

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 27, 2014, in Austin, Texas. The meeting was called to at 9:00 a.m. by Chairman Houghton with the following commissioners present:

Texas Transportation Commission:

Ted Houghton	Chairman
Fred Underwood	Commissioner
Jeff Austin, III	Commissioner
Jeff Moseley	Commissioner
Victor Vandergriff	Commissioner

Administrative Staff:

James Bass, Interim Executive Director
 Jeff Graham, General Counsel
 Rose Guajardo Walker, Chief Clerk
 Robin Carter, Assistant Chief Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation, Assistant 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 4:36 p.m. on March 19, 2014, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Deputy Executive Director John Barton. In addition, Mr. William Lee of the Tyler District, who survived a workplace accident because of his attention to safety practices, was introduced to the commission.

ITEM 2. Approval of Minutes of the February 26, 2014, workshop meeting and the February 27, 2014, regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded, and the commission approved the minutes of the February 26, 2014, workshop meeting and the February 27, 2014, regular meeting by a vote of 5 - 0.

ITEM 3. Resolution

Recognize Coby Chase, Director of Federal Affairs Office, for his 20 years of service to the department

The commission also recognized Mr. Chase's family members.

Note: The resolution is on file with the assistant chief clerk.

ITEM 4. Commission for High-Speed Rail in the Dallas/Fort Worth Region
Appoint additional members to the commission (MO)

Commissioner Vandergriff made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. The commission heard comments from Bill Meadows. This item was presented by Director of Rail Erik Steavens.

113874
RRD

The Texas Transportation Code, §201.117 provides that the Texas Transportation Commission (commission) may create an advisory committee to assist the Texas Department of Transportation (department) on any matter under its jurisdiction.

The commission, by Minute Order 113818, dated January 30, 2014, created an advisory committee designated as the Commission for High-Speed Rail in the Dallas/Fort Worth Region to advise the commission and executive director on the development of intercity rail corridors, new transportation policies, and funding and procurement strategies as they relate to the implementation of proposed high-speed rail connecting the Dallas and Fort Worth areas. The commission also appointed William “Bill” Meadows of Fort Worth as the presiding officer.

The department has recommended the appointment of six (6) additional members to the advisory committee. Those additional members are Vonciel Hill, Jere Thompson, Jeff Williams, Glen Whitley, Lorraine Miller, and Dee Kelly.

The commission determines that it is necessary to appoint these additional members so that the advisory committee may effectively undertake its advisory mission.

IT IS THEREFORE ORDERED by the commission that Vonciel Hill, Jere Thompson, Jeff Williams, Glen Whitley, Lorraine Miller, and Dee Kelly are appointed members of the Commission for High-Speed Rail in the Dallas/Fort Worth Region.

IT IS FURTHER ORDERED that the Commission for High-Speed Rail in the Dallas/Fort Worth Region shall submit its advice and recommendations to the executive director or a department employee designated by the executive director to receive those recommendations, and shall make reports as requested by the commission.

ITEM 5. Discussion

a. Update on the Real Estate Program - Presentation on the status of real estate program initiatives (Presentation)

This item was presented by Director of Real Estate Roland Tilden. The commission also heard comments from Don Dixon.

b. Update on the Texas Alliance Program - Presentation on the status of the Texas Alliance program initiative introduced in March 2013 (Presentation)

This item was presented by Deputy Executive Director John Barton.

c. Update on the Municipal Highways Turnback Program (Presentation)

This item was presented by Deputy Executive Director John Barton. The commission also heard comments from President of the Texas Municipal League Jungus Jordan and Executive Director of the Texas Association of Metropolitan Planning Organizations and Assistant Director of Houston Metropolitan Planning Organization Ashby Johnson.

ITEM 6. Legislative Appropriations Request Report

Update and discussion regarding the development of the Texas Department of Transportation's Fiscal Year 2016-2017 Legislative Appropriations Request (Presentation)

This item was presented by Director of Finance Brian Ragland.

ITEM 7. Aviation

Various Counties - Award federal and state grant funding for airport improvement projects at various locations (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Aviation David Fulton.

113875
AVN

The Texas Department of Transportation (department) is authorized under the federal Airport and Airway Improvement Act and the state Aviation Facilities Development and Financial Assistance Act 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 Friday, February 21, 2014 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 \$13,368,700.

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

ITEM 8. Public Transportation

a. Various Counties - Award federal §5311 funds, Formula Grants for Rural Areas Program for FY 2014 (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Public Transportation Eric Gleason. The commission also heard comments from Association for Community Transit in Texas President John M. McBeth.

113876
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "Formula Grant Program for Rural Areas" (49 U.S.C. §5311), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The United States Congress has passed an annual appropriation bill for 2014; the FTA has made funds available for this period. Awards to rural transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code, §31.36(g)(3). The distribution of the FY 2014 awards is shown in Exhibit A.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the FY 2014 §5311 FTA allocation for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the FY 2014 program of projects.

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

b. Various Counties - Award federal §5339 capital investment program funds and transportation development credits to transportation providers for capital projects (MO)

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

113877
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "Bus and Bus Facilities Program" (49 U.S.C. §5339), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The United States Congress has passed appropriation bills for 2013 and 2014; the FTA has made funds available for this period. Awards to rural and eligible small urban transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code (TAC), §31.30 (c)(1). The distribution of the FY 2013 and 2014 awards is shown in Exhibit A.

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

In making this award, the commission has considered the potential to expand the availability of funding for public transportation projects and finds that an award up to 2 million TDC for capital projects as identified in Exhibit A meets the established program goals set forth in 43 TAC §5.102 to support public transit.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the available FY 2013 and FY 2014 §5339 FTA allocations for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the program of projects.

IT IS FURTHER ORDERED by the commission that up to 2 million TDC be available for the projects identified in Exhibit A to be distributed based on department priorities for capital projects excluding capital cost of contracting.

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

c. **Various Counties** - Award federal §5317 New Freedom grant program funds to the Texas State Independent Living Council (MO)

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

113878
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "New Freedom" (49 U.S.C. §5317), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that grant funds are distributed fairly and equitably within the state.

The Texas State Independent Living Council (TxSILC) convenes an annual educational conference to provide information to their statewide network of Centers for Independent Living (CILs) regarding matters of importance to the populations they serve. Included in this year's conference is a focus on addressing public transportation needs, specifically for those individuals with disabilities in the small urban and rural areas. The commission desires to award \$5,000 of §5317, grant program funds to the TxSILC for supporting outreach and education to the small urban and rural CILs during the 2014 annual conference regarding transportation options in Texas.

Title 43, Texas Administrative Code §31.17 establishes a process by which projects may be evaluated and funds distributed.

The commission finds that this project is eligible for funding and awards a total of \$5,000 in federal program funds.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the award identified above, notify the entity in writing, and enter into the necessary contracts.

d. Galveston County - Award STP-MM funds through the §5311 grant program to the City of Galveston for a transit preventative maintenance project. (MO)

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

113879
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "Formula Grant Program for Rural Areas" (49 U.S.C. §5311), in a letter dated

October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The Houston- Galveston Area Council has authorized the transfer of \$500,000 in Surface Transportation Program - Metropolitan Mobility funding for the City of Galveston preventive maintenance project. The flexed funding will be administered under the Federal Transit Administration (FTA) grant program, Formula Grants for Rural Areas (49 U.S.C. §5311).

The commission finds that preventive maintenance is eligible for funding and desires to award \$500,000 in §5311 funds to the City of Galveston.

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 submit the necessary state application to the FTA, and enter into the necessary contracts with the City of Galveston upon completion of all application requirements.

ITEM 9. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Final Adoption

(1) Chapter 2 - Environmental Review of Transportation Projects (MO) Amendments to §§2.1, 2.2, 2.5 - 2.8, 2.11, 2.12 and 2.14 (General Provisions), §§2.41 - 2.44, 2.46 -2.52 (Environmental Review Process for Highway Projects); §§2.81, 2.83 - 2.86 (Requirements for Classes of Projects); and §§2.131 and 2.134 (Requirements for Specific Projects and Programs); Repeal of §2.82 (Blanket and Programmatic Categorical Exclusions). Repeal of §§2.101 - 2.110 (Public Participation) and replacement with new §§2.101 - 2.110 (Public Participation).

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Environmental Affairs Carlos Swonke.

113880
ENV

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§2.1, 2.2, 2.5 -2.8, 2.11, 2.12, 2.14, 2.41 - 2.44, 2.46 - 2.52, 2.81, 2.83 - 2.86, 2.131 and 2.134, the repeal of §2.82 and §§2.101-2.110, and new §§2.101-2.110, all relating to the environmental review of transportation projects, and codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the amendments, repeals and new sections, attached to this minute order as Exhibits A - G, 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 §§2.1, 2.2, 2.5 - 2.8, 2.11, 2.12, 2.14, 2.41 - 2.44, 2.46 - 2.52, 2.81, 2.83 - 2.86, 2.131 and 2.134; the repeal of §2.82 and §§2.101-2.110, and new §§2.101-2.110 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 - G are on file with the assistant chief clerk.

(2) Chapter 5 - Finance (MO)

Amendments to §5.11, Charges for Dishonored Checks (Collection of Debts), §5.43, Methods of Payment and §5.44, Exceptions (Payment of Fees for Department Goods and Services)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Finance Brian Ragland.

113881
FIN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §5.11 and §5.43, and the repeal of §5.44, relating to the collection of certain debts and payment of fees for department goods and services, 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 - D, 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 §5.11 and §5.43, and the repeal of §5.44 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 - D are on file with the assistant chief clerk.

(3) Chapter 12 - Public Donation and Participation Program (MO)
Amendments to §12.5, Landscape Cost Sharing Program, and §12.7,
Landscape Partnership Program (Public Participation Programs)

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

113882
DES

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §12.5, Landscape Cost Sharing Program, and §12.7, Landscape Partnership Program 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 §12.5 and §12.7 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 assistant chief clerk.

(4) Chapter 21 - Right of Way (MO)
Amendment§21.23, State Participation in Toll-Related Relocations(Utility Adjustment,
Relocation, or Removal)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Right of Way John Campbell.

113883
SPD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §21.23 relating to utility adjustment, relocation or removal, 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 §21.23 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 assistant chief clerk.

(5) Chapter 28 - Oversize and Overweight Vehicles and Loads (MO)
Amendments to Amendments to §§28.20-28.22 (Port of Brownsville Permits)

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

113884
MNT

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§28.20-28.22 relating to Port of Brownsville Permits 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 §§28.20-28.22 are adopted and are authorized for filing with the Office of the 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 assistant chief clerk.

ITEM 10. Office of Compliance, Ethics, and Investigations
Office of Compliance, Ethics, and Investigations Report

This item was presented by the Chief Audit Executive Benito Ybarra.

ITEM 11. Unified Transportation Program (UTP)
Approve updates to the 2014 UTP (MO) (Presentation)

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

113885
 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 2014 UTP was approved by the commission on August 29, 2013, in Minute Order 113675 and revisions to the 2014 UTP were approved by the commission on December 19, 2013, in Minute Order 113791.

On February 20, 2014, the department conducted public meetings across the state via WebEx, and a public hearing was held on March 18, 2014 to receive comments and testimony concerning the proposed updates to the 2014 UTP.

The updates to the 2014 UTP, as shown in Exhibit A, include revised funding allocations based on funds transfer requests in multiple categories and revised project specific program lists. In addition, this minute order addresses initial designations of major transportation projects in accordance with criteria established in 43 TAC §16.106, incorporates information regarding transportation development credit awards and remaining balances, and includes minor revisions and technical corrections.

IT IS THEREFORE ORDERED by the commission that the updates to the 2014 UTP, as shown in Exhibit A, are hereby approved.

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

ITEM 12. Toll Roads
Travis and Williamson Counties - Issue an order prohibiting the operation of certain motor vehicles on TxDOT toll projects (MO)

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Toll Operations Division Director Doug Woodall.

113886
 TOD

Transportation Code, Chapter 372, Subchapter C, authorizes toll project entities, including the Texas Department of Transportation (department), to exercise various remedies against certain motorists with unpaid toll violations.

Transportation Code §372.106 provides that a “habitual violator” is a registered owner of a vehicle who a toll project entity determines:

(1) was issued at least two written notices of nonpayment that contained:

(A) in the aggregate, 100 or more events of nonpayment within a period of one year, not including events of nonpayment for which: (i) the registered owner has provided to the toll project entity information establishing that the vehicle was subject to a lease at the time of nonpayment, as provided by applicable toll project entity law; or (ii) a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law; and

(B) a warning that the failure to pay the amounts specified in the notices may result in the toll project entity’s exercise of habitual violator remedies; and

(2) has not paid in full the total amount due for tolls and administrative fees under those notices.

The department previously determined that the individuals listed in Exhibit A are habitual violators. These determinations are now considered final in accordance with Subchapter C.

Transportation Code §372.109 provides that a final determination that a person is a habitual violator remains in effect until:

(1) the total amount due for the person’s tolls and administrative fees is paid; or

(2) the toll project entity, in its sole discretion, determines that the amount has been otherwise addressed.

Transportation Code §372.110 provides that a toll project entity, by order of its governing body, may prohibit the operation of a motor vehicle on a toll project of the entity if:

(1) the registered owner of the vehicle has been finally determined to be a habitual violator; and

(2) the toll project entity has provided notice of the prohibition order to the registered owner.

The department recommends that the Texas Transportation Commission (commission) prohibit the operation of the motor vehicles listed in Exhibit A on the Central Texas Turnpike System, which consists of the following elements: (1) SH 130, Segments 1-4, from I-35 north of Georgetown to the intersection of US 183 and SH 130

at SH 45 Southeast; (2) SH 45 North, from west of US 183 to the SH 130/SH 45 North interchange; (3) SH 45 Southeast, from I-35 at FM 1327 south of Austin to the SH 130/US 183 interchange; and (4) Loop 1, from existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange.

IT IS THEREFORE ORDERED BY THE COMMISSION that the motor vehicles listed in Exhibit A are prohibited from operation on the Central Texas Turnpike System, the limits of which are described above, effective April 11, 2014.

IT IS FURTHER ORDERED that the department shall provide notice of this order to the individuals listed in Exhibit A, as required by Transportation Code §372.110.

IT IS FURTHER ORDERED that the prohibition shall remain in effect for the motor vehicles listed in Exhibit A until the respective habitual violator determinations are terminated, as provided by Transportation Code §372.109.

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

ITEM 13. Contracts

Award or reject contracts for maintenance, highway and building construction

(a) Highway Maintenance and Department Building Construction (MO)

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

113887
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 improvement of the State Highway System, which were publicly opened and read on March 5 and 6, 2014, 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 award to the lowest bidder or reject, 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 assistant chief clerk.

(b) Highway and Transportation Enhancement Building Construction (MO)

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

113888
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 maintenance of the State Highway System, which were publicly opened and read on March 5 and 6, 2014, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder or reject, as indicated, those highway maintenance and department building construction contracts, with an engineer's estimated cost of \$300,000 or more, 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 assistant chief clerk.

ITEM 14. Eminent Domain Proceedings

Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached list) (MO)

Commissioner Vandergriff 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 and the following minute order was approved by Chairman Houghton, Commissioner Austin, Commissioner Underwood, Commissioner Vandergriff, and Commissioner Moseley (a vote of 5 - 0). This item was presented by Right of Way Director John Campbell.

113889
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 - RR. 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 - 20, 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:

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	SH 183	14	0094-07-037	12
Dallas	SH 183	10	0094-07-042	15
Dallas	SH 183	9	0094-07-042	16
Dallas	SH 183	2	0094-07-042	26
Dallas	SH 183	8	0094-07-042	27
Dallas	SH 183	3	0094-07-042	23
Harris	SH 99	19	3510-06-005	162
Harris	SH 99	12	3510-06-006	223
Harris	US 290	6	0050-09-086	2059
Harris	US 290	17	0050-09-086	2014
Harris	US 290	5	0050-09-086	2031
Harris	US 290	7	0050-09-087	518
Harris	US 290	18	0050-09-090	414
Hidalgo	FM 493	13	0863-01-057	15
Lubbock	FM 1730	20	1344-02-020	38
McLennan	FM 1637	1	0833-03-041	89
Montgomery	FM 1488	16	0523-10-037	19
Montgomery	FM 1488	11	0523-10-037	5
Nacogdoches	FM 1878	4	1810-01-030	1
Randall	SL 335	15	2635-02-027	3B

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 35E	X	0196-03-248	62B
Dallas	SH 183	M	0094-07-042	20
Dallas	SH 183	F	0094-07-042	21

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	SH 183	B	0094-07-042	37
Denton	IH 35E	K	0195-03-072	113
Denton	IH 35E	Y	0195-03-072	111
Denton	IH 35E	N	0195-03-072	94
Denton	IH 35E	FF	0196-01-097	97
Denton	IH 35E	L	0196-01-097	52
Falls	IH 35	HH	0015-02-058	129E
Harris	SH 99	MM	3510-06-005	112
Harris	SH 99	RR	3510-06-005	148A
Harris	SH 99	R	3510-06-006	365
Harris	SH 99	JJ	3510-06-006	221
Harris	SH 99	QQ	3510-06-006	239,239TE
Harris	SH 99	PP	3510-06-006	240,240TE
Harris	SH 99	NN	3510-06-006	392E
Harris	SH 99	LL	3510-06-006	341
Harris	SH 99	S	3510-06-006	245
Harris	SH 99	OO	3510-06-011	532
Harris	SH 99	II	3510-06-011	506
Harris	US 290	I	0050-09-086	2035
Harris	US 290	Z	0050-09-086	2062
Harris	US 290	AA	0050-09-086	2028
Harris	US 290	BB	0050-09-087	519
Harris	US 290	G	0050-09-087	510
Montgomery	SH 99	U	3510-07-007	606
Montgomery	SH 99	Q	3510-07-007	617
Montgomery	SH 99	KK	3510-07-007	675
Montgomery	SH 99	V	3510-07-007	634,634TE
Montgomery	SH 99	T	3510-07-007	726
Nacogdoches	US 59	J	0176-01-099	7
Rockwall	IH 30	H	0009-12-077	17
Tarrant	IH 35W	W	0014-16-266	867
Tarrant	IH 35W	O	0014-16-266	882
Tarrant	IH 35W	D	0014-16-266	838
Tarrant	IH 35W	C	0014-16-266	834
Tarrant	IH 35W	P	0014-16-266	866
Tarrant	IH 35W	A	0014-16-266	857
Tarrant	IH 35W	EE	0014-16-266	830
Tarrant	IH 35W	DD	0014-16-266	884
Tarrant	IH 35W	CC	0014-16-266	845
Tarrant	IH 35W	E	0014-16-266	813
Tarrant	IH 820	GG	0008-14-093	156E

Note: Exhibits A - RR and 1 - 20 are on file with the assistant chief clerk.

ITEM 15. Routine Minute Orders

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

a. Donations to the Department

Various Districts - Consider the acceptance 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 (See attached itemized list) (MO)

113890
CSO

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 assistant chief clerk.

b. Right of Way Dispositions and Donations

(1) Collin County - FM 2514 from Brown Street south to SH 78 in Wylie - Consider the removal from the system, transfer of control, jurisdiction and maintenance to the city, and quitclaim of right of way to the city (MO)

113891
ROW

In the city of Wylie, COLLIN COUNTY, on FARM TO MARKET ROAD 2514, the state of Texas used certain land for highway purposes to which there is no record title.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the interim executive director has recommended, as shown in Exhibit A, the removal from the state highway system of a segment of FM 2514 from Brown Street to SH 78, a distance of approximately 0.33 mile, and the transfer of control, jurisdiction and maintenance to the city of Wylie.

The land (Tracts 1 and 2), described in Exhibit B, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim to the city of any interest that might have accrued to the state in property to which there is no record title.

The city of Wylie will assume control, jurisdiction and maintenance of a segment of FM 2514 and has requested the quitclaim of Tracts 1 and 2 to the city.

IT IS THEREFORE ORDERED by the commission that: 1) FM 2514 is removed from the state highway system from Brown Street to SH 78, a distance of approximately 0.33 mile; and 2) control, jurisdiction and maintenance is transferred to the city of Wylie.

FURTHER, the commission finds that Tracts 1 and 2 are no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming Tracts 1 and 2 to the city of Wylie, Texas.

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

(2) Coryell County - FM 931 from SH 36 to Fort Hood Boundary - Consider the removal from the system and transfer to the county (MO)

113892
ROW

In CORYELL COUNTY, on FARM TO MARKET ROAD 931, the state of Texas acquired certain land and easement interest for highway right of way purposes by various instruments recorded in the Deed Records of Coryell County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the interim executive director has recommended that a segment of FM 931, shown in Exhibit A, be

removed from the state highway system and that control, jurisdiction, and maintenance be transferred to the county.

The right of way (real property), described in Exhibit B, 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 a highway right of way to a governmental entity that assumes jurisdiction, control, and maintenance of the real property for public road purposes.

The county has requested that control, jurisdiction, and maintenance be transferred to the county and that the real property be transferred to the county.

IT IS THEREFORE ORDERED by the commission that 1) a segment of FM 931 is removed from the system from SH 36 southward to the boundary of Fort Hood, a distance of approximately 1.6 miles; and 2) control, jurisdiction, and maintenance is transferred to the county.

IT IS FURTHER ORDERED, that the commission finds the real property is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring the state's right, title, and interest in the real property to Coryell County, Texas; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the real property.

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

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

(3) Dallas County - US 75 at Watkins Avenue in Dallas - Consider the sale of right of way to the abutting landowner (MO)

113893
ROW

In the city of Dallas, DALLAS COUNTY, on US 75, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 95049, Page 3420, and Volume 96150, Page 1586, Deed Records of Dallas County, Texas.

A portion of the land, 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 land no longer needed for a state highway purpose to abutting landowners.

The Housing Authority of the City of Dallas, Texas, is the abutting landowner and has requested to purchase the land for \$59,400.

The commission finds \$59,400 to be a fair and reasonable value of the state's right, title, and interest in the land.

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

of the City of Dallas, Texas, for \$59,400; 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 assistant chief clerk.

(4) Galveston County - I-45 from 0.452 miles south of FM 518 to north of FM 517 - Consider the acceptance of a donation of land for a highway improvement project (MO)

113894
ROW

In GALVESTON COUNTY, on Interstate Highway 45 from 0.452 miles south of FM 518 to north of FM 517, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

The Board of Regents of the University of Texas System (owner of part 1) and the Board of Regents of the University of Texas System, for the use and benefit of The University of Texas Medical Branch at Galveston (owner of part 2) is the owner of the property described in Exhibit A, and wants to donate the property, estimated at \$47,500, to the department for construction of a highway improvement project.

The owner may be subject to department regulations or oversight, but is not currently party to a contested case before the department. The owner may also be interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

A donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director’s designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

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

(5) Midland County - BS 349C from 0.6 miles north of Loop 250 (Solomon Lane) to 0.2 miles north of Loop 250 - Consider the acceptance of a donation of land for a landscape development project (MO)

113895
ROW

In MIDLAND COUNTY, on State Highway 349C from 0.6 miles north of Loop 250 (Solomon Lane) to 0.2 miles north, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

The City of Midland is the owner of the property described in Exhibit A, and wants to donate the property, estimated at \$46,854, to the department for construction of a highway improvement project.

The owner may be subject to department regulations or oversight, but is not currently party to a contested case before the department. The owner may also be interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

A donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director’s designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

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

(6) Robertson County - FM 2293, old alignment at Peach Joe Road - Consider the sale of right of way to the abutting landowner (MO)

113896
ROW

In ROBERTSON COUNTY, on FARM TO MARKET ROAD 2293, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 183, Pages 324, 326, 327, and 328, Deed Records of Robertson County, Texas.

A portion of the land (Tract 4), 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 no longer needed for a state highway purpose to abutting landowners.

Oak Grove Mining Company LLC is the abutting landowner and has requested to purchase Tract 4 for \$4,128.

The commission finds \$4,128 to be a fair and reasonable value of the state's right, title, and interest in Tract 4.

IT IS THEREFORE ORDERED by the commission that Tract 4 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the interim executive director to execute a proper instrument conveying all of the state's right, title, and interest in Tract 4 to Oak Grove Mining Company LLC for \$4,128; 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 Tract 4.

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

(7) Sabine County - SS 35 north of SH 103 - Consider the sale of right of way to the abutting landowner (MO)

113897
ROW

In SABINE COUNTY, on SS 35, the state of Texas acquired certain land for a highway purpose by instrument recorded in Volume 15, Page 156, Deed Records of Sabine County, Texas.

The land, 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 land no longer needed for a state highway purpose to abutting landowners.

McMahan Chapel United Methodist Church is an abutting landowner and has requested to purchase the land for \$4,702.

The commission finds \$4,702 to be a fair and reasonable value of the state's right, title, and interest in the land.

IT IS THEREFORE ORDERED by the commission that the land is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the interim executive director to execute a proper instrument conveying all of the state's right, title, and interest in the land to McMahan Chapel United Methodist Church for \$4,702; 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 assistant chief clerk.

(8) Travis County - US 290, old alignment of SH 20 west of Oak Hill - Consider the quitclaim of right of way to the abutting landowners (MO)

113898
ROW

In TRAVIS COUNTY, on US 290, the State of Texas used certain land to which there is no record title in the name of the state or county.

A portion of the land (Tract 4), described in Exhibit A, is no longer needed for a state highway purpose.

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

Harold R. Godfrey, Annie J. Godfrey, and Kenneth R. Robbins are the abutting landowners and have requested that Tract 4 be quitclaimed to them.

The county has requested that Tract 4 be quitclaimed to the abutting landowners.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in Tract 4 to the abutting landowners.

IT IS THEREFORE ORDERED by the commission that Tract 4 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming all of the state’s right and interest in Tract 4 to Harold R. Godfrey, Annie J. Godfrey, and Kenneth R. Robbins.

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

c. Transportation Planning

Various Counties - Authorize the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) to establish segments of I-69 (MO)

113899
TPP

In accordance with Appendix B to 23 CFR Part 470, Subpart A, and the policies of the Federal Highway Administration and the American Association of State Highway and Transportation Officials (AASHTO), state departments of transportation must coordinate changes to the interstate system with AASHTO by submitting an application for recognition of new interstate route segments to the Special Committee on US Route Numbering.

The Texas Department of Transportation (department) proposes to designate several segments of highways in Texas as INTERSTATE HIGHWAY 69 (I-69) in the next six years.

This minute order authorizes the department to petition the AASHTO Special Committee on US Route Numbering to recognize those designated segments as I-69 that comply with federal regulations and are of sufficient length to provide substantial service to the traveling public.

IT IS THEREFORE ORDERED by the commission that the department is authorized to submit applications to the AASHTO Special Committee on US Route Numbering requesting the recognition of I-69 along various existing routes through Texas as those route segments become eligible for inclusion on the interstate system.

IT IS FURTHER ORDERED that following approval of the applications by the AASHTO Special Committee on US Route Numbering, the commission will designate such route segments as I-69 by minute order.

d. Designation of Access Control

(1) Brazoria County - SH 288, approximately 471 feet north of SH 332 - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

113900
DES

In BRAZORIA COUNTY, on STATE HIGHWAY 288, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 1271, Pages 370-375 of the Official Records of Brazoria County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Brazos Mall, Bill A. Todd, Jr., Trustee, the current owner of the abutting property, Tract 234 AC, has requested that access to and from the southbound frontage road of SH 288 be permitted along their east property line at a new access point described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress are permitted to and from the southbound frontage road of SH 288.

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

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

(2) Brazoria County - SH 288, approximately 1000 feet south of FM 2234 - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

113901
DES

In BRAZORIA COUNTY, on STATE HIGHWAY 288, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 1028, Page 631, Brazoria County Deed Records, with denial of access to the abutting remainder properties as described in the instrument.

Trinity 288 Retail, LLC, the current owner of the abutting property, Tract 3A AC, has requested that access to and from the northbound frontage road of SH 288 be permitted along their west property line at a new access point described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and

designates the new access point as a location where ingress and egress are permitted to and from the northbound frontage road of SH 288.

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

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

(3) Dallas County - I-20, east of Houston School Road - Consider the designation of one location on the frontage road at which access will be permitted to the abutting property (MO)

113902
DES

In DALLAS COUNTY, on Interstate 20, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 889, Page 157, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

QuikTrip Corporation, the current owner of the abutting property, has requested that access to and from the eastbound frontage road of I-20 be permitted along the northern property line at a new access point, described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress are permitted to and from the eastbound frontage road of I-20.

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

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

(4) Dallas County - I-635, east of Josey Lane - Consider the designation of one location on the frontage road at which access will be permitted to the abutting property (MO)

113903
DES

In DALLAS COUNTY, on Interstate 635, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 2003011, Page 11985, Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Josey Village, Ltd., the current owner of the abutting property, has requested that access to and from the eastbound frontage road of I-635 be permitted along the northern property line at a new access point, described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress are permitted to and from the eastbound frontage road of I-635.

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

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

e. Highway Designation

Chambers County - Extend the designation of FM 1409 along a new location from FM 565 in Old River-Winfree, southward to FM 565 west of Cove (MO)

113904
TPP

In CHAMBERS COUNTY, local officials have requested that the designation of FARM TO MARKET ROAD 1409 be extended along a new location from FM 565 in Old River-Winfree, southward to FM 565 west of Cove, a distance of approximately 4.6 miles (extension).

The extension was previously designated on the state highway system by Minute Order 112208, dated March 25, 2010. However, that order is null and void because construction of the project did not begin within the specified timeframe.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation (department) has recommended that the extension be designated as FM 1409 and incorporated into the state highway system.

The Texas Transportation Commission (commission) finds that the extension of FM 1409 will facilitate the flow of traffic, promote public safety, 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 the designation of FM 1409 is extended along a new location from its present terminus at FM 565 in Old River-Winfree, southward to FM 565 west of Cove, a distance of approximately 4.6 miles, as shown in Exhibit A, and the extension is added to the state highway system.

In the event construction does not begin within 36 months of the date of this order, the order shall be null and void.

IT IS FURTHER ORDERED that if the extension is developed by an entity other than the department, the maintenance, control, and jurisdiction of the extension will remain with the developing entity until the highway is opened to traffic as approved by the department.

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

f. Speed Zones

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

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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 various 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 portion of the minute order establishing the speed zones shown on the attached Exhibit C are canceled.

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

ITEM 16. Executive Session Pursuant to Government Code, Chapter 551

a. Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

b. Section 551.074 - Deliberate on the search for a new executive director


The commission recessed to executive session at 11:31 a.m. and returned from executive session at 12:18 p.m.

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

The commission received no further comments.


The regular meeting of the Texas Transportation Commission was adjourned at 12:19 p.m.

APPROVED:



Ted Houghton, 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 March 27, 2014, in Austin, Texas.



Robin Carter, Assistant Chief Clerk
Texas Department of Transportation