

These are the minutes of the regular meeting of the Texas Transportation Commission held on November 16, 2017, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

J. Bruce Bugg, Jr.	Chairman
Jeff Austin, III	Commissioner
Victor Vandergriff	Commissioner
Tryon Lewis	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 1:53 p.m. on November 8, 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 Bugg recognized Jim Ray, director of the White House task force on infrastructure and Special Advisor to the Secretary for Infrastructure, and Anthony Bedell, the United States Department of Transportation's Deputy Assistant Secretary for Intergovernmental Affairs. Special Advisor Ray delivered remarks to the commission and thanked the commission for its leadership and cooperation. Chairman Bugg also recognized Harris County Judge Ed Emmett, who later spoke to the commission on agenda item 4.

**ITEM 2. Consider the approval of the Minutes of the October 25, 2017, workshop meeting and the October 26, 2017, regular meeting of the Texas Transportation Commission**

Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the October 25, 2017, workshop meeting and the October 26, 2017, regular meeting by a vote of 5 - 0.

**ITEM 4. Texas Freight Mobility Plan 2017**

**Consider the adoption of the Texas Freight Mobility Plan 2017 (MO)**

Chairman of the Freight Advisory Committee and Harris County Judge Ed Emmett thanked the commission for supporting the advisory committee and its work.

After Judge Emmett's remarks, the item was presented by Freight and International Trade Section Director Caroline Mays. Of note, Commissioner Vandergriff voiced good natured surprise at Commissioner Austin's two words of support because he had expected Commissioner Austin would speak for several minutes. Commissioner Vandergriff then made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

115098  
TPP

Section 8001 of the Fixing America's Surface Transportation (FAST) Act (49 U.S.C. 70202) provides that each state receiving funding under the National Highway Freight Program shall develop a State Freight Plan for the immediate and long-range planning activities and investments of the state with regard to freight. Effective December 4, 2017, a state may not obligate National Highway Freight Program funds unless the state has developed a State Freight Plan in accordance with the FAST Act.

The Texas Freight Mobility Plan 2017 (Freight Plan), which is attached as Exhibit A, has been developed with regular input and continuous review by the Texas Freight Advisory Committee. The 2017 Freight Plan is an update to the Texas Department of Transportation's (department) first Texas Freight Mobility Plan, adopted in January 2016, and developed under MAP-21 guidelines. The 2017 Freight Plan highlights freight mobility challenges and outlines statewide goals and objectives to improve the movement of goods. It evaluates the impact of freight movement on the Texas economy and identifies freight transportation facilities and investments critical to the state's continued economic growth. The Freight Plan also outlines freight policies, programs, and projects recommendations. The Freight Plan includes an Unconstrained Freight Investment Plan and a Fiscally Constrained Freight Investment Plan, which outline freight transportation projects and improvements. FAST Act specific components include the establishment of Critical Urban Freight Corridors and Critical Rural Freight Corridors as well as creation of a 5 Year Fiscally Constrained Freight Investment Plan.

After a robust stakeholder engagement process, which included multiple workshops across the state in February and June 2017, consultation with metropolitan planning organizations, and extensive input from the department's districts and divisions, a draft plan was developed. The department's outreach efforts concluded with a 30-day public comment period from September 26, 2017, through October 26, 2017, whereby the draft plan was revised to include public feedback. The Texas Freight Advisory Committee reviewed and approved the final Freight Plan on November 2, 2017.

The final Freight Plan will be fully implemented and integrated into the department's overall planning and project development, prioritization, and delivery efforts to ensure the safe, reliable, and efficient multimodal transportation of goods to support economic growth and global competitiveness.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the Texas Freight Mobility Plan 2017, which is attached as Exhibit A, is hereby adopted.

IT IS FURTHER ORDERED that the executive director, or his designee, submit the Texas Freight Mobility Plan 2017 to the Federal Highway Administration for review and compliance with FAST Act requirements.

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

**ITEM 3. Discussion Item**

**2018 Unified Transportation Program (UTP) December updates (Presentation)**

This discussion item was led by Project Planning and Development Director Lauren Garduno. The commission also heard remarks supporting the draft UTP from Austin Chamber of Commerce Senior Director of Advocacy and Communications Walter Zaykowski and Associated General Contractors of Texas Executive Vice President Jennifer Woodard.

**ITEM 5. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**Final Adoption**

**a. Chapter 1 - Management**

**Amendments to §1.82, §§1.84 - 1.87 and new §1.88 (Advisory Committees) (MO)**

This item was presented by Deputy Executive Director Marc Williams. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 5 - 0.

115099  
ADM

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.82, and §§1.84 - 1.87 and new §1.88, all relating to advisory committees, 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 §1.82, and §§1.84 - 1.87 and new §1.88 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**b. Chapter 10 - Ethical Conduct by Entities Doing Business with the Department  
Amendments to §10.6 (Conflict of Interest) (MO)**

This item was presented by Compliance Division Director Kristin Alexander. 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.

115100  
CMP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §10.6, relating to Conflict of Interest, 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 §10.6 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 31 - Public Transportation**

Repeal of §31.17, Section 5316 Grant Program and §31.18, Section 5317 Grant Program (Federal Programs) and Amendments to §31.3, Definitions (General); §31.11, Formula Program (State Programs); §31.30, Section 5339 Grant Program, §31.31, Section 5310 Grant Program, and §31.36, Section 5311 Grant Program (Federal Programs); §31.42, Standard Federal Requirements, §31.43, Contract Requirements, §31.44, Procurement Requirements, §31.45, Accounting and Financial Recordkeeping Requirements, 31.47, Audit and Project Close-Out Standards, and §31.48, Project Oversight (Program Administration); §31.50, Recordkeeping and Inventory Requirements, and §31.57, Disposition (Property Management Standards) (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.

115101  
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§31.3, 31.11, 31.30, 31.31, 31.36, 31.42 - 31.45, 31.47, 31.48, 31.50, and 31.57, and the repeal of §§31.17 and 31.18, all concerning public transportation, 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, B, C, D, E, and F, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or

federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§31.3, 31.11, 31.30, 31.31, 31.36, 31.42 - 31.45, 31.47, 31.48, 31.50, and 31.57, and the repeal of §§31.17 and 31.18 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 - F are on file with the commission chief clerk.

**ITEM 6. Capital Budget Appropriation Request**

Consider approving a request to the governor and the Legislative Budget Board to increase the capital budget appropriation to the Facilities Capital Program (MO)

This item was presented by Chief Administrative Officer Rich McMonagle. 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.

115102  
SSD

For the FY 2018-2019 biennium the department's request for the Facilities Capital Program was, by capital category, \$3,955,000 in Acquisition of Land and Other Real Property, \$128,280,000 in Construction of Buildings and Facilities, and \$115,350,000 in Repair or Rehabilitation of Buildings and Facilities. In Rider 2 (Capital Budget) of the Texas Department of Transportation's (department) appropriation in the General Appropriations Act for the biennium ending August 31, 2019 (Senate Bill No. 1, 85th Legislature, Regular Session), the legislature appropriated for the Facilities Capital Program \$0 in Acquisition of Land and Other Real Property, \$6,000,000 in Construction of Buildings and Facilities (specifically for Statewide Radio Tower Replacements), and \$50,000,000 in Repair or Rehabilitation of Buildings and Facilities.

In the General Appropriations Act, Rider 3 for the department requires the approval of the governor and the Legislative Budget Board to transfer between certain budget strategies. Article IX requires the approval of the governor and the Legislative Budget Board to transfer amounts greater than 25 percent into or out of a capital budget item, to transfer appropriations to an additional capital budget item that is not presented in the agency's bill pattern if that additional capital budget item was presented to a committee, subcommittee, or working group of the Eighty-fifth Legislature but was not adopted by the Eighty-fifth Legislature, and requires that requests to exceed the transfer limitations mentioned above must be submitted by the agency's governing board.

The Texas Transportation Commission (commission) desires to authorize the transfer to the department's Facilities Capital Program a total amount not to exceed \$68,200,000.

IT IS THEREFORE ORDERED by the commission that the chairman of the commission is authorized to submit to the governor and the Legislative Budget Board, on behalf of the commission and in accordance with the prescribed guidelines, a request

for the transfer to the department's Facilities Capital Program, no more than \$2,600,000 in Acquisition of Land and Other Real Property, \$33,200,000 in Construction of Buildings and Facilities, and \$32,400,000 in Repair or Rehabilitation of Buildings and Facilities, for a total of FY 2018 amounts not to exceed \$68,200,000.

**ITEM 7. 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 Engineering and Safety Operations Director Michael Lee. 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.

115103  
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 November 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 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.

**b. Highway Maintenance (MO)**

This item was presented by Engineering and Safety Operations Director Michael Lee. 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.

115104  
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 November 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.

**ITEM 8. 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 Lewis and the following minute order was approved by Chairman Bugg, Commissioner Austin, Commissioner Vandergriff, Commissioner Lewis and Commissioner Ryan (a vote of 5 - 0).

115105  
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 - J. 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 - 40, 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	FM 659	J	1046-01-033	11
Ellis	US 287	D	0172-05-120	6,6AC
Harris	IH 610	F	0271-16-141	108
Harris	IH 610	G	0271-16-141	109
Potter	IH 40	A	0275-01-196	1
Potter	IH 40	B	0275-01-196	2
Potter	IH 40	H	0275-01-196	4
Potter	IH 40	I	0275-01-196	5
Potter	IH 40	C	0275-01-196	6
Potter	IH 40	E	0275-01-196	8

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	US 281	24	0253-04-151	9
Burnet	US 281	33	0252-02-055	3
Burnet	US 281	34	0252-02-055	4
Burnet	US 281	32	0252-02-055	5
Burnet	US 281	37	0252-02-055	7
Comal	FM 1103	31	1268-01-014	27
Ellis	US 287	8	0172-05-120	4
Ellis	US 287	13	0172-05-120	5
Ellis	US 287	18	0172-05-120	8
Fort Bend	SH 36	36	0188-02-038	105
Fort Bend	SH 36	39	0188-02-038	228
Gregg	FM 2206	38	2073-01-012	30
Gregg	FM 2206	16	2073-01-012	45
Gregg	FM 2206	10	2073-01-012	51
Gregg	FM 2206	9	2073-01-012	58
Gregg	FM 2206	11	2073-01-012	67
Gregg	FM 2206	12	2073-01-012	69
Guadalupe	FM 1103	30	1268-02-028	17
Guadalupe	FM 1103	29	1268-02-028	58
Harris	FM 2100	35	1062-04-059	314
Harris	FM 2100	40	1062-04-059	316
Harris	FM 2100	20	1062-04-059	335
Lubbock	FM 179	25	0880-04-034	7
Lubbock	FM 179	2	0880-04-034	32

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Lubbock	FM 179	17	0880-04-034	40
Lubbock	FM 179	21	0880-04-034	41
Lubbock	FM 179	22	0880-04-034	43
Lubbock	FM 179	19	0880-04-034	45
Lubbock	FM 179	27	0880-04-034	51
Lubbock	FM 179	23	0880-04-034	52
Lubbock	FM 179	4	0880-04-034	56
Montgomery	FM 2978	28	3050-02-030	2
Nueces	US 181	14	0101-06-109	205
Potter	SL 335	7	0904-02-039	12
Randall	SL 335	1	0904-11-060	3
Randall	SL 335	3	0904-11-060	5
Randall	SL 335	26	0904-11-060	9
Randall	SL 335	15	0904-11-060	18
Roberts	FM 282	5	0798-01-027	1
Roberts	FM 282	6	0798-01-027	2

Note: Exhibits A - J and 1 - 40 are on file with the commission chief clerk.

**ITEM 9. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. Commissioner Lewis 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**

**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)**

115106  
CSD

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

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

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

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

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

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

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

**b. Real Estate Dispositions**

**(1) Collin County - US 75, southwest corner at Eldorado Parkway in McKinney - Consider the sale of right of way to an abutting landowner (MO)**

115107  
ROW

In McKinney, COLLIN COUNTY, on US HIGHWAY 75, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 2220, Page 427, and Volume 603, Page 59, Deed Records of Collin County, Texas.

A portion of the land (Tract 1), RCSJ 0047-06-125, 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.

Centcom/Vantage McKinney, LLC, a limited liability company, is an abutting landowner and has requested to purchase Tract 1 for \$1,400,000.

The commission finds \$1,400,000 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 Centcom/Vantage McKinney, LLC, a limited liability company, for \$1,400,000; 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) Taylor County - SL 322 and SH 36 in Abilene - Consider the transfer of right of way to Taylor County (MO)

115108  
ROW

In Abilene, TAYLOR COUNTY, on STATE HIGHWAY 36 and STATE LOOP 322, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 514, Page 525, and Volume 817, Page 546, Deed Records of Taylor County, Texas.

Portions of the land (Tract 1, RCSJ 0181-01-062, and Tract 2, RCSJ 2398-01-052), shown on 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of Tract 1 and Tract 2 is estimated to be \$18,116, and the state's future maintenance costs on the property over 30 years are estimated to be \$20,149.

Taylor County (county) has requested that Tract 1 and Tract 2 be transferred to the county.

The commission finds \$18,116 to be a fair and reasonable value of the state's right, title, and interest in Tract 1 and Tract 2 and that the estimated cost of future maintenance exceeds the fair value.

IT IS THEREFORE ORDERED by the commission that Tract 1 and Tract 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 transferring all of the state's right, title, and interest in Tract 1 and Tract 2 to Taylor County, Texas, in consideration of the savings to the state of future maintenance costs; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the land.

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

(3) Tom Green County - US 67 at FM 2288 in San Angelo - Consider the transfer of right of way to the City of San Angelo (MO)

115109  
ROW

In San Angelo, TOM GREEN COUNTY, on US HIGHWAY 67, the state of Texas acquired certain land for highway purposes by instrument recorded Volume 749, Page 455, Deed Records of Tom Green County, Texas.

A portion of the land (Tract 1), RCSJ 0077-06-100, 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 transfer of highway right of way to a governmental entity that assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The City of San Angelo (city) has agreed to assume jurisdiction, control and maintenance and has requested that Tract 1 be transferred to the city.

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 transferring all of the state's right, title and interest in Tract 1 to the City of San Angelo, Texas; 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.

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

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

#### **c. Reports**

##### **Compliance Division report**

Note: Confidential report to commission.

#### **d. Speed Zones**

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

115110  
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 10. 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.**

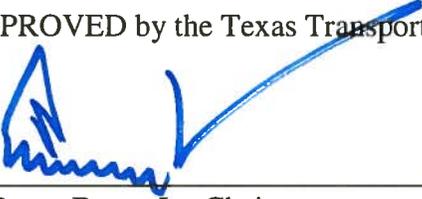
The commission did not meet in executive session.

**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 Austin motioned adjournment and Commissioner Ryan seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:34 a.m.

APPROVED by the Texas Transportation Commission on December 14, 2017:



---

J. Bruce Bugg, Jr., Chairman  
Texas Transportation Commission

\*\*\*

November 16, 2017

335

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 November 16, 2017, in Austin, Texas.



---

Robin Carter, Commission Chief Clerk  
Texas Department of Transportation