

These are the minutes of the regular meeting of the Texas Transportation Commission held on June 29, 2017, 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 3:39 p.m. on June 21, 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 Randy Clawson.

Chairman Lewis recognized Representative Leighton Shubert who spoke to the commission concerning SH 249.

ITEM 2. Consider the approval of the Minutes of the May 25, 2017, regular meeting of the Texas Transportation Commission

Commissioner Bugg made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the minutes of the May 25, 2017, regular meeting by a vote of 5 - 0.

ITEM 3. Discussion Item

85th Legislative Session impact on transportation funding and the Unified Transportation Program (Presentation)

This item was presented by Chief Financial Officer Brian Ragland and Transportation Planning and Programming Division Director Peter Smith.

ITEM 4. 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. The commission also heard comments from Meacham Airport Manager Jeff Kloska. 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.

114952
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 June 1, 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 \$2,266,668.

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. 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.

114953
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 June 1, 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 \$3,226,100.

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

c. **Williamson County** - Consider the award of federal discretionary grant funding for airport improvement project at Williamson County (MO)

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

114954
AVN

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

The department recommends the award of federal discretionary grant funds for an eligible project at the Georgetown Municipal Airport, as described in Exhibit A.

On June 1, 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 agreement to fund, through the Aviation Facilities Grant Program, the project described in Exhibit A at an estimated cost of \$100,000.

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

ITEM 5. Public Transportation

Various Counties - Award state funds to public transportation providers for FY 2018 as appropriated by the 85th Texas Legislature (MO)

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

114955
PTN

Of the amounts appropriated to the Texas Department of Transportation (department) by the General Appropriations Act of the 85th Texas Legislature, Regular Session, \$67,682,135 was appropriated for urban and rural public transportation systems for the 2018-2019 biennium.

The Texas Transportation Commission (commission) desires to award \$14,131,638 for FY 2018 to rural and urban areas of the state that have provided evidence of compliance with their internal ethics and compliance programs as required by Title 43, Texas Administrative Code (TAC), §31.39. Title 43, TAC, §31.11 establishes a formula by which public transportation funds shall be distributed to the urban and rural areas of the state. The identified FY 2018 awards, which are shown in Exhibits A and B, have been calculated in accordance with the provisions of §31.11.

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

Transportation Code, Chapter 456 authorizes the commission to administer public transportation programs.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is hereby authorized to proceed with the awards as shown in

Exhibits A and B and to enter into the necessary contracts for the FY 2018 program of projects upon completion of all application requirements by the local public transportation operators.

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

ITEM 6. Annual Highway Safety Plan

Consider approval of funding for the 2018 Highway Safety Plan (MO) (Presentation)

This item was presented by Traffic Operations Division Director Michael Chacon. 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.

114956
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and their related deaths, injuries and property damage.

The Fixing America's Surface Transportation (FAST) Act will appropriate various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the FY 2018 Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission (commission) that the HSP is approved. The executive director is directed to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$106,262,000.94 as shown in Exhibit A. The estimated cost for this program is contingent upon the appropriation of funds by the U.S. Congress and could increase or decrease from the requested amount.

IT IS FURTHER ORDERED by the commission that should additional federal funds become available, the director of the Traffic Operations Division is authorized to approve an increase in the HSP up to ten percent (10%) of the total approved budget and the executive director or the director's designee is authorized to approve an increase in the HSP up to fifty percent (50%) of the total approved budget or to the extent of the additional federal funds.

IT IS FURTHER ORDERED by the commission that the executive director may not enter into an agreement with any entity pursuant to this minute order until the Texas Department of Transportation has determined the entity has an internal ethics and compliance program that complies with 43 T.A.C. §10.51.

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

ITEM 7. Regional Mobility Authority

a. Various Counties - Consider approval of a request from Fannin County to become part of the Sulphur River Regional Mobility Authority (MO)

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

114957
TPP

Pursuant to Chapter 370 of the Transportation Code, and Title 43, Texas Administrative Code, Chapter 26 (RMA rules), Delta, Hopkins, Hunt, and Lamar counties petitioned the Texas Transportation Commission (commission) for authorization to form a regional mobility authority (RMA). The petition was filed on February 1, 2007.

By Minute Order 110975, dated June 28, 2007, the commission authorized the creation of the Sulphur River Regional Mobility Authority (SuR RMA). The minute order established an initial board of directors be composed of nine members, with eight members appointed by the petitioning counties, and the presiding officer appointed by the governor. By Minute Order 111750, dated March 26, 2009, the commission authorized the withdrawal of Hopkins County from the SuR RMA.

Section 26.21 of the RMA rules provides that one or more counties may request commission approval to become part of an existing RMA.

The commission has received a petition from Fannin County requesting approval to join the SuR RMA, and has received a resolution from the Fannin County Commissioners Court indicating support of the request to join the SuR RMA. Fannin County shares county lines with all three counties that are part of the SuR RMA. The Board of Directors of the SuR RMA has approved a resolution agreeing to the addition of Fannin County to the SuR RMA.

The Commissioners Courts of Delta, Hunt, and Lamar counties have all submitted resolutions indicating support for Fannin County's request to join the SuR RMA. These resolutions are included with the minute order.

As provided in the petition, the Board of Directors of the SuR RMA will be composed of nine members, with each county commissioner's court appointing two board members and the presiding officer appointed by the governor.

The commission finds that expansion of the SuR RMA will result in direct benefits to the state, local governments and the traveling public, and will improve the efficiency of the state's transportation systems. Expansion of the SuR RMA will benefit the state by constructing needed roadway projects, such as the projects identified in the original SuR RMA petition. The expanded SuR RMA will benefit local governments by increasing local control over transportation planning and through additional transportation projects that may be funded through the SuR RMA. The traveling public will also benefit through improved mobility and traffic safety throughout the region encompassed by the expanded SuR RMA.

The commission also finds that the affected political subdivision in Fannin County will be adequately represented on the SuR RMA Board of Directors.

IT IS THEREFORE ORDERED that the commission approves the expansion of the SuR RMA by the addition of Fannin County.

Note: Resolutions on file with the commission chief clerk.

b. Travis County - Central Texas Regional Mobility Authority (CTRMA) - Consider approval of a toll project consisting of two direct connectors at the intersection of SH 130 and 290 Toll (Manor Expressway) to be constructed by the CTRMA as part of 290 Toll (290E PH3 Project) and its connection to the state highway system; consider

approval to expend available Central Texas Turnpike System (CTTS) revenues for the actual costs of the development and construction of a third direct connector at the intersection of SH 130 and 290 Toll and associated improvements, as an expansion of a portion of the SH 130 element of the CTTS (E-S DC); consider authorizing the executive director to contract with CTRMA to make improvements to the state highway system through the construction of the E-S DC on behalf of the department pursuant to Transportation Code §370.033(f); and consider approval of the department's determination to exercise its option to develop, finance, construct, and operate the E-S DC as an expansion of a portion of the SH 130 element of the CTTS (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. At the request of Commissioner Austin, CTRMA Executive Director Mike Heiligenstein came forward to answer questions. Private citizen and engineer Don Dixon also addressed the commission. Commissioner Austin made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114958
TPP

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) have been proceeding with the development of projects at the interchange of SH 130 and CTRMA's toll facility in the US 290 East corridor (290 Toll) in Travis County. The projects are comprised of the construction of three additional direct connectors between SH 130 and 290 Toll in order to improve safety and operations (southbound SH 130 to westbound 290 Toll, northbound SH 130 to westbound 290 Toll, and eastbound 290 Toll to southbound SH 130), and are located within the boundaries of the CTRMA.

The projects are subject to the primacy determination process in Transportation Code, Chapter 373. Pursuant to Transportation Code §373.052, the CTRMA previously exercised its option to develop, finance, construct, and operate the three direct connectors by issuing Resolution No. 16-080, dated September 28, 2016.

The department has determined that revenues of the Central Texas Turnpike System (CTTS) are available to develop, finance, construct, and operate the eastbound 290 East to southbound SH 130 direct connector and associated improvements as an improvement to the state highway system, and is recommending that the Texas Transportation Commission (commission) approve the construction of the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements as an expansion of the SH 130 element of the CTTS, to improve safety and mobility on SH 130, Segments 1-4.

The department recommends that the estimated \$41.1 million in development and construction costs of the eastbound 290 Toll to southbound SH 130 direct connector be paid from available CTTS revenues, and requested that CTRMA rescind its previous exercise of the option to develop, finance, construct, and operate that direct connector. In Resolution No. 17-028, dated May 31, 2017, the CTRMA Board of Directors approved the rescission of its previous exercise of its option, effective upon the commitment by the commission to pay for the actual costs of the development and construction of the eastbound 290 Toll to southbound SH 130 direct connector.

The CTRMA intends to develop, finance, construct, and operate the remaining two direct connectors that will connect to 290 Toll and associated improvements (Manor Expressway (290E) Phase III Project). The department has been working with CTRMA to include the construction of the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements in CTRMA's construction contract. On October 17, 2016, the Capital Area Metropolitan Planning Organization (CAMPO) adopted amendments to the FY 2017-2020 Transportation Improvement Program (TIP) that added the CTRMA's Manor Expressway (290E) Phase III Project and the department's project to the TIP.

Pursuant to Section 501(a) of the CTTS Indenture of Trust (indenture), prior to adopting any change in the Toll Rate Schedule, which includes any proposed change in toll rates as well as any changes in design of the CTTS configuration and turnpike plans, the commission shall obtain and file with the trustee a certificate by the CTTS traffic and revenue consultant that, in the consultant's opinion, the adoption of such proposed changes will not adversely affect the ability of the commission to comply with its rate covenant in the indenture. The department has received such certification from the traffic and revenue consultant, shown in Exhibit A, and has filed it with the trustee.

Transportation Code, §373.053 provides that if a local toll project entity fails or declines to exercise its option to develop, finance, construct, and operate a toll project, the department has 60 days after that date to decide whether it will exercise its option to develop, finance, construct, and operate that project. The department has determined that its option to develop, finance, construct, and operate the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements as an expansion of a portion of the SH 130 element of the CTTS should be exercised.

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

Pursuant to 43 TAC §26.31 and 43 TAC §11.58, the CTRMA has submitted a request to the executive director of the department for commission approval to construct the Manor Expressway (290E) Phase III Project, which will connect to the state highway system.

Pursuant to 43 TAC §11.58(c), the CTRMA has agreed to design and construct the portion of the Manor Expressway (290E) Phase III Project that comprises the connection to the state highway system in compliance with the standards prescribed in 43 TAC §11.58(d). The Manor Expressway (290E) Phase III Project is in a conforming transportation improvement program, and a categorical exclusion determination was made for the project on March 29, 2017.

Transportation Code, §370.033(f) authorizes a regional mobility authority to enter into an agreement with the department under which the regional mobility authority may plan, design, construct, maintain, repair, or operate a project within its boundaries on behalf of the department. A regional mobility authority is required to

comply with applicable federal, state, and department requirements in making such improvements.

Pursuant to 43 TAC §26.32, the commission has determined that the Manor Expressway (290E) Phase III Project may be effectively integrated into the state's transportation system. The commission finds that the CTRMA is fully capable of awarding and managing the construction contract for the Manor Expressway (290E) Phase III Project and the department's project to improve the state highway system in a cost effective and timely manner, consistent with applicable federal and state laws and regulations. The construction of the projects will provide for the expeditious completion of critically needed improvements within the SH 130/290 Toll interchange that will provide needed connectivity between SH 130 and 290 Toll, provide for the safe operation of the interchange, relieve traffic congestion on the existing state highway system, and improve mobility in Travis County.

IT IS THEREFORE ORDERED that pursuant to Transportation Code, §370.187 and 43 TAC §11.58 and §26.32, the construction of the Central Texas Regional Mobility Authority's Manor Expressway (290E) Phase III Project, and its connection with a segment of the state highway system, is approved.

IT IS FURTHER ORDERED that the department's determination to exercise its option to develop, finance, construct, and operate the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements as an expansion of a portion of the SH 130 element of the CTTS, pursuant to Transportation Code, §373.053, is approved.

IT IS FURTHER ORDERED that pursuant to Transportation Code, §370.033(f), the Central Texas Regional Mobility Authority is authorized to develop and construct improvements to the state highway system in connection with the design and construction of the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements.

IT IS FURTHER ORDERED that the department is authorized to expend available CTTS revenues to pay for the actual costs of the development and construction of the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements as an expansion of a portion of the SH 130 element of the CTTS, and a Texas Turnpike Authority (TTA) representative, as designated by the commission pursuant to the indenture, is authorized to take such actions necessary to comply with the CTTS indenture and to requisition or transfer available CTTS funds for that purpose.

IT IS FURTHER ORDERED that the executive director of the department or designee is authorized to enter into necessary agreements with the CTRMA for the development, construction, operation, and maintenance of the CTRMA's Manor Expressway (290E) Phase III Project, and for the improvement of the state highway system through the construction of the department's project to add the eastbound 290 Toll to southbound SH 130 direct connector and associated improvements as an expansion of a portion of the SH 130 element of the CTTS.

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

ITEM 8. Toll Project

Grimes and Montgomery Counties - Consider designating the extension of SH 249, from FM 1774 in Pinehurst, Texas to FM 1774 in Todd Mission, Texas as a toll project on the state highway system (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Precinct Projects Manager Evan Besong for Montgomery County Commissioner James Noack's office, Montgomery County Judge Craig Doyal, private citizen William J. O'Sullivan, Jr., Campaign for Liberty Montgomery County Coordinator Kelli Cook, private citizen Don Dixon, former Comal County Precinct 3 Commissioner Gregory Parker, and City of Magnolia City Administrator Paul Mendes all came forward to offer comments on this item. 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.

114959
TPP

In Grimes and Montgomery Counties, on a new location, an extension of State Highway 249 (SH 249), from FM 1774 in Pinehurst, Texas to SH 105 near Navasota, Texas (State Highway 249 Extension), is currently planned as a two-lane to four-lane divided highway on the state highway system. The proposed construction of Segment 1 from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Todd Mission in Grimes County consists of an up to four-lane, controlled access toll road with intermittent two-lane, non-tolled, one-way frontage roads in each direction.

Transportation Code, §228.051 provides that the Texas Transportation Commission (commission), by order, may designate one or more lanes of a segment of the state highway system as a toll project or system.

Transportation Code, §203.003, authorizes the commission to lay out, construct, maintain, and operate a designated state highway, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare.

The SH 249 Extension Segment 1, from FM 1774 in Pinehurst, Texas to FM 1774 in Todd Mission, Texas was environmentally cleared through the department's issuance of a record of decision for Segment 1 on January 12, 2016.

IT IS THEREFORE ORDERED by the commission that Segment 1 of the State Highway 249 Extension from FM 1774 in Pinehurst, in Montgomery County to FM 1774 in Todd Mission, in Grimes County, is designated as a toll project on the state highway system.

The commission took a short break from 11:24 a.m. to 11:35 a.m.

ITEM 9. Financial Assistance for Projects

Grimes and Montgomery Counties - Consider approving the selection of the proposer who submitted the best value proposal to develop, design, construct, and maintain the SH 249 Extension, from FM 1774 in Pinehurst, Texas to SH 105 near Navasota, Texas; and consider authorizing the executive director of the department to negotiate and

execute a Design-Build Agreement and associated Capital Maintenance Agreement with the selected proposer (MO) (Presentation)

This item was presented by Strategic Contract Management Section Director Katherine Holtz. 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.

114960
PFD

Texas Transportation Code, Chapter 223, Subchapter F, prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build agreement (DBA) with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project on the state highway system.

On April 30, 2015, by Minute Order 114242, the Texas Transportation Commission (commission) authorized and directed the department to issue a request for qualifications (RFQ) for the development, design, construction, and maintenance of the SH 249 Extension (project) in Montgomery and Grimes counties. The project provides for the addition of a state highway facility from FM 1774 at Pinehurst, in Montgomery County, to SH 105 in Grimes County, and includes both tolled and nontolled improvements.

The department issued the RFQ on May 15, 2015, and subsequently determined that five of the seven teams submitting qualifications statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to develop, design, construct, and maintain the project.

Texas Transportation Code §223.246 and Title 43 Texas Administrative Code (TAC) §9.153 provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short-list. On August 27, 2015, by Minute Order 114348, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short listed teams to develop, design, construct, and maintain the SH 249 Extension, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the DBA. On September 28, 2016, the department issued the RFP.

On March 27, 2017, proposals were received from WBCCI, LLC and Webber-FAUS. From March 27, 2017 until June 7, 2017, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP, and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were evaluated concurrently and scored, also in

accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: WBCCI, LLC, Webber-FAUS. The proposal submitted by WBCCI, LLC was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by WBCCI, LLC provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with WBCCI, LLC necessary to finalize the DBA and the associated Capital Maintenance Agreement (CMA) to develop, design, construct, and maintain the SH 249 Extension in Montgomery and Grimes counties from FM 1774 in Pinehurst, Texas to SH 105 near Navasota, Texas, and to modify the DBA and CMA as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBA and the associated CMA are awarded to WBCCI, LLC subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable FHWA approvals as identified by the department; and (4) the mutual execution and delivery of the DBA and CMA by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with WBCCI, LLC cannot be successfully completed, and that therefore the proposal submitted by WBCCI, LLC will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Webber-FAUS, the next highest ranked proposer, with award to the next highest ranked proposer subject to the terms and conditions in the immediately preceding paragraph of this order.

ITEM 10. Toll Operations

a. Consider authorizing the department to enter into an agreement with other governmental entities related to the interoperability of toll collection systems (MO)

This item was presented by Toll Operations Division Director Rick Nelson. General Counsel Jeff Graham also answered questions from the commission. 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.

114961
TOD

Pursuant to Transportation Code, §228.003, the Texas Department of Transportation (department) may, with the approval of the Texas Transportation Commission (commission), enter into an agreement with another governmental agency or entity to independently or jointly provide services, to study the feasibility of a toll

project, or to finance, construct, operate, and maintain a toll project. The department must obtain the approval of the governor to enter into an agreement with an agency of another state. Governor Abbott has delegated to the executive director of the department the authority to sign necessary agreements describing cooperation with other states for activities the department is charged by law to perform.

The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires that all toll facilities on federal-aid highways implement technologies or business practices that provide for the interoperability of electronic toll collection programs.

“Interoperability” means that all transponders can be read on all facilities and all facilities can read all transponders to provide a seamless process to all patrons on all facilities.

Minute Order 114466, dated January 26, 2016, authorized the department to enter into an agreement with the North Texas Tollway Authority (NTTA), Harris County, the Central Texas Regional Mobility Authority (CTRMA), the Fort Bend Grand Parkway Toll Road Authority (GPTRA), the Kansas Turnpike Authority (KTA) and the Oklahoma Turnpike Authority (OTA) to ensure the interoperability of electronic toll collection programs. Interoperability between the parties is achieved through the use of the Central US Interoperability Hub.

The department, NTTA, Harris County, CTRMA, GPTRA, KTA, OTA and the Florida Turnpike Enterprise (FTE) have negotiated an agreement related to the interoperability of their respective electronic toll collection programs through the use of the Central US Interoperability Hub and the Southeast US Interoperability Hub. The Southeast US Interoperability Hub is owned, operated and maintained by FTE and provides for interoperability of transponders on numerous facilities in the states of Florida, North Carolina, South Carolina, Georgia and Alabama. The agreement provides that the parties will operate the interoperable components of their electronic toll collection programs in accordance with certain business rules and interface control documents. The agreement also sets forth a basic fee schedule to compensate each party for processing toll transactions and allows for the entry of additional toll entities, subject to certain conditions.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is hereby authorized to enter into an agreement with NTTA, Harris County, CTRMA, GPTRA, KTA, OTA, FTE and, potentially, other toll entities across the United States, to ensure the interoperability of electronic toll collection programs, as described above.

b. Webb County - In view of the interruption of normal traffic through the Laredo International Bridge System due to severe storm damage, consider authorizing and directing the executive director of the department to authorize free passage for any vehicle using State Highway 255 in Webb County until July 31, 2017 (MO)

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

114962
TOD

Free passage on toll projects on the state highway system is governed by the Transportation Code, the administrative rules of the Texas Department of Transportation (department), and applicable trust agreements and bond indentures.

Transportation Code §228.054(a) provides that the operator of a vehicle, other than an authorized emergency vehicle, as defined by Transportation Code §541.201, that is driven or towed through a toll collection facility shall pay the proper toll. Section 228.054(e) further provides that the department may waive the requirement of the payment of a toll or may authorize the payment of a reduced toll for any vehicle or class of vehicles. In Minute Order 110911, dated April 26, 2007, the Texas Transportation Commission (commission) adopted a policy defining the circumstances under which free passage on department toll projects shall be provided (free passage policy).

By Minute Order 109670, dated May 27, 2004, the commission designated the former Camino Colombia Toll Road as a turnpike project on the state highway system and as State Highway 255 from the intersection of FM 1472 and FM 255 eastward to IH 35 in Webb County.

Section 37 of Senate Bill 312, 85th Legislature, effective September 1, 2017, adds Transportation Code §228.201(d), providing that the department may not operate any part of State Highway 255 in Webb County as a toll project. The commission will consider at a subsequent meeting the removal of the designation of State Highway 255 as a toll project.

Severe storm damage recently closed parts of the Laredo International Bridge System, with traffic diverted to the Colombia Solidarity Bridge that connects to State Highway 255. The commission has determined that the free passage policy should be amended to allow the executive director of the department to authorize free passage for any vehicle using State Highway 255 in Webb County until July 31, 2017.

IT IS THEREFORE ORDERED that the executive director of the department is authorized and directed to authorize free passage for any vehicle using State Highway 255 in Webb County until July 31, 2017.

ITEM 11. 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 Vandergriff made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0.

114963
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 June 6 and 7, 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 Bugg made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 5 - 0.

114964
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on June 6 and 7, 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 Facilities Planning and Management Section Director Robin Cappello. 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.

114965
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 May 2, 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 defer, 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 12. 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 Austin and the following minute order was approved by Chairman Lewis, Commissioner Austin, Commissioner Vandergriff, Commissioner Bugg and Commissioner Ryan (a vote of 5 - 0).

114966
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 - CC. 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 - 69, 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>
El Paso	SL 375	A	2552-04-041	6
Galveston	IH 45	B	0500-04-120	27
Galveston	IH 45	C	0500-04-123	121B
Galveston	IH 45	D	0500-04-123	222
Galveston	IH 45	E	0500-04-136	303
Harris	US 290	CC	0050-08-096	725
McLennan	IH 35	F	0015-01-234	50
McLennan	IH 35	G	0015-01-234	55
McLennan	IH 35	H	0015-01-234	56
McLennan	IH 35	I	0015-01-234	57
Montgomery	SH 249	J	3635-01-002	109

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Montgomery	SH 249	K	3635-01-002	125
Montgomery	SH 249	L	3635-01-002	129
Montgomery	SH 249	M	3635-01-002	138
Montgomery	SH 249	N	3635-01-002	141
Montgomery	SH 249	O	3635-01-002	147
Montgomery	SH 249	P	3635-01-002	152
Nacogdoches	US 59	Q	0176-01-110	30
Travis	IH 35	R	0015-13-394	27
Travis	IH 35	S	0015-13-398	4TE
Travis	IH 35	T	0015-13-398	5TE
Travis	IH 35	U	0015-13-398	7TE
Travis	IH 35	V	0015-13-398	10TE
Travis	IH 35	W	0015-13-398	12TE
Travis	IH 35	X	0015-13-398	13TE
Travis	IH 35	Y	0015-13-398	14TE
Travis	IH 35	Z	0015-13-398	19TE
Travis	IH 35	AA	0015-13-398	20TE
Travis	IH 35	BB	0015-13-398	21TE

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	1	0188-03-020	200
Brazoria	SH 36	2	0188-03-020	212
Brazoria	SH 36	3	0188-03-020	215
Brazoria	SH 36	4	0188-03-020	217
Brazoria	SH 36	5	0188-03-020	218
Brazoria	SH 36	6	0188-03-020	300
Brazoria	SH 36	7	0188-03-020	302
Brazoria	SH 36	8	0188-03-020	308
Brazoria	SH 36	9	0188-03-020	322
Brazoria	SH 36	10	0188-03-020	326
Brazoria	SH 36	11	0188-03-020	333
Brazoria	SH 36	12	0188-03-020	334
Brazoria	SH 36	13	0188-03-020	337
Brazoria	SH 36	14	0188-03-020	339
Brazoria	SH 36	15	0188-03-020	367
Brazoria	SH 36	16	0188-03-020	371
Brazoria	SH 36	17	0188-03-020	404
Brazoria	SH 36	18	0188-03-020	418
Brazoria	SH 36	19	0188-03-020	431
Brazoria	SH 36	20	0188-04-040	107
Brazoria	SH 36	21	0188-04-040	110

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	22	0188-04-040	124
Brazoria	SH 36	23	0188-04-040	130
Brazoria	SH 36	24	0188-04-040	133
Brazoria	SH 36	25	0188-04-041	12
Brazoria	SH 36	26	0188-04-041	19
Brazoria	SH 36	27	0188-04-041	22
Brazoria	SH 36	28	0188-04-041	26
Brazoria	SH 36	29	0188-04-041	34
Brazoria	SH 36	30	0188-04-041	52
Brazoria	SH 36	31	0188-04-041	58
Brazoria	SH 36	32	0188-04-041	86
Brazoria	SH 36	33	0188-05-031	103
Brazoria	SH 36	34	0188-05-031	300
Brazoria	SH 36	35	0188-05-031	302
Brazoria	SH 36	36	0188-05-031	303
Brazoria	SH 36	37	0188-05-031	305
Brazoria	SH 36	38	0188-05-031	313
Brazoria	SH 36	39	0188-05-031	322
Brazoria	SH 36	40	0188-05-031	400
Brazoria	SH 36	41	0188-05-031	402
Collin	FM 981	42	1012-03-022	3
Collin	FM 981	43	1012-03-023	1
Collin	FM 981	44	1012-03-023	2
Dallas	SL 12	45	0581-02-115	113E
Dallas	SL 12	46	0581-02-115	114E
Dallas	SL 12	47	0581-02-115	116E
Fort Bend	SH 36	48	0188-02-039	5
Fort Bend	SH 36	49	0188-02-039	9
Fort Bend	SH 36	50	0188-02-039	11
Fort Bend	SH 36	51	0188-02-039	25
Fort Bend	SH 36	52	0188-02-039	54
Fort Bend	SH 36	53	0188-02-039	63
Fort Bend	SH 36	54	0188-02-039	65
Fort Bend	SH 36	55	0188-02-039	66
Fort Bend	SH 36	56	0188-02-039	76
Galveston	SH 146	57	0389-06-096	412
Harris	SH 146	69	0389-05-095	214
Harris	SH 146	58	0389-05-095	221
Harris	SH 146	59	0389-05-095	222
Harris	FM 525	60	1005-02-002	1
Harris	FM 525	61	1005-02-002	2
Harris	FM 525	62	1005-02-002	5

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	FM 2100	63	1062-04-053	128
Kleberg	US 77	64	0102-04-100	1
Randall	SL 335	65	2635-03-019	6
Randall	SL 335	66	2635-03-019	9
Waller	FM 1774	67	1400-03-008	5
Waller	FM 1774	68	1400-03-008	13

Note: Exhibits A - CC and 1 - 69 are on file with the commission chief clerk.

ITEM 13. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Agenda item 13.b.(5) was not considered by the commission. Commissioner Austin made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute orders by a vote of 5 - 0.

a. Donations to the Department

(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)

114967
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) 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)

114968
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 agreements have 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) Anderson County - US 79 in Palestine - Consider the sale of a facility site to the City of Palestine (MO)

114969
ROW

In Palestine, ANDERSON COUNTY, on US 79, the state of Texas acquired certain real property for highway maintenance purposes by various instruments recorded in the Deed Records of Anderson County, Texas.

A portion of the land (Tract 1), RCSJ 0205-07-076, 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 to a governmental entity with the authority to condemn the property.

The City of Palestine has requested to purchase Tract 1 for \$90,000.

The commission finds \$90,000 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 the City of Palestine, Texas, for \$90,000; 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.

(2) Bexar County - I-35 at Newell Ave. in San Antonio - Consider the sale of right of way to the abutting landowner (MO)

114970
ROW

In San Antonio, BEXAR COUNTY, on INTERSTATE 35, the state of Texas acquired certain land for highway purposes by instruments recorded in the public records of Bexar County, Texas.

A portion of the land (Tract 1), RCSJ 0017-10-285, 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 abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Broadway SA Investors GP, LLC, is the abutting landowner and has requested to purchase Tract 1 for \$19,782.

The commission finds \$19,782 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 Broadway SA Investors GP, LLC, a Texas limited liability company, for \$19,782; 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) Dallas County - Old SH 1 (W. Commerce St.) at Beatrice St. in Dallas - Consider the sale of right of way to the abutting landowner (MO)

114971
ROW

In Dallas, DALLAS COUNTY, on old STATE HIGHWAY 1, now known as W. Commerce Street, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 43, Page 14, Dallas County Court at Law No. 1 Records, and Volume 2613, Page 102, Deed Records of Dallas County, Texas.

Portions of the land (Tracts 1 and 2), RCSJ 0012-01-013, 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 to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

West Commerce Investments LLC, a Texas limited liability company, is the abutting landowner and has requested to purchase Tracts 1 and 2 for \$204,214.

The commission finds \$204,214 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 West Commerce Investments LLC, a Texas limited liability company, for \$204,214; 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) Rockwall County - SH 205, south of FM 548 - Consider the sale of right of way to the abutting landowners (MO)

114972
ROW

In ROCKWALL COUNTY, on STATE HIGHWAY 205, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 33, Page 462, Deed Records of Rockwall County, Texas.

A portion of the land (Tract 2), RCSJ 0451-01-052, 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 abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Eric Hulet, Individually and as Independent Executor of the Wills and Estates of James Michael Parrish and Lisa Gorman Parrish, are the abutting landowners and have requested to purchase Tract 2 for \$1,382.

The commission finds \$1,382 to be a fair and reasonable value of the state's right, title, and interest in Tract 2.

IT IS THEREFORE ORDERED by the commission that Tract 2 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument conveying all of the state's right, title, and interest in Tract 2 to Eric Hulet, Individually and as Independent Executor of the Wills and Estates of James Michael Parrish and Lisa Gorman Parrish, for \$1,382; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(5) Wise County - US 380 at W. Rose Ave. in Decatur - Consider the sale of right of way to the abutting landowner (MO)

Not
Considered

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Report on projects being processed under the department's environmental review process (Report)

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

(3) Grimes and Montgomery Counties - Report on public comment on Environmental Impact Statement - State Highway 249 Extension (Report)

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

d. Highway Designations

(1) Dallas and Ellis Counties - Consider the designation of State Loop 9 along a new location between I-35E and I-45 (MO)

114973
TPP

The Dallas District has requested the designation of State Highway Loop 9 (SL 9) along a new location on the state highway system between IH 35E and IH 45, a distance of approximately 11.4 miles.

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

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

IT IS THEREFORE ORDERED by the commission that SL 9 is designated along a new location on the state highway system between IH 35E and IH 45, a distance of approximately 11.4 miles, as shown in Exhibit A.

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

(2) Hill County - Consider designating SH 31 on a new location around the City of Hubbard and redesignating the old alignment of SH 31 as Business State Highway 31-C (MO)

114974
TPP

The Waco District has requested the following actions: (1) designation of SH 31 on a new location around the city of Hubbard from 2.0 miles west of the intersection of FM 936 and SH 31 to 1.8 miles east of the intersection of SH 171 and SH 31, a distance of approximately 5.9 miles; and (2) redesignation of the old alignment of SH 31 as Business State Highway 31-C (BS 31-C) from 2.0 miles west of the intersection of FM 936 and SH 31 to 1.8 miles east of the intersection of SH 171 and SH 31, a distance of approximately 4.2 miles.

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

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

IT IS THEREFORE ORDERED by the commission that: (1) SH 31 is designated on a new location from 2.0 miles west of the intersection of FM 936 and SH 31 to 1.8 miles east of the intersection of SH 171 and SH 31, a distance of approximately 5.9 miles; and (2) the old alignment of SH 31 is redesignated as BS 31-C from 2.0 miles west of the intersection of FM 936 and SH 31 to 1.8 miles east of the intersection of SH 171 and SH 31, a distance of approximately 4.2 miles, as shown on Exhibit A.

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

(3) Hill County - Consider redesignating Business State Highway 31-K near the City of Mount Calm as Business State Highway 31-B (MO)

114975
TPP

The Waco District has requested the redesignation of Business State Highway 31-K (BS 31-K) as Business State Highway 31-B (BS 31-B) from 0.3 miles south of FM 339 to 0.5 miles north of FM 339, a distance of approximately 0.8 miles.

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

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

IT IS THEREFORE ORDERED by the commission that BS 31-K is redesignated as BS 31-B from 0.3 miles south of FM 339 to 0.5 miles north of FM 339, a distance of approximately 0.8 miles, as shown on Exhibit A.

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

(4) Nacogdoches County - Consider designating US 59 on a new location in and near the City of Nacogdoches and redesignating the old alignment of US 59 as Business US Highway 59-F (MO)

114976
TPP

The Lufkin District has requested the following actions: (1) designation of US 59 on a new location from approximately 1.0 mile south of the intersection of SH 7 southward to Spradley Street, a distance of approximately 1.8 miles; and (2) redesignation of the old alignment of US 59 as Business US Highway 59-F (BU 59-F) from the intersection of SL 224 to Spradley Street, a distance of approximately 1.0 mile.

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

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

IT IS THEREFORE ORDERED by the commission that: (1) US 59 is designated on a new location from approximately 1.0 mile south of the intersection of SH 7 southward to Spradley Street,

a distance of approximately 1.8 miles; and (2) the old alignment of US 59 is redesignated as BU 59-F from the intersection of SL 224 to Spradley Street, a distance of approximately 1.0 mile, as shown on Exhibit A.

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

e. Rail Clearance Deviation

Consider the approval of rail clearance deviation (MO)

114977
TRF

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

The Texas Department of Transportation (department) received an application from the Eastman Chemical Company requesting clearance deviations for a new rail car loading location. The department has conducted an investigation to determine whether good cause could be shown and whether the deviations could be operated in a reasonable and safe manner.

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

- (1) the safety of railroad and non-railroad workers near railroad tracks;
- (2) impacts from loading commodities transported by rail; and
- (3) new equipment impacting the clearance envelope.

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

- (1) illumination of new platform loading areas;
- (2) application of existing company safety rules and procedures to the proposed load arm and ramp which require;
- (3) installation of blue flag indicator;
- (4) proper stowage and securement of rail cars;
- (5) locked derailer with key controlled by company personnel.

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

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation applications from the Eastman Chemical Company as described in Exhibit A are approved.

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)

114978
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 14. 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 did not meet in executive session.

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No

action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission received no further comments.

Commissioner Vandergriff motioned adjournment and Commissioner Bugg seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:02 p.m.

APPROVED:



Tryon D. Lewis, Chairman
Texas Transportation Commission

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on June 29, 2017, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation