

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 14, 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 5:12 p.m. on December 6, 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.

**ITEM 2. Consider the approval of the Minutes of the November 16, 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 November 16, 2017, regular meeting by a vote of 5 - 0.

**ITEM 3. Unified Transportation Program**

**Consider the approval of updates to the 2018 Unified Transportation Program (UTP) (MO) (Presentation)**

This item was presented by Project Planning and Development Director Lauren Garduno. The commission also heard comments from Senator Kirk Watson's Legislative Director Sandy Guzman; City of Austin Mayor Steve Adler; Representative Celia Israel's Policy Analyst Cassie Fitzgerald; Travis County Commissioner Gerald Daugherty; Capital Area Metropolitan Planning Organization Chairman Will Conley; Grayson County Judge Bill Magers; Capital Metro Chairman Wade Cooper; Downtown Austin Alliance V.P. for Economic Development Molly Alexander; Downtown Austin Alliance Attorney Jeff Howard; Austin Chamber of Commerce Senior Director, Advocacy and Communications Walter Zaykowski; Real Estate Council of Austin V.P. Policy and Government Affairs Geoffrey Tahuahua; Alliance for Public Transportation

President Jeb Boyd; Tarrant County Mobility Coordinator Russell Schaffner; Circuit of the Americas Director of Transportation Belen Losada; Greater Austin Hispanic Chamber of Commerce President and Chief Executive Officer Luis Rodriguez; and private citizen Don Dixon. Commissioner Austin made a motion to approve the proposed updates with the exception of the tolled elements of I-35 in the Austin District and the tolled elements of I-635 in the Dallas District because those projects do not meet the requirements of Title 43, Texas Administrative Code, §16.105(d). The motion was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 5 - 0.

115112  
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects.

The Texas Transportation Commission (commission) has adopted rules in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects. The rules include guidance regarding the development of the UTP and any updates to the program, as well as public involvement requirements.

The 2018 UTP was approved by the commission on August 31, 2017 in Minute Order 115005.

The department conducted a public meeting across the state via WebEx on November 9, 2017, and a public hearing on November 30, 2017, to receive comments and testimony concerning the proposed updates to the 2018 UTP.

The updates to the 2018 UTP, attached as Exhibit A, include revised funding allocations and project specific authorizations, as well as other revisions and technical corrections. Exhibit B, which is included for informational purposes only, contains a report on current transportation development credit balances.

IT IS THEREFORE ORDERED by the commission that the updates to the 2018 UTP, as shown in Exhibit A, are hereby approved.

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

#### **ITEM 4. Aviation**

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

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

115113  
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 non-primary entitlement grant funds for the improvements.

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

On November 15, 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 Exhibits A and B.

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

**ITEM 5. Public Transportation**

**Various Counties - Consider the award of federal §5310 Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program funds, federal §5311 Formula Grants for Rural Areas Program funds, and federal §5311(b)(3) Rural Transportation Assistance Program funds to various entities (MO)**

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

115114  
PTN

The Texas Transportation Commission (commission) desires to award federal program funds to support a variety of public transportation needs in urbanized and non-urbanized areas of the state. A total of \$3,107,518 in federal funds is awarded in this minute order.

Title 43, Texas Administrative Code (TAC), §31.36(g)(3) establishes a formula for calculating awards to rural transit systems for discretionary purposes under the Federal Transit Administration (FTA) Formula Grants for Rural Areas Program (49 U.S.C. §5311). An award of \$2,943,560 in federal §5311 funds is shown in Exhibit A and has been determined in accordance with §31.36(g)(3) to advance facility projects submitted in the Special Call for Projects issued August 18, 2017.

Title 43, TAC, §31.31 establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310). An award of \$161,958 in federal §5310 funds to Concho Valley Economic Development District, Inc. has been determined in accordance with the provisions of §31.31.

Title 43, TAC, §31.37 establishes a process by which eligible proposals will be selected to receive funds for training and technical assistance needs under the FTA Rural Transportation Assistance Program (49 U.S.C. §5311(b)(3)). An award of \$2,000 in federal §5311(b)(3) funds to Alamo Area Council of Governments to host a dispatcher training course has been determined in accordance with §31.37.

All entities have provided evidence of compliance with their internal ethics and compliance programs as required by 43 TAC §31.39.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards as described and in Exhibit A, submit any necessary state applications to the FTA, and enter into the necessary contracts.

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

**ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**  
**Final Adoption**  
**Chapter 28 - Oversize and Overweight Vehicles and Loads**  
**Amendments to §28.102, Authority's Powers and Duties (Hidalgo County Regional Mobility Authority Permits) (MO)**

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

115115  
MNT

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §28.102 relating to Authority's Powers and Duties 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 §28.102 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**ITEM 7. Contracts**  
**Consider the award or rejection of contracts for non-tolled 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 Gina Gallegos. 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.

115116  
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 December 5 and 6, 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 Construction Division Director Gina Gallegos. 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.

115117  
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 December 5 and 6, 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).

115118  
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 - H. 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>
Angelina	US 59	C	0176-03-116	30
Angelina	US 59	E	0176-03-116	40A
Chambers	SH 99	G	3510-10-017	1300
Chambers	SH 99	H	3510-10-017	1303
El Paso	FM 659	B	1046-01-033	12
McLennan	IH 35	F	0015-01-234	46,46AC
Potter	IH 40	A	0275-01-196	7
Potter	IH 40	D	0275-01-196	9

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	32	0176-03-116	40B
Angelina	US 69	5	0200-03-028	11
Angelina	US 69	6	0200-03-028	13A
Angelina	US 69	7	0200-03-028	13B
Angelina	US 69	14	0200-03-028	14A
Angelina	US 69	8	0200-03-028	14B
Angelina	US 69	15	0200-03-028	17A
Angelina	US 69	10	0200-03-028	17B
Bexar	US 281	30	0253-04-149	56
Brazoria	FM 1495	36	0587-01-062	3TE
Burnet	US 281	28	0252-02-055	1
Burnet	US 281	29	0252-02-055	6
Crane	US 385	33	0229-03-036	18,18E
Crane	US 385	34	0229-03-036	19,19E
Crane	US 385	3	0229-03-036	20,20E
Crane	US 385	4	0229-03-036	21,21E
El Paso	FM 659	9	1046-01-033	1
El Paso	FM 659	40	1046-01-033	2
Ellis	US 287	12	0172-05-120	1
Ellis	US 287	13	0172-05-120	3
Gregg	FM 2206	37	2073-01-012	73
Hopkins	SH 11	26	0083-02-054	5
Lubbock	FM 179	17	0880-04-034	1
Lubbock	FM 179	20	0880-04-034	4
Lubbock	FM 179	38	0880-04-034	10
Lubbock	FM 179	21	0880-04-034	18
Lubbock	FM 179	39	0880-04-034	21
Lubbock	FM 179	23	0880-04-034	27
Lubbock	FM 179	11	0880-04-034	42
Lubbock	FM 179	16	0880-04-034	44
Lubbock	FM 179	24	0880-04-034	48

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Lubbock	FM 179	1	0880-04-034	49
Lubbock	FM 179	27	0880-04-034	50
Lubbock	FM 179	25	0880-04-034	53
Montgomery	FM 2978	35	3050-02-030	1
Potter	SL 335	31	0904-02-039	10
Potter	SL 335	18	0904-02-039	13
Randall	SL 335	2	0904-11-060	10
Randall	SL 335	22	0904-11-060	15
Randall	SL 335	19	0904-11-060	19

Note: Exhibits A - H 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 Vandergriff made a motion, which was seconded by Commissioner Ryan, 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)

115119  
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) Moore County - US 87, west of Klein Avenue in Dumas - Consider the sale of the former maintenance site in Dumas by sealed bid (MO)**

This item was not considered for vote by the commission.

**(2) Travis County - SL 275, S. Congress Avenue at W. Slaughter Lane in Austin - Consider the sale of right of way to the abutting landowner (MO)**

115120  
ROW

In Austin, TRAVIS COUNTY, on STATE LOOP 275, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1436, Page 8, Real Property Records of Travis County, Texas.

A portion of the land (Tract 2), RCSJ 0015-01-245, described in Exhibit A, is no longer needed for a state highway purpose.

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

HEB Grocery Company, LP, a Texas limited partnership, is the abutting landowner and has requested to purchase Tract 2 for \$329,610.

The commission finds \$329,610 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. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in

Tract 2 to HEB Grocery Company, LP, a Texas limited partnership, for \$329,610; 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.

**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.

**d. Designation of Access Control**

**Harris County - I-10, approximately 400 feet west of Greenhouse Road - Consider the designation of three locations on the highway at which access will be permitted to the abutting property (MO)**

115121  
DES

In HARRIS COUNTY, on INTERSTATE HIGHWAY 10, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Harris County Clerk File P019476, with denial of access to the abutting remainder properties as described in the instrument.

Forresta, Inc., the current owner of the abutting property, has requested that access to the westbound frontage road of I-10 be permitted along its south property line at three new access points described in Exhibits A-1 and A-2.

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

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

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

NOW, THEREFORE, the commission finds that the three new access points will not compromise the mobility, safety, or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress are permitted to the westbound frontage road of I-10.

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

Note: Exhibits A-1 and A-2 are on file with the commission chief clerk.

**e. Consultation and Review - Department of Motor Vehicles, Chapter 219**

Consultation on Department of Motor Vehicles rules regarding overweight/oversize vehicles (MO)

115122  
GCD

Pursuant to Transportation Code, §623.145 and §623.195, the Department of Motor Vehicles Board (board) must consult with the Texas Transportation Commission (commission) prior to the adoption of rules regarding oversize and overweight permits for the operation of oil well servicing and drilling machinery and unladen lift equipment motor vehicles.

The board proposed changes to 43 TAC Chapter 219, Oversize and Overweight Vehicles and Loads, on October 19, 2017. The proposed rule amendments were published in the Texas Register on November 10, 2017.

To comply with the statutory requirements, the board consulted with the commission on the amendments to 43 TAC §§219.11, 219.42, 219.43, 219.44, 219.45, 219.62, 219.63, and 219.64. Texas Department of Transportation (department) staff reviewed the amendments to those provisions and had no comments on the proposed changes.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to continue to work with the board and staff of the Department of Motor Vehicles to ensure compliance with Transportation Code, §623.145 and §623.195 and to provide a copy of this minute order to the board as documentation of the board's consultation with the commission, in accordance with those sections.

**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)**

115123  
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.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that environmental speed limit on the segment of highway established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, is no longer necessary.

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 Exhibits C and D are canceled.

Note: Exhibits A - D 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.**

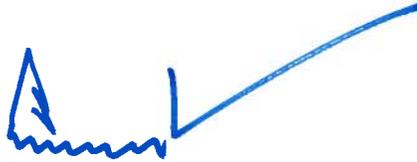
The commission did not meet in executive session.

**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 Ryan motioned adjournment and Commissioner Vandergriff seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:08 a.m.

APPROVED by the Texas Transportation Commission on January 25, 2018:



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

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on December 14, 2017, in Austin, Texas.



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Robin Carter, Commission Chief Clerk  
Texas Department of Transportation