

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 23, 2017, in Austin, Texas. The meeting was called to order at 9:01 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 2:44 p.m. on February 23, 2017, 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.

Chairman Lewis recognized and the commission heard comments from Senator Borris Miles and Senator Juan "Chuy" Hinojosa. Senator Hinojosa introduced City of Pharr Mayor and HC-MPO Vice Chairman Ambrosio Hernandez, who spoke briefly to the commission, and Hidalgo County RMA Chairman David Deanda. The chairman recognized and the commission heard comments from Representative Ed Thompson. Representative Thompson introduced Brazoria County Judge Matt Sebesta and Pearland Mayor Tom Reid, both of whom made remarks to the commission.

ITEM 2. Consider the approval of the Minutes of the January 26, 2017 regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner Bugg, and the commission approved the minutes of the January 26, 2017 regular meeting by a vote of 5 - 0.

ITEM 3. Acknowledgement of Service

Recognize by resolution Bobby Littlefield, P.E, Waco District Engineer, for 33 years of service to the department

This item was presented by District Operations Director Randy Hopmann. Representative Charles "Doc" Anderson presented a resolution from the Texas House

of Representatives and congratulated District Engineer Littlefield. Mr. Littlefield then thanked the commission and various mentors and introduced his wife and family. The commission acknowledged Mr. Littlefield's accomplishments and thanked him for his loyal service. Photographs were taken.

ITEM 4. Discussion Item

2017 Unified Transportation Program (UTP) March updates, including proposed statewide connectivity corridors (Presentation)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Project Planning and Development Director Lauren Garduno also joined the discussion and answered questions from the commission.

The commission took a short break from 10:40 a.m. to 10.50 a.m.

ITEM 5. Advisory Committee Appointments

a. Consider the appointment of members to the Port Authority Advisory Committee (MO)

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

114842
MRD

Transportation Code, §55.006, requires the Texas Transportation Commission (commission) to appoint a seven-member Port Authority Advisory Committee (committee) to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members serve staggered three-year terms, unless removed sooner at the discretion of the commission.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as a member of the committee for a three-year term expiring on February 28, 2020.

Ms. Phyllis Saathoff, Executive Director/CEO, Port Freeport - Upper Coast
Ms. Jennifer Stastny, Director of Operations, Port of Victoria - Lower Coast
Mr. Eduardo Campirano, Executive Director, Port of Brownsville - Lower Coast

IT IS THEREFORE ORDERED by the commission that Ms. Phyllis Saathoff, Ms. Jennifer Stastny, and Mr. Eduardo Campirano are appointed as members of the Port Authority Advisory Committee for the term specified.

b. Consider the appointment of a member to the Aviation Advisory Committee (MO)

This item was presented by Aviation Division Director Dave Fulton. The commission also heard remarks from former Commissioner Fred Underwood and from former Commissioner Jeff Moseley. 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.

114843
AVN

Transportation Code, §21.003, requires the Texas Transportation Commission (commission) to appoint a six-member Aviation Advisory Committee (committee) to advise the commission and the Texas Department of Transportation (department) on aviation matters.

Transportation Code, §21.003, further provides that each member of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager or a fixed-base operator.

The department's administrative rules governing statutory advisory committees (Title 43, Texas Administrative Code, §1.84) provide that committee members serve staggered three-year terms.

Mr. John White, whose term expires on August 31, 2018, has resigned from the committee; therefore, it is necessary for the commission to appoint a new member to fill this vacancy.

The commission has determined that the individual listed below fulfills the statutory requirements to serve as a member of the committee:

Fred Underwood
Lubbock, Texas

IT IS THEREFORE ORDERED by the commission that the individual identified above is hereby appointed to serve as a member of the Aviation Advisory Committee with a term effective February 23, 2017, and expiring on August 31, 2018.

ITEM 6. Aviation

a. Various Counties - Consider the award of federal non-primary entitlement grant funding for airport improvement projects at various locations (MO)

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

114844
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, to award federal non-primary entitlement funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

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

On January 27, 2017, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$573,334.

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

b. Various Counties - Consider the award of federal and state grant funding for airport improvement projects at various locations (MO)

This item was presented by Aviation Division Director Dave Fulton. The commission also heard comments from Terry County Judge J.A. (Butch) Wagner. 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.

114845
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

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

On January 27, 2017, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$1,470,000.

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

ITEM 7. Public Transportation

a. Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds for FY 2017 (MO)

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

114846
PTN

The Texas Transportation Commission (commission) desires to award \$20,104,352 in federal funds under the Federal Transit Administration (FTA) Formula Grants for Rural Areas Program (49 U.S.C. §5311) to Texas rural transit districts and further acknowledges that federal program regulations require the Texas Department of

Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The United States Congress has passed the Fixing America's Surface Transportation (FAST) Act, authorizing funding for federal fiscal years (FY) 2016 - 2020. FTA has made available approximately seven-twelfths of the FY 2017 funds. Awards to rural transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code, §31.36(g)(2). The distribution of the FY 2017 awards is shown in Exhibit A.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the FY 2017 §5311 FTA allocation for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the FY 2017 program of projects.

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

b. Various Counties - Consider the award of federal Rural Transportation Assistance Program (RTAP) funds (§5311b(3)) to Concho Valley Transit District to host the 2017 Texas Transit Association Training and Rodeo in Lubbock (MO)

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

114847
PTN

The Texas Transportation Commission (commission) desires to award \$33,300 in federal Rural Transportation Assistance Program (RTAP) funds (49 U.S.C. §5311(b)(3)) to Concho Valley Transit District in support of the 2017 Texas Transit Association Training and Rodeo. The award is provided to Concho Valley Transit District for their specific role in this event to provide technical assistance and logistical support.

Transportation Code, Chapter 455, assigns a broad spectrum of public transportation roles and missions to the department.

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award as described, submit the necessary state application to the Federal Transit Administration, and enter into the necessary contracts.

c. Various Counties - Consider the award of residual §5309 Bus and Bus Facilities Program funds and transportation development credits to Aspermont Small Business Development Center, Inc. for the purchase of a vehicle (MO)

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

114848
PTN

The Texas Transportation Commission (commission) desires to award \$38,871 in residual federal funds under the Federal Transit Administration (FTA) Bus and Bus Facilities formula grant program (49 U.S.C. §5309) and 5,831 in transportation development credits (TDC) to Aspermont Small Business Development Center, Inc. The funds are available from a balance remaining in a State of Good Repair initiative grant award.

Awards to eligible rural transit districts are determined based on relative fleet need in Title 43, Texas Administrative Code (TAC), §31.16(d)(3).

The commission recognizes that state and federal laws permit the substitution of TDC as the required non-federal match for projects. Title 43, TAC, §5.109 establishes a process by which TDC may be awarded at the discretion of the commission.

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

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award of funds and TDC, submit the necessary state application to the FTA, and enter into the necessary contracts.

d. Various Counties - Consider the award of federal §5311 and §5311(f) funds and transportation development credits to the Capital Area Rural Transportation System (CARTS) (MO)

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

114849
PTN

The Texas Transportation Commission (commission) desires to award \$365,000 in federal funds under the Federal Transit Administration (FTA) §5311 Formula Grants for Rural Areas Program (49 U.S.C. §5311) and Formula Grants for Rural Areas Intercity Bus Transportation program (49 U.S.C. §5311(f)), and 151,800 transportation development credits (TDC) to Capital Area Rural Transportation System (CARTS), and

further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

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

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

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

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award of funds and TDC, submit the necessary state application to the FTA, and enter into the necessary contracts.

ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001: Final Adoption
a. Chapter 9 - Contract and Grant Management
Amendments to §9.3, Protest of Department Purchases under the State Purchasing and General Services Act (General) (MO)

This item was presented by Procurement Division Director Glenn Hagler. Commissioner Vandergriff made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114850
PRO

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.3, relating to Protest of Department Purchases under the State Purchasing and General Services Act, to be codified under Title 43, Texas Administrative Code, Part 1.

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

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.3 are adopted and are authorized for filing with the Office of the Secretary 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. Chapter 26 - Regional Mobility Authorities

Amendments to §26.15, Creation (Creation of a Regional Mobility Authority) (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. 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.

114851
TPP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §26.15, Creation, relating to Creation of a Regional Mobility Authority, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §26.15 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.

c. Chapter 30 - Aviation

Amendments to §30.203, Definitions, §30.204, Facilities Development Program, §30.205, Eligibility for Financial Assistance, and §30.214, Grant and Loan Agreement Payments (Aviation Facilities Development and Financial Assistance Rules) (MO)

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

114852
AVN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§30.203 - 30.205 and §30.214 relating to Aviation Facilities Development and Financial Assistance Rules to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§30.203 - 30.205 and §30.214 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 9. Finance

State Highway Fund Revenue Bonds - Consider the approval of the remarketing of the commission's outstanding State Highway Fund First Tier Revenue Bonds, Series 2014-B (SIFMA Index Floating Rate Bonds) and ratification and confirmation of actions in connection with such remarketing; consider the approval of related documents, including a liquidity agreement, a continuing covenant agreement, a remarketing agreement, and a remarketing memorandum; and consider the designation of certain department officials to take all action necessary to remarket such bonds (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 Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114853
PFD

Pursuant to Minute Order 110472, dated March 30, 2006, the Texas Transportation Commission (commission) approved a "Master Resolution Establishing a Financing Program for Bonds, Other Public Securities and Credit Agreements Secured by and Payable from Revenue Deposited to the Credit of the State Highway Fund," as subsequently amended and restated (master resolution), establishing a revenue financing program (state highway fund revenue financing program) to provide a financing structure to facilitate the commission's exercise of the powers and authority conferred by Section 49-n, Article III, of the Texas Constitution, Section 222.003, Transportation Code, and other applicable law, including Chapter 1371, Government Code, pursuant to which the commission is authorized to issue obligations, including bonds, notes and other public securities, and execute credit agreements, secured by and payable from a pledge of and lien on revenues deposited to the credit of the state highway fund, as provided by the master resolution. Any terms not otherwise defined herein have the meaning given in the sixth supplement, as hereinafter defined.

The commission has previously issued its \$300 million "Texas Transportation Commission State Highway Fund First Tier Revenue Bonds, Series 2014-B (SIFMA Index Floating Rate Bonds)" (Series 2014-B Bonds) pursuant to the amended and restated sixth supplemental resolution to the master resolution (sixth supplement).

Pursuant to the provisions of the sixth supplement, the Series 2014-B Bonds are subject to mandatory tender for purchase, without right of retention, on April 1, 2017 (initial mandatory tender date) and shall be remarketed by the remarketing agent for such Series 2014-B Bonds (remarketing agent) in one or more series or subseries and in one or more successive index floating rate periods of the same or different durations or in one or more of the several interest rate modes authorized by the sixth supplement.

In the sixth supplement, the commission (i) directed the department representative to execute and deliver an award certificate in connection with each proposed conversion of Series 2014-B Bonds containing the information specified in the sixth supplement for each conversion, (ii) authorized the department representative to replace the remarketing agent and enter into a remarketing agreement (remarketing agreement) with a successor remarketing agent, and (iii) reserved the right to enter into one or more credit agreements (credit agreements) with one or more credit agreement providers (credit agreement providers) to pay the purchase price of all or a portion of tendered Series 2014-B Bonds.

As part of the ongoing management of the state highway fund revenue financing program, the commission has been requested to consider several actions in connection with the remarketing of the Series 2014-B Bonds on the initial mandatory tender date, to be approved by the department representative, which shall be designated for purposes of the sixth supplement to include the chief financial officer of the Texas Department of Transportation (department) and the director, Project Finance, Debt and Strategic Contracts Division.

To secure payment of the purchase price of tendered Series 2014-B Bonds pursuant to the terms of the sixth supplement, the commission has determined that it is in the best interests of the state to authorize (i) a credit agreement in the form of a liquidity agreement, substantially in the form presented to the commission with this minute order with such changes as are approved by the department representative (liquidity agreement) between the commission and the liquidity provider identified in the liquidity agreement (liquidity provider), in the aggregate principal amount that, when combined with the principal amount covered by the continuing covenant agreement, as hereinafter defined, does not exceed \$300 million and (ii) a credit agreement in the form of a continuing covenant agreement, substantially in the form presented to the commission with this minute order with such changes as are approved by the department representative (continuing covenant agreement) between the commission and the purchaser identified in the continuing covenant agreement (direct purchaser), in the aggregate principal amount that, when combined with the principal amount covered by the liquidity agreement, as hereinafter defined, does not exceed \$300 million. The commission intends tender and redemption payments made under such credit agreements will be refinanced with refunding bonds or other obligations issued under Chapter 1207, Government Code, and, therefore the commission will treat such payments as having the intended term and payment schedule of such refunding bonds or other obligations, as determined by the department representative.

In the event the department cannot reach an agreement with the liquidity provider or the direct purchaser, the department representative is authorized to proceed with execution of one or more alternative credit agreements with one or more

alternative credit agreement providers that meet the qualifications and cost structure that provides the next best value and terms for the state highway fund revenue financing program as determined by the department representative.

A remarketing memorandum or other offering document (collectively, remarketing memorandum) shall be prepared for distribution by the remarketing agent on or before the initial mandatory tender date in connection with the remarketing of the Series 2014-B Bonds.

IT IS THEREFORE ORDERED by the commission that the department representative is authorized and directed to take such action as is necessary or appropriate for the remarketing agent to remarket the Series 2014-B Bonds on the initial mandatory tender date, including obtaining rating confirmations, giving any notices and taking other actions as may be required pursuant to the terms of the sixth supplement.

IT IS FURTHER ORDERED by the commission that the department representative is authorized and directed to execute and deliver the remarketing agreement, with such changes as the department representative executing the same may approve, such approval to be conclusively evidenced by execution of such remarketing agreement.

IT IS FURTHER ORDERED by the commission that the department representative is authorized and directed to execute and deliver the liquidity agreement and the continuing covenant agreement (collectively with the remarketing agreement and any related award certificates, the transaction documents), with such changes as the department representative executing the same may approve, such approval to be conclusively evidenced by execution of such liquidity agreement and continuing covenant agreement.

IT IS FURTHER ORDERED by the commission that the preparation of a remarketing memorandum is hereby approved, in the form approved by the department representative or in substantially the form of an official statement previously approved by the commission in connection with senior obligations, as applicable, with such changes as the department representative, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of such remarketing memorandum.

IT IS FURTHER ORDERED by the commission that any other agreements, instruments or ancillary documents necessary or appropriate in connection with the remarketing of the Series 2014-B Bonds or the execution and delivery of the transaction documents and the performance of the terms and conditions of any such documents, are hereby approved, including any amendments to the sixth supplement, and the department representative or its designee is authorized and directed to execute and deliver such documents. The department representative's authority to take such actions as are contemplated by the commission's prior delegation of continuing authority under the sixth supplement for the Series 2014-B Bonds, including authority to establish, alter, or consent to changes in interest rates, interest rate modes, and interest rate periods and to execute and enter into agreements, is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED by the commission that each member of the commission, the executive director, each department representative and the general

counsel are authorized and directed to perform such acts and execute such documents, notices and other instruments, including certifications to and agreements with the remarketing agent, liquidity provider, direct purchaser, tender agent, calculation agent, the Attorney General of Texas, the Texas Comptroller of Public Accounts, and other parties, as may be necessary or appropriate to carry out the intent and purpose of this minute order and other orders of the commission relating to the state highway fund revenue financing program and the transaction documents.

ITEM 10. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings.

a. Construction of Highways and Other Transportation Facilities (MO)

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

114854
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 February 2 and 3, 2017, as shown on Exhibit A.

Pursuant to cited code provisions highway improvement 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 consider the award to the lowest bidder, reject or defer, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

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

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

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to

fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

b. Highway Maintenance (MO)

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

114855
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 February 2 and 3, 2017, 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 consider the award to the lowest bidder, reject or defer, as indicated, those highway maintenance and department building construction contracts, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected 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 nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

c. Construction and Rehabilitation of Buildings (MO)

This item was presented by Support Services Division Facilities Planning and Management Section Director Robin Cappello. 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.

114856
SSD

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 February 7, 2017, 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 improvement 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 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 re-advertise that project for competitive bids at the earliest practical subsequent date.

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

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

ITEM 11. Eminent Domain Proceedings

Various Counties - Consider the authorization of 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).

114857
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 - JJ. 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 - 14, 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	JJ	3138-01-026	11
Dallas	IH 35E	M	0442-02-144	5
Dallas	IH 35E	N	0442-02-144	29
Dallas	IH 35E	O	0442-02-144	32
Dallas	IH 35E	P	0442-02-144	33
Dallas	IH 35E	Q	0442-02-144	35
Dallas	IH 35E	R	0442-02-144	36
Dallas	IH 35E	S	0442-02-144	37
Dallas	IH 35E	T	0442-02-144	38
Dallas	IH 35E	U	0442-02-144	39
Dallas	IH 35E	V	0442-02-144	40
Dallas	IH 35E	W	0442-02-144	41
Dallas	IH 35E	X	0442-02-144	42
Dallas	IH 35E	Y	0442-02-144	43
Dallas	IH 35E	Z	0442-02-144	44
Dallas	IH 35E	AA	0442-02-144	45
Dallas	IH 35E	BB	0442-02-144	46
Dallas	IH 35E	CC	0442-02-144	47
Dallas	IH 35E	DD	0442-02-144	48
Dallas	IH 35E	EE	0442-02-144	49
Dallas	IH 35E	FF	0442-02-144	50
Ellis	SH 360	L	2266-03-005	207
Galveston	IH 45	G	0500-04-120	7
Galveston	IH 45	D	0500-04-120	20
Galveston	IH 45	H	0500-04-123	229
Galveston	IH 45	C	0500-04-123	201B
Harris	IH 610	GG	0271-17-158	1
Harris	IH 610	K	0271-17-158	2
Harris	IH 610	HH	0271-17-158	8
Harris	IH 610	II	0271-17-158	9
McLennan	IH 35	B	0015-01-234	95
Randall	IH 27	E	0168-09-068	27
Randall	IH 27	A	0168-09-068	29
Randall	IH 27	F	0168-09-068	37
Tarrant	SH 360	I	2266-02-145	104
Tarrant	SH 360	J	2266-02-145	105

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	US 190	4	0185-01-035	17
Bexar	US 281	9	0253-04-149	34
Bexar	US 281	10	0253-04-149	45
Bexar	US 281	11	0253-04-149	48
Bexar	US 281	12	0253-04-149	58
Bexar	US 281	13	0253-04-149	64
Brazos	FM 2347	8	3138-01-026	21
Burleson	FM 60	14	0648-03-064	16
Collin	FM 455	5	0816-04-099	2
Randall	SL 335	6	2635-03-019	11
Randall	SL 335	7	2635-03-019	16
Smith	FM 2493	3	0191-03-082	12
Smith	FM 2493	1	0191-03-082	13
Smith	FM 2493	2	0191-03-082	16

Note: Exhibits A - JJ and 1 - 14 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

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

a. Donations to the Department

(1) 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)

114858
CSD

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

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct

an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

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

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

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

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

(2) Real Estate Donations

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

114859
ROW

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

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

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

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department

and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, §223.049, and §224.001. The donation agreement has been executed and accepted by the department under Title 43, Texas Administrative Code, §1.504.

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

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

b. Real Estate Dispositions

(1) Bell County - US 190 at FM 3423 in Harker Heights - Consider the sale of right of way to the abutting landowner (MO)

114860
ROW

In Harker Heights, BELL COUNTY, on US HIGHWAY 190, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1054, Page 693, Deed Records of Bell County, Texas.

A portion of the land (Tract 1), RCSJ 0231-03-133, described in Exhibit A, is no longer needed for a state highway purpose.

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

McDonald's Real Estate Company, a Delaware corporation, is the abutting landowner and has requested to purchase Tract 1 for \$59,500.

The commission finds \$59,500 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 McDonald's Real Estate Company, a Delaware corporation, for \$59,500; 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.

(2) Dallas County - I-635, north side, between Josey Lane and Webb Chapel Road in Dallas - Consider the sale of right of way to the City of Farmers Branch (MO)

114861
ROW

In Dallas, DALLAS COUNTY, on INTERSTATE 635, the state of Texas acquired certain land for highway purposes by instrument recorded in Instrument No. 201100094422, Official Public Records of Dallas County, Texas.

Portions of the land (Tracts 1 and 2), RCSJ 2374-01-177, described in Exhibit A, are no longer needed for a state highway purpose.

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

The City of Farmers Branch has requested to purchase Tracts 1 and 2 for \$25.1 million.

The commission finds \$25.1 million to be a fair and reasonable value of the state's right, title, and interest in Tracts 1 and 2.

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

Tracts 1 and 2 to the City of Farmers Branch, Texas, for \$25.1 million; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) El Paso County - I-10, northeast corner at Eastlake Boulevard in El Paso - Consider the sale of right of way by sealed bid (MO)

114862
ROW

In El Paso, EL PASO COUNTY, on INTERSTATE 10 at Eastlake Boulevard, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1365, Page 25, Deed Records of El Paso County, Texas.

A portion of the land (Tract 4), 2121-04-102, described in Exhibit A, is no longer needed for state highway purposes.

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

Tract 4 was advertised for sale, and EP Summit Investments, LLC, submitted a bid of \$1.283 million.

The commission finds \$1.283 million to be a fair and reasonable value of the state's right, title, and interest in Tract 4.

IT IS THEREFORE ORDERED by the commission that Tract 4 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 4 to EP Summit Investments, LLC, for \$1.283 million; **SAVE AND EXCEPT**, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Grimes County - BS 6-S in Navasota - Consider the sale of a former maintenance site by sealed bid (MO)

114863
ROW

In Navasota, GRIMES COUNTY, on BS 6-S, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 150, Page 299, and Volume 175, Page 534, Deed Records of Grimes County, Texas.

A portion of the land (Tract 1), RCSJ 0050-11-018, described in Exhibit A, is no longer needed for a state highway purpose.

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

Tract 1 was advertised for sale, and Kolkhorst Investments, LLC, submitted a bid of \$56,000.

The commission finds \$56,000 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 Kolkhorst Investments, LLC, for \$56,000; **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.

(5) Guadalupe County - FM 725, old alignment in McQueeney - Consider the quitclaim of right of way to which there is no record title (MO)

114864
ROW

In McQueeney, GUADALUPE COUNTY, on FARM TO MARKET ROAD 725, the state of Texas used certain land for highway purposes to which there is no record title.

The land (Tract 1), RCSJ 0215-09-030, being all that 0.140 acre of land described in Exhibit A, **SAVE and EXCEPT** any property conveyed to the State of Texas by deed from Clark D. Core and wife, recorded in Volume 351, Page 539, Deed Records of Guadalupe County, Texas, 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.

Wuest's, Inc., is the abutting landowner and has requested to acquire Tract 1.

Guadalupe County has requested that Tract 1 be quitclaimed to the abutting landowner.

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 the abutting landowner.

IT IS THEREFORE ORDERED by the commission that Tract 1, being all that 0.140 acre of land described in Exhibit A, SAVE and EXCEPT any property conveyed to the State of Texas by deed from Clark D. Core, and wife, recorded in Volume 351, Page 539, Deed Records of Guadalupe County, Texas, 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, being all that 0.140 acre of land described in Exhibit A, SAVE and EXCEPT any property conveyed to the State of Texas by deed from Clark D. Core, and wife, recorded in Volume 351, Page 539, Deed Records of Guadalupe County, Texas, to Wuest's, Inc.

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

(6) Harris County - I-10, south side, east of Patterson Street in Houston - Consider the sale of right of way to the abutting landowner (MO)

114865
ROW

In Houston, HARRIS COUNTY, on INTERSTATE 10, the state of Texas acquired certain land for highway purposes by instruments recorded in Clerk's File Numbers B977887 and B952623, Official Public Records of Real Property, Harris County, Texas.

A portion of the land (Tract 241), RCSJ 0271-07-313, as shown on Exhibit A, is no longer needed for a state highway purpose.

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

Childress Family Investments, Inc., a Texas corporation, is the abutting landowner and has requested to purchase Tract 241 for \$109,593.

The commission finds \$109,593 to be a fair and reasonable value of the state's right, title, and interest in Tract 241.

IT IS THEREFORE ORDERED by the commission that Tract 241 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 241 to Childress Family Investments, Inc., a Texas corporation, for \$109,593; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and

other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(7) Travis County - SL 275, west side of N. Lamar at Stobaugh Street in Austin - Consider the sale of right of way to an abutting landowner (MO)

114866
ROW

In Austin, TRAVIS COUNTY, on STATE LOOP 275, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 3903, Page 1964, and Volume 3918, Page 1553, Deed Records of Travis County, Texas.

A portion of the land (Tract 1), RCSJ 0015-11-065, described in Exhibit A, is no longer needed for a state highway purpose.

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

Hardeman Family Joint Venture, Ltd., is an abutting landowner and has requested to purchase Tract 1 for \$700,000.

The commission finds \$700,000 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 Hardeman Family Joint Venture, Ltd., for \$700,000; 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.

d. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Grand Parkway Transportation Corporation

Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)

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

d. Finance

(1) Consider the acceptance of the annual continuing disclosure report for the State Highway Fund revenue bonds (MO)

114867
PFD

Article III, Section 49-n of the Texas Constitution authorized the Legislature to authorize the Texas Transportation Commission (commission) to issue bonds and other public securities to: (i) finance state highway improvement projects that are eligible for funding with revenues dedicated or appropriated to the state highway fund; and (ii) pay the costs of issuing the bonds. The bonds are payable from and secured by a prior lien on certain revenues deposited to the credit of the State Highway Fund held in the treasury of the State of Texas.

Pursuant to Minute Order 110472, dated March 30, 2006, the commission approved a Master Resolution Establishing a Financing Program for Bonds, Other Public Securities and Credit Agreements Secured by and Payable from Revenue Deposited to the Credit of the State Highway Fund, as amended and restated by the Second Amended and Restated Master Resolution dated April 23, 2010, to establish a revenue financing program, pursuant to which the commission may issue bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on revenues deposited to the credit of the State Highway Fund. The commission has approved nine supplemental resolutions for the issuance of bonds under Transportation Code, Section 222.203 and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within 180 days after the end of each fiscal year, financial information and operating data with respect to the State Highway Fund of the general type in the attached State Highway Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for fiscal year ended August 31, 2016, attached as the State Highway Fund Annual Continuing Disclosure Report, is accepted.

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

(2) Consider the acceptance of the annual continuing disclosure report for the Texas Mobility Fund (MO)

114868
PFD

Article III, Section 49-k of the Texas Constitution created the Texas Mobility Fund (Mobility Fund) within the treasury of the State of Texas (state) to be administered by the Texas Transportation Commission (commission) as a revolving fund to: (i) provide a method of financing the construction, reconstruction, acquisition and expansion of state highways, including costs of any necessary design and costs of acquisition of rights of way, as determined by the commission in accordance with standards and procedures established by law; and (ii) 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.

Pursuant to a Master Resolution approved on May 4, 2005, and as amended, the commission has approved thirteen supplemental resolutions for the issuance of bonds under Transportation Code, Chapter 201, Subchapter M and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within six months after the end of each fiscal year, financial information and

operating data with respect to the Mobility Fund of the general type in the attached Texas Mobility Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2016, attached as the Texas Mobility Fund Annual Continuing Disclosure Report, is accepted.

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

(3) Travis and Williamson Counties - Consider the acceptance of the annual continuing disclosure report for the Central Texas Turnpike System (MO)

114869
PFD

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue turnpike 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 related to the issuance of such obligations.

The commission issued turnpike revenue bonds and other obligations to finance a portion of the costs of the Central Texas Turnpike System (System), a turnpike project composed of the State Highway 130 (Segments 1 through 4), State Highway 45 North, State Highway 45 SE and Loop 1 project elements. The commission has also authorized the execution of an indenture of trust and eight supplemental indentures to secure revenue bonds and other obligations issued for the System. The Indenture of Trust dated July 15, 2002, as supplemented by the amended and restated eighth supplemental indenture (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 716 of the indenture requires the commission to provide annually, within six months after the end of each fiscal year, updated financial information and operating data with respect to the commission and the System of the general type included in specified sections of the final official statements relating to the First Tier Obligations issued for the System.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2016 with respect to the commission and the System, attached as the Central Texas Turnpike System Annual Continuing Disclosure Report, is accepted.

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

e. Designation of Access Control

Bowie County - I-30, approximately 3500 feet east of SS 594 - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

114870
DES

In BOWIE COUNTY, on INTERSTATE HIGHWAY 30, a designated controlled-access highway, the State of Texas acquired certain land for highway

purposes by instrument recorded in Volume 438, Page 1, Deed Records, Bowie County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Shane Satterfield, the current owner of the abutting property, has requested that access to the eastbound frontage road of I-30 be permitted along his north 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 lay out, construct, maintain and operate a modern state highway system with an emphasis on the construction of controlled-access highways.

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety, or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress is permitted to the eastbound frontage road of I-30.

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

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

f. Speed Zones

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

114871
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.

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

The commission received comments from Michael Aulick of the Austin San Antonio Corridor Council.

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

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

b. Section 551.074 - Discussion regarding the evaluation of the performance of the Executive Director.

c. Section 551.076 - Discussion regarding the deployment, or specific occasions for implementation, of security personnel or devices

The commission recessed to executive session at 11:44 a.m. and returned from executive session at 12:24 p.m. Commissioners Austin and Vandergriff did not return to the hearing room following the executive session.

The commission received no further comments.

Commissioner Bugg motioned adjournment and Commissioner Ryan seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:24 p.m.

APPROVED:



Tryon D. Lewis, Chairman
Texas Transportation Commission

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on February 23, 2017, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation