas.

A portion of the land (Tract 15-09), 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of Tract 15-09 is estimated to be \$201,000, and the state's costs for maintenance over the next 44 years are estimated to be \$534,740.

The City of Hurst (city) has requested that Tract 15-09 be transferred to the city.

The commission finds \$201,000 to be a fair and reasonable value of the state's right, title and interest in Tract 15-09.

IT IS THEREFORE ORDERED by the commission that Tract 15-09 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring all of the state's right, title, and interest in Tract 15-09 to the City of Hurst, Texas, in consideration of the savings to the state of future maintenance costs; 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 15-09.

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

d. Finance

(1) Obligation Limit Report

Quarterly status report on the FY 2016 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 2016 State Highway Fund 6 cash status (Report)

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

e. Reports

(1) Compliance Office report

Note: Confidential report to commission.

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

114579
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 \$2,402,352,000 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.

f. Local Government Projects

(1) Hidalgo County - Approve the transfer of funds previously awarded to Hidalgo County for use on alternative eligible county colonias projects (MO)

114580
TPP

Government Code, §1403.002, requires the Texas Public Finance Authority (TPFA), as authorized by the Office of the Governor, to issue general obligation bonds and notes in an aggregate amount not to exceed \$175 million. The TPFA shall, as directed by the Texas Department of Transportation, distribute the proceeds to counties to provide financial assistance for colonia access roadway projects to serve border colonias. Government Code, §1403.002, further requires the Texas Transportation Commission (commission) to establish a program to administer the use of the proceeds of the bonds and notes.

The commission approved projects for funding under the third call of the Border Colonias Access Program (BCAP) by Minute Order 111442, dated July 31, 2008. In Minute Order 111637, dated December 18, 2008, Minute Order 113855, dated February 27, 2014, and Minute Order 114057, dated August 28, 2014, the commission approved adjustments to the list of projects located in Hidalgo County (county).

Title 43, Texas Administrative Code, §15.105(10) provides that a county may use unexpended funds from a project on any other commission-selected county colonia

project. Due to the cancellation of some previously-approved projects and lower than expected construction prices on completed projects, the county has requested approval to transfer a portion of the funds awarded to the county by previous minute orders to other eligible colonia projects, as shown in Exhibit A.

The Pharr District's guidelines for the third call of the BCAP specified that the county is responsible for any roadway costs beyond 25% of the authorized amount. The county has also requested approval to use a portion of the remaining available funds to cover excess costs on certain previously-approved projects, as shown in Exhibit A.

IT IS THEREFORE ORDERED by the commission that the county's request to transfer a portion of the funds awarded to the county by previous minute orders to other eligible colonias projects, as shown in Exhibit A, is approved.

IT IS FURTHER ORDERED that the county's request to use a portion of the remaining available funds to cover excess costs on certain previously-approved projects, as shown in Exhibit A, is approved.

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

(2) Starr County - Approve the transfer of Border Colonias Access Program funds from previously selected colonia projects to other eligible colonia projects (MO)

114581
TPP

Government Code, §1403.002, requires the Texas Public Finance Authority (TPFA), as authorized by the Office of the Governor, to issue general obligation bonds and notes in an aggregate amount not to exceed \$175 million. The TPFA shall, as directed by the Texas Department of Transportation, distribute the proceeds to counties to provide financial assistance for colonia access roadway projects to serve border colonias. Government Code, §1403.002, further requires the Texas Transportation Commission (commission) to establish a program to administer the use of the proceeds of the bonds and notes.

The commission approved projects for funding under the third call of the Border Colonias Access Program by Minute Order 111442, dated July 31, 2008. In Minute Order 111821, dated May 28, 2009, and Minute Order 112046, dated November 19, 2009, the commission approved adjustments to the list of projects located in Starr County (county).

Title 43, Texas Administrative Code, §15.105(10) provides that a county may use unexpended funds from a project on any other commission-selected county colonia project. Due to the cancellation of some previously-approved projects and lower than expected construction prices on completed projects, the county has requested approval to transfer the remainder of the funds awarded to the county by previous minute orders to other eligible colonias projects, as shown in Exhibit A.

IT IS THEREFORE ORDERED by the commission that the county's request to transfer the remainder of the funds awarded to the county by previous minute orders to other eligible colonias projects, as shown in Exhibit A, is approved.

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

g. Designation of Access Control

Collin County - SH 121, Between Alma Road and Stacy Road in McKinney - Rescind Minute Order 114552 dated March 31, 2016, and consider the designation of one location on the southbound frontage road at which access will be permitted to the abutting property.

114582
DES

In COLLIN COUNTY, on State Highway 121, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 4671, Page 2112, of the Official Public Records of Collin County, Texas, with denial of access to the abutting remainder property as described in the instrument.

DFW RINGS, LLC, the current owner of the abutting property, has requested that access from the southbound frontage road of SH 121 be permitted along the southern property line at one new access point, described in Exhibit A.

Transportation Code, §201.103, empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads. Transportation Code, §203.002 authorizes the commission to 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. In Minute Order 114552, dated March 31, 2016, the commission found that the new access point would not compromise the mobility, safety or operation of the existing state highway facility, and designated this new access point as a location where ingress and egress would be permitted to and from the southbound frontage road of SH 121. Subsequent to the adoption of Minute Order 114552, discrepancies in the minute order Exhibit were discovered and, to clarify the public record, the commission desires to (i) rescind and withdraw Minute Order 114552, and (ii) adopt this new minute order with a correct Exhibit attached.

IT IS THEREFORE ORDERED by the commission that Minute Order 114552 is rescinded and withdrawn.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates this new access point as a location where ingress and egress are permitted to and from the southbound frontage road of SH 121.

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.

h. Speed Zones

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

114583
TRF

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

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

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

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

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

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

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that environmental speed limits on the segments of highways established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, are no longer necessary.

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

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

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

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 Robert Nobles, Amy Nobles, Chad Nobles, and Sandra Nobles, all concerning the SH 249 toll road; and from Mike Krusee concerning the Austin Smart City Challenge grant from USDOT.

ITEM 14. Executive Session Pursuant to Government Code, Chapter 551

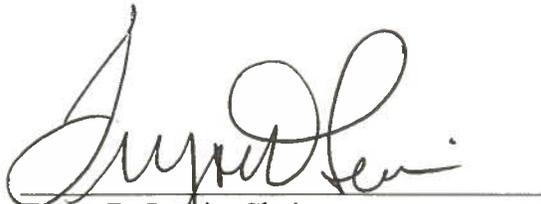
a. Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

b. Section 551.074 - Discuss the evaluation and duties of the executive director.

The commission recessed to executive session at 11:33 a.m. and returned from executive session at 12:24 p.m.

Commissioner Austin motioned adjournment and Vice Chairman Moseley seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:24 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 28, 2016, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation