

These are the minutes of the regular meeting of the Texas Transportation Commission held on June 30, 2016, in Austin, Texas. The meeting was called to order at 9:02 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

Commissioner Austin left the meeting at 1:16 p.m.

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 1:57 p.m. on June 22, 2016, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Randy Clawson.

ITEM 2. Approval of Minutes of the May 26, 2016 regular meeting of the Texas Transportation Commission

Commissioner Bugg made a motion, which was seconded by Commissioner Austin, and the commission approved the minutes of the May 26, 2016 regular meeting by a vote of 5 - 0.

ITEM 9. Traffic Operations (partial)

c. Harris County - Designation of SH 99 as Mayor Bob Lanier Memorial Parkway (MO)

This item was presented by Traffic Operations Division Director Carol Rawson. The commission also heard remarks from former Governor Mark White, Mrs. Elyse Lanier, and Grand Parkway Association Chairman Billy Birge. 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. A replica of the minute order was signed by the commission and photographs were taken.

114609
TRF

Whereas, Harris County has submitted a request to designate a portion of SH 99 as the Mayor Bob Lanier Memorial Parkway; and

Whereas, born in Baytown, Texas on March 10, 1925, Robert (Bob) Lanier attended the University of New Mexico and served in the United States Navy during World War II before earning a law degree with highest honors from the University of Texas School of Law in 1949; and

Whereas, from 1983 to 1987, he served as chairman of the State Highway and Public Transportation Commission and supported the creation of the Harris County Toll Road Authority; and

Whereas, as chairman of the State Highway and Public Transportation Commission, he spearheaded the development of the Grand Parkway, now designated as SH 99; and

Whereas, Mr. Lanier also served as chairman of the Houston Metropolitan Transit Authority; and

Whereas, Mr. Lanier was elected three times as Mayor of Houston, serving from 1992 to 1998, and continued his significant impact on regional transportation; and

Whereas, Mr. Lanier left an indelible impact on transportation in the Greater Houston Area and the State of Texas; and

Whereas, Texas Transportation Code § 225.002, authorizes a local government to assign a memorial designation to a part of the state highway system; and

Whereas, Texas Transportation Code § 225.003, requires the Texas Department of Transportation to approve the local government's application for a memorial designation of a roadway on the state highway system;

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director is authorized to enter into an agreement with Harris County to facilitate the posting of signs for the approved application by Harris County for the memorial designation of portions of SH 99 within its jurisdiction as the Mayor Bob Lanier Memorial Parkway.

BE IT FURTHER ORDERED by the Texas Transportation Commission that the executive director may in the future enter into an agreement for the posting of signs with any local government that submits an application in compliance with the department's rules, 43 TAC § 25.9, to designate other portions of SH 99 as the Mayor Bob Lanier Memorial Parkway.

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.
(Partial)

The chairman opened the open comment period for remarks from state dignitaries. The commission heard comments from Representative Cecil Bell and Texas A&M University Vice Chancellor Tommy Williams concerning the SH 249 toll road in Grimes County.

ITEM 3. Acknowledgment of Service

Recognize by resolution John P. Campbell, P.E., former Right of Way Division Director, for his nearly 27 years of service to the department

This item was presented by Chief Engineer Bill Hale who congratulated Mr. Campbell and thanked him for his service. The commissioners congratulated and thanked Mr. Campbell. Mr. Campbell then spoke and thanked the commission, his family, and various department mentors. Photographs were taken.

ITEM 4. Discussion Item**a. Texas Traffic Safety Task Force Report (Presentation)**

This item was presented by Traffic Operations Division Director Carol Rawson. Texas A&M University Transportation Institute Executive Associate Director Bill Stockton and private citizen Jay Blazek Crossley also addressed the commission.

b. Legislative Appropriations Request (LAR)

Discussion regarding the development of the Texas Department of Transportation's Fiscal Year 2018-2019 LAR (Presentation)

This item was presented by Chief Financial Officer Brian Ragland. Texas Transit Association Executive Director Meredith Greene and Midland Odessa Transit District General Manager Rob Stephens also addressed the commission.

The commission took a short break from 11:37 a.m. to 11:58 a.m.

ITEM 5. Aviation

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

This item was presented by Aviation Division Director Dave Fulton. 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.

114610
AVN

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

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

On Wednesday, June 1, 2016 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 \$828,333.

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

ITEM 6. Public Transportation

a. Various Counties - Award state funds to public transportation providers for FY 2016 as appropriated by the 84th Texas Legislature (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Midland Odessa Transit District General Manager Rob Stephens, Texas Transit Association President John Hendrickson, and R.E.A.L., Inc. Director Martin Ornelas also addressed the commission. 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.

114611
PTN

Of the amounts appropriated to the Texas Department of Transportation (department) by the General Appropriations Act of the 84th Texas Legislature, Regular Session, \$57,482,135 was appropriated for small urban and rural public transportation systems for the 2016-2017 biennium. The Legislature appropriated an additional \$3,200,000 to mitigate the impact of the 2010 census changes on formula allocations.

The Texas Transportation Commission (commission) desires to award \$28,966,367 for FY 2017.

Title 43, Texas Administrative Code, §31.11 establishes a formula by which public transportation funds shall be distributed to the small urban and rural areas of the state. The FY 2017 awards are shown in Exhibits A and B and have been calculated in accordance with the provisions of §31.11.

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 public transportation programs.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is hereby authorized to proceed with the awards as shown in Exhibits A and B and to enter into the necessary contracts for the FY 2017 program of projects upon completion of all application requirements by the local public transportation operators.

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

b. Various Counties - Award federal §5304 Statewide and Nonmetropolitan Transportation Planning Program funds and state match, federal §5311 Formula Grants for Rural Areas Program funds, federal §5311(f) Formula Grants for Rural Areas Intercity Bus Transportation Program funds, federal §5311(b)(3) Rural Transit Assistance Program funds, and state grant funds for the FY 2016 coordinated call for projects, and award transportation development credits (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Coastal Bend Center for Independent Living Director Judy Telge, and Liberty Mobility Now, Inc., President and CEO Valeria Lefler also spoke to the commission. 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.

114612
PTN

The Texas Transportation Commission (commission) desires to award \$24,371,826 of Federal Transit Administration (FTA) grant program and state funds and 1,808,980 transportation development credits (TDC), 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.

Title 43, Texas Administrative Code (TAC), Sections 31.22, 31.36, and 31.37 establish the process by which program proposals shall be evaluated and funds distributed. On November 13, 2015, the department published a Notice of Call for Projects in the Texas Register. Project criteria included project planning and coordination, demonstration of need and benefits of the project, and project management.

The commission recognizes that state and federal law permits the substitution of 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 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 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 in Exhibit A are eligible for funding and awards a total of \$24,371,826 in federal and state program funds and 1,808,980 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 described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

c. Various Counties - Award federal §5311 Formula Grants for Rural Areas Program funds and transportation development credits to rural transit districts for FY 2016 (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Concho Valley Transit District General Manager Vince Huerta also addressed

the commission and asked that his remarks also be considered for agenda item 6.d. 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.

114613
PTN

The Texas Transportation Commission (commission) desires to award \$10,549,193 in federal funds under the Federal Transit Administration (FTA) Formula Grant for Rural Areas program (49 U.S.C. §5311) 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.

Title 43, Texas Administrative Code (TAC), §31.36(g)(4) establishes a formula for calculating awards to rural transit systems based on vehicle revenue miles. The distribution of the FY 2016 awards is shown in Exhibit A.

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 of up to 2,110,000 TDC for eligible capital program expenditures in the amounts identified in Exhibit A meets the established program goals set forth in 43 TAC §5.102 to support public transit.

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 described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

IT IS FURTHER ORDERED by the commission that up to 2,110,000 TDC be available for the projects identified in Exhibit A to be distributed based on department priorities for capital projects excluding capital cost of contracting.

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

d. Various Counties - Award federal §5310 Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program funds and transportation development credits for FY 2016 (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Coastal Bend Center for Independent Living Director Judy Telge also addressed the commission. 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.

114614
PTN

The Texas Transportation Commission (commission) desires to award \$7,073,114 in federal funds under the Federal Transit Administration (FTA) Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310) and up to 1,246,359 transportation development credits (TDC), and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that grant funds are distributed fairly and equitably within the state.

Awards to transit operators are calculated in accordance with the formula in Title 43, Texas Administrative Code (TAC), §31.31. Projects are recommended at the district level following a consultation process with local parties, including any existing metropolitan planning organizations, and a local planning and development process. The department selects the final projects and award amounts for funding.

Projects also meet the requirements of inclusion in a coordinated transportation plan as required by 49 U.S.C. §5310 and are administered through the provisions of Transportation Code, Chapter 461. Project recipients recommended for award are described in Exhibit A, which includes funding for transit vehicles, information technology, preventive maintenance, purchase of service, and transit operations.

The commission recognizes that state and federal law permits the substitution of 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 the TDC 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.

The commission finds that the projects in Exhibit A are eligible for funding and awards a total of \$7,073,114 in federal funds and up to 1,246,359 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 described in Exhibit A, submit the necessary state application to 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.

e. Various Counties - Award federal §5339 Bus and Bus Facilities Program funds and transportation development credits to transportation providers for bus and bus facilities capital program purposes (MO)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

114615
PTN

The Texas Transportation Commission (commission) desires to award \$4,910,029 in federal funds under the Federal Transit Administration (FTA) Bus and Bus Facilities formula grant program (49 U.S.C. §5339) and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure these grant funds are distributed fairly and equitably within the state.

Awards to rural and eligible small urban transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code (TAC), §31.30(c)(1). The distribution of the FY 2016 awards is shown in Exhibits A and B.

The commission recognizes that state and federal laws permit 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 1,000,000 TDC for capital projects as identified in Exhibit A meets the established program goals set forth in 43 TAC §5.102 to support public transit.

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 available FY 2016 §5339 FTA allocations for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the program of projects.

IT IS FURTHER ORDERED by the commission that up to 1,000,000 TDC be available for the projects identified in Exhibit A to be distributed based on department priorities for capital projects excluding capital cost of contracting.

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

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

a. Chapter 2 - Environmental Review of Transportation Projects

Amendments to §§2.1, 2.3, 2.5, 2.11, and 2.14 (General Provisions),

§§2.44, 2.48, 2.49, and 2.50 (Environmental Review Process for Highway Projects),

§§2.81, 2.83, 2.84, and 2.85 (Requirements for Classes of Projects), §2.102, 2.104,

2.105, 2.106, 2.107, 2.108, and 2.110 (Public Participation), and §2.131 (Requirements for Specific Types of Projects and Programs) (MO)

This item was presented by Environmental Affairs Division Director Carlos Swonke. Commissioner Bugg made a motion, which was seconded by Commissioner

Vandergriff, and the commission approved the following minute order by a vote of 4 - 0. Commissioner Austin voted against adoption of this minute order.

114616
ENV

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§2.1, 2.3, 2.5, 2.11, 2.14, 2.44, 2.48, 2.49, 2.50, 2.81, 2.83, 2.84, 2.85, 2.102, 2.104, 2.105, 2.106, 2.107, 2.108, 2.110, and 2.131, codified under Title 43, Texas Administrative Code, Part 1, and all relating to the environmental review of transportation projects.

The preamble and the adopted amendments attached to this minute order as Exhibits A - F 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 §§2.1, 2.3, 2.5, 2.11, 2.14, 2.44, 2.48, 2.49, 2.50, 2.81, 2.83, 2.84, 2.85, 2.102, 2.104, 2.105, 2.106, 2.107, 2.108, 2.110, and 2.131, 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 acts as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

b. Chapter 6 - State Infrastructure Bank

Repeal of §6.24, Suspension of Applications (Procedures), Amendments to §§6.31, Department Action, and 6.32, Commission Action (Department and Commission Action) (MO)

This item was presented by Project Finance and Debt Management Division Director Ben Asher. 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.

114617
PFD

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §6.24, Suspension of Applications, and amendments to §6.31, Department Action, and §6.32, Commission Action, relating to the State Infrastructure Bank, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted repeal and 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 repeal of §6.24 and amendments to §§6.31 and 6.32 are adopted and 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 - C are on file with the commission chief clerk.

c. Chapter 7 - Rail Facilities

Amendments to §§7.31, 7.33, 7.34, and 7.36 (Rail Safety) (MO)

This item was presented by Traffic Operations Division Director Carol Rawson. 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.

114618
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§7.31, 7.33, 7.34, and 7.36, relating to Rail Facilities 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 §§7.31, 7.33, 7.34, and 7.36 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.

d. Chapter 9 - Contract and Grant Management

Amendments to §§9.31, 9.32, 9.34, 9.35, 9.37, and 9.41 (Contracting for Architectural, Engineering, and Surveying Services) (MO)

This item was presented by Professional Engineering Procurement Services Division Director Martin Rodin. 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.

114619
PEPS

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§9.31, 9.32, 9.34, 9.35, 9.37, and 9.41 relating to Contracting for Architectural, Engineering, and Surveying Services, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions,

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.31, 9.32, 9.34, 9.35, 9.37, and 9.41 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.

ITEM 8. Financial Assistance for Projects

a. Cancellation of Pass-through Agreements

(1) Hood County - Hood County - Consider (1) rescinding part of Minute Order 112755 to cancel the authority to enter into a \$20,554,000 pass-through agreement with Hood County for the construction of US 377 in the City of Cresson; and (2) removing \$20,554,000 from the allocation of funds in the pass-through program call approved in Minute Order 112685(MO)

This item was presented by Project Finance and Debt Management Division Director Ben Asher. 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.

114620
PFD

The Texas Transportation Commission (commission), by Minute Order 112685 dated May 26, 2011, selected pass-through proposals under a pass-through program call, including the construction of US 377 as a four-lane divided relief route in the City of Cresson from approximately 1.21 miles northeast of SH 171 to approximately 1.19 miles southwest of SH 171 by Hood County (County), and authorized the executive director of the Texas Department of Transportation (department) to negotiate the financial terms of pass-through agreements with the selected proposers.

The commission, by Minute Order 112755 dated July 28, 2011, authorized the executive director to execute a pass-through agreement with the County up to the total amount of \$20,554,000 for the project and including terms negotiated by the executive director.

The County and the department have not entered into a pass-through agreement and the County has requested that the department construct the improvements to US 377 with participation by the County.

The department recommends that the commission rescind that part of MO 112755 that authorizes the pass-through agreement with the County and remove \$20,554,000 from the allocation of funds in the pass-through program call approved in Minute Order 112685 so that it may be used for other projects.

IT IS THEREFORE DETERMINED that the commission's authority to enter into a \$20,554,000 pass-through agreement with the County in Minute Order 112755 and the \$20,554,000 allocated to the County in the pass-through program call approved in Minute Order 112685 are no longer needed and may be canceled.

IT IS FURTHER DETERMINED AND ORDERED that: (1) the commission hereby rescinds part of Minute Order 112755 to cancel the authority to enter into a \$20,554,000 pass-through agreement with the County for the construction of the project; and (2) \$20,554,000 is hereby removed from the allocation of funds in the pass-through program call approved in Minute Order 112685.

(2) Kaufman County - City of Forney - Consider (1) rescinding part of Minute Order 112755 to cancel the authority to enter into a \$13,400,000 pass-through agreement with the City of Forney to widen FM 1641 from a 2 lane roadway to a 4 lane roadway; and (2) removing \$13,400,000 from the allocation of funds in the pass-through program call approved in Minute Order 112685 (MO)

This item was presented by Project Finance and Debt Management Division Director Ben Asher. 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.

114621
PFD

The Texas Transportation Commission (commission), by Minute Order 112685 dated May 26, 2011, selected pass-through proposals under a pass-through program call, including the widening of FM 1641 from a two-lane roadway to a four-lane roadway by the City of Forney (City), and authorized the executive director of the Texas Department of Transportation (department) to negotiate the financial terms of pass-through agreements with the selected proposers.

The commission, by Minute Order 112755 dated July 28, 2011, authorized the executive director to execute a pass-through agreement with the City up to the total amount of \$13,400,000 for the project and including terms negotiated by the executive director.

The City and the department have not entered into a pass-through agreement and the City, the department, and Kaufman County are exploring options for constructing the improvements to FM 1641 aside from the pass-through agreement approved in Minute Order 112755.

The department recommends that the commission rescind that part of MO 112755 that authorizes the pass-through agreement with the City and remove \$13,400,000 from the allocation of funds in the pass-through program call approved in Minute Order 112685 so that it may be used for other projects.

IT IS THEREFORE DETERMINED that the commission's authority to enter into a \$13,400,000 pass-through agreement with the City in Minute Order 112755 and the \$13,400,000 allocated to the City in the pass-through program call approved in Minute Order 112685 are no longer needed and may be canceled.

IT IS FURTHER DETERMINED AND ORDERED that: (1) the commission hereby rescinds part of Minute Order 112755 to cancel the authority to enter into a \$13,400,000 pass-through agreement with the City for the construction of the project; and (2) \$13,400,000 is hereby removed from the allocation of funds in the pass-through program call approved in Minute Order 112685.

b. Consider approval of HB 2612 Toll Debt Reduction Criteria (MO)

This item was presented by Project Finance and Debt Management Division Director Ben Asher. 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.

114622
PFD

The 84th Texas Legislature, 2015, enacted House Bill 2612 (HB 2612), which requires the Department of Transportation (department) to provide, not later than September 1, 2016, a report to each standing committee of the senate and house of representatives that has primary jurisdiction over transportation matters (Texas House and Senate Transportation Committees) that: (1) lists the amount of debt service on bonds issued for each toll project in the state; (2) identifies, based on criteria approved by the Texas Transportation Commission (commission), bonds that would be appropriate for accelerated or complete lump-sum payment of debt service; and (3) proposes a plan to eliminate all toll roads in this state, except for tolls on roads constructed, operated, or maintained only with the proceeds of bonds issued by a toll project entity other than the department, by methods including: (A) the accelerated or complete lump-sum repayment of debt service on bonds issued for toll projects; or (B) requiring, as a condition on receipt of state financial assistance, a commitment by a toll project entity to eliminate toll collection on a project for which the financial assistance is provided.

The 84th Texas Legislature, 2015, enacted House Bill 1 (General Appropriations Act), including Rider 46 in Article VII, on pages VII-30 - VII-31 (Rider 46), which states the legislative intent that the department conduct the required study out of the funds appropriated to the department and that the report containing the same information as required in HB 2612 be provided to the Legislative Budget Board as well as the Texas House and Senate Transportation Committees.

IT IS THEREFORE DETERMINED AND ORDERED that, pursuant to HB 2612 and Rider 46, the commission approves the criteria below regarding the identification of bonds that would be appropriate for accelerated or complete lump-sum payment of debt service and directs the executive director to examine each toll facility for which debt issued by the commission or a transportation corporation created by the commission under Texas Transportation Code Chapter 431 is currently outstanding and evaluate the circumstances under which it may be appropriate for the payment of debt service to be accelerated. The analysis shall assume that tolls will no longer be charged on certain state-owned highway facilities once the debt that has been issued for the facility has been repaid. The executive director shall:

1. evaluate the accelerated payment/defeasance cost of outstanding bonds using multiple assumptions about the timing of when the debt may be paid.
2. consider the effects removing tolls would have on:
 - A. mobility, reliability, and safety in the region in which the toll facility is located;
 - B. the capacity to continue funding long-term costs for maintenance and rehabilitation of the facility;

- C. the capacity to fund improvements including the extension and expansion of the facility as well as direct connections with other facilities; and
 - D. the capacity to continue planned improvements to other transportation projects in the region that could have been or were expected to be funded or financed in part with the foregone toll revenue.
3. note if removing tolls may impair compliance with existing intergovernmental or other agreements.
 4. note what actions may be required by a metropolitan planning organization (MPO) to remove tolls from a facility located within its boundaries, pursuant to state and federal laws and regulations, including potential steps required by the MPO policy committee to make changes to an MPO's transportation improvement plan, air quality conformity determination, long-range transportation plan and associated regional travel demand or air quality emissions models.

IT IS FURTHER DETERMINED AND ORDERED that the executive director shall include a discussion of the above-described analysis in the report required by HB 2612 and submit the report to the Texas House and Senate Transportation Committees and the Legislative Budget Board not later than September 1, 2016.

ITEM 9. Traffic Operations (continued)

a. McLennan and Hill Counties - Approve proposed lane use restriction for trucks on I-35 in McLennan and Hill Counties (MO)

This item was presented by Traffic Operations Division Director Carol Rawson. 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.

114623
TRF

In accordance with Transportation Code §545.0651 and 43 Texas Administrative Code (TAC) §§25.601-25.604, the Texas Department of Transportation (department) is proposing a lane restriction applicable to trucks with three or more axles, and to truck tractors, regardless of whether the truck tractor is drawing another vehicle or trailer as defined in Transportation Code, §541.201. The proposed lane restriction prohibits those vehicles from using any traffic lane, other than the second and third controlled access lanes on each side of Interstate Highway 35 as counted from the center (inside left lane) of the highway from approximately FM 2417 (Crest Drive) in Lacy-Lakeview through McLennan and Hill Counties to FM 1304 north of Abbott.

Transportation Code, §545.0651, authorizes the department to restrict through traffic, by class of vehicle, to two or more designated lanes of traffic on certain portions of the designated state highway system, and requires the Texas Transportation Commission (commission) to adopt rules. The commission adopted these rules, 43 TAC §§25.601-25.604 that became effective on January 8, 2004.

In accordance with TAC §25.604(e)(3), the department conducted a traffic study to evaluate the impact of the lane restriction. In accordance with §25.604(d), the

department published a notice in the Texas Register for a 30 day comment period on April 15, 2016 and held a public hearing on the proposed restriction on May 5, 2016. The proposed lane restriction would be in effect 24 hours a day, 7 days a week, and would allow the operation of those vehicles in a prohibited traffic lane for the purposes of passing another vehicle or entering or exiting the highway.

In accordance with 43 TAC §25.604(h)(2), the executive director may temporarily suspend the lane restriction in an emergency.

The commission, having evaluated the truck lane restriction proposal based on the safety of the traveling public and the factors listed in 43 TAC §25.604(f), finds that the proposed lane restriction should be approved.

IT IS THEREFORE ORDERED by the commission that the proposed lane restriction in McLennan and Hill Counties is approved and shall become effective upon placement of all necessary traffic control devices.

b. Request for Approval of Rail Clearance Deviations (MO)

This item was presented by Traffic Operations Division Director Carol Rawson. 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.

114624
TRF

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may, by order, permit a railroad company or other corporation, firm, partnership, or individual or county or municipality to deviate from a provision of the statute.

The Texas Department of Transportation (department) received applications from two entities requesting clearance deviations for multiple locations. The department has conducted investigations for each location to determine whether good cause could be shown and whether the deviations could be operated in a reasonable and safe manner.

In determining whether the facility has demonstrated good cause for the requested clearance deviations, the department considered:

- (1) alternative federal or state requirements on the facility such as the Americans with Disabilities Act (ADA);
- (2) the safety of passengers entering and exiting rail vehicles;
- (3) the safety of railroad and non-railroad workers near railroad tracks;
- (4) limitations impacting loading and unloading commodities transported by rail; and
- (5) limitations of existing equipment and structures near railroad tracks.

In determining whether the requested clearance deviations are reasonable and safe, the department conducted investigations as to whether the facility plans include:

- (1) sufficient warning signs, pavement markings, lighting and/or other control devices to inform rail employees and passengers of the requested clearance deviation; and

- (2) sufficient safety rules and training regarding the requested deviation to address employee safety issues.

Based on the investigations, the department has determined that the clearance deviations as listed in Exhibit A meet the requirements of Transportation Code §191.005.

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation applications from the Fort Worth Transportation Authority and ADM Grain Co. of Hereford described in Exhibit A are approved.

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

ITEM 10. Regional Mobility Authority

a. Hidalgo County - Hidalgo County Regional Mobility Authority - Consider rescission of the prior designation of SH 365 as part of the state highway system; consider removal of the deadline that the HCRMA begin construction of SH 365 by August 31, 2016; consider approval of the termination of the Market Valuation Waiver Agreement between the department and the HCRMA; and consider approval of a request from the HCRMA to connect the 365 Toll Project with the state highway system (MO)

This item was presented by Transportation Planning and Programming Division Interim Director Jack Foster. Private citizen Don Dixon spoke to the commission. 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.

114625
TPP

The Texas Department of Transportation (department) and the Hidalgo County Regional Mobility Authority (HCRMA) have been proceeding with the development of the SH 365 Project in Hidalgo County, a project under the jurisdictional limits of the HCRMA.

The Texas Transportation Commission (commission), by Minute Order 112250, dated April 29, 2010, designated the proposed Trade Corridor Connector (TCC) Project as STATE HIGHWAY 365 IN HIDALGO COUNTY along a new location from Farm to Market 1016, 1.7 miles south of US 83, eastward to FM 3072, 0.9 miles west of FM 2557, a distance of approximately 12.73 miles. The minute order also provided that if construction of the TCC Project did not begin within 36 months of the date of the order, the order would become null and void.

The department and the HCRMA, pursuant to former § 228.0111 of the Texas Transportation Code, in the Market Valuation Waiver Agreement for the TCC Project, effective as of June 24, 2010 (the "Market Valuation Waiver Agreement"), agreed on market valuation business terms for the TCC Project.

The HCRMA, on July 27, 2010, exercised its option to develop the TCC Project pursuant to former Texas Transportation Code § 228.0111.

Subsequent to the April 29, 2010 minute order, the commission, by Minute Order 113199, dated July 26, 2012, amended Minute Order 112250 by extending the limits of the SH 365 designation from FM 1016, 1.7 miles south of US 83, eastward to FM 3072, approximately 0.9 miles west of FM 2557, and then southward to US 281

(Military Highway), a distance of approximately 14.31 miles. Also in this minute order, the commission extended the deadline by which construction of SH 365 must begin to August 31, 2016.

The project is located within the boundaries of the HCRMA, and is subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code § 373.052, on May 17, 2016, the HCRMA re-confirmed its option to develop, finance, construct, and operate Segments 1 and 2 of SH 365, describing those segments as a new four lane toll project from FM 396 (Anzalduas Highway) eastward to FM 3072, approximately 0.9 miles west of FM 2557, and then southward to US 281 (Military Highway), a distance of approximately 12.2 miles (the "Project"). A map showing the limits of the Project is attached hereto as Exhibit A. The HCRMA stated that its action in this regard superseded the exercise of its option to develop the project taken on July 27, 2010. In the same action, the HCRMA renamed the Project as the 365 Tollway.

Pursuant to Texas Transportation Code § 370.301(e), a turnpike project developed by a regional mobility authority may not be part of the state highway system unless otherwise agreed to by the authority and the department. In light of the affirmance by the HCRMA of its option to develop, finance, construct, and operate Segments 1 and 2 of SH 365, the previous designation of SH 365 as being part of the state highway system should be rescinded, and the Market Valuation Waiver Agreement should be terminated.

Transportation Code § 370.187 provides that a regional mobility authority may not begin construction of a transportation project that will connect to the state highway system without the approval of the commission. Title 43, Texas Administrative Code § 26.31, et seq. prescribe the conditions for that approval. Title 43, Texas Administrative Code § 11.58 provides that the commission must approve a public or private entity's connection of a regionally significant highway to the state highway system.

Pursuant to 43 TAC § 26.31, et seq. and 43 TAC § 11.58, the HCRMA has submitted a request to the executive director to connect the Project to the state highway system in connection with the HCRMA's development and construction of the Project.

Pursuant to 43 TAC § 11.58(c), the HCRMA agrees to design and construct the portion of the Project that comprises the connection to the state highway system in compliance with the standards prescribed in 43 TAC § 11.58(d). The Project is identified in a conforming transportation improvement program, and a Finding of No Significant Impact was issued for the Project on July 2, 2015.

Pursuant to 43 TAC § 26.32, the commission has determined that the Project may be effectively integrated into the state's transportation system. The HCRMA is fully capable of awarding and managing the construction contract for the Project in a cost effective and timely manner, consistent with applicable federal and state laws and regulations. The construction of the Project will provide for the expeditious completion of a critically needed project that will improve mobility in Hidalgo County.

IT IS THEREFORE ORDERED by the commission that the designation of SH 365 from FM 1016, 1.7 miles south of US 83, eastward to FM 3072, approximately 0.9 miles west of FM 2557, and then southward to US 281 (Military Highway), a distance of approximately 14.31 miles, as part of the state highway system, is rescinded.

IT IS FURTHER ORDERED that the requirement in Minute Order 113199 that construction of the Project must begin by August 31, 2016 is also rescinded.

IT IS FURTHER ORDERED that the Market Valuation Waiver Agreement should be terminated, and the executive director is authorized to prepare, execute, and deliver all documents and to take all other actions necessary or desirable to effect the prompt termination of the Market Valuation Waiver Agreement.

IT IS FURTHER ORDERED that the connection of the Project with a segment of the state highway system is approved.

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

b. **Smith County** - North East Texas Mobility Authority (NETRMA) - Approve the connection of the Toll 49 Segment 4 project to the State Highway System; approve the waiver of the requirement that the NETRMA reimburse the department for the use of department right-of-way; and authorize the Executive Director to enter into a project development agreement with the NETRMA for the project (MO) (MO)

This item was presented by Strategic Contract Management Division Interim Director Frank Holzmann. 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.

114626
SCM

The Texas Department of Transportation (department) and the North East Texas Regional Mobility Authority (NETRMA) have been proceeding with the development of the Toll 49 Segment 4 Project in Smith County, a project under the jurisdiction of the NETRMA. The Toll 49 Segment 4 Project is a part of the NETRMA Toll 49 Highway System, which System also includes Segments 1, 2, 3A, 3B and 5. Segment 4 is approximately 7 miles in length, is an initial two-lane, ultimate divided four-lane toll road from US 69 north of Lindale southerly to I-20 (Project), which will connect to the state highway system. The Project also includes the completion of the existing partial interchange at I-20.

On June 18, 2008, the NETRMA's Board of Directors exercised the NETRMA's option to develop, construct, and operate the Toll 49 Toll Highway System, including the Toll 49 Segment 4 Project.

On July 28, 2015, the Tyler Area Metropolitan Planning Organization (Tyler MPO) adopted an amendment to its FY 2015-2018 Transportation Improvement Program to include the Toll 49 Segment 4 Project. Tyler MPO originally included the Toll 49 Segment 4 Project in the Tyler MPO 2040 Plan adopted November 20, 2014.

On February 28, 2013, by Minute Order 113483, the Texas Transportation Commission, pending approval of the governor, approved the removal of Segments 1, 2, 3A, 3B and 5 from the state highway system and the transfer to the NETRMA of the roadway facilities and underlying right of way for Segments 1, 2, 3A, and 5, and the underlying right of way for Segment 3B. On March 17, 2014 the governor executed a deed approving the transfer of real property owned by the state to NETRMA. Segment 4 will not be part of the state highway system.

Transportation Code, §370.187 provides that a regional mobility authority may not begin construction of a transportation project that will connect to the state highway system or to a department rail facility without the approval of the Texas Transportation Commission (commission). Title 43, Texas Administrative Code, § 26.31 et seq. prescribe the conditions for that approval, and § 26.32 provides that in deciding whether to grant approval, the commission will consider whether the project may be effectively integrated into the state's transportation system. Additionally, Title 43, Texas Administrative Code, § 11.58 provides that the commission will approve a public or private entity's request for connection of a regionally significant highway to the state highway system if the criteria set forth in that section are met.

Pursuant to 43 TAC §§ 11.58 and 26.31, the NETRMA has submitted a request to the executive director for approval to connect the Toll 49 Segment 4 Project to the state highway system.

Pursuant to 43 TAC §§ 11.58 and 26.31, the NETRMA agrees to comply with the applicable requirements of 43 TAC § 26.33 in designing and constructing the Toll 49 Segment 4 Project. The Toll 49 Segment 4 Project is in a conforming transportation improvement program, and a Record of Decision for the project was issued in April 2015.

Pursuant to 43 TAC § 26.32, the commission has determined that the Toll 49 Segment 4 Project may be effectively integrated into the state's transportation system. The NETRMA is fully capable of awarding and managing the construction contract for the project in a cost effective and timely manner, consistent with the applicable federal and state laws and regulations. The construction of the Toll 49 Segment 4 Project will provide for the expeditious completion of a critically needed project within the Toll 49 Toll Highway System that will relieve traffic congestion on the existing state highway system and improve mobility in Smith County.

The NETRMA will use parts of right-of-way owned by the department to connect existing department facilities to the Project. Pursuant to section 373.102 of the Transportation Code, a local toll project entity is required to reimburse the department for right-of-way transferred to the local toll project entity, unless that requirement is waived.

IT IS THEREFORE ORDERED that the connection of the Toll 49 Segment 4 Project with a segment of the state highway system is approved.

IT IS FURTHER ORDERED that, pursuant to Transportation Code, sec. 373.102(f), the requirement that the NETRMA reimburse the department for the use of department right-of-way to connect existing department facilities to the Project is waived.

IT IS FURTHER ORDERED that the executive director of the department is authorized to enter into an agreement with the NETRMA for the development, construction, operation, and maintenance of the Toll 49 Segment 4 Project.

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)

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

114627
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 - Z. 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 - 20 and 22-30, in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	US 290	28	0114-06-034	3
Bell	US 190	3	0185-01-035	16
Bell	US 190	11	0185-01-035	27,27E
Bell	US 190	29	0185-01-035	31
Bell	US 190	1	0185-01-035	25
Denton	FM 720	6	1567-01-038	21
Ford Bend	FM 2234	4	2105-01-053	303
Grayson	FM 121	2	0729-01-042	1,1TE
Harris	Hempstead	5	8170-12-002	12
Harris	SH 225	18	0502-01-216	1
Harris	SH 146	16	0389-05-095	142
Hidalgo	US 83	7	0039-02-059	7
Montgomery	FM 2978	15	3050-02-030	3
Nacogdoches	FM 2609	19	2590-01-027	19
Nacogdoches	FM 2609	20	2590-01-027	10
Nacogdoches	FM 2609	22	2590-01-027	18
Nacogdoches	FM 2609	23	2590-01-027	14
Nacogdoches	FM 2609	24	2590-01-027	15
Potter	BI 40D	9	0090-06-041	4
Rockwall	SH 276	10	1290-02-021	25
Rockwall	SH 276	12	1290-02-021	13,13E
Rockwall	SH 276	13	1290-02-021	9B,9BE
Rockwall	SH 276	14	1290-02-021	20,20E
Rockwall	SH 276	26	1290-02-021	9A
Rockwall	SH 276	27	1290-02-021	1,1E
Rockwall	SH 276	30	1290-03-028	33
Waller	FM 1774	17	1400-03-008	4
Waller	FM 1774	25	1400-03-008	8
Wharton	US 59	8	0089-06-084	18
Williamson	FM 1660	31	1566-02-021	1

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	US 190	G	0185-01-035	46
Dallas	IH 20	F	2374-04-079	8E
Dallas	IH 20	A	2374-04-078	9
Dallas	IH 20	B	2374-04-079	4
Dallas	IH 20	C	2374-04-079	6
Dallas	IH 20	O	2374-04-079	7
Dallas	IH 20	S	2374-04-079	1,1AC
Dallas	IH 20	Y	2374-04-078	7E
Dallas	IH 30	R	1068-04-167	7,7E
Galveston	IH 45	U	0500-04-123	110
Harris	IH 45	N	0500-03-566	1
Navarro	IH 45	D	0093-01-095	5,5E
Navarro	IH 45	E	0093-01-095	10
Navarro	IH 45	H	0093-01-095	9
Navarro	IH 45	P	0093-01-095	8
Navarro	SH 31	J	0162-11-002	7,7E
Navarro	SH 31	K	0162-11-002	6,6E
Navarro	SH 31	L	0162-11-002	23,23E
Navarro	SH 31	M	0162-11-002	13,13E
Tarrant	IH 30	Q	1068-02-123	22,22E
Tarrant	IH 30	T	1068-02-123	4A,TE
Tarrant	IH 30	V	1068-02-123	81
Tarrant	SH 360	W	2266-02-129	27,27TE
Tarrant	SH 360	X	2266-02-129	40,40TE
Williamson	FM 1660	Z	1566-02-021	24
Williamson	FM 1660	I	1566-02-021	2

Note: Exhibits A - Z and 1 - 20 and 22-30 are 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)

This item was presented by Right of Way Project Delivery Director Kyle Madsen. Commissioner Bugg made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Vandergriff and the

following minute order was approved by Chairman Lewis, Vice Chairman Moseley, Commissioner Vandergriff, and Commissioner Bugg (a vote of 4 - 0). Commissioner Austin recused himself from this item.

114628
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 parcel of land listed below, and more particularly described in the attached Exhibits (parcel), 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 parcel or such lesser property interests as set forth in the attached Exhibits.

The commission finds and determines that 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 parcel 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 the attached Exhibit 21, in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcel 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 parcel, 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>
Nacogdoches	FM 2609	21	2590-01-027	2

Note: Exhibit 21 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)**

This item was presented by Construction Division Director Tracy Cain. 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.

114629
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 June 7 and 8, 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) (partial)

This item was not presented and was deferred, but comments were heard from Hill Country Site Supply Vice President Clay Cashatt; attorney Amy Welborn; and attorney Gordon Billheimer.

ITEM 13. Routine Minute Orders

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

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)

114630
CPD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, 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)

114631
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 a donation of real property to the State of Texas by the department. The department has determined that acceptance of this donation 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 donation identified on the attached Exhibit A was 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 donation identified on the attached Exhibit A.

c. Real Estate Dispositions

(1) Bell County - FM 2305 east of SH 317 in Temple - Consider the removal of the old alignment from the system and designation on a new location; also consider the transfer and quitclaim of right of way to the City of Temple (city) (MO)

114632
ROW

In the City of Temple (city), BELL COUNTY, on FARM TO MARKET ROAD 2305, the state of Texas acquired certain land for highway purposes by various instruments recorded in the Official Public Records of Bell County, Texas, and the state used certain land for highway purposes to which there is no record title.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that a segment of FM 2305 be removed from the state highway system along Adams Lane from SH 317 to W. Adams Avenue, a distance of 0.61 mile. The executive director has also recommended that FM 2305 be designated on a new location along W. Adams Avenue from SH 317 to State Loop 363, a distance of 3.50 miles.

Tracts 1 and 3, described in Exhibit B, and Tract 2, described in Exhibit C, are no longer needed for highway purposes.

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may: 1) waive payment for real property transferred to a governmental entity if the governmental entity has assumed control, jurisdiction, and maintenance of the right of way for public road purposes; and 2) if there is no record title to the property, recommend the quitclaim of any interest that might have accrued to the state by use of the property to the municipality where the property is located.

The city has assumed and will continue control, jurisdiction, and maintenance and has requested that Tracts 1 and 3 be transferred to the city and that Tract 2 be quitclaimed to the city.

IT IS THEREFORE ORDERED by the commission that: 1) a segment of FM 2305 is removed from the state highway system along Adams Lane from SH 317 to W. Adams Avenue, a distance of 0.61 mile; and 2) a segment of FM 2305 is designated on a new location along W. Adams Avenue from SH 317 to State Loop 363, as distance of 3.50 miles.

FURTHER, IT IS 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 and 3 and a proper instrument quitclaiming the state's right and interest in Tract 2 to the City of Temple, Texas; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from Tracts 1 and 3.

FURTHER, if Tracts 1 and 3 cease to be used for public road purposes, the land shall immediately and automatically revert to the state.

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

(2) Chambers County - FM 3360 in Mont Belvieu - Consider the removal from the system, transfer of control, jurisdiction, and maintenance to the City of Mont Belvieu (city), and quitclaim of right of way to Chambers County (county) (MO)

114633
ROW

In the City of Mont Belvieu, CHAMBERS COUNTY, on FARM TO MARKET ROAD 3360, the state used certain land for highway purposes that was acquired by Chambers County (county) in its own name.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 3360 be removed from the state highway system, a distance of 2.25 miles, and that control, jurisdiction, and maintenance be transferred to the City of Mont Belvieu (city).

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

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

The city has agreed to assume control, jurisdiction, and maintenance. The county has requested that Tract 1 be quitclaimed to the county.

IT IS THEREFORE ORDERED by the commission that FM 3360 is removed from the state highway system, a distance of 2.25 miles, and that control, jurisdiction, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming to Chambers County, Texas, any interest in Tract 1 that might have accrued to the state.

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

(3) Dallas County - I-635 at US 75 and Coit Road in Dallas - Consider the sale of right of way (Tracts 1 and 2) to the successful bidder (MO)

114634
ROW

In the City of Dallas, DALLAS COUNTY, on INTERSTATE 635, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume

79044, Page 2120; Volume 79110. Page 3957; Volume 80068, Page 2104; and Volume 79199, Page 154, Deed Records of Dallas County, Texas.

Portions of the land (Tracts 1 and 2) are no longer needed for state highway purposes.

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

Tracts 1 and 2 were advertised for sale, and Costco Wholesale Corporation submitted a bid of \$16.5 million.

The commission finds \$16.5 million to be a fair and reasonable value of the state's right, title, and interest in Tracts 1 and 2.

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 conveying all of the state's right, title, and interest in

Tracts 1 and 2 to Costco Wholesale Corporation for \$16.5 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.

(4) Denton County - FM 426, along McKinney Street in Denton - Consider the removal from the system and transfer of right of way to the City of Denton (city) (MO)

114635
ROW

In the City of Denton (city), DENTON COUNTY, on FARM TO MARKET ROAD 426, the state of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume B, Page 366, Minutes of the Commissioners' Court of Denton County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 426 from US 77 (Elm Street) east to SL 288 be removed from the state highway system, a distance of 2.49 miles, and FM 426 from SL 288 east to the east city limit of the city be removed from the state highway system, a distance of 2.63 miles.

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

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

The city has agreed to assume jurisdiction, control, and maintenance and has requested that Tract 1 be quitclaimed to the city.

IT IS THEREFORE ORDERED by the commission that FM 426 from US 77 (Elm Street) east to SL 288 be removed from the state highway system, a distance of 2.49 miles, and FM 426 from SL 288 east to the east city limit of the city be removed

from the state highway system, a distance of 2.63 miles, and that control, jurisdiction, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming all of the state's right and interest in Tract 1 to the City of Denton, Texas.

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

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

(5) Harrison County - FM 450 at Little Cypress Creek - Consider the removal of the old alignment from the system, designation on a new location, transfer control, jurisdiction, and maintenance to the county, and transfer of right of way to the county (MO)

114636
ROW

In HARRISON COUNTY (county), on FARM TO MARKET ROAD 450, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 353, Page 85, Deed Records of Harrison County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that a segment of FM 450 be removed from the state highway system, a distance of 2.14 miles. The executive director also has recommended that FM 450 be designated on a new location, a distance of 2.00 miles.

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

In accordance with Texas Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of Tract 1 is estimated to be \$19,204, and the state's estimated cost of future maintenance on the property is \$317,704.

The county agreed to assume control, jurisdiction, and maintenance and has requested that Tract 1 be transferred to the county.

The commission finds \$19,204 to be a fair value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that: 1) a segment of FM 450 is removed from the state highway system, a distance of 2.14 miles; 2) control, jurisdiction, and maintenance for Tract 1 are transferred to the county; and 3) a segment of FM 450 is designated on a new location, a distance of 2.00 miles.

FURTHER, IT IS ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring all of the state's right, title, and interest in Tract 1 to Harrison County, 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 the land.

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

(6) Lubbock County - SL 289, southwest corner at SH 114 in Lubbock - Consider the sale of right of way to the successful bidder (MO)

114637
ROW

In the City of Lubbock, LUBBOCK COUNTY, on STATE LOOP 289, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 819, Page 17, Deed Records of Lubbock County, Texas.

A portion of the land (Tract 5), 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 no longer needed for a state highway purpose to the general public.

Tract 5 was advertised for sale, and Bednarz Group, LLC, submitted a bid of \$911,510.

The commission finds \$911,510 to be a fair and reasonable value of the state's right, title, and interest in Tract 5.

IT IS THEREFORE ORDERED by the commission that Tract 5 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 5 to Bednarz Group, LLC, for \$911,510; 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.

(7) Lubbock County - US 82, Santa Fe Drive at 2nd Place in Lubbock - Consider the sale of former railroad right of way to the abutting landowner (MO)

114638
ROW

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

A portion of the land (Tract 7RR), 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.

Bethel Property Management, LLC, is the abutting landowner and has requested to purchase Tract 7RR for \$255,000.

The commission finds \$255,000 to be a fair and reasonable value for the state's right, title, and interest in Tract 7RR.

IT IS THEREFORE ORDERED by the commission that Tract 7RR 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 7RR to Bethel Property Management, LLC, for \$255,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

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

114639
ROW

In the City of Austin, TRAVIS COUNTY, on STATE LOOP 360, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 3250, Page 2116, Deed Records of Travis County, Texas.

A portion of the land (Tract 3), described in Exhibit A, is no longer needed for state highway purposes.

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

Strait Lakehills, Ltd., is the abutting landowner and has requested to purchase Tract 3 for \$129,037.

The commission finds \$129,037 to be a fair and reasonable value of the state's right, title, and interest in Tract 3.

IT IS THEREFORE ORDERED by the commission that Tract 3 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying the state's right, title, and interest in Tract 3 to Strait Lakehills, Ltd., for \$129,037; 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.

d. Reports

(1) Compliance Office report

Note: Confidential report to commission.

(2) Report of Environmental Review of Projects - Semiannual report on projects being processed under the department's environmental review process (MO)

114640
ENV

Transportation Code, Chapter 201, Section 762 requires the Texas Department of Transportation (department) to report on the status of environmental reviews it processes under the provisions of Transportation Code, Chapter 201, Subchapter I-1. Reports to the Texas Transportation Commission (commission) are required in June and December of each year.

This report, attached as Exhibit A, addresses environmental reviews submitted to the department between October 1, 2015 and April 30, 2016.

IT IS THEREFORE ORDERED by the commission that the report of the status of environmental reviews attached as Exhibit A is accepted.

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

(3) Report of the use of appropriated funds to pay salaries or benefits of specified employees (MO)

114641
ADM

Article IX, Section 6.10 of the General Appropriations Act for the 2016-17 biennium requires a state agency to submit to the governor and the Legislative Budget Board a report on the use of funds appropriated by that act to pay the salaries or benefits of the number of employees that causes the number of full-time equivalent employees (FTEs) paid by the state agency from appropriated funds for a fiscal quarter to exceed the number of FTEs specified by the act for the agency. Section 6.10 requires the report to be approved and submitted by the governing body or official of the state agency.

The appropriations act specifies that the maximum number of FTEs for the Texas Department of Transportation (department) is 11,900 for each year of the biennium. The department has discovered that, because of an unexpected and significant decline in the attrition rate among department employees, the number of FTEs of the department exceeded 11,900 for the third quarter of FY 2016. The department has prepared a report in compliance with Section 6.10 for the approval of the Texas Transportation Commission (commission). The report is attached to this minute order as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the attached report on the use of certain appropriated funds prepared in accordance with Article IX, Section 6.10 of the General Appropriations Act for the 2016-17 biennium is approved.

The executive director is directed to deliver, on behalf of the commission, copies of the attached report to the governor and to the Legislative Budget Board.

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

e. Speed Zones

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

114642
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 limit on the segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section of the highway.

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

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

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

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

ITEM 11. Contracts (continued)

Award or reject contracts for maintenance, highway and building construction

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

This item was not presented and was deferred, but additional comments were heard from Hanes Geo Components President John Dowdell; attorney Tyler O'Halloran; Maccaferri Paralegal Candice Burke; Tensar International Corporation Region Manager Derek Wiatrek; and Geo Solutions, Inc. President Carey Witt.

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.

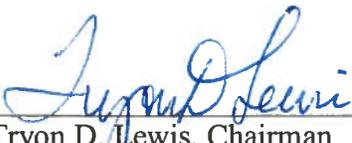
The commission did not meet in executive session.

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

The commission received comments from Melanie Boyte and David Wittie, both from ADAPT of Texas, concerning pedestrian accessibility; and from Robert Nobles, Amy Nobles, Sandra Nobles, and Chad Nobles all concerning SH 249 toll road in Grimes County.

Commissioner Vandergriff motioned adjournment and Commissioner Bugg seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 1:54 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 June 30, 2016, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation