

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 22, 2018, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

J. Bruce Bugg, Jr.	Chairman
Jeff Austin, III	Commissioner
Laura Ryan	Commissioner
Alvin New	Commissioner

**Administrative Staff:**

James Bass, Executive Director  
 Jeff Graham, General Counsel  
 Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:57 p.m. on February 14, 2018, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

**ITEM 1. Safety Briefing**

This item was presented by Occupational Safety Specialist Randy Clawson.

Chairman Bugg recognized Senator Robert Nichols and Representative Trent Ashby, who both spoke to the commission.

**ITEM 2. Consider the approval of the Minutes of the January 24, 2018, workshop meeting and the January 25, 2018, regular meeting of the Texas Transportation Commission**

Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the January 24, 2018, workshop meeting and the January 25, 2018, regular meeting by a vote of 4 - 0.

**ITEM 3. Statewide Long Range Transportation Plan**

**Consider the adoption of transportation system goals, strategies, performance measures and 10-year targets for the update to the Statewide Long Range Transportation Plan (MO)**

This item was presented by Project Planning and Development Director Lauren Garduno. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115152  
 TPP

In compliance with Title 23 U.S.C. §135, as implemented by 23 C.F.R. Part 450, and Transportation Code §201.601, the Texas Department of Transportation (department) created a statewide long-range transportation plan covering a period of 25 years that provides for the development and implementation of a transportation system and contains all modes of transportation. The plan, known as the Texas Transportation Plan 2040, was adopted by the Texas Transportation Commission (commission) on February 26, 2015.

The department has developed and implemented a performance-based planning and programming process dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the legislature and the commission. The department has also developed and implemented performance metrics and measures as part of the review of strategic planning in the statewide long-range transportation plan.

Senate Bill 312 (85th Legislature, Regular Session, 2017) amended Transportation Code §201.601 and requires that the statewide long-range transportation plan contain clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures. Senate Bill 312 also amended Transportation Code §201.6015 and requires that the department include the transportation system strategies, goals and measurable targets, and other related performance measures in each of its transportation plans and policy efforts.

The department has developed a set of transportation system goals, strategies, performance measures and 10-year targets, which is attached as Exhibit A. The transportation system goals and strategies were adopted by the commission in May, 2016 as part of the 2017-2021 Strategic Plan. The performance measures and 10-year targets were presented to the commission in January, 2018.

IT IS THEREFORE ORDERED by the commission that the transportation system goals, strategies, performance measures and 10-year targets, as shown in Exhibit A, are hereby adopted.

IT IS FURTHER ORDERED that the transportation system goals, strategies, performance measures and 10-year targets be incorporated into the Texas Transportation Plan 2040 and other transportation plans and policy efforts as they are created or updated.

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

**ITEM 4. Aviation**

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

This item was presented by Aviation Division Director Dave Fulton. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115153  
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds for the improvements.

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

On January 26, 2018, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibits A and B.

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

**ITEM 5. Public Transportation**

**Various Counties - Consider the award of funds flexed from the Surface Transportation Block Grant program to the Section 5311 Formula Grants for Rural Areas program to Golden Crescent Regional Planning Commission (MO)**

This item was presented by Public Transportation Division Director Eric Gleason. Victoria Transit Executive Director Joe Brannan also spoke to the commission. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115154  
PTN

The Texas Transportation Commission (commission) desires to award up to \$386,000 in federal Section 5311 program funds to Golden Crescent Regional Planning Commission (GCRPC) to replace rural transit vehicles lost due to fire.

The Unified Transportation Program identified Surface Transportation Block Grant Program funds to be flexed to the Federal Transit Administration (FTA) Formula Grants for Rural Areas Program (49 U.S.C. §5311). The award of these funds will assist the GCRPC in replacing 11 rural transit vehicles.

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

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

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

**ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**Final Adoption**

**Chapter 21 - Right of Way**

**Repeal of §§21.146-21.149, 21.151, 21.165, 21.194, 21.196; Amendments §§21.141-21.145, 21.150, 21.152-21.156, 21.158-21.164, 21.166-21.182, 21.184-21.193, 21.195, 21.197-21.204; New §§21.205 and 21.206 (Subchapter I, Regulation of Signs along Interstate and Primary Highways, Division 1, Signs) and Repeal of §§21.251-21.260 (Subchapter I, Regulation of Signs along Interstate and Primary Highways, Division 2, Electronic Signs) (MO)**

This item was presented by Right of Way Division Director Gus Cannon. Chairwoman of the Board of Directors of Scenic Texas Margaret Lloyd also spoke to the commission. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115155  
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §§21.146-21.149, 21.151, 21.165, 21.194, 21.196, and §§21.251-21.260, amendments to §§21.141-21.145, 21.150, 21.152-21.156, 21.158-21.164, 21.166-21.182, 21.184-21.193, 21.195, 21.197-21.204; and new §§21.205 and 21.206, relating to regulation of signs along Interstate and primary highways to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted repeals, amendments, and new sections attached to this minute order as Exhibits A, B, and C, 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 repeal of §§21.146-21.149, 21.151, 21.165, 21.194, 21.196, and §§21.251-21.260, amendments to §§21.141-21.145, 21.150, 21.152-21.156, 21.158-21.164, 21.166-21.182, 21.184-21.193, 21.195, 21.197-21.204; and new §§21.205 and 21.206 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 - C are on file with the commission chief clerk.

**ITEM 7. Contracts**

**Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings.**

**a. Construction of Highways and Other Transportation Facilities (MO)**

This item was presented by Construction Division Director Gina Gallegos. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115156  
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 February 1 and 2, 2018; as well as San Antonio District, McMullen County, Job Number 3003, Project Number STP 2018(077), which was publicly opened and read on January 4, 2018 as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be and are hereby respectively awarded to the lowest bidder or rejected or deferred as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

**b. Highway Maintenance (MO)**

This item was presented by Construction Division Director Gina Gallegos. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115157  
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 February 1 and 2, 2018; as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway maintenance and department building construction contracts, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected or deferred, as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

**c. Construction and Rehabilitation of Buildings (MO)**

This item was presented by Support Services Division Facilities Planning and Management Section Director Robin Cappello. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115158  
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on February 6, 2018, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject or defer, as indicated, those highway improvement and department building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to re-advertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

**ITEM 8. Consent and Subordination Agreement**

**Brazoria County - SH 332 at Dow Fresh Water Canal in Lake Jackson - Consider the subordination of a highway easement crossing a flood control levee (MO)**

This item was presented by Right of Way Division Director Gus Cannon. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115159  
ROW

In Lake Jackson, BRAZORIA COUNTY, on STATE HIGHWAY 332, the state of Texas (state) acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 761, Page 150, Deed Records of Brazoria County, Texas.

Velasco Drainage District (Velasco) holds an easement and right of way interest for a flood control levee that intersects SH 332 (levee easement).

Velasco has requested that the state enter into a Consent and Subordination Agreement, described in Exhibit A, to give Velasco a superior property interest within the levee easement, described in Exhibit B.

Texas Government Code §2204.203 authorizes the governor, upon the recommendation of the Texas Transportation Commission (commission) to convey to

any governmental subdivision or agency of this state that is cooperating with the United States in a flood control project an easement or other interest in land that may be necessary for the construction, operation, and maintenance of the civil works project.

The commission finds that it is in the state’s interest to consent to Velasco’s request to subordinate the state’s interest in the levee easement.

IT IS THEREFORE ORDERED by the commission that the state enter into a Consent and Subordination Agreement with Velasco. The commission recommends that the governor of Texas execute a Consent and Subordination Agreement with Velasco Drainage District.

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

**ITEM 9. Eminent Domain Proceedings**

**Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (MO)**

This item was presented by Right of Way Division Director Gus Cannon. Commissioner New made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Ryan and the following minute order was approved by Chairman Bugg, Commissioner Austin, Commissioner Ryan, and Commissioner New (a vote of 4 - 0).

115160  
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 - BB. 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 - 33, in accordance with Transportation Code, Sections 203.002 and 203.003.

The commission finds and determines that condemnation of the parcels is required.

IT IS THEREFORE ORDERED that the initiation of condemnation proceedings for the parcels is adopted and authorized by a single order for the parcels, and this first vote by the commission applies to all of the parcels.

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

**CONTROLLED ACCESS**

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Dallas	IH 45	U	0092-14-091	3
Dallas	IH 45	C	0092-14-091	15
Dallas	IH 635	A	2374-01-151	101,101AC
Dallas	IH 635	B	2374-01-151	111,111AC
Dallas	IH 635	M	2374-01-189	5
Dallas	IH 635	T	2374-01-189	6
Dallas	IH 635	E	2374-01-189	7
Dallas	IH 635	F	2374-01-189	8
Dallas	IH 635	W	2374-01-189	18
Dallas	IH 635	X	2374-01-189	20
Dallas	IH 635	H	2374-01-189	24
Dallas	IH 635	G	2374-01-189	25
Dallas	IH 635	R	2374-01-189	27
Dallas	IH 635	V	2374-01-189	31
Ellis	US 77	D	0048-03-082	9AC
Ellis	US 77	L	0048-03-082	22AC
Ellis	US 77	J	0048-03-082	32AC
Ellis	US 77	K	0048-03-082	33AC

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
McLennan	IH 35	I	0015-01-234	44,44AC
Nueces	US 181	P	0101-06-109	105
Nueces	US 181	Q	0101-06-109	106
Tarrant	IH 820E	S	0008-13-232	35
Tarrant	IH 820E	O	0008-13-232	38
Tarrant	IH 820E	N	0008-13-232	39
Travis	SH 71	Y	0265-01-115	2,2AC
Wharton	US 59	Z	0089-07-153	6,6AC
Wharton	US 59	AA	0089-07-153	18
Wharton	US 59	BB	0089-07-153	31

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Anderson	US 175	21	0198-03-031	12
Brazoria	SH 36	17	0188-05-031	106
Crane	US 385	24	0229-03-038	1,1E
Crane	US 385	23	0229-03-038	6
Ellis	US 77	10	0048-03-082	1
Ellis	US 287	8	0172-05-120	7
Galveston	SH 146	16	0389-06-096	406
Gregg	FM 2206	15	2073-01-012	74
Harris	SH 146	19	0389-05-095	102
Harris	FM 2100	22	1062-04-059	337
Hidalgo	FM 907	26	1586-01-072	6
Lubbock	FM 179	12	0880-04-034	2
Lubbock	FM 179	1	0880-04-034	9
Lubbock	FM 179	18	0880-04-034	15
Lubbock	FM 179	4	0880-04-034	22
Lubbock	FM 179	6	0880-04-034	24
Lubbock	FM 179	5	0880-04-034	25
Lubbock	FM 179	2	0880-04-034	29
Lubbock	FM 179	3	0880-04-034	35
Lubbock	FM 179	9	0880-04-034	36
Lubbock	FM 179	25	0880-04-034	37
Lubbock	FM 179	14	0880-04-034	38
Lubbock	FM 179	7	0880-04-034	54
Lubbock	FM 179	13	0880-04-034	55
Nueces	US 181	20	0101-06-109	111
Randall	SL 335	11	0904-11-060	12
Tarrant	SH 360	30	2266-02-129	52
Taylor	US 83/84	29	0034-01-132	4
Taylor	US 83/84	27	0034-01-132	5
Taylor	US 83/84	28	0034-01-132	12

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Wharton	US 59	31	0089-07-153	3
Wharton	US 59	32	0089-07-153	4
Wharton	US 59	33	0089-07-153	20

Note: Exhibits A - BB and 1 - 33 are on file with the commission chief clerk.

**ITEM 10. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute orders by a vote of 4 - 0.

**a. Donations to the Department**

**(1) Various Districts - Consider the acknowledgment of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner's land (MO)**

115161  
CSD

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

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

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

director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

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

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

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

## **(2) Real Estate Donations**

**Various Districts - Consider for acknowledgement of the acquisition by gift/donation of required right of way accepted by the department for purposes of constructing, maintaining, widening, straightening, or extending the state highway system (MO)**

115162  
ROW

The Texas Department of Transportation (department) is acquiring the right of way for highway improvement projects by donations.

This minute order considers acknowledgement of acceptance of donations of real property to the State of Texas by the department. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

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

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

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, §223.049, and §224.001. The donation agreement has been executed and accepted by the department under Title 43, Texas Administrative Code, §1.504.

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

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

**b. Real Estate Dispositions**

**(1) Colorado County - FM 109, north side between Frelsburg and New Ulm - Consider the sale of a material source easement (MO)**

115163  
ROW

In COLORADO COUNTY, on FARM TO MARKET ROAD 109, the state of Texas acquired fee and easement interests in certain land for highway purposes by instrument recorded in Volume 130, Page 235, Deed Records of Colorado County, Texas.

The easement interest only (Tract 1), RCSJ 0716-02-046, 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 the sale of any interest in real property acquired and no longer needed for a state highway purpose.

James Michael Isgett is the owner of the fee in the property and has requested to purchase Tract 1 for \$6,237.

The commission finds \$6,237 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 James Michael Isgett for \$6,237.

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

**(2) Dallas County - I-45 at Nicholas Street in Hutchins - Consider the sale of right of way to the abutting landowner (MO)**

115164  
ROW

In Hutchins, DALLAS COUNTY, on INTERSTATE 45, the state of Texas acquired certain land for highway purpose by instrument recorded in Volume 3087, Page 167, Deed Records of Dallas County, Texas.

A portion of the land (Tract 1), RCSJ 0092-02-127, described in Exhibit A, is no longer needed for a state highway purpose.

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

Marco Antonio Vidal is the abutting landowner and has requested to purchase Tract 1 for \$3,699.

The commission finds \$3,699 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 Marco Antonio Vidal for \$3,699; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state’s rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) El Paso County - SH 20, at Talbot Avenue and Third Street in Canutillo - Consider the sale of a drainage easement (MO)

115165  
ROW

In Canutillo, EL PASO COUNTY, on STATE HIGHWAY 20, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 752, Page 116, Deed Records of El Paso County, Texas.

A portion of the easement (Tract 1), RCSJ 0001-01-061, shown on Exhibit A, is no longer needed for a state highway purpose.

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

Gilberto Velasquez is the owner of the fee in the property and has requested to purchase Tract 1 for \$47,000.

The commission finds \$47,000 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 recommends, subject to approval of the attorney general, that the governor of Texas execute a proper instrument releasing the state’s right and interest in Tract 1 to Gilberto Velasquez for \$47,000.

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

(4) Kaufman County - FM 740, section of Bois d’Arc Street in Forney - Consider the removal from the system and transfer of control, jurisdiction, and maintenance and quitclaim of right of way to the City of Forney (MO)

115166  
ROW

In Forney, KAUFMAN COUNTY, on FARM TO MARKET ROAD 740, the state of Texas used certain land for highway purposes to which there is no record title in the state’s name.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown on Exhibit A, that a segment of FM 740 be

removed from the state highway system, a distance of 0.5 mile, and that control, jurisdiction, and maintenance be quitclaimed to the City of Forney (city).

The land (Tract 1), RCSJ 1091-02-023, shown on Exhibit A as Bois D'Arc Street between Broad Street and College Avenue, 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 to the city of any interest that might have accrued to the state by use of property.

The city will assume control, jurisdiction, and maintenance of Tract 1 and has requested the quitclaim to the city.

IT IS THEREFORE ORDERED by the commission that a segment of FM 740 is removed from the state highway system from FM 688 southward to FM 741, a distance of 0.5 mile, and control, jurisdiction and maintenance are transferred to the City of Forney.

IT IS FURTHER ORDERED by the commission that Tract 1 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 quitclaiming the state's right and interest in Tract 1 to the City of Forney, Texas.

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

(5) Lynn County - SL 472 on the courthouse square in Tahoka - Consider the release of a right of way easement to Lynn County (MO)

115167  
ROW

In Tahoka, LYNN COUNTY, on STATE LOOP 472, the state of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 3, Page 185, Commissioners Court Minutes, Lynn County, Texas.

The land (Tract 1), RCSJ 0068-13-005, shown on 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The fair value of Tract 1 is estimated to be \$5,692, and the state's future maintenance costs on the property over 20 years are estimated to be \$7,436.

Lynn County (county) is the underlying fee owner and has requested that Tract 1 be released to the county.

The commission finds \$5,692 to be a fair and reasonable value of the state's right and interest in Tract 1 and that the estimated cost of future maintenance exceeds the fair value.

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 Lynn County, Texas, in consideration of the savings to the state of future maintenance costs.

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

(6) Motley County - FM 94, old alignment on the east side - Consider the sale of an easement to the underlying fee owners (MO)

115168  
ROW

In MOTLEY COUNTY, on FARM TO MARKET ROAD 94, the state of Texas acquired an easement interest in certain land for highway purposes by instruments recorded in Volume 41, Pages 40, 62, and 66, Deed Records of Motley County, Texas.

A portion of the easement (Tract 1), RCSJ 0704-05-027, 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 the sale of any interest in real property acquired and no longer needed for a state highway purpose.

Franklin P. Jameson and wife, Susan V. Jameson, are the owners of the fee in the property and have requested to purchase Tract 1 for \$3,996.

The commission finds \$3,996 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

Franklin P. Jameson and wife, Susan V. Jameson, for \$3,996.

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

(7) Travis County - SL 360, northeast corner at Ben White/S. Lamar in Austin - Consider the sale of right of way to the successful bidder (MO)

115169  
ROW

In Austin, TRAVIS COUNTY, on STATE LOOP 360, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 3250, Page 2116, Deed Records of Travis County, Texas.

A portion of the land (Tract 4), RCSJ 0113-13-160, shown on 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 the general public.

Tract 4 was advertised for sale, and Vaquero Ventures Management, LLC, submitted a bid of \$620,269.

The commission finds \$620,269 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. 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 4 to Vaquero Ventures Management, LLC, for \$620,269; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title,

and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

**c. Reports**

**(1) Compliance Division report**

Note: Confidential report to commission.

**(2) Grand Parkway Transportation Corporation**

**Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)**

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

**d. Finance**

**(1) Consider the acceptance of the annual continuing disclosure report for the State Highway Fund revenue bond program (MO)**

115170  
PFD

Pursuant to Article III, Section 49-n of the Texas Constitution, the Legislature authorized the Texas Transportation Commission (commission) to issue bonds and other public securities to: (i) finance state highway improvement projects that are eligible for funding with revenues dedicated or appropriated to the State Highway Fund (Fund); and (ii) pay the costs of issuing the bonds. The bonds are payable from and secured by a prior lien on certain revenues deposited to the credit of the Fund held in the treasury of the State of Texas.

Pursuant to Minute Order 110472, dated March 30, 2006, the commission approved the Master Resolution Establishing a Financing Program for Bonds, Other Public Securities and Credit Agreements Secured by and Payable from Revenue Deposited to the Credit of the State Highway Fund, as amended and restated by the Second Amended and Restated Master Resolution dated April 23, 2010, to establish a revenue financing program, pursuant to which the commission may issue bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on revenues deposited to the credit of the Fund. The commission has approved nine supplemental resolutions for the issuance of bonds under Transportation Code, Section 222.003 and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within 180 days after the end of each fiscal year, financial information and operating data with respect to the Fund of the general type in the attached State Highway Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for fiscal year ended August 31, 2017, attached as the State Highway Fund Annual Continuing Disclosure Report, is accepted.

Note: The State Highway Fund Annual Continuing Disclosure Report is on file with the commission chief clerk.

(2) Consider the acceptance of the annual continuing disclosure report for the Texas Mobility Fund bond program (MO)

115171  
PFD

Article III, Section 49-k of the Texas Constitution created the Texas Mobility Fund (Mobility Fund) within the treasury of the State of Texas (state) to be administered by the Texas Transportation Commission (commission) as a revolving fund to: (i) provide a method of financing the construction, reconstruction, acquisition and expansion of state highways, including costs of any necessary design and costs of acquisition of rights-of-way, as determined by the commission in accordance with standards and procedures established by law; and (ii) 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 limitation established by law.

Pursuant to a Master Resolution approved on May 4, 2005, and as amended, the commission has approved thirteen supplemental resolutions for the issuance of bonds under Transportation Code, Chapter 201, Subchapter M and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within six months after the end of each fiscal year, financial and operating data with respect to the Mobility Fund of the general type in the attached Texas Mobility Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2017, attached as the Texas Mobility Fund Annual Continuing Disclosure Report, is accepted.

Note: The Texas Mobility Fund Annual Continuing Disclosure Report is on file with the commission chief clerk.

(3) Travis and Williamson Counties - Consider the acceptance of the annual continuing disclosure report for the Central Texas Turnpike System (MO)

115172  
PFD

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, bond anticipation notes, and other obligations to finance turnpike projects on the state highway system, and to enter into trust agreements securing the obligations and indentures of trust governing matters related to the issuance of such obligations.

The commission issued revenue bonds and other obligations to finance a portion of the costs of the Central Texas Turnpike System (System), a turnpike project composed of the State Highway 130 (Segments 1 through 4), State Highway 45 North, State Highway 45 SE and Loop 1 project elements. The commission has also authorized the execution of an indenture of trust and eight supplemental indentures to secure revenue bonds and other obligations issued for the System. The Indenture of Trust dated

July 15, 2002, as supplemented by the Amended and Restated Seventh Supplemental Indenture of Trust, dated as of January 1, 2015 (Indenture), prescribes the terms, provisions and covenants related to the issuance of revenue bonds and obligations to finance a portion of the costs of the System.

Section 716 of the Indenture requires the commission to provide annually, within six months after the end of each fiscal year, updated financial information and operating data with respect to the commission and the System of the general type included in specified sections of the final official statements relating to the obligations issued for the System.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2017 with respect to the commission and the System, attached as the Central Texas Turnpike System Annual Continuing Disclosure Report, is accepted.

Note: The Central Texas Turnpike System Annual Continuing Disclosure Report is on file with the commission chief clerk.

**e. Designation of Access Control**

**(1) Ellis County - I-35E, at Riddle Road - Consider the designation of one location on the northbound I-35E frontage road at which access will be permitted to Riddle Road, a city street (MO)**

115173  
DES

In ELLIS COUNTY, on INTERSTATE 35E, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 491, Page 150, of the Deed Records of Ellis County, Texas, with denial of access to the abutting remainder property as described in the instrument.

The CITY OF ITALY has requested that access to and from the northbound frontage road of I-35E be permitted at a proposed intersection with Riddle Road, an existing public street, 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 described in Exhibit A as a location where ingress and egress are permitted to and from the northbound frontage road of I-35E.

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 commission chief clerk.

**(2) Fort Bend County - I-10, near Pin Oak Road - Consider the designation of one location on the westbound I-10 frontage road at which access will be permitted to the abutting property (MO)**

115174  
DES

In FORT BEND COUNTY, on I-10, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 459, Page 245 of the Deed Records of Fort Bend County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Omega III Investment Company, the current owner of the abutting property, has requested that access to and from the southbound frontage road of I-10 be permitted at one location along the eastern 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 described in Exhibit A as a location where ingress and egress are permitted to and from the southbound frontage road of I-10.

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 commission chief clerk.

**f. Speed Zones**

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

115175  
TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in Exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached Exhibits A and B are declared as tabulated in those Exhibits. The executive director is directed to implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing speed zones shown on the attached Exhibit C are canceled.

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

**ITEM 11. 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, pending or contemplated litigation, or other legal matters.**

**b. Section 551.074 - Discuss the evaluation and duties of the executive director.**

The commission did not meet in executive session.

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

The commission received comments from City of Dallas councilman Adam McGough; private citizen Brad McCutcheon; private citizen Christie Myers; private citizen Will Toler; Lake Highlands PID Executive Director Kathy Stewart; private citizen Sylvia Bodell; and private citizen Cindy Woolley.

Commissioner Ryan motioned adjournment and Commissioner Austin seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:15 a.m.

APPROVED by the Texas Transportation Commission on March 29, 2018:



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

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on February 22, 2018, in Austin, Texas.



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Robin Carter, Commission Chief Clerk  
Texas Department of Transportation