

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 29, 2016, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Lewis with the following commissioners present:

Texas Transportation Commission:

Tryon D. Lewis	Chairman
Jeff Austin, III	Commissioner
Victor Vandergriff	Commissioner
J. Bruce Bugg	Commissioner
Laura Ryan	Commissioner

Administrative Staff:

James Bass, Executive Director
 Jeff Graham, General Counsel
 Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:13 p.m. on September 21, 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.

Chairman Lewis also recognized Senator Don Huffines. After opening remarks from the commissioners Senator Huffines addressed the commission.

ITEM 2. Approval of Minutes of the August 25, 2016 regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner Bugg, and the commission approved the minutes of the August 25, 2016 regular meeting by a vote of 5 - 0.

ITEM 3. Acknowledgement of Service

- a. Recognize by resolution Carol Rawson, Traffic Operations Division Director, for 30 years of service to the department
- b. Recognize by resolution Paul Montgomery, P.E., Paris District Engineer, for nearly 29 years of service to the department
- c. Recognize by resolution Jerral Wyer, Occupational Safety Division Director, for 25 years of service to the department

These items were presented by Deputy Executive Director Marc Williams. Mr. Williams spoke about Ms. Rawson and Mr. Wyer. Ms. Rawson and Mr. Wyer provided remarks about their careers and thanked their families, department mentors and friends,

and the commission. Mr. Montgomery was unable to attend the meeting. Photographs were taken.

ITEM 4. 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. Sugarland Mayor Joe Zimmerman and former Sugarland Mayor James Thompson also spoke to the commission. Commissioner Austin made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute order by a vote of 5 - 0.

114710
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, 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 August 30, 2016 a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$17,994,399.

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

ITEM 5. Public Transportation

Various Counties - Award federal §5311(b)(3) Rural Transit Assistance Program funds to Southwest Area Regional Transit District (MO)

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

114711
PTN

The Texas Transportation Commission (commission) desires to award \$37,000 in federal §5311(b)(3) Rural Transit Assistance Program funds to Southwest Area Regional Transit District to hold the 2016 Texas Transit University and to host the 2016 Southwest Regional Van Rodeo. The award is provided to Southwest Area Regional Transit District for their specific role in providing technical assistance and logistical support for these events.

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, and enter into the necessary contracts in accordance with the priorities established in this minute order.

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

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

(a) Chapter 9 - Contract and Grant Management

Amendments to §9.11, Definitions, §9.13, Notice of Letting and Issuance of Bid Forms, §9.15, Acceptance, Rejection, and Reading of Bids, §9.17, Award of Contract, and §9.18, After Contract Award (Highway Improvement Contracts) and §9.227, Information from Bidders (Disadvantaged Business Enterprise (DBE) Program) (MO)

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

114712
CST

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §9.11, §9.13, §9.15, §9.17, and §9.18 relating to Highway Improvement Contracts and §9.227, Information from Bidders, relating to Disadvantaged Business Enterprise (DBE) Program, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.11, §9.13, §9.15, §9.17, §9.18 and §9.227 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

(b) Chapter 11 - Design**New §§11.400 - 11.418 (Transportation Alternatives Set-Aside Program) (MO)**

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

114713
PTN

The Texas Transportation Commission (commission) finds it necessary to propose new §§11.400 - 11.418, relating to Transportation Alternatives Set-Aside Program, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the new §§11.400 - 11.418 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

(c) Chapter 16 - Planning and Development of Transportation Projects**Amendments to §16.105, Unified Transportation Program (Transportation Programs), and §16.152, Cash Flow Forecast, §16.153, Funding Categories, §16.154, Transportation Allocation Funding Formulas, and §16.160, Funding Allocation Adjustments (Transportation Funding) (MO)**

This item was presented by Director of Project Planning and Development Lauren Garduno. 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.

114714
TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §16.105 relating to Transportation Programs, and §16.152 – 16.154, and 16.160, relating to Transportation Funding, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§16.105, 16.152 – 16.154, and 16.160 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

ITEM 7. Toll Operations

Various Counties - Reduce the fee to be charged for standard tags for electronic toll collection customer accounts that do not participate in auto-replenishment (MO)

This item was presented by Toll Operations Division Director Rick Nelson. 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.

114715
TOD

Transportation Code §228.057(d) provides that the Texas Department of Transportation (department) may charge reasonable fees for administering electronic toll collection customer accounts.

Title 43, Texas Administrative Code, §27.82(c) provides that the Texas Transportation Commission (commission) by minute order will establish customer account fees. In establishing customer account fees, the commission will consider the cost of operations, including the estimated cost to the department for labor, materials, storage, and bank fees, as well as the requirements of project bond covenants. In Minute Order 112971, dated January 26, 2012, the commission authorized the existing fee structure.

The department recently conducted an analysis of annual operational costs and recommends decreasing the fee for standard tags (including replacement tags) from \$13.85 to \$7.99 per tag for accounts that do not participate in auto-replenishment.

IT IS THEREFORE ORDERED by the commission that the department is authorized to charge a fee of \$7.99 per standard tag (including replacement tags) for accounts that do not participate in auto-replenishment.

IT IS FURTHER ORDERED that all other customer account fees authorized by Minute Order 112971 remain unchanged.

ITEM 8. Financial Assistance for Projects

Hays and Travis Counties - Central Texas Regional Mobility Authority - Consider granting final approval of requests from the Central Texas Regional Mobility Authority to receive: (1) a loan of up to \$60,000,000; and (2) a grant of up to \$28,920,000 previously allocated by the Capital Area Metropolitan Planning Organization, all to be used for construction of the SH 45 Southwest Project, a four-lane, divided toll road between Loop 1 and FM 1626 (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Private citizen and engineer Don Dixon, Hays County

Precinct 2 Commissioner Mark Jones, Travis County Precinct 3 Commissioner Gerald Daugherty, and CTRMA Chairman Ray Wilkerson also addressed the commission. 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.

114716
PFD

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) have been proceeding with the development of the SH 45 Southwest Project, a toll facility in Travis and Hays Counties under the jurisdictional limits of the CTRMA (project).

The project is the construction of a four-lane, divided toll road on the state highway system. The project is approximately four miles in length and includes four new tolled lanes between LP1 and FM 1626. The project is a new alignment that includes an at-grade intersection at FM 1626, an overpass at Bliss Spillar Road, and a grade-separated interchange at LP 1. The project also includes bicycle/pedestrian shared use paths. The project is located within the boundaries of the CTRMA, and is subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code §373.052, the CTRMA has exercised its option to develop, construct, and operate the project.

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

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

CTRMA submitted a request for financial assistance on July 2, 2010. In Minute Order 112443 dated September 30, 2010, the commission granted final approval of CTRMA's request for financial assistance in the amount of \$27 million for five separate projects, in the form of equity, consisting of \$13.6 million in funding, and in-kind services associated with the environmental clearance with an estimated cost of \$13.4 million that will be performed and funded by the department. TxDOT and CTRMA entered into a Financial Assistance Agreement dated February 9, 2011 (Multi-Project FAA), which provides for an approximately \$7.4 million grant of financial assistance to CTRMA to be used in connection with the development of the project.

In accordance with Section 27.53 of the financial assistance rules, on or about March 13, 2015, the CTRMA submitted requests to receive: (1) a loan of up to \$60,000,000; and (2) a grant of up to \$28,920,000 previously allocated by the Capitol Area Metropolitan Planning Organization (allocated in the Unified Transportation Program as \$8,620,000 of Category 7 funds and \$20,300,000 of Category 2 funds, including \$2 million of the \$7.4 million allocated to the project in the Multi-Project FAA), all to pay for the construction of the project. The information and data required

by Section 27.53 of the financial assistance rules is either contained in the request for financing, is already in the department's possession, or has been waived by the executive director.

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

In accordance with §27.54(a) of the financial assistance rules, the commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air Act non-attainment area; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the project and the CTRMA are likely to have sufficient revenues to assure repayment of the financial assistance.

Pursuant to §27.54(b) of the financial assistance rules, the necessary social, economic, and environmental impact studies for the project have been completed and approved and the department issued a Record of Decision on March 4, 2015.

Pursuant to §27.54(b) of the financial assistance rules, the executive director has waived the requirement to obtain an investment grade traffic and revenue report for the project from a nationally recognized traffic engineer.

Pursuant to §27.54(b) and (c) of the financial assistance rules, the executive director has completed negotiation of the terms of financial assistance necessary to complete an agreement, to comply with the requirements of preliminary approval, to protect the public's safety, and to prudently provide for the protection of public funds, and has prepared findings and recommendations for the commission regarding final approval of CTRMA's application for financial assistance. The board of directors of the CTRMA has agreed to the negotiated terms and conditions for the financial assistance.

In accordance with §27.54(c) of the financial assistance rules, the commission has determined that providing financial assistance for the project will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the financial assistance, and that the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED that the requests submitted by the Central Texas Regional Mobility Authority for financial assistance in the form of a loan and a grant meet the applicable requirements of 43 TAC §§27.53 and 27.54(a) and, in accordance with those provisions, and including an exception to the requirements of Minute Order 112605, the commission grants final approval of the following requests for financial assistance: (1) up to \$60,000,000 as a loan to be evidenced by a loan agreement; and (2) not to exceed \$28,920,000 as a grant of funds

previously allocated by the Capitol Area Metropolitan Planning Organization (allocated in the Unified Transportation Program as \$8,620,000 of Category 7 funds and \$20,300,000 of Category 2 funds), including \$2 million of the \$7.4 million in financial assistance for the project in the Multi-Project FAA, such loan and grant to be used for construction of the project, subject to the condition that the sources of funds for the loan and grant may not be from:

1. Money transferred to the State Highway Fund pursuant to Texas Constitution, Article III, Section 49-g, as amended by Senate Joint Resolution 1 (83rd Legislature, Third Called Session), as approved by statewide election on November 4, 2014 (Proposition 1); or
2. Money deposited to the credit of the State Highway Fund under Texas Constitution, Article VIII, Section 7-c, as amended by Senate Joint Resolution 5 (84th Legislature, Regular Session), as approved by statewide election on November 3, 2015 (Proposition 7);
3. Money in the State Highway Fund which is available to the department for projects as a result of the enactment of House Bill 20 (84th Legislature, Regular Session), which amended Transportation Code §222.001(a) to discontinue the use of State Highway Fund money by the Department of Public Safety; or
4. Funds from any federal source.

IT IS FURTHER ORDERED that the loan of up to \$60,000,000 shall reflect the terms as negotiated by the executive director and approved by the board of directors of the CTRMA on September 28, 2016, for a term of up to 33 years from the initial disbursement of funds, with a deferral of the initial repayment date of up to five years, payable at a rate of 4.00% per annum.

IT IS FURTHER ORDERED that the executive director or his designee is directed and authorized to negotiate and enter into financial assistance agreements that comply with the commission's rules and to execute such documents as are necessary to effect the purposes of this minute order.

ITEM 9. Regional Mobility Authority

Hays and Travis Counties - Central Texas Regional Mobility Authority - Approve the connection of the SH 45 Southwest Project to the State Highway System; approve the SH 45 Southwest Project; approve the waiver of any reimbursement from the CTRMA for the use of state-owned right-of-way; designate the SH 45 Southwest Project as a toll project on the State Highway System; authorize the executive director to execute an agreement with the CTRMA (MO)

This item was presented by Project Planning and Development Director Lauren Garduno. 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.

114717
TPP

The Central Texas Regional Mobility Authority (CTRMA) has been proceeding with the development of the SH 45 Southwest Project in Travis and Hays Counties, which will be a tolled project. The Texas Department of Transportation (department) has been assisting with that development.

The SH 45 Southwest Project is approximately 4.0 miles in length and will include a four-lane, divided toll road and bike/pedestrian shared use paths in the SH 45 Southwest corridor between Loop 1 and FM 1626, an at-grade intersection at FM 1626, an overpass at Bliss Spillar Road, and a grade-separated interchange at Loop 1 (Project). On May 12, 2014, the Capital Area Metropolitan Planning Organization (CAMPO) adopted the FY 2015-2018 Transportation Improvement Program in which the Project was included. CAMPO further included the Project in the CAMPO 2040 Plan adopted May 11, 2015.

In Minute Order 83158 adopted May 22, 1985, the Texas Transportation Commission (commission) designated SH 45 as part of the state highway system, which includes the Project. Pursuant to Transportation Code § 370.301(e), which was adopted after Minute Order 83158, 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. The department and the CTRMA have agreed that the Project should be part of the state highway system.

The Project is located within the boundaries of the CTRMA, and is subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code § 373.052, the CTRMA has exercised its option to develop, finance, construct, and operate the Project.

Transportation Code, § 370.187 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 commission. Title 43, Texas Administrative Code, §§ 26.31 et seq. prescribe the conditions for that approval. Transportation Code, § 362.051(a) also provides that a governmental entity must obtain the commission's approval before beginning construction of a toll road or turnpike that is to be a part of the state highway system. 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 § 11.58, the CTRMA has submitted a request to the executive director to connect the Project to the state highway system, and pursuant to 43 TAC § 26.31, the CTRMA has submitted a request for approval of the Project, all in connection with the CTRMA's development and construction of the Project.

Pursuant to 43 TAC §§ 11.58(c) and 26.33, the CTRMA agrees to design and construct the Project in compliance with the standards prescribed in 43 TAC §§ 11.58(d) and 26.33. The Project is in a conforming transportation improvement program, and a Record of Decision approving the preferred alternative was issued for the Project on March 4, 2015.

Pursuant to 43 TAC § 26.35, the commission has determined that the Project can be efficiently integrated into the state highway system, and the CTRMA has committed to comply with the requirements of 43 TAC § 26.35.

Pursuant to 43 TAC § 26.32, the commission has determined that the Project may be effectively integrated into the state's transportation system, and the CTRMA has committed to comply with the requirements of 43 TAC § 26.33. The CTRMA 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 Project will provide for the expeditious completion of a critically needed project within the SH 45 corridor that will relieve traffic congestion on the existing state highway system and improve mobility in Travis and Hays Counties.

Pursuant to § 373.102 of the Transportation Code, a local toll project entity is permitted to use state highway right-of-way as necessary to construct and operate a toll project. The CTRMA will use existing right-of-way owned by the department to construct the Project, though the department will maintain ownership of that right-of-way.

IT IS THEREFORE ORDERED that pursuant to 43 TAC § 11.58, the connection of the SH 45 Southwest Project with a segment of the state highway system is approved.

IT IS FURTHER ORDERED that pursuant to §§ 370.187(a) and 362.051(a) of the Transportation Code, and 43 TAC §§ 26.31 and 26.35, the SH 45 Southwest Project is approved.

IT IS FURTHER ORDERED that any required reimbursement from the CTRMA for the use of state highway right-of-way as necessary to construct and operate the SH 45 Southwest Project is waived.

IT IS FURTHER ORDERED that pursuant to § 228.051 of the Transportation Code, and consistent with the agreement of the department and the CTRMA, the Project is designated as a toll project on the state highway system.

IT IS FURTHER ORDERED that the executive director of the department is authorized to enter into an agreement with the CTRMA for the development, construction, operation, and maintenance of the SH 45 Southwest Project.

ITEM 10. Contracts

Award or reject contracts for maintenance, highway and building construction

(a) Construction of Highways, Department Buildings, and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Tracy Cain. IEA, Inc., Vice President Mike Moore also addressed the commission. Commissioner Bugg made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 1. Commissioner Vandergriff voted against adoption of this minute order.

114718
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on September 8 and 9, 2016, as well as San Antonio District, Bexar County, Job Number 3036, Project Number STP 2014(167)TE, deferred from the July 28, 2016, Commission meeting, and Fort Worth District, Tarrant County, Job Number 3044, Project Number STP 2016(994)HES, deferred from the August 25, 2016, Commission meeting and as shown on Exhibit A.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted, rejected or deferred, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject, or defer, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

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

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

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

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

(b) Highway Maintenance (MO)

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

114719
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 September 8 and 9, 2016, as shown on Exhibit A.

Pursuant to cited code provisions highway maintenance contract bids on a project may be accepted, rejected or deferred, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject, or defer 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.

ITEM 11. Eminent Domain Proceedings

Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (MO)

This item was presented by Right of Way Division Director Gus Cannon. Commissioner Ryan 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 Bugg and the following minute order was approved by Chairman Lewis, Commissioner Austin, Commissioner Vandergriff, Commissioner Bugg and Commissioner Ryan (a vote of 5 - 0).

114720
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 - I. 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 - 39, 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>
Bell	US 190	26	0185-01-035	34
Bexar	FM 1560	39	2230-01-014	7
Bexar	FM 1560	38	2230-01-014	6
Bexar	US 281	27	0253-04-151	7B
Bexar	US 281	28	0253-04-149	65
Bexar	US 281	29	0253-04-149	25
Bexar	US 281	30	0253-04-149	20,20E
Bexar	US 281	31	0253-04-149	14
Bexar	US 281	32	0253-04-149	13

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	US 281	33	0253-04-149	12,12E
Brewster	US 90	12	0021-01-056	1E
Cameron	US 281	9	0220-04-046	1
Cameron	US 281	10	0220-04-046	3
Cameron	US 281	11	0220-04-046	8
Cameron	US 281	13	0220-04-046	2
Denton	BS 114K	16	0353-02-077	7
Denton	BS 114K	17	0353-02-077	6
Denton	BS 114K	18	0353-02-077	2
Denton	BS 114K	21	0353-02-077	3,3TE
Fort Bend	US 59	34	0089-09-085	1
Fort Bend	US 90A	4	0027-06-054	19
Harris	SH 146	22	0389-05-095	205
Harris	SH 146	23	0389-05-095	122
Harris	SH 146	25	0389-05-095	212
Harris	SH 146	37	0389-05-095	211
Navarro	SH 31	8	0162-11-002	25B,25BE
Rockwall	FM 3549	1	1015-01-077	46
Rockwall	FM 3549	2	1015-01-077	52
Rockwall	FM 3549	3	1015-01-077	50
Rockwall	FM 3549	5	1015-01-077	45
Rockwall	FM 3549	6	1015-01-077	43
Rockwall	FM 3549	14	1015-01-077	51
Rockwall	FM 3549	15	1015-01-077	41
Rockwall	FM 3549	19	1015-01-077	5
Rockwall	FM 3549	20	1015-01-077	8
Rockwall	FM 3549	24	1015-01-077	6
Rockwall	FM 3549	35	1015-01-077	33,33E
Rockwall	FM 3549	36	1015-01-077	36,36E
Waller	FM 1774	7	1400-03-008	9A

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 20	E	2374-04-079	7
Dallas	SH 183	F	0094-03-098	85
Galveston	IH 45	G	0500-04-120	10
McLennan	IH 35	A	0015-01-234	44
McLennan	IH 35	B	0015-01-234	189
McLennan	IH 35	H	0015-01-234	43
McLennan	IH 35	I	0015-01-234	7

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Montgomery	SH 99	C	3510-07-008	803AAQ
Montgomery	SH 99	D	3510-07-008	800AAQ

Note: Exhibits A - I and 1 - 39 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

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

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 (MO)

114721
CSD

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

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner’s land.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department’s acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would

provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

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

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

b. Real Estate Dispositions

(1) Bell County - FM 2483, south side, east of Morgan's Point Resort - Consider the sale of a drainage easement (MO)

114722
ROW

In BELL COUNTY, on FARM TO MARKET ROAD 2483, the state of Texas acquired an easement interest for highway drainage purposes by instrument recorded in Volume 787, Page 195, Deed Records of Bell County, Texas.

A 0.459-acre easement (Tract 9E), RCSJ 2137-02-008, shown on Exhibit A, is no longer needed for a state highway purpose.

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

Quadruple Bogey Development, Inc., a Texas corporation, is the owner of the fee in the property and has requested to purchase Tract 9E for \$4,000.

The commission finds \$4,000 to be a fair and reasonable value for the state's right and interest in Tract 9E.

IT IS THEREFORE ORDERED by the commission that Tract 9E is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument releasing all of the state's right and interest in Tract 9E to Quadruple Bogey Development, Inc., a Texas corporation, for \$4,000.

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

(2) Burnet County - US 281, portions of city streets in Marble Falls - Consider the transfer of right of way to the City of Marble Falls (MO)

114723
ROW

In Marble Falls, BURNET COUNTY, on US 281, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 172, Page 697; Volume 174, Pages 85 and 640; and Volume 168, Pages 623, 625, and 627, Deed Records of Burnet County, Texas.

The land (tracts), RCSJ 0252-02-057, shown on Exhibit A, is no longer needed for highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real

property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of the tracts is estimated to be \$125,400, and the state's future maintenance costs over 14 years are estimated to be \$171,500.

The City of Marble Falls (city) has requested that the tracts be transferred to the city.

The commission finds \$125,400 to be a fair and reasonable value of the state's right, title and interest in the tracts, and that the estimated cost of future maintenance exceeds \$125,400, the fair value of the tracts.

IT IS THEREFORE ORDERED by the commission that the tracts are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring all of the state's right, title, and interest in the tracts to the City of Marble Falls, 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: Exhibit A is on file with the commission chief clerk.

(3) Ellis County - FM 663, old alignment in Midlothian - Consider the quitclaim of right of way to honor a reversionary clause (MO)

114724
ROW

In Midlothian, ELLIS COUNTY, on an old alignment of FARM TO MARKET ROAD 663, Ellis County (county) acquired certain land for highway purposes by instrument recorded in Volume 387, Page 93, and conveyed the land to the state of Texas by instrument recorded in Volume 390, Page 283, both recorded in the Deed Records of Ellis County, Texas.

A portion of the land (Tract 1), RCSJ 0815-08-034, described in Exhibit A, is no longer needed for state highway purposes.

The instrument conveying the land to the county contained a clause to the effect that if the land should be abandoned as a public highway, title shall revert to the grantor, his heirs and assigns.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim of the state's interest to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state.

Hawkins Meadow, Ltd., a Texas limited partnership, is the subject of the reversion and has requested to acquire Tract 1.

The commission finds that it is proper and correct that the state quitclaim its right, title, and interest in Tract 1 to comply with the reversionary clause contained in the instrument of conveyance to the county and subsequently to the state.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming

the state's right, title, and interest in Tract 1 to Hawkins Meadow Ltd., a Texas limited partnership.

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

(4) Montgomery County - SH 242 west of US 59 - Consider a reciprocal quitclaim to correct an error in a conveyance to the state (MO)

114725
ROW

In MONTGOMERY COUNTY, on STATE HIGHWAY 242, the state of Texas acquired certain land for highway purposes by instrument recorded under File No. 9050366, Official Public Records of Real Property, Montgomery County, Texas.

A portion of the land (Tract 1), RCSJ 3538-01-049, described in Exhibit A, was conveyed to the state in fee, when the interest intended to be acquired was an easement for highway drainage purposes. In addition, Tract 1 was conveyed to the state subject to a reversionary interest, the interpretation and extent of which is ambiguous.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend a quitclaim to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way.

Lone Star Recreation, Inc., (Lone Star) is the abutting landowner and successor in interest to Tract 1. Lone Star has requested the state to quitclaim its fee interest, with reservation of an easement for highway drainage purposes, and has agreed to quitclaim to the state all of its rights and interest to any possibility of reverter and any other reversionary interests reserved in the instrument recorded under File No. 9050366, Official Public Records of Real Property, Montgomery County, Texas.

IT IS THEREFORE ORDERED by the commission that Tract 1 was erroneously acquired in fee and was intended to be acquired as an easement for highway drainage purposes and that the instrument conveying Tract 1 to the state was subject to an ambiguous reversionary interest. The commission recommends, subject to approval by the attorney general, that the governor execute a reciprocal quitclaim deed with Lone Star Recreation, Inc., to correct the error and the ambiguity in the instrument that conveyed the property to the state.

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

(5) Tarrant County - I-30 at Lancaster Avenue in Fort Worth - Consider the exchange of right of way with the City of Fort Worth (city) and acknowledgement of the acceptance of a donation (MO)

114726
ROW

In Fort Worth, TARRANT COUNTY, on INTERSTATE 30, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 7458, Page 1319, and Volume 8277, Page 906, Deed Records of Tarrant County, Texas.

Portions of the land (tracts), RCSJ 1068-01-211, described in Exhibit A, are 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 exchange of an interest in real property acquired but not needed for a highway purpose as whole or

partial consideration for another interest in real property needed for a state highway purpose.

The City of Fort Worth (city) has conveyed land to the state needed for a state highway purpose (parcels), described in Exhibit B, and has requested that the tracts be conveyed to the city in exchange for the parcels.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (department) to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the commission to acknowledge the acceptance of a gift or donation valued at over \$500 by majority vote at an open meeting not later than the 90th day after the date the donation is accepted.

An Exchange and Partial Donation Agreement (donation agreement) has been executed by the city and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter M, since the value of parcels, which is \$233,150, exceeds the value of the tracts, which is \$8,050, resulting in a difference in value of \$225,100.

The city has executed and delivered a conveyance document under the terms of the donation agreement to convey the parcels to the state and has requested that the state's right, title, and interest in the tracts be conveyed to the city.

It is the opinion of the commission that it is proper and correct that the state convey its right, title and interest in the tracts to the city in exchange and as consideration for the conveyance of the parcels and partial donation to the state.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donation of \$225,100 in accordance with Title 43, Texas Administrative Code, Chapter 1, Subchapter M.

FURTHER, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission finds that the tracts are no longer needed for a state highway purpose and 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 the tracts to the City of Fort Worth, Texas, in exchange and as consideration for the conveyance of the parcels and donation to the state; 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 tracts.

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

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

114727
ROW

In Austin, TRAVIS COUNTY, on STATE LOOP 360, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 3263, Page 480, Deed Records of Travis County, Texas.

A portion of the land (Tract 2), RCSJ 0113-13-160, 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.

LCFRE Austin Brodie Oaks, LLC, is the abutting landowner and has requested to purchase

Tract 2 for \$500,000.

The commission finds \$500,000 to be a fair and reasonable value for the state's right, title, and interest in Tract 2.

IT IS THEREFORE ORDERED by the commission that Tract 2 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in

Tract 2 to LCFRE Austin Brodie Oaks, LLC, for \$500,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

Compliance Division

Compliance Division report

Note: Confidential report to commission.

d. Rail Clearance Deviations

Request for Approval of Rail Clearance Deviations (MO)

114728
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) Dallas District has submitted an application requesting a clearance deviation for the construction of a roadway bridge structure in Irving. The department has conducted an investigation to determine whether good cause could be shown and whether the deviation could be operated in a reasonable and safe manner.

In determining whether the facility has demonstrated good cause for the requested clearance deviation, 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 deviation is 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 deviation as listed in Exhibit A meets the requirements of Transportation Code §191.005.

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation application from the Texas Department of Transportation Dallas District described in Exhibit A is approved.

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

e. Highway Designations

(1) Collin County - In and near the cities of McKinney and Weston, redesignate SS 195 as FM 543 and redesignate FM 543 as SS 195 (MO)

114729
TPP

In and near the cities of McKinney and Weston, the Dallas District has requested the following actions: (1) redesignation of SS 195 as FM 543 from FM 455 southward to CR 206, a distance of approximately 7.6 miles; and (2) redesignation of FM 543 as SS 195 from US 75 to SH 5, a distance of approximately 1.0 mile.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

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

IT IS THEREFORE ORDERED by the commission that: (1) SS 195 is redesignated as FM 543 from FM 455 southward to CR 206, a distance of approximately 7.6 miles; and (2) FM 543 is redesignated as SS 195 from US 75 to SH 5, a distance of approximately 1.0 mile, as shown in Exhibit A.

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

(2) Hill County - Near the City of Mount Calm, designate FM 339 along a new location and redesignate a segment of FM 339 as FM Spur 339 (MO)

114730
TPP

Near the City of Mount Calm, the Waco District has requested the following actions: (1) designation of FM 339 along a new location west of SH 31 to its intersection with FM 3258 and then eastward to the intersection of SH 31-K, a distance of approximately 0.8 miles; and (2) redesignation of a segment of FM 339 as FM Spur 339 from the intersection of FM 339 southward, a distance of approximately 0.2 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

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

IT IS THEREFORE ORDERED by the commission that: (1) FM 339 is designated along a new location west of SH 31 to its intersection of FM 3258 and then eastward to the intersection of

SH 31-K, a distance of approximately 0.8 miles; and (2) a segment of FM 339 is redesignated as

FM Spur 339 from the intersection of FM 339 southward, a distance of approximately 0.2 miles, as shown on Exhibit A.

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

f. Designation of Access Control

(1) Dallas County - I-635, approximately 330 feet east of Luna Road - Consider the designation of one location on the frontage road at which access will be permitted to the abutting property (MO)

114731
DES

In DALLAS COUNTY, on Interstate 635, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 73206, Page 241, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

QuikTrip Corporation, the current owner of the abutting property, has requested that access to and from the eastbound frontage road of I-635 be permitted along the northern property line at a new access point, described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the eastbound frontage road of I-635.

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

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

(2) Jefferson County - US 69, approximately 2000 feet east of Jerry Ware Drive - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

114732
DES

In JEFFERSON COUNTY, on US HIGHWAY 69, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 1401, Page 263, Deed Records, Jefferson County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Jefferson County, the current owner of the abutting property, has requested that access to the southbound frontage road of US 69 be permitted along its east property line at a new access point described in Exhibit A and Exhibit B.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety, or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress is permitted to the southbound frontage road of US 69.

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

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

g. Speed Zones

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

114733
TRF

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

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

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

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

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

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

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

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

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

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

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

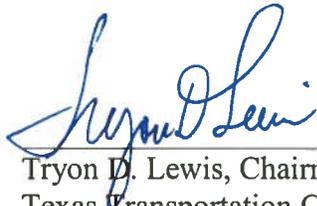
The commission did not meet in executive session.

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

The commission received no further comments.

Commissioner Vandergriff motioned adjournment and Commissioner Bugg seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:43 a.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 September 29, 2016, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation