

These are the minutes of the regular meeting of the Texas Transportation Commission held on November 20, 2014, in Austin, Texas. The meeting was called to order 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

Commissioner Victor Vandergriff was not in attendance.
Commissioner Moseley left the meeting at 11:54.

Administrative Staff:

LtGen. Joe Weber, Executive Director
Jeff Graham, General Counsel
Robin Carter, Interim Chief Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation, Interim 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 4:30 p.m. on November 12, 2014, 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. Approval of Minutes of the October 30, 2014 regular meeting of the Texas Transportation Commission

Commissioner Moseley made a motion, which was seconded, and the commission approved the minutes of the October 30, 2014 regular meeting by a vote of 4 - 0.

ITEM 3. Green Ribbon Landscape Improvement Program Recognition

This item was introduced by Deputy Executive Director John Barton and the Green Ribbon Award was presented to Representative Garnet Coleman by Commissioner Moseley. Representative Coleman addressed the commission.

ITEM 4. Discussion

a. Proposition 1 Funds Status Update (Presentation)

This item was presented by Deputy Executive Director John Barton. Hays County Commissioner and CAMPO Chairman Will Conley spoke to the commission.

b. I-35 Corridor Status Update (Presentation)

This item was presented by Waco District Engineer Bobby Littlefield and Travel Information Division Director Margo Richards.

c. I-27 Corridor Extension Study (Presentation)

This item was presented by Director of Transportation and Programming James Koch. Deputy Executive Director John Barton also spoke. The commission heard comments from Lubbock Mayor Glen Robertson and from MOTRAN Alliance President James Beauchamp.

ITEM 5. Reports

a. Accept the 2015-2016 Port Capital Program submitted by the Port Authority Advisory Committee (Report)

This item was presented by Director of Maritime Dan Harmon. Executive Director of the Port of Corpus Christi and Chair of the Port Authority Advisory Committee John LaRue and Director of Corporate Affairs for the Port of Beaumont John Roby spoke to the commission.

Note: The report is on file with the interim chief clerk.

b. Approve the Gulf Intracoastal Waterway Report (MO) (Report)

Commissioner Moseley made a motion, which was seconded, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Underwood was not on the dais at the time of this vote. This item was presented by Director of Maritime Dan Harmon.

114121
MRD

Transportation Code, Chapter 51 (Texas Coastal Waterway Act), designates the state to act as the non-federal sponsor of the main channel of the Gulf Intracoastal Waterway (GIWW) from the Sabine River to the Brownsville Ship Channel.

Transportation Code, Section 51.007 requires the Texas Transportation Commission (commission) to continually evaluate the impact of the GIWW on the state and prepare a report for each regular session of the Texas Legislature. The evaluation shall include:

- 1) an assessment of the importance of the GIWW that includes identification of its direct and indirect beneficiaries;

- 2) identification of principal problems and possible solutions to those problems that includes estimated costs, economic benefits, and environmental effects;
- 3) an evaluation of the need for significant modifications to the GIWW; and
- 4) specific recommendations for legislative action that the commission believes are in the best interest of the state in carrying out the state's duties under this chapter.

The report of the evaluation shall be published and presented to each regular session of the Texas Legislature.

The Texas Department of Transportation has completed the evaluation and developed the report for the period of Fiscal Years 2013-2014.

IT IS THEREFORE ORDERED that the Gulf Intracoastal Waterway Report, as shown in Exhibit A, is approved by the commission and should be published and presented to the members of the 84th Texas Legislature, the governor, the lieutenant governor, and the speaker of the house of representatives.

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

c. Grand Parkway Association Report - Annual report on the status of projects and activities undertaken during the preceding 12 months (Report)

This item was introduced by Chief Planning and Projects Officer Russell Zapalac. Grand Parkway Association President Billy Burge and Grand Parkway Association Executive Director David Gornet addressed the commission.

ITEM 6. Aviation

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

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Moseley was not on the dais at the time of this vote. This item was presented by Director of Aviation Dave Fulton.

114122
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, October 24, 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 \$1,806,775.

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

ITEM 7. Public Transportation

Bowie County - Award transportation development credits to the Texarkana Urban Transit District (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Moseley was not on the dais at the time of this vote. This item was presented by Director of Public Transportation Eric Gleason.

114123
PTN

The Texas Transportation Commission (commission) desires to award 240,000 transportation development credits (TDC) to Texarkana Urban Transit District to match an award from the Federal Transit Administration under the Section 5309 Bus and Bus Facilities Program (Ladders of Opportunity Initiative).

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

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

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

In making this award, the commission has considered the potential of the project to expand the availability of funding for public transportation projects and finds that the project meet the established program goals set forth in 43 TAC §5.102 to support public transit.

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 enter into the necessary contract in accordance with the priorities established in this minute order.

ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Proposed Adoption

(1) Chapter 4 - Employee Practices (MO)

Amendments to §4.31, Definitions, §4.33, Prohibited Conduct, §4.36, Testing, §4.37, Test Results, §4.39, Refusal to Test, §4.41, Voluntary Admissions, §4.43, Employees Who Drive for the Department, and §4.44, Commercial Drivers, Safety-Sensitive Employees, and Vessel Crewmembers (Substance Abuse Program)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Moseley was not on the dais at the time of this vote. This item was presented by Chief of Staff Rich McMonagle. Mr. McMonagle also introduced the department's new Director of Human Resources David McMillan.

114124
HRD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§4.31, 4.33, 4.36, 4.37, 4.39, 4.41, 4.43, and 4.44 relating to the Substance Abuse Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed 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 §§4.31, 4.33, 4.36, 4.37, 4.39, 4.41, 4.43 and 4.44 are proposed for adoption and are authorized for publication in the Texas Register for the purpose of receiving public comments.

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 interim chief clerk.

ITEM 9. Office of Compliance, Ethics, and Investigations
Office of Compliance, Ethics, and Investigations Report

This item was presented by Director of the Office of Compliance, Ethics, and Investigations Suzanne Latimer.

ITEM 10. Unified Transportation Program (UTP)
Approve updates to the 2015 Unified Transportation Program (MO) (Presentation)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Transportation Planning and Programming Division Director James Koch and Director of Planning Marc Williams. Dallas Area Rapid Transit board member Paul Wageman also addressed the commission.

114125
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 2015 UTP was approved by the commission on August 28, 2014 in Minute Order 114027.

On October 16, 2014 the department conducted public meetings across the state via WebEx, and a public hearing was held on November 6, 2014 to receive comments and testimony concerning the proposed updates to the 2015 UTP.

The updates to the 2015 UTP, as shown in Exhibit A, include revised allocations based on revised federal funding levels in fiscal year 2015 and funding authorizations on priority projects. The updates also address revisions to project specific program lists and other minor revisions or technical corrections. Exhibit B, which is included for informational purposes only, contains a report on current transportation development credit balances and all administrative revisions previously incorporated into the UTP, including applied carry-over amounts from fiscal year 2014 and the reconciliation of category 5 (Congestion Mitigation and Air Quality Improvement) and category 7 (Metropolitan Mobility and Rehabilitation.)

IT IS THEREFORE ORDERED by the commission that the updates to the 2015 UTP, as shown in Exhibit A, are hereby approved.

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

ITEM 11. Transportation Planning

a. Nueces County - Designate a segment of the state highway system as I-69E, concurrent with US 77 from existing I-69E terminus in Robstown to south of FM 892 (MO) (Map)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Transportation Planning and Programming Director James Koch.

114126
TPP

In Nueces County, officials have requested the designation of a segment of the state highway system as I-69E, concurrent with US 77 from the existing I-69E terminus in Robstown to south of FM 892, a total distance of approximately 1.6 miles. This segment is still under construction.

Minute Order 113100, dated April 26, 2012, authorized the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as I-69. During the 2014 AASHTO Spring Meeting, the committee approved the application for the I-69E segment described above.

The Texas Division of the Federal Highway Administration (FHWA) conditionally approved the inclusion of this segment of I-69E on the Interstate Highway System. Final approval will be effective upon formal notification that the work has been completed to Interstate standards and approval by the Administrator of the FHWA.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended the concurrent designation of I-69E with US 77 on the state highway system.

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

IT IS THEREFORE ORDERED by the commission that I-69E is designated on the state highway system concurrent with US 77 from the existing I-69E terminus in Robstown to south of FM 892, a total distance of approximately 1.6 miles, as shown in Exhibit A. This designation will be effective upon formal notification that the work has been completed to Interstate standards and approved by the Administrator of the FHWA.

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

b. Hidalgo County - Designate a segment of the state highway system as I-69C, concurrent with US 281 from the junction of FM 490 to the existing I-69C terminus in Edinburg (MO) (Map)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Transportation Planning and Programming Director James Koch.

114127
TPP

In Hidalgo County, officials have requested the designation of a segment of the state highway system as I-69C, concurrent with US 281 from the junction of FM 490 to the existing I-69C terminus in Edinburg, a total distance of approximately 4.5 miles. This segment is still under construction.

Minute Order 113100, dated April 26, 2012, authorized the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as I-69. During the 2014 AASHTO Spring Meeting, the committee approved the application for the I-69C segment described above.

The Texas Division of the Federal Highway Administration (FHWA) conditionally approved the inclusion of this segment of I-69C on the Interstate Highway System. Final approval will be effective upon formal notification that the work has been completed to Interstate standards and approval by the Administrator of the FHWA.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended the concurrent designation of I-69C with US 281 on the state highway system.

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

IT IS THEREFORE ORDERED by the commission that I-69C is designated on the state highway system concurrent with US 281 from the junction of FM 490 to the existing I-69C terminus in Edinburg, a total distance of approximately 4.5 miles, as shown in Exhibit A. This designation will be effective upon formal notification that the

work has been completed to Interstate standards and approved by the Administrator of the FHWA.

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

ITEM 12. Finance

a. Central Texas Turnpike System Revenue Bonds

Approve the Amended and Restated Seventh Supplemental Indenture authorizing the issuance of one or more series of Central Texas Turnpike System (CTTS) Revenue Refunding Bonds to refund all or any portion of the outstanding bonds, including the Transportation Infrastructure Finance and Innovation Act (TIFIA) bond; approve the official statement, bond purchase contract, escrow agreement and other documents relating to any issuance of refunding bonds; authorize the chief financial officer and other designated department representatives to take all actions necessary to effectuate any refunding and deliver one or more series of CTTS Revenue Refunding Bonds; and approve an application to the Texas Bond Review Board, if necessary, for exemption or approval to issue such refunding bonds (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Financial Officer James Bass.

114128
DMO

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

By Minute Order 108873, dated April 25, 2002, SH 130 was designated as a toll project and a controlled access state highway from I-35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast (SH 130) as part of the Central Texas Turnpike System (system).

By Minute Order 108896, dated May 30, 2002, SH 45 N was designated as a toll project and a controlled access state highway from west of US 183 to SH 130/SH 45 North interchange (SH 45 N) as part of the system.

By Minute Order 108896, dated May 30, 2002, Loop 1 was designated as a toll project and a controlled access state highway from the existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange (Loop 1) as part of the system.

By Minute Order 109729 dated July 29, 2004 SH 45 Southeast was designated as a toll project and a controlled access state highway from I-35 at FM 1327 South of Austin to the SH 310/US 182 interchange (SH 45 SE) and by Minute Order 113243 dated August 30, 2012 SH 45 SE was designated as part of the system.

The commission has outstanding \$2,144,960,088 in aggregate principal amount of obligations (including \$434,630,088 original aggregate principal amount First Tier Revenue Bonds, Series 2002-A (2002-A Bonds); \$900,000,000 original aggregate principal amount TIFIA Loan Agreement and 2002 TIFIA Bond; \$585,330,000 First Tier Revenue Refunding Bonds Series 2012-A and \$225,000,000 First Tier Revenue Refunding Put Bonds, Series 2012-B) (collectively, the system obligations) to finance or refinance a portion of the costs of the system, composed of the SH 130, SH 45 N,

Loop 1 and SH 45 SE project elements, described above, pursuant to an Indenture of Trust (indenture) and six supplemental indentures. Any terms not otherwise defined in this order have the meaning given in the indenture.

The commission is authorized pursuant to Chapters 1207 and 1371, Texas Government Code, as amended, and Chapter 228, Texas Transportation Code, as amended, to refund, refinance and restructure outstanding toll revenue obligations such as the system obligations and the department is reviewing all outstanding system obligations for refunding opportunities.

The commission has determined it to be in the best interest of the State and the system to issue additional obligations pursuant to the indenture to refund all or any portion of the outstanding system obligations and the indenture authorizes the issuance of additional obligations to refund all or any portion of the outstanding system obligations upon compliance with certain conditions as set forth in the indenture.

Minute Order No. 113832 adopted by the commission on January 30, 2014 authorized, among other matters, a "Seventh Supplemental Indenture of Trust" authorizing the issuance of additional obligations pursuant to the indenture to refund all or any portion of the outstanding system obligations for a net present value debt service savings of at least 3% of the obligations refunded in one or more series in the aggregate principal amount not to exceed \$1.495 billion.

Due to improvements in the financial markets, the amount of system obligations, including the TIFIA bond, that may be refunded which produce a net present value debt service savings of the obligations refunded has significantly increased from when Minute Order No. 113832 was adopted.

Therefore, the commission has determined it to be in the best interest of the State to amend and restate the Seventh Supplemental Indenture of Trust to authorize issuing additional obligations to refund outstanding system obligations in a greater aggregate principal amount if it is determined by the Department Representative, as defined in such amended and restated Seventh Supplemental Indenture of Trust, to be in the best interest of the commission.

The indenture, together with the "Amended and Restated Seventh Supplemental Indenture of Trust" (seventh supplement), prescribes the terms, provisions and covenants related to the proposed issuance of refunding obligations in one or more series in the aggregate principal amount not to exceed \$2.0 billion with such name, series designation and other terms and provisions as provided in the seventh supplement and each related award certificate so long as the issuance of such refunding obligations results in any of the following: (i) a net present value debt service savings of not less than 3% of the obligations refunded, (ii) provides long-term fixed rates for refunded variable rate obligations, (iii) other variable rate financing for refunded variable rate obligations, or (iv) any combination thereof.

Government Code Section 1231.041 provides that a State agency may not issue a State security unless the issuance is approved by the Texas Bond Review Board (board) or exempted under law, including by board rule, from review by the board.

Under the seventh supplement, a Chief Financial Officer, as defined in the seventh supplement, includes the Chief Financial Officer of the department, the Innovative Financing/Debt Management Officer and the Deputy Director, Innovative

Financing/Debt Management Office, who is authorized to determine the method of sale for each series of refunding obligations as well as the price, lien status and other terms of each series of the refunding obligations as prescribed in each award certificate.

The commission understands that a preliminary official statement and final official statement (official statement) in substantially the form of the preliminary official statement will be distributed in connection with the public offering and sale of one or more series of the refunding obligations.

Under the seventh supplement, a Chief Financial Officer is authorized to price all or a portion of one or more series of the refunding obligations with various interest rate and other structures including variable rate bonds, put bonds, index bonds and others, which may require the use of liquidity provider(s), tender agents, remarketing agents and other entities performing various functions in connection with any such interest rate structures.

IT IS THEREFORE ORDERED by the commission that the Chairman and Executive Director are authorized and directed to execute and deliver each series of the refunding obligations and such other documents and certificates to carry out the intent of this order and a Chief Financial Officer, on behalf of the commission, is authorized and directed to execute and deliver the seventh supplement, each bond purchase agreement, as applicable, escrow agreement, if necessary, paying agent agreement, award certificate and similar agreements necessary for any series of the refunding obligations (collectively, program documents), in the form approved by a Chief Financial Officer or in substantially the form previously approved by the commission in connection with the outstanding system obligations, as applicable, with such changes as a Chief Financial Officer, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of the program documents.

IT IS FURTHER ORDERED by the commission that a Chief Financial Officer, on behalf of the commission, is authorized and directed to execute and deliver any remarketing agreement, liquidity agreement, tender agent agreement and other agreements necessary for any variable rate refunding obligations (collectively, variable rate documents), and the variable rate documents and similar agreements in connection with any variable rate refunding obligations are authorized in such form approved by a Chief Financial Officer executing the same may approve, such approval to be conclusively evidenced by execution of the variable rate documents.

IT IS FURTHER ORDERED by the commission that any necessary ancillary documents in connection with the issuance of the refunding obligations, the program documents, the variable rate documents, if any, are hereby approved, and a Chief Financial Officer, on behalf of the commission, is authorized and directed to execute and deliver such documents.

IT IS FURTHER ORDERED by the commission that an official statement is approved for distribution in connection with the public offering and sale of each series of refunding obligations in such form as a Chief Financial Officer, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of such official statement. The Chief Financial Officer, on behalf of the commission, is authorized to deem any preliminary official statement and

official statement final for purposes of Rule 15c2-12 of the Securities and Exchange Commission (rule) with such omissions as permitted by the rule.

IF IS FURTHER ORDERED by the commission that a Chief Financial Officer, on behalf of the commission, is authorized and directed to file with the board an application for approval or exemption, as applicable, and necessary in connection with the issuance of each series of refunding obligations.

IT IS FURTHER ORDERED by the commission that each member of the commission, each Chief Financial Officer, the Executive Director and General Counsel are authorized and directed to perform all such acts and execute such documents and notices, including execution of certifications to any underwriters or purchasers, the Attorney General, the Comptroller of Public Accounts, the board and other parties, as may be necessary to carry out the intent of this order and other orders of the commission relating to the system, the program documents and the variable rate documents.

b. Texas Mobility Fund

Travis and Williamson Counties - Capital Metropolitan Transportation Authority - Grant approval of a request from Capital Metropolitan Transportation Authority (Capital Metro) for a grant in the amount of \$50 million for capital costs relating to the design and construction of a rail station facility in the City of Austin and the acquisition of rail transit vehicles to be placed in service by Capital Metro in its greater Austin service area, with funding from the Texas Mobility Fund established pursuant to Section 49-k, Article III, Texas Constitution (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Financial Officer James Bass.

114129
DMO

Article III, Section 49-k of the Texas constitution (constitutional provision) created the Texas Mobility Fund (fund) in the state treasury and provides that the fund shall be administered by the Texas Transportation Commission (commission) as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in Transportation Code, Chapter 201, Subchapter M (enabling act). Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund general obligation bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

In Minute Order 109800, dated September 30, 2004, the commission adopted the Texas Mobility Fund Strategic Plan (plan) in accordance with Transportation Code §201.947 describing how the proceeds of obligations will be used and the benefit the state will derive from use of money in the fund.

Capital Metropolitan Transportation Authority (Capital Metro) has submitted a request to the Texas Department of Transportation (department) for state participation in the form of a grant of funds in the Texas Mobility Fund in the amount of \$50 million to pay the cost of constructing and providing other public transportation projects, specifically for capital costs relating to the design and construction of a rail station facility along 4th Street between Neches and Trinity Streets in the City of Austin, Texas and the acquisition of rail transit vehicles to be placed in service by Capital Metro in its greater Austin service area (project).

The grant of money in the fund for the project is consistent with the uses of the fund set forth in the plan.

By Minute Order of November 20, 2014, the commission updated the Unified Transportation Plan and authorized the department to undertake and complete the project. The department now recommends that the state participation in the development and delivery of the project be provided in the form of a grant to Capital Metro from the fund.

NOW, THEREFORE, IT IS DETERMINED that the request for a grant from the fund submitted by the Capital Metropolitan Transportation Authority meets the eligibility requirements of the constitutional provision, enabling act, and the plan, and the commission approves the request for funding from the fund in the amount of \$50 million, in the form of a grant, to be used for the purposes described herein, and directs the executive director to implement the actions necessary to effect the purposes of this minute order and further directs the chief financial officer, as an authorized representative pursuant to the master resolution, to ensure compliance with the permitted uses of the fund including execution of any necessary agreements or certificates.

ITEM 13. Professional Services Contracts

Various Counties - Approval to exceed contract term restrictions in 43 TAC §9.32(b)(1) for the procurement of indefinite deliverable contracts for professional services associated with the planning, development, and implementation of transportation projects throughout the state (MO)

Commissioner Austin made a motion, which was seconded, and the commission approved the following minute order by a vote of 4 - 0. This item was presented by Chief Procurement and Field Support Operations Officer Lauren Garduno.

114130
PEPS

Title 43, Texas Administrative Code, §9.32(b)(1)(B) provides that for an indefinite deliverable architectural, engineering or surveying services contract, the contract period in which initial work authorizations may be issued may not be longer than two years after the date of contract execution, unless approved by the Texas Transportation Commission (commission) prior to the solicitation posting date.

The Texas Department of Transportation (department) is in various stages of planning, procurement and negotiation with respect to transportation projects that would be innovatively funded or developed using non-traditional delivery methods, including comprehensive development agreements, design-build agreements, and

competitive right of way (ROW) leases. The department intends to enter into indefinite deliverable statewide contracts for the services of professional engineers, land surveyors and other professionals to perform various roles in the development process for statewide transportation projects, including highway and rail projects. Under these contracts, the department would be provided services that include, but are not limited to, drafting technical provisions; assisting with ROW acquisition and utility relocation; program management; design, construction, maintenance, and operations oversight; and overseeing compliance with the terms and conditions of other contracts providing for non-traditional project delivery.

The department intends to enter into up to twenty (20) indefinite deliverable contracts with the sum of all contracts not to exceed a total of \$300 million and a single contract not to exceed a contract dollar value of \$20 million. These indefinite deliverable contracts will be procured within the next four years. The solicitation of these indefinite deliverable contracts will be for the provision of general engineering consultant services; design services; construction oversight services; independent engineering services, operations and maintenance services; statewide public-private partnership procurement engineering consultants; and program management consultant services for statewide ROW acquisition oversight and ROW lease procurement services that include roadway engineering and land surveying. Longer potential terms for these contracts are essential to allow these professionals to oversee the various non-traditional, innovatively funded or developed projects efficiently.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue solicitations for no more than 20 indefinite deliverable contracts for providing statewide engineering and land surveying services associated with the planning, development, and implementation of transportation projects throughout the state that the department identifies as candidates for being innovatively funded or developed using non-traditional delivery methods, with contract periods in which initial work authorizations may be issued of no longer than six years after a contract is executed, and the sum of the above-described contracts shall be for no more than a total of \$300 million and a single contract not to exceed \$20 million.

ITEM 14. 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 4 - 0. This item was presented by Director of Construction John Obr.

114131
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on November 4 and 5, 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 interim 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 4 - 0. This item was presented by Director of Construction John Obr.

114132
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on November 4 and 5, 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 interim chief clerk.

ITEM 15. 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 Moseley 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 Underwood, Commissioner Moseley, and Commissioner Austin (a vote of 4 - 0). This item was presented by Right of Way Division Director John Campbell.

114133
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 - N. 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 - 12, 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>
Collin	US 380	11	0135-02-051	1
Dallas	US 175	12	0197-02-113	8
Grimes	SH 30	9	0212-04-034	13
Hidalgo	FM 493	1	0863-01-057	9
Hidalgo	FM 493	2	0863-01-057	71
Hidalgo	FM 493	3	0863-01-057	1
Hidalgo	FM 493	4	0863-01-057	8
Hidalgo	FM 493	5	0863-01-057	20

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Hidalgo	FM 493	6	0863-01-057	60
Hidalgo	FM 493	7	0863-01-057	56
Hidalgo	FM 493	8	0863-01-057	7
Lee	US 290	10	0114-07-070	17

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 35E	J	0196-03-248	48
Dallas	US 175	M	0197-02-113	15
Dallas	US 175	B	0197-02-113	33
Dallas	US 175	C	0197-02-113	7
Dallas	US 175	D	0197-02-113	9
Dallas	US 175	E	0197-02-113	10
Dallas	US 175	L	0197-02-113	41
Dallas	US 175	N	0197-02-113	39
Dallas	US 175	A	0197-02-113	44
Denton	IH 35E	H	0196-02-109	38
Denton	IH 35E	I	0196-02-109	37
Denton	IH 35E	G	0196-02-115	171A-E
Harris	IH 45	K	0500-03-546	301A
Montgomery	SH 99	F	3510-07-007	602

Note: Exhibits A - N and 1 - 12 are on file with the interim chief clerk.

ITEM 16. Routine Minute Orders

Commissioner Underwood made a motion, which was seconded, and the commission approved the following minute orders by a vote of 4 - 0. This item was presented by Executive Director General Joe Weber.

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)

114134
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 interim chief clerk.

b. Real Estate Dispositions and Donations

(1) Bexar County - SL 1604, northwest corner at FM 1535 in San Antonio - Consider the release of a portion of a previously donated drainage easement (MO)

114135
ROW

In the city of San Antonio, BEXAR COUNTY, on STATE LOOP 1604, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 4335, Page 72, Deed Records of Bexar County, Texas.

A portion of the easement (Tract 1), described in Exhibit A, is no longer needed for highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend, if the interest conveyed to the state is only the right to use the property, conveyance to the owner of the fee in the property.

Rogers 1604 Commercial, Ltd., (owner) is the owner of the fee in the property and has requested the release of Tract 1. Owner is, in whole or in part, a successor in interest to the party which donated Tract 1 to the state. Owner has constructed, at its own cost, a drainage facility which eliminates the necessity of the drainage easement on Tract 1. The costs of said facility exceeded the value of Tract 1, and said facility will benefit the State Highway system by reducing the demand on its drainage capacity.

In light of these equities, the commission finds \$0 to be a fair and reasonable value for the state's right and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument releasing all of the state's right and interest in Tract 1 to Rogers 1604 Commercial, Ltd., for \$0.

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

(2) Brazos County - BS 6-R, also known as Texas Avenue, in Bryan - Consider the sale of the old Bryan District headquarters site to the city of Bryan (MO)

114136
ROW

In the city of Bryan, BRAZOS COUNTY, on BUSINESS STATE HIGHWAY 6-R, the state of Texas acquired certain land for highway maintenance purposes by instruments recorded in Volume 81, Page 76; Volume 88, Page 71; Volume 107, Page 232; and Volume 186, Page 405, Deed Records of Brazos County, Texas.

The land (Tract 1), described in Exhibit A, is no longer needed for a state highway purpose.

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

The city of Bryan has requested to purchase Tract 1 for \$1.4 million. The commission finds \$1.4 million to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to the city of Bryan, Texas, for \$1.4 million; **SAVE AND EXCEPT**, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Guadalupe County - SL 539, old FM 78 alignment in Cibolo - Consider a removal from the system, transfer of control, jurisdiction, and maintenance to the city of Cibolo, and transfer and quitclaim of real property to the city (MO)

114137
ROW

In the city of Cibolo, GUADALUPE COUNTY, on STATE LOOP 539, the state of Texas acquired certain land for highway purposes by various instruments, and the state used certain other land for highway purposes to which there is no record title.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, the removal from the state highway system of SL 539, a distance of 0.9 mile, and the transfer of control, jurisdiction, and maintenance to the city of Cibolo.

The land (Tracts 1, 2, 3, and 4), described in Exhibit B, and other land, described in Exhibit C, 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 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, and the commission may recommend the quitclaim of any interest that might have accrued to the state by use of the property to the county or municipality where the property is located.

The city of Cibolo will assume jurisdiction, control, and maintenance and has requested the transfer of Tracts 1, 2, 3, and 4, and the quitclaim of other land to the city.

IT IS THEREFORE ORDERED by the commission that: 1) SL 539 is removed from the state highway system, a distance of approximately 0.9 mile; and 2) jurisdiction, control, and maintenance is transferred to the city of Cibolo.

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 Tracts 1, 2, 3, and 4, described in Exhibit B, to the city of Cibolo, 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. The commission also recommends that the governor execute a proper instrument quitclaiming any interest that might have accrued to the state in other land, described in Exhibit C, to the city of Cibolo, Texas.

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 - C are on file with the interim chief clerk.

(4) Hamilton County - SH 36, old alignment west of Hamilton - Consider the sale of right of way to abutting landowners (MO)

114138
ROW

In HAMILTON COUNTY, on STATE HIGHWAY 36, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 105, Page 404, and Volume 185, Page 4, Deed Records of Hamilton County, Texas. A portion of the land (Tract 1), described in Exhibit A, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting or adjoining landowners.

Robert Shotwell and wife, Gwynne E. Shotwell, as Trustees of the Quercus Maiestas Trust, dated July 20, 2012, are abutting landowners and have requested to purchase Tract 1 for \$1,893.

The commission finds \$1,893 to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and that the value is less than \$10,000. The commission authorizes the executive director to execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Robert Shotwell and wife, Gwynne E. Shotwell, as Trustees of the Quercus Maiestas Trust, dated July 20, 2012, for \$1,893; 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 1.

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

(5) Lubbock County - SL 289, southeast corner at SH 114 in Lubbock - Consider the sale of right of way to the abutting landowner (MO)

114139
ROW

In the city of Lubbock, LUBBOCK COUNTY, on STATE LOOP 289, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 934, Page 622; Volume 774, Page 216; and Volume 819, Page 17, Deed Records of Lubbock County, Texas.

A portion of the land (Tract 1), described in Exhibit A, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting or adjoining landowners.

YATESIIBY, L.C., is the abutting landowner and has requested to purchase Tract 1 for \$513,700.

The commission finds \$513,700 to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to YATESIIBY, L.C., for \$513,700; 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 interim chief clerk.

(6) Parker County - I-20 at Lake Shore Drive in Hudson Oaks - Consider the sale of right of way to the city (MO)

114140
ROW

In the city of Hudson Oaks, PARKER COUNTY, on INTERSTATE 20, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 377, Page 218, Deed Records of Parker County, Texas. A portion of the land (Tract 12-40), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with 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 a governmental entity with the authority to condemn the property.

The city of Hudson Oaks has requested to purchase Tract 1 for \$635,453.

The commission finds \$635,453 to be a fair and reasonable value of the state's right, title, and interest in Tract 12-40.

IT IS THEREFORE ORDERED by the commission that Tract 12-40 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 the state's right, title, and interest in Tract 12-40 to the city of Hudson Oaks, Texas, for \$635,453; **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 12-40.

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

(7) Rockwall County - I-30, southwest corner at FM 740 - Consider the sale of right of way to the abutting landowner (MO)

114141
ROW

In ROCKWALL COUNTY, on INTERSTATE 30, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 73, Page 601; Volume 43, Page 514; and Volume 45, Page 378, Deed Records of Rockwall County, Texas.

A portion of the land (Tract 1), described in Exhibit A, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting landowners.

2804 Ridge, LLC, a Texas limited liability company, is the abutting landowner and has requested to purchase Tract 1 for \$192,852.

The commission finds \$192,852 to be a fair and reasonable value for the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to 2804 Ridge, LLC, a Texas limited liability company, for \$192,852; **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 interim chief clerk.

(8) Wheeler County - I-40, northeast corner at US 83 in Shamrock - Consider the sale of right of way to the abutting landowner (MO)

114142
ROW

In the city of Shamrock, WHEELER COUNTY, on INTERSTATE 40, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 182, Page 434 and Page 438, Deed Records of Wheeler County, Texas.

A portion of the land (Tract 1), described in Exhibit A, is no longer needed for state highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of land no longer needed for a state highway purpose to abutting or adjoining landowners. Garrison Food Mart, Inc., a Texas corporation, is the abutting landowner and has requested to purchase Tract 1 for \$11,108.

The commission finds \$11,108 to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to Garrison Food Mart, Inc., a Texas corporation, for \$11,108; 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 interim chief clerk.

c. Reports

(1) Various Counties - Report on the status of projects for which the department has been authorized to enter into a comprehensive development agreement by the 83rd Legislature (Report)

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

(2) Report of Environmental Review of Projects - Accept public hearing report for the Trinity Parkway Project (Report)

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

d. Highway Designation

Cameron County - In the city of Los Indios, extend the designation of FM 509 from its present southern terminus eastward along Rio Grande Avenue to a proposed Border Safety Inspection Facility (MO)

114143
TPP

In Cameron County, the Pharr District has requested to extend the designation of FM 509 in the city of Los Indios from its present southern terminus eastward along Rio Grande Avenue to the proposed Border Safety Inspection Facility, a distance of approximately 0.4 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended extending the designation of FM 509 on the state highway system.

The Texas Transportation Commission (commission) finds that the extension of FM 509 will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that the designation of FM 509 is extended from its present southern terminus eastward along Rio Grande Avenue to the proposed Border Safety Inspection Facility, a distance of approximately 0.4 miles, as shown in Exhibit A.

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

e. Designation of Access Control

(1) Bexar County - US 281 at S. Terminal Drive - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

114144
DES

In BEXAR COUNTY, on US HIGHWAY 281, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 7545, Page 706, Deed Records of Bexar County, Texas, and in Volume 6823, Page 569, Deed Records of Bexar County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Evander Partners, the current owner of the abutting property, has requested that access to and from the southbound frontage road of US 281 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 US 281.

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 interim chief clerk.

(2) Harris County - US 290, approximately 425 feet east of Huffmeister Road to approximately 2300 feet east of Huffmeister Road - Consider the designation of three locations on the highway at which access will be permitted to the abutting property (MO)

114145
DES

In HARRIS COUNTY, on US HIGHWAY 290, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 5763, page 1 of the Harris County Deed Records and Harris County Clerk’s File Number C010267, with denial of access to the abutting remainder properties as described in the instrument.

Duke Realty Limited Partnership, the current owner of the abutting property, has requested that access to and from the eastbound frontage road of US 290 be permitted along their north property line at new access points described in Exhibits A - C.

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 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 and from the eastbound frontage road of US 290.

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

f. Speed Zones

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

114146
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 including the use of the emergency rules procedures established by new §25.28 Traffic and Engineering Investigation Requirements for Reducing Speeds on Certain Types of Roadways.

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 the environmental speed limits on the segments of FM 2354, FM 3180 and FM 1008 established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, are 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 interim chief clerk.

ITEM 17. 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

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.

President of Rivera's Machinery Philip Rivera, Daniel Fike, Josh Fike, Karen Fike, Rachel Villarreal, Daniel Villarreal, Christina Villarreal, Jeremy Salazar, Norma Saldana, and Legislative Consultant Maricela de León all spoke to the commission concerning State Highway 68. Mark Stine of Bike Texas, James Steenhagen, Tom Wald of Austin Bicycle Network, and Krista Sherwood of the National Park Service all spoke concerning the Transportation Alternatives Program.

The regular meeting of the Texas Transportation Commission was adjourned at 12:27 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 November 20, 2014, in Austin, Texas.



Robin Carter, Interim Chief Clerk
Texas Department of Transportation