

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 27, 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 2:33 p.m. on October 19, 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 Sidney Maloy.

**ITEM 2. Approval of Minutes of the September 29, 2016, regular meeting of the Texas Transportation Commission**

Commissioner Austin made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the minutes of the September 29, 2016, regular meeting by a vote of 5 - 0.

**ITEM 3. Acknowledgment of Service**

Recognize by resolution Tim Jennings, Information Management Division Director, for 26 years of service to the department

Mr. Jennings was unable to attend the meeting and this item was not presented.

**ITEM 4. Regional Mobility Authority**

Webb County - Approve the City of Laredo's request for an exception to the requirements of 43 TAC §26.51(b)(1)(A), concerning eligibility to serve as a director or chief administrative officer of a regional mobility authority, in connection with the City of Laredo's appointment of a new member of the Board of Directors of the Webb County-City of Laredo Regional Mobility Authority (MO)

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

114734  
TPP

Title 43, Texas Administrative Code, §26.51(b) prescribes conditions for a person to serve as a director or chief administrative officer of a regional mobility authority (RMA). Under 43 TAC §26.51(b)(1)(A), a person is not eligible to serve as a director or chief administrative officer of an RMA if the person or the person's spouse is employed by or participates in the management of a business entity or other organization, other than a political subdivision, that is regulated by or receives funds from the Texas Department of Transportation (department), the RMA, or a member county.

The City of Laredo recently appointed Douglas B. Howland to the Board of Directors of the Webb County-City of Laredo Regional Mobility Authority (WC-CL RMA).

Mr. Howland currently serves on the Board of Directors of the South Texas Food Bank, a 501(c)(3) non-profit organization that receives funding from Webb County. Mr. Howland's spouse serves on the Board of Directors of the Children's Advocacy Center of Laredo-Webb County, a non-profit agency that receives funding from both City of Laredo and Webb County. The City of Laredo has requested an exception to the requirements of 43 TAC §26.51(b)(1)(A) because of the city's belief that Mr. Howland's and his spouse's involvement with these organizations does not in any way compromise Mr. Howland's ability to serve the interests of the WC-CL RMA.

Section 26.51(b)(4) provides that the Texas Transportation Commission (commission) may approve an exception to the requirements of Section 26.51(b)(1)(A) if (1) the RMA or the applicable county has properly disclosed to the public the details of the potential conflict, (2) the potential conflict concerns employment with an entity that receives funds from a member county, and (3) the commission determines that the employment will not result in the director or chief administrative officer incurring any obligation of any nature that is in substantial conflict with the director or officer's proper discharge of his or her duties on behalf of the RMA. Pursuant to 43 TAC §26.51(b)(4), the WC-CL RMA has disclosed to the public the details of the potential conflict by posting a notice on the entity's website.

IT IS THEREFORE DETERMINED by the commission, pursuant to 43 TAC §26.51(b)(4), that Mr. Howland's service on the Board of Directors of the South Texas Food Bank, and his spouse's service on the Board of Directors of the Children's Advocacy Center of Laredo-Webb County, will not result in Mr. Howland incurring any obligation of any nature that is in substantial conflict with the proper discharge of his duties as a member of the Board of Directors of the WC-CL RMA.

IT IS FURTHER ORDERED that an exception to the requirements of 43 TAC §26.51(b)(1)(A) is approved, and therefore Douglas B. Howland is eligible to serve on the Board of Directors of the WC-CL RMA.

**ITEM 5. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code,**

**Chapter 2001:**

**a. Final Adoption**

**Chapter 28 - Oversize and Overweight Loads**

New §28.110, Purpose, §28.111, Definition, and §28.112, Districts Powers and Duties, §28.113, Permit Eligibility, §28.114, Permit Issuance Requirements and Procedures, §28.115, Permit Weight Limits for Axles, §28.116, Movement Requirements and Restrictions, §28.117, Records (Port of Harlingen Authority Permits) (MO)

This item was presented by Maintenance Division Director Michael Lee. Commissioner Vandergriff made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

114735  
MNT

The Texas Transportation Commission (commission) finds it necessary to adopt new sections §§28.110 - 28.117 relating to Port of Harlingen Authority Permits to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted 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 §§28.110 – 28.117 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.

**b. Proposed Adoption**

Amendments to §9.31, Definitions, §9.33, Precertification, and §9.34, Comprehensive Process, (Contracting for Architectural, Engineering, and Surveying Services) (MO)

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

114736  
PEPD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §9.31, Definitions, §9.33, Precertification, and §9.34, Comprehensive Process, relating to Contracting for Architectural, Engineering, and Surveying Services to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this

minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the Texas Register.

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.31, 9.33, and 9.34 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. Rule Review**

In accordance with Government Code, §2001.039, Readoption of Title 43 Texas Administrative Code Chapter 2, Environmental Review of Transportation Projects; Chapter 7, Rail Facilities; Chapter 26, Regional Mobility Authorities; Chapter 28, Oversize and Overweight Vehicles and Loads; Chapter 30, Aviation; and Chapter 31, Public Transportation (MO)

This item was presented by General Counsel Jeff Graham. Commissioner Ryan made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114737  
GCD

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

During August and September 2016, the Texas Department of Transportation reviewed Title 43 Texas Administrative Code, Part 1, Chapter 2, Environmental Review of Transportation Projects, Chapter 7, Rail Facilities, Chapter 26, Regional Mobility Authorities, Chapter 28, Oversize and Overweight Vehicles and Loads, Chapter 30, Aviation, and Chapter 31, Public Transportation. The Notice of Intent to review was published in the Texas Register on August 12, 2016 (41 TexReg 6091).

No comments were received regarding this rule review.

The Texas Transportation Commission (commission) finds that the reasons for initially adopting these rules continue to exist. The readoption of Title 43 Texas Administrative Code, Chapter 28 includes the amendments to that chapter adopted by the commission on the date of this minute order.

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

**ITEM 6. Finance and Financial Assistance for Projects**

**a. Texas Mobility Fund**

**(1) Harris County - Harris County - Consider approving a grant in the amount of up to \$10,191,050 to Harris County for participation by the State in the payment of a portion of the costs of construction of a public transportation project to provide improvements**

to expand Jacintoport Boulevard and Peninsula Street in Harris County, Texas, with funding from the Texas Mobility Fund established pursuant to Section 49-k, Article III, Texas Constitution (MO)

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

114738  
MRD

Article III, Section 49-k of the Texas constitution (constitutional provision) created the Texas Mobility Fund (fund) in the state treasury and provides that the fund shall be administered by the Texas Transportation Commission (commission) as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by the constitutional provision in Transportation Code, Chapter 201, Subchapter M (enabling act). Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund general obligation bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

Harris County, Texas (Harris County) has submitted a request to the Texas Department of Transportation (department) for state participation in the form of a grant from the fund in the amount of \$10,191,050 to pay a portion of the costs of construction of public transportation projects selected by the Port Authority Advisory Committee to (1) provide improvements to expand Jacintoport Boulevard to five lanes and Peninsula Street to four lanes, with associated curb and gutter/storm sewer improvements, and (2) install rail gate arms at six rail crossings in Harris County, Texas (project).

By Minute Order No. 114585 on May 26, 2016, the commission updated the Unified Transportation Plan and allocated Category 3 money from the fund for the project. The department recommends that the state participation in the development and delivery of the project be provided in the form of a grant to Harris County of money in the fund other than the proceeds of obligations issued under the enabling act.

NOW, THEREFORE, IT IS DETERMINED that the request for a grant from the fund submitted by Harris County, Texas meets the eligibility requirements of the constitutional provision, and the commission approves the request for financing from the fund in the amount of \$10,191,050, in the form of a grant of money in the fund other than the proceeds of obligations issued under the enabling act, to be used for the purposes described herein, and directs the executive director to implement the actions necessary to effect the purposes of this minute order.

(2) Nueces County - Port of Corpus Christi - Consider approving a grant in the amount of up to \$1,675,000 to the Port of Corpus Christi for participation by the State in the payment of a portion of the costs of construction of a public transportation project to widen a section of the Joe Fulton International Trade Corridor near mile marker 5 in

Nueces County, Texas, with funding from the Texas Mobility Fund established pursuant to Section 49-k, Article III, Texas Constitution (MO)

This item was presented by Maritime Division Director Dan Harmon. Executive Director Bass asked for clarification concerning the motion. General Counsel Jeff Graham turned the microphone over to Associate General Counsel Jim Bateman who answered the question. 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.

114739  
MRD

Article III, Section 49-k of the Texas constitution (constitutional provision) created the Texas Mobility Fund (fund) in the state treasury and provides that the fund shall be administered by the Texas Transportation Commission (commission) as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in Transportation Code, Chapter 201, Subchapter M (enabling act). Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund general obligation bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

The Port of Corpus Christi (Port) has submitted a request to the Texas Department of Transportation (department) for state participation in the form of a grant from the fund in the amount of \$1,675,000 to pay a portion of the costs of construction of public transportation projects selected by the Port Authority Advisory Committee to (1) widen a section of the Joe Fulton International Trade Corridor near Mile Marker 5 to add turning lanes to a new intersection and entrance to provide access to M&G Group plant, and (2) add signage, striping, pavement, drainage, and automated rail signal/gate and street lights in Nueces County, Texas (project).

By Minute Order No. 114491 on February 25, 2016, the commission updated the Unified Transportation Plan and allocated Category 3 money from the fund for the project. The department recommends that the state participation in the development and delivery of the project be provided in the form of a grant to the Port of money in the fund other than the proceeds of obligations issued under the enabling act.

NOW, THEREFORE, IT IS DETERMINED that the request for a grant from the fund submitted by the Port of Corpus Christi meets the eligibility requirements of the constitutional provision, and the commission approves the request for funding from the fund in the amount of \$1,675,000, in the form of a grant of money in the fund other than the proceeds of obligations issued under the enabling act, to be used for the purposes described herein, and directs the executive director to implement the actions necessary to effect the purposes of this minute order.

(3) Victoria County - Victoria County - Consider approving a grant in the amount of up to \$2,856,668 to Victoria County for participation by the state in the payment of a portion of the costs of construction of a public transportation project to provide improvements to rehabilitate and widen McCoy Road, Canal Road, and Old Bloomington Road in Victoria County, Texas, with funding from the Texas Mobility Fund established pursuant to Section 49-k, Article III, Texas Constitution (MO)

This item was presented by Maritime Division Director Dan Harmon. Commissioner Vandergriff made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

114740  
MRD

Article III, Section 49-k of the Texas constitution (constitutional provision) created the Texas Mobility Fund (fund) in the state treasury and provides that the fund shall be administered by the Texas Transportation Commission (commission) as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in Transportation Code, Chapter 201, Subchapter M (enabling act). Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund general obligation bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

Victoria County, Texas (Victoria County) has submitted a request to the Texas Department of Transportation (department) for state participation in the form of a grant from the fund in the amount of \$2,856,668 to pay a portion of the costs of construction of public transportation projects to rehabilitate and widen (1) McCoy Road from Highway 185 to 1.5 miles west; (2) Canal Road from Old Bloomington Road to Victoria Barge Canal; and (3) Old Bloomington Road from FM 1432 to FM 1686 in Victoria County, Texas (project).

By Minute Order No. 114491 on February 25, 2016, the commission updated the Unified Transportation Plan and allocated Category 3 money from the fund for the project. The department recommends that the state participation in the development and delivery of the project be provided in the form of a grant to Victoria County of money in the fund other than the proceeds of obligations issued under the enabling act.

NOW, THEREFORE, IT IS DETERMINED that the request for a grant from the fund submitted by Victoria County, Texas meets the eligibility requirements of the constitutional provision, and the commission approves the request for funding from the fund in the amount of \$2,856,668, in the form of a grant of money in the fund other than the proceeds of obligations issued under the enabling act, to be used for the purposes described herein, and directs the executive director to implement the actions necessary to effect the purposes of this minute order.

(4) Approval of new liquidity provider and liquidity agreement in connection with the commission's outstanding State of Texas General Obligation Mobility Fund Bonds, Series 2006-B (Multi-Modal Bonds) and approval of amendments to various agreements in connection therewith (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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.

114741  
PFD

Pursuant to Minute Order 110081, dated May 4, 2005 (authorizing minute order), the Texas Transportation Commission (commission) has approved a Master Resolution Establishing the Texas Transportation Commission Mobility Fund Revenue Financing Program, as subsequently amended (master resolution), to establish a revenue financing program (mobility fund revenue financing program) pursuant to which the commission may issue obligations including bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on all or part of the moneys in the mobility fund. Under such master resolution, the commission has approved eight supplemental resolutions to the master resolution which authorized the issuance of twelve series of Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds.

The commission has previously issued its \$150 million "Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2006-B (Multi-Mode Bonds)" (Series 2005-B Bonds) pursuant to the fifth supplemental resolution of the master resolution (fifth supplement).

Under the fifth supplement, Series 2006-B Bonds are authorized to be tendered for purchase from time to time by the purchasers pursuant to the provisions of the fifth supplement and the commission must maintain a liquidity agreement with a liquidity provider to pay the purchase price of tendered bonds in the event the Series 2006-B Bonds are not remarketed by the remarketing agent.

As part of the ongoing management of the mobility fund revenue financing program, the commission has been requested to consider several actions with respect to the Series 2006-B Bonds to be approved by the chief financial officer which shall be designated for purposes of the fifth supplement to include the chief financial officer of the Texas Department of Transportation (department) or the Director, Project Finance, Debt and Strategic Contracts Division.

The Series 2006-B Bonds current liquidity agreement with California Public Employees' Retirement System and State Street Bank and Trust Company expires December 13, 2016 and the commission must take action to replace or extend such liquidity prior to the expiration date.

The department has determined that the Texas Comptroller of Public Accounts (comptroller) meets the requirements of the fifth supplement to act as the liquidity provider and should be selected as the liquidity provider for the Series 2006-B Bonds pursuant to the terms of the fifth supplement and a liquidity agreement between the

commission and the comptroller, substantially in the form provided, with such changes as approved by the chief financial officer.

In the event the department cannot reach an agreement with the comptroller, the department is authorized to proceed with execution of a liquidity agreement with any other liquidity provider that meets the qualifications and cost structure that provides the next best value and terms for the mobility fund revenue financing program as determined by the chief financial officer.

In connection with the replacement of the liquidity provider the department must effectuate a mandatory tender and remarketing of the Series 2006-B Bonds and the remarketing memorandum has been prepared for distribution by the remarketing agent in connection with the remarketing.

The Securities and Exchange Commission (SEC) has adopted certain changes to Rule 15c2-12 regarding continuing disclosure for municipal securities which are applicable to the remarketing of the Series 2006-B Bonds as set forth in the continuing disclosure undertaking.

IT IS THEREFORE ORDERED by the commission that the chief financial officer, on behalf of the commission, is authorized and directed to take such action necessary to replace the liquidity provider with respect to the Series 2006-B Bonds, including obtaining rating confirmations, giving any notices and other actions as may be required and the chief financial officer is an authorized representative for purposes of the master resolution and the fifth supplement.

IT IS FURTHER ORDERED by the commission that the chief financial officer, on behalf of the commission, is authorized and directed to execute and deliver the liquidity agreement and the continuing disclosure undertaking with such changes as the chief financial officer executing the same may approve, such approval to be conclusively evidenced by execution of the documents.

IT IS FURTHER ORDERED by the commission that the remarketing memorandum is hereby approved with such changes as the chief financial officer, on behalf of the commission, may approve, such approval to be conclusively evidenced by execution of the document.

IT IS FURTHER ORDERED by the commission that the amendments to the remarketing agreement and the tender agent agreement are hereby approved with such changes as the chief financial officer, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of the documents.

IT IS FURTHER ORDERED by the commission that any necessary auxiliary documents in connection with the replacement of the existing liquidity provider for the Series 2006-B Bonds are hereby approved including any amendments or additional amendments, as applicable, to the fifth supplement, the tender agent agreement with Wells Fargo Bank, N.A. and the remarketing agreement with Goldman, Sachs & Co. and the chief financial officer is authorized and directed to execute and deliver such documents.

IF IS FURTHER ORDERED by the commission that the chief financial officer, on behalf of the commission, is authorized and directed to perform all such acts and execute such documents, including execution of certifications to the remarketing agent

and liquidity and other providers, the attorney general, the comptroller and other parties, as may be necessary to carry out the intent of this order and other orders of the commission relating to the mobility fund revenue financing program and the related documents.

**b. Brazoria County - Brazoria County - Consider granting preliminary approval of a request from Brazoria County for financial assistance in the form of a grant in the amount of up to \$10,000,000, to pay for costs of developing and designing a toll facility in the median of SH 288, from the Brazoria/Harris county line to CR 58 in Brazoria County (MO)**

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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 recused himself and did not vote on this item.

114742  
PFD

The Texas Department of Transportation (department) and Brazoria County have been proceeding with the development of a toll facility in the median of SH 288, from the Brazoria/Harris county line to CR 58 in Brazoria County (project).

The project is located within the boundaries of Brazoria County, and under Section 228.011 of the Transportation Code, Brazoria County has the option to design, construct, finance, operate and maintain the project.

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). The department will use concession payment money that it received under the comprehensive development agreement for the SH 288 Toll Lanes Project in Harris County (SH 288 concession payment).

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.

In accordance with Section 27.53 of the financial assistance rules, Brazoria County has submitted a request to receive a grant of up to \$10,000,000 to pay costs of developing and designing 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 may be waived.

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

provided from funds allocated to metropolitan planning organizations and department districts.

In accordance with 43 TAC §27.54(a)(2), the commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air Act non-attainment area; (3) the project will improve the efficiency of the state's transportation systems; and (4) the project will expand the availability of funding for transportation projects or reduce direct state costs.

IT IS THEREFORE DETERMINED AND ORDERED that the request submitted by Brazoria County for financial assistance in the form of 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 preliminary approval of the request for financial assistance in an amount not to exceed \$10,000,000 as a grant of money from the SH 288 concession payment, to be used for costs of developing and designing the project.

c. Quarterly Investment Report (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 5 - 0.

114743  
PFD

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

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

In Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy and investment strategy applicable to funds of the commission relating to the Central Texas Turnpike System held by Bank One, N.A., (in such capacity with its successors, currently Bank of New York Mellon), as Trustee under the Indenture of Trust dated July 15, 2002, between the commission and the trustee. In Minute Order 114360, dated August 27, 2015, the commission approved and adopted a written investment policy and investment strategy applicable to funds in the prepaid TxTag custodial account under the Master Lockbox and Custodial Account Agreement by and between the Bank of New York Mellon Trust Company, N.A., as custodian, and the department. Pursuant to Government Code §2256.005(e) and Section 20 of the investment policy, the investment policy and investment strategies of

the commission have been reviewed and revised annually by minute order since 2003, most recently by Minute Order 114706, dated August 25, 2016, which includes a written investment strategy applicable to funds related to obligations issued for the IH 35E Project under a Trust Agreement by and between Amegy Bank, a Division of ZB, National Association, as trustee, and the department.

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

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

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period. A quarterly investment report for the department for the period ending August 31, 2016, attached as Exhibit A, has been prepared in accordance with Government Code §2256.023 and Section 9.0 of the investment policy.

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

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

**ITEM 7. State Infrastructure Bank**

**Harris County - Harris County Municipal Utility District No. 50 - Consider final approval of a request from the Harris County Municipal Utility District No. 50 for a State Infrastructure Bank loan in the amount of up to \$500,000 to pay the costs of utility relocation necessary for a state highway improvement project to widen FM 1942 (MO)**

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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.

114744  
PFD

The Texas Department of Transportation (department) is widening FM 1942 from US 90 to Crosby Lynchburg Road, from two to four lanes in Harris County (Project).

The Harris County Municipal Utility District No. 50 (District) applied for a \$500,000 State Infrastructure Bank (SIB) loan to pay for the District's relocation of utility lines necessary for the Project.

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

Section 6.32 of the SIB rules allows for final approval by the commission of any SIB loan in the principal amount of \$10 million or less, without first going through the preliminary approval process described in the rules.

The intended use of the financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project. Under the SIB rules, the executive director or his designee determined that the requirement to submit any information or data that was not submitted by District is waived as permitted by the rules either because the information or data is not relevant or the department already possesses the information or data.

In accordance with 43 TAC §6.32(c), 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 in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan; (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 District is likely to have sufficient revenues to assure repayment of the financial assistance.

In accordance with 43 TAC §6.41, the executive director has negotiated all the terms of an agreement as necessary, to protect the public's safety, and to prudently provide for the protection of public funds while furthering the purposes of the SIB.

The executive director or his designee implemented actions authorized and required by the SIB rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the District's application for financial assistance from the SIB.

In accordance with 43 TAC §6.32(e), the commission finds that providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and that the Project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED that the application submitted by the Harris County Municipal Utility District No. 50 for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB rules and, in accordance with those provisions, the commission grants final

approval of the District’s application for a SIB loan in an amount not to exceed \$500,000 for the District’s relocation of utility lines necessary for the Project.

IT IS FURTHER ORDERED that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the District which complies with the SIB rules and which contains the following terms:

1. The loan will be repaid over a period of no more than three years at 1.50 percent interest per annum.
2. The District will pledge as security for the loan its revenues derived from its water, sewer, and sanitation services.

**ITEM 8. 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. Commissioner Ryan made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114745  
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on October 5 and 6, 2016, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject or deferred, 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 nonconcurrency 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 Vandergriff made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

114746  
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on October 5 and 6, 2016, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, or reject 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 or deferred, 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 nonconcurrency 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 9. 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).

114747  
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 - V. 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 - 26, 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:

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazos	FM 2347	E	3138-01-026	11
Dallas	IH 35E	R	0442-02-144	11
Dallas	IH 35E	L	0442-02-144	12
Dallas	IH 35E	G	0442-02-144	13
Dallas	IH 35E	H	0442-02-144	14
Dallas	IH 35E	K	0442-02-144	17
Dallas	IH 35E	O	0442-02-144	18
Dallas	IH 35E	S	0442-02-144	19
Dallas	IH 35E	P	0442-02-144	20
Dallas	IH 35E	T	0442-02-144	22
Dallas	IH 35E	U	0442-02-144	23
Dallas	IH 35E	N	0442-02-144	24
Dallas	IH 35E	Q	0442-02-144	25
Dallas	IH 35E	I	0442-02-144	26
Dallas	IH 35E	C	0442-02-144	27
Dallas	IH 35E	J	0442-02-144	28
Fort Bend	US 90A	V	0027-08-175	5
Fort Bend	US 90A	F	0027-08-175	6
Hunt	IH 30	M	0009-13-165	1
McLennan	IH 35	A	0015-01-234	126
Navarro	IH 45	B	0093-01-095	1
Tarrant	IH 820E	D	0008-13-232	5

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	US 190	3	0185-01-035	15
Bell	US 190	2	0185-01-035	52
Bexar	US 281	23	0253-04-149	25
Bexar	US 281	20	0253-04-149	28
Bexar	US 281	15	0253-04-149	33

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	US 281	22	0253-04-149	36
Bexar	FM 1560	21	2230-01-014	1
Cameron	US 281	19	0220-04-046	4
Dawson	SH 349	26	0380-19-002	4
Galveston	SH 146	7	0389-06-092	414
Galveston	SH 146	8	0389-06-092	601
Galveston	SH 146	9	0389-06-092	604
Galveston	SH 146	24	0389-06-096	302
Grayson	FM 121	10	0729-01-044	7
Grayson	FM 121	11	0729-01-044	18
Harris	SH 146	18	0389-05-095	111
Harris	SH 146	16	0389-05-095	112
Harris	SH 146	4	0389-05-095	113
Harris	SH 146	5	0389-05-095	120
Harris	SH 146	17	0389-05-095	125
Harris	SH 146	6	0389-05-095	213
Kleberg	US 77	1	0102-04-100	8
Rockwall	FM 3549	12	1015-01-077	4
Rockwall	FM 3549	14	1015-01-077	37
Rockwall	FM 3549	13	1015-01-077	34E
Tarrant	SH 183	25	0364-05-038	44B

Note: Exhibits A - V and 1 - 26 are on file with the commission chief clerk.

**ITEM 10. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. The commission also heard comments from Henry Stowe, State Activist, National Motorist's Association and Roy Boyd, Chief Deputy, Victoria County Sheriff's Office concerning agenda item 10.h. 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.

**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)**

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 Donation**

**Williamson County - 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 (MO)**

114749  
ROW

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

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 is 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.

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

**c. Real Estate Dispositions**

**(1) Bexar County - I-10 at Fresno in San Antonio - Consider the sale of right of way by sealed bid (MO)**

114750  
ROW

In San Antonio, **BEXAR COUNTY**, on **INTERSTATE 10** at Fresno Drive, the state of Texas acquired certain land for highway purposes by various instruments recorded in the Deed Records of Bexar County, Texas.

A portion of the land (Tract 1), RCSJ 0072-12-195, 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 1 was advertised for sale, and Stripes, LLC, submitted a bid of \$1.021 million.

The commission finds \$1.021 million to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Stripes, LLC, for \$1.021 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.

(2) Caldwell County - SH 130, portion of an old county road, formerly part of old SH 29 - Consider the quitclaim of land in the county's name to the abutting landowner (MO)

114751  
ROW

In CALDWELL COUNTY, on STATE HIGHWAY 130, on the alignment of old State Highway 29, the state of Texas used certain land for highway purposes, there being no record title in the state's name.

The land (Tract 1), RCSJ 3583-01-007, described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim of property to which there is no record title to abutting property owners at the request of the county or municipality.

Guadalupe-Blanco River Trust (GBRT) is the abutting landowner and has requested to acquire Tract 1.

Caldwell County has requested that Tract 1 be quitclaimed to GBRT.

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

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 all of the state's right and interest in Tract 1 to Guadalupe-Blanco River Trust.

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

(3) El Paso County - I-10 at Paseo del Norte Boulevard in El Paso - Consider the sale of right of way to the abutting landowner (MO)

114752  
ROW

In El Paso, EL PASO COUNTY on INTERSTATE 10, at Paseo del Norte Blvd., the state of Texas acquired certain land by instrument recorded in Volume 1495, Page 472, Deed Records of El Paso County, Texas.

A portion of the land (Tract 23), RCSJ 2121-01-096, 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.

ROP Artcraft, LLC, a Texas limited liability company, is the abutting landowner and has requested to purchase Tract 23 for \$220,000.

The commission finds \$220,000 to be a fair and reasonable value of the state’s right, title, and interest in Tract 23.

IT IS THEREFORE ORDERED by the commission that Tract 23 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 23 to ROP Artcraft, LLC, a Texas limited liability company, for \$220,000; 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.

(4) Tarrant County - BF 1187C in Crowley - Consider the removal from the system, transfer of control, maintenance, and jurisdiction to the City of Crowley (city), and quitclaim of right of way to the city (MO)

114753  
ROW

In Crowley, TARRANT COUNTY, on BUSINESS FARM TO MARKET ROAD 1187C, the state of Texas acquired certain land for highway purposes by various instruments recorded in the Deed Records of Tarrant County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that BF 1187C north from FM 1187 and east along S. Beverly Street and Main Street to FM 1187, a distance of approximately 3.3 miles, be removed from the state highway system and that control, jurisdiction, and maintenance be transferred to the City of Crowley (city).

The land (Tract 15-01), RCSJ 1330-01-067, described in Exhibit B, is no longer needed for a state highway purpose.

In accordance with Texas Transportation Code, §202.021, the Texas Transportation Commission (commission) may recommend the quitclaim of any interest that might have accrued to the state by use of the property to the county or municipality where the property is located.

The city has requested that Tract 15-01 be quitclaimed to the city.

IT IS THEREFORE ORDERED by the commission that BF 1187C north from FM 1187 and east along S. Beverly Street and Main Street to FM 1187, a distance of approximately 3.3 miles, is removed from the state highway system and that control, jurisdiction, and maintenance is transferred to the city.

FURTHER, IT IS ORDERED by the commission that the land 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, title, and interest in Tract 15-01 to the City of

Crowley, Texas; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

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

**(5) Tarrant County - I-30 at Photo Street in Fort Worth - Consider the sale of right of way to the abutting landowner (MO)**

114754  
ROW

In Fort Worth, TARRANT COUNTY, on INTERSTATE 30, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 7520, Page 2214; Volume 7821, Page 332; and Volume 7821, Page 1310, Deed Records of Tarrant County, Texas.

A portion of the land (Tract 15-05), RCSJ 1068-01-212, 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.

Nathan P. Newbern as Successor Trustee for the 2014 G.P. Newbern Schneider Revocable Trust is the abutting landowner and has requested to purchase Tract 15-05 for \$61,700.

The commission finds \$61,700 to be a fair and reasonable value of the state's right, title, and interest in Tract 15-05.

IT IS THEREFORE ORDERED by the commission that Tract 15-05 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 15-05 to Nathan P. Newbern as Successor Trustee for the 2014 G.P. Newbern Schneider Revocable Trust for \$61,700; 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.

**d. Reports**

**(1) Compliance Division**

**Compliance Division report**

Note: Confidential report to commission.

(2) Obligation Limit Report

Quarterly status report on the FY 2016 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts (Report)

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

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

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

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

114755  
TOD

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, bond anticipation notes, and other obligations to finance turnpike projects on the state highway system, and to enter into trust agreements and indentures of trust governing matters relating to the issuance of such obligations.

The commission has previously issued bonds and obligations, with approximately \$2,402,352,000 outstanding, to finance or refinance a portion of the costs of the Central Texas Turnpike System (system), pursuant to an Indenture of Trust and seven supplemental indentures. The Indenture of Trust dated July 15, 2002 (Indenture), prescribes the terms, provisions and covenants related to the issuance of turnpike revenue bonds and obligations to finance a portion of the costs of the system.

Section 501(c) of the Indenture covenants that for the first five full years of operation of the system, the commission will provide to the Trustee a report showing the traffic and revenue of the system for the previous quarter.

Pursuant to Minute Order 111081, dated September 27, 2007, the system was declared Substantially Complete as defined within the Indenture.

A report of actual traffic and revenue, attached as Exhibit A, has been prepared consistent with the reports previously filed pursuant to Section 501(c) of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the report of actual traffic and revenue attached as Exhibit A is accepted.

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

**e. Annual Toll Rate Adjustment**

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

114756  
TOD

Title 43, Texas Administrative Code, §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll

project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in traffic and revenue reports; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

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

Minute Order 113244, dated August 30, 2012, authorized the executive director to annually escalate toll rates on the CTTS in accordance with established indices and the toll escalation policy set forth in the minute order. The Texas Department of Transportation (department) has established a toll rate escalation percentage of 1.1% (toll rate escalation percentage) to be applied to the current base toll rates for each CTTS element and paypoint, generating the schedule of increased toll rates for calendar year 2017 shown on Exhibit A. The toll rate escalation percentage and the escalated toll rate table shown in Exhibit A for each CTTS element have been prepared in accordance with the toll escalation policy established in Minute Order 113244. As provided in Minute Order 113244, the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

In accordance with the CTTS Indenture of Trust, revenues received must be used to pay debt service, the costs of maintenance and operation, and other obligations incurred under the Indenture of Trust, and, after having made the deposits required under the Indenture of Trust, to repay the commission for amounts expended to pay maintenance and operating expenses, and then to purchase or redeem outstanding obligations, pay maintenance expenses, make payments to the construction fund, fund improvements, extensions and replacements of the CTTS, and for any other lawful purpose.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for each CTTS element, attached as Exhibit A, is accepted replacing the current rate tables with the escalated toll rates on January 1, 2017.

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

**(2) Harris, Montgomery, and Chambers Counties - Accept the annual escalated toll rates for portions of SH 99 (Grand Parkway) consisting of the tolled portion of Segment D in Harris County, Segments E, F-1, F-2, and G, and for the existing tolling points on the portion of Segment I-2 from I-10 to Fisher Road (Segment I-2A), as calculated on the toll escalation determination date (MO)**

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

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

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

The toll rate escalation policy adopted by the commission in Minute Order 113399 provides for the department to calculate the annual toll rate escalation percentage (toll rate escalation percentage) in accordance with the toll rate escalation policy and report the toll rate escalation percentage to the GPTC and the commission each year at or before the commission's October meeting. The department has established a toll rate escalation percentage of 2.00% to be applied to the current base toll rates for each segment of the Grand Parkway identified above and each tolling point, generating the schedule of increased toll rates for calendar year 2017 shown on the attached Exhibit A.

The toll rate escalation percentage and the escalated toll rates shown in Exhibit A for Segment D of the Grand Parkway in Harris County, Segments E, F-1, F-2, and G of the Grand Parkway, and the existing tolling points on Segment I-2A of the Grand Parkway have been prepared in accordance with the toll rate escalation policy established in Minute Order 113399. As provided in Minute Order 113399, the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director and by the GPTC, as applicable, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

In accordance with the Trust Agreement, revenues received will be used to pay debt service, the costs of maintenance and operation, and other obligations incurred under the Trust Agreement, and for any other lawful purpose, with priority given to making the deposits required under the Trust Agreement, paying for any of the purposes set forth in the Trust Agreement, including paying any amounts due the department, and paying any costs of the system or any other section or segment of the Grand Parkway.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for Segment D of the Grand Parkway in Harris County, Segments E, F-1, F-2, and G of the Grand Parkway, and the existing tolling points on Segment I-2A of the Grand Parkway, attached as Exhibit A, is accepted, replacing the current rate tables with the escalated toll rates on January 1, 2017.

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

**f. Transportation Planning**

**(1) Various Counties - Concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)**

114758  
TPP

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

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

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

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project

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

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

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

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

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

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects as shown in Exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality

projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously-approved projects as shown in Exhibit B.

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

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

(2) Various Counties - Concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 161 Toll Project Agreement (MO)

114759  
TPP

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

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

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

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

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of

understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 161 toll project is located in the region served by the NCTCOG.

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

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

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

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the changes to the list of previously-approved projects shown in Exhibit A.

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

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

(3) Various Counties - Certify eligible counties for the 2017 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

114760  
TPP

Transportation Code, §222.053(a), defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Transportation Code, §222.053(c), directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement.

Transportation Code, §222.053(f), requires the commission to certify a county as economically disadvantaged on an annual basis as soon as possible after the Comptroller of Public Accounts (comptroller) provides reports on the economic indicators listed above.

43 TAC §15.55(b)(2) provides that, in determining the adjustment to the local matching funds requirement, and the local government’s efforts and ability to meet the requirement, the commission will consider a local government’s: (A) population level; (B) bonded indebtedness; (C) tax base; (D) tax rate; (E) extent of in-kind resources available; and (F) economic development sales tax.

The comptroller has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for 2017. The counties’ efforts and ability to provide a local match have been considered using the criteria set forth in 43 TAC §15.55. Exhibit A lists the eligible counties and the respective recommended local match adjustments. Exhibit B establishes additional local match adjustments for cities within these counties participating in the program.

IT IS THEREFORE ORDERED by the commission that the list of counties eligible for the 2017 Economically Disadvantaged Counties Program is certified and the local match adjustment for each county is established, as shown in Exhibit A, as well as additional adjustments for cities participating in the program, as shown in Exhibit B.

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

**g. Designation of Access Control**

**Dallas County - I-30, approximately 0.60 miles east of North Cockrell Hill Road - Consider the designation of one location on the frontage road at which access will be permitted to the abutting property (MO)**

114761  
DES

In DALLAS COUNTY, on Interstate 30, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 4406, Page 373, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

3801 Adler, LLC, the current owner of the abutting property, has requested that access to and from the eastbound frontage road of I-30 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-30.

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

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

#### **h. Speed Zones**

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

114762  
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 11. Executive Session Pursuant to Government Code, Chapter 551**  
**Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.**

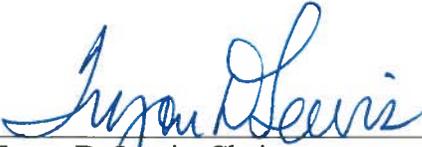
The commission recessed to executive session at 10:24 a.m. and returned from executive session at 11:36 a.m.

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

The commission again received comments from Henry Stowe, State Activist, National Motorist's Association.

Commissioner Ryan 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 11:40 a.m.

APPROVED:

  
\_\_\_\_\_  
Tryon D. Lewis, Chairman  
Texas Transportation Commission

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on October 27, 2016, in Austin, Texas.

  
\_\_\_\_\_  
Robin Carter, Commission Chief Clerk  
Texas Department of Transportation