

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 29, 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 2:36 p.m. on March 21, 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 Sidney Maloy.

ITEM 2. Consider the approval of the Minutes of the February 21, 2018, workshop meeting and the February 22, 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 February 21, 2018, workshop meeting and the February 22, 2018, regular meeting by a vote of 4 - 0.

ITEM 3. Contracts

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

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

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

115176
 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 March 6 and 7, 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 New, and the commission approved the following minute order by a vote of 4 - 0.

115177
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 March 6 and 7, 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.

ITEM 4. Advisory Committee Appointment

Consider the appointment of a member to the Port Authority Advisory Committee (MO)

This item was presented by Maritime Division Director Dan Harmon. Port of Port Arthur Executive Director Larry Kelley also spoke to the commission. Commissioner Austin made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115178
MRD

Transportation Code, §55.006, requires the Texas Transportation Commission (commission) to appoint a seven-member Port Authority Advisory Committee (committee) to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members serve staggered three-year terms, unless removed sooner at the discretion of the commission.

The commission has determined that the individual listed below fulfills the statutory requirements to serve as a member of the committee for a three-year term expiring on March 31, 2021.

Mr. Larry Kelley, Executive Director, Port of Port Arthur - Upper Coast

IT IS THEREFORE ORDERED by the commission that Mr. Larry Kelley be appointed as a member of the Port Authority Advisory Committee for the term specified.

ITEM 5. Public Transportation

Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds for FY 2018 (MO) (Presentation)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

115179
PTN

The Texas Transportation Commission (commission) desires to award up to \$20,104,352 in federal funds under the Federal Transit Administration (FTA) Formula Grants for Rural Areas Program (49 U.S.C. §5311) to Texas rural transit districts and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The United States Congress has passed the Fixing America’s Surface Transportation (FAST) Act, authorizing funding for federal fiscal years (FY) 2016 - 2020. The awards in this minute order are contingent upon the availability of FY 2018 apportionments to be published in the Federal Register. Awards to rural transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code, §31.36(g)(2). The distribution of the FY 2018 awards is shown in Exhibit A.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director’s designee is directed to proceed with the FY 2018 §5311 FTA allocation for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the FY 2018 program of projects.

IT IS FUTHER ORDERED that the awards of the FY 2018 §5311 FTA allocation are contingent upon FTA apportionment.

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

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

a. Proposed Adoption

Chapter 27 - Toll Projects

Amendments to §27.81, Free Use of Turnpike Project by Military Vehicles, §27.82, Toll Operations, and §27.83, Contracts to Operate Department Toll Projects (Operation of Department Toll Projects) (MO)

This item was presented by Toll Operations Division Director Rick Nelson. Commissioner Austin made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115180
TOD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§27.81 - 27.83 relating to Operation of Department Toll Projects 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 §§27.81 - 27.83 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 commission chief clerk.

b. Final Adoption

Chapter 7 - Rail Facilities

Repeal of Subchapter E, Rail Fixed Guideway System State Safety Oversight Program, §§7.80-7.88; and New Subchapter E, Rail Fixed Guideway System State Safety Oversight Program, §7.80, Purpose, §7.81, Definitions, §7.82, System Safety Program Plan, §7.83, Hazard Management Process, §7.84, New State Rail Transit Agency Responsibilities, §7.85, Modifications to a System Safety Program Plan, §7.86, Rail Transit Agency’s Annual Review, §7.87, Department System Safety Program Plan Audit, §7.88, Accident Notification, §7.89, Accident Investigations, §7.90, Corrective Action Plan, §7.91, Administrative Actions by the Department, §7.92, Administrative Review, §7.93, Escalation of Enforcement Action, §7.94, Emergency Order to Address Imminent Public Safety Concerns, §7.95, Admissibility; Use of Information (MO)

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

115181
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §§7.80 - 7.88 and new §§7.80 - 7.95, relating to Rail Fixed Guideway System State Safety Oversight Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted repeal 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 §§7.80 - 7.88 and new §§7.80 - 7.95 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. Financial Assistance for Port Access Projects

Various Counties - Consider approval of participation by the state in the form of grants for the payment of a portion of the costs of constructing port access public roadway projects for the Ports of Beaumont, Port Arthur, Palacios, Harlingen, Victoria, Houston, and Corpus Christi (MO)

This item was presented by Maritime Division Director Dan Harmon. Commissioner New made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115182
MRD

In 2017, the Texas Legislature required that, from any available source of revenue and/or balances in the fund, an amount not to exceed \$20,000,000 in each fiscal year of the 2018-2019 biennium shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the commission to improve connectivity to Texas ports, under the General Appropriations Act (SB 1, 85th Texas Legislature 2017), Rider 45, page VII-31.

Certain entities as set forth in Exhibit A have submitted requests to the Texas Department of Transportation (department) for state participation in the form of a grant of funds to pay a portion of the costs of construction of a public transportation project selected by the Port Authority Advisory Committee.

The Port Authority Advisory Committee has approved the projects listed in Exhibit A as proposed by each of the entities listed. Accordingly, the department recommends that the commission approve each project listed in Exhibit A and authorize the department to participate in each project in the form of a grant to each entity listed in Exhibit A up to the amount listed for each project from any available source of revenue and/or money from the fund other than the proceeds of obligations issued under the enabling act, to be used for construction of each project described in Exhibit A.

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.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that each project listed in Exhibit A meets the eligibility requirements for state participation under the constitutional provision, and the commission approves each project and approves state participation in the form of a grant to each entity listed in Exhibit A up to the amount listed for each project from any available source of revenue and/or money in the fund other than the proceeds of obligations issued under the enabling act, to be used for construction of each of the projects listed in Exhibit A, and authorizes and directs the executive director of the department to take all actions necessary to effect the purposes of this minute order.

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

ITEM 8. State Infrastructure Bank

Lubbock County - City of Lubbock - Consider final approval of a request from the City of Lubbock for a State Infrastructure Bank loan in the amount of up to \$7,250,000 for a contribution to the department to pay the costs of right-of-way acquisition and utility relocation necessary for the State Loop 88 state highway improvement project (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Commissioner New made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115183
PFD

The City of Lubbock (city) has submitted an application for financial assistance in the form of a loan of up to \$7,250,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the city of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The city intends to use the financial assistance to pay the costs associated with right-of-way acquisition and utility relocation necessary for a state highway improvement project on a portion of existing FM 1585 designated as State Loop 88 through Minute Order 115000 on July 27, 2017 (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project.

The city has proposed a pledge of ad valorem taxes as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB.

The SIB Rules allow for final approval by the commission of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the city's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in a Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the city is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. that the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the city for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the city's application for a SIB loan in an amount not to exceed \$7,250,000 to pay the costs associated with right-of-way acquisition and utility relocation necessary for the project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the city which complies with the SIB Rules and which contains the following terms:

1. The loan will be repaid over a period of no more than 15 years at 2.70 percent interest per annum.
2. The city will pledge ad valorem taxes as security for repayment of the loan.
3. The loan must be fully disbursed within three years of the date of this minute order.

4. As a requirement for closing the loan and for disbursement of SIB funds, the city shall provide a certificate warranting that the proposed security is eligible to be used to repay the loan and that the financial assistance will not violate any of the borrowing or bond commitments the city has in place.

5. No deferral of repayment is authorized.

ITEM 9. Central Texas Turnpike System

Consider determining that the that the toll booths and automated coin machines previously purchased for the Central Texas Turnpike System (CTTS) are no longer used or useful in the operation of the CTTS or in the generation of revenues, so that they may be sold as surplus property (MO)

This item was presented by Toll Operations Division Director Rick Nelson. Commissioner Austin made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115184
TOD

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.

As designated by the commission, the Central Texas Turnpike System (CTTS) consists of the following elements: SH 130 from I-35 North of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast; SH 45 North from west of US 183 to SH 130 / SH 45 North interchange; Loop 1 from existing Loop 1 and Farm to Market 734 (Parmer Lane) to the Loop 1 / SH 45 North interchange; and SH 45 Southeast, which runs from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange.

The commission has issued system revenue bonds to finance or refinance a portion of the costs of the CTTS, pursuant to a master indenture and seven supplemental indentures (CTTS Indenture of Trust). Any terms not otherwise defined in this order have the meaning given in the CTTS Indenture of Trust.

The commission, in Minute Order No. 113244 dated August 30, 2012, approved the elimination of cash collection on the CTTS, effective January 1, 2013. The Texas Department of Transportation (department) no longer uses any of the toll booths and automated coin machines that were purchased for the CTTS and now wishes to sell them as surplus property because they are no longer used or useful in the operation of the CTTS or in the generation of revenues.

Under Section 713 of the CTTS Indenture of Trust, in order to sell any CTTS surplus property with a value in excess of \$1 million the commission must determine that the property is no longer used or useful in the operation of the CTTS or in the generation of revenues.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the toll booths and automated coin machines previously purchased for the CTTS are no longer used or useful in the operation of the CTTS or in the generation of revenues, so they may be sold as surplus property in accordance with Section 713 of the CTTS Indenture of Trust.

IT IS FURTHER ORDERED that all sales proceeds from the sale of the CTTS toll booths and automated coin machines must be deposited and used in accordance with the terms of the CTTS Indenture of Trust, and the executive director or his designee is authorized to perform all actions necessary to comply with the terms of the CTTS Indenture of Trust in the management of the sales proceeds.

ITEM 10. 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 Deputy Director Kyle Madsen. 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).

115185
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 - X. 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 - 87, 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>
Angelina	US 59	33	0176-03-116	83
Collin	SH 121	35	0549-03-029	1
Collin	SH 121	57	0549-03-029	2
Collin	SH 121	60	0549-03-029	3
Collin	SH 121	47	0549-03-029	4
Collin	SH 121	70	0549-03-029	5
Collin	SH 121	10	0549-03-029	6
Collin	SH 121	48	0549-03-029	7
Collin	SH 121	53	0549-03-029	8
Collin	SH 121	74	0549-03-029	9
Collin	SH 121	36	0549-03-029	10
Collin	SH 121	38	0549-03-029	11
Collin	SH 121	37	0549-03-029	12
Collin	SH 121	61	0549-03-029	13
Collin	SH 121	50	0549-03-029	14,14E
Collin	SH 121	51	0549-03-029	15,15E
Collin	SH 121	73	0549-03-029	16
Collin	SH 121	46	0549-03-029	17
Collin	SH 121	49	0549-03-029	19
Collin	SH 121	52	0549-03-029	20E
Collin	SH 121	39	0549-03-029	24
Collin	SH 121	54	0549-03-029	25
Collin	SH 121	62	0549-03-029	26

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	SH 121	55	0549-03-029	27,27E
Collin	SH 121	56	0549-03-029	28
Collin	SH 121	58	0549-03-029	29
Collin	SH 121	59	0549-03-029	30
Collin	SH 121	69	0549-03-029	31
Collin	SH 121	64	0549-03-029	32
Collin	SH 121	65	0549-03-029	33
Collin	SH 121	67	0549-03-029	34
Collin	SH 121	66	0549-03-029	35
Collin	SH 121	68	0549-03-029	36
Collin	SH 121	77	0549-03-029	37,37E
Collin	SH 121	78	0549-03-029	38E
Collin	FM 2478	16	2351-01-022	13
Collin	FM 2478	15	2351-01-022	20
Collin	FM 2478	17	2351-01-022	21
Collin	FM 2478	5	2351-01-022	22
Collin	FM 2478	14	2351-01-022	23
Collin	FM 2478	8	2351-01-022	24
Collin	FM 2478	6	2351-01-022	34
Collin	FM 2478	18	2351-01-022	55
Collin	FM 2478	7	2351-02-015	50
Crane	US 385	32	0229-03-038	12,12E
Dallas	SH 78	20	0009-02-064	2
Dallas	SH 78	21	0009-02-064	3
Dallas	SH 78	23	0009-02-064	5
Dallas	SH 78	24	0009-02-064	6
Dallas	SH 78	26	0009-02-064	7
Dallas	SH 78	25	0009-02-064	8
Dallas	SH 78	40	0009-02-064	10
Dallas	SH 78	41	0009-02-064	13
Dallas	SH 78	42	0009-02-064	14
Dallas	SH 78	43	0009-02-064	15
Dallas	SH 78	44	0009-02-064	16
Dallas	SH 78	45	0009-02-064	17
Denton	FM 407	75	1310-01-038	1
Denton	FM 407	63	1310-01-038	6
Denton	FM 407	71	1310-01-038	7
Denton	FM 407	72	1310-01-038	8
Denton	FM 407	76	1310-01-044	1
Eastland	US 183	19	0127-02-146	5
Gregg	FM 2206	28	2073-01-012	59
Grimes	SH 249	13	3635-02-003	304
Grimes	SH 249	30	3635-02-003	305

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Grimes	SH 249	31	3635-02-003	306
Grimes	SH 249	29	3635-02-003	315
Harris	US 290	34	0050-08-096	742
Harris	SH 146	11	0389-05-095	105
Harris	FM 2100	27	1062-04-053	138
Henderson	SH 334	3	0697-02-057	1E
Henderson	SH 334	9	0697-02-057	3E
Lubbock	FM 179	4	0880-04-034	11
Lubbock	FM 179	22	0880-04-034	14B
Lubbock	FM 179	12	0880-04-034	30
Navarro	SH 31	80	0162-11-002	70
Navarro	SH 31	79	0162-11-002	71
Navarro	SH 31	81	0162-11-002	73
Navarro	SH 31	82	0162-11-002	74
Navarro	SH 31	83	0162-11-002	75
Navarro	SH 31	84	0162-11-002	76
Navarro	SH 31	85	0162-11-002	77
Navarro	SH 31	86	0162-11-002	78
Navarro	SH 31	87	0162-11-002	79
Rockwall	FM 3549	1	1015-01-077	44X
Tarrant	SH 360	2	2266-02-129	49

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Austin	IH 10	Q	0271-03-062	1OAS
Cameron	IH 69E	R	0039-08-103	1
Cameron	IH 69E	S	0039-08-103	2
Collin	SH 121	I	0549-03-029	18,18E
Collin	SH 121	V	0549-03-029	21,21E
Collin	SH 121	U	0549-03-029	22
Collin	SH 121	T	0549-03-029	23
Dallas	IH 635	B	2374-01-151	92
Dallas	IH 635	A	2374-01-151	95
Dallas	IH 635	G	2374-01-151	102
Dallas	IH 635	N	2374-01-151	104
Dallas	IH 635	L	2374-01-189	4
Dallas	IH 635	O	2374-01-189	16
Dallas	IH 635	E	2374-01-189	17
Dallas	IH 635	J	2374-01-189	19
Dallas	IH 635	K	2374-01-189	23
Dallas	IH 635	C	2374-01-189	26
Dallas	IH 635	H	2374-01-189	28

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 635	F	2374-01-189	30,30E
Dallas	IH 635	P	2374-01-189	35
Ellis	US 77	M	0048-03-082	25AC
Harris	FM 2100	X	1062-04-060	218
Tarrant	SH 360	D	2266-02-129	63
Wharton	US 59	W	0089-07-153	14

Note: Exhibits A - X and 1 - 87 are on file with the commission chief clerk.

ITEM 11. 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)

115186
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) Highway Sponsorship Donations Acknowledgment - Consider the acknowledgement of donations made to the department under the Sponsorship Acknowledgement Program. The donations under this program provide funding for highway related services and facilities at the Travel Information Centers and Service Rest Areas. The donors are acknowledged with a sign located on the right of way near the facility or service sponsored. (MO)

115187
TRV

This minute order considers a donation from the sponsors listed in Exhibit A to provide monetary sponsorship to the Texas Department of Transportation (department) under the Sponsorship Acknowledgement Program, as governed by the Federal policy on sponsorship acknowledgement and sponsorship agreements within the highway right-of-way set forth in FHWA Order 5610.1A.

The department has determined that acceptance of the 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) established the Sponsorship Acknowledgement Program with the adoption of 43 TAC, Chapter 12, Subchapter K in February 2013. This program authorized by the Federal Highway Administration in FHWA Order 5610.1.A, allows the department to place signs in state highway right of way to acknowledge donations submitted to the department to fund transportation related services. The department has contracted with a vendor to manage the collection of donations and to erect the signs acknowledging the donation. Each donation listed in this MO will receive a sign with their business name or logo

acknowledging their donation. The locations of the signs are approved by the department and are within the vicinity of the transportation service for which the donation was received.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§12.353-12.355, Government Code, Chapter 575, and Transportation Code, §201.206.

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) Dallas County - SL 354 in Dallas - Consider the removal from the system, transfer of control, jurisdiction, and maintenance, and transfer of right of way to the City of Dallas (MO)

115188
ROW

In Dallas, DALLAS COUNTY, on STATE LOOP 354, the state of Texas acquired certain land for highway purposes by various instruments recorded in the Deed Records of Dallas County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that SL 354, shown in Exhibit A, be removed from the state highway system and that control, jurisdiction, and maintenance be transferred to the City of Dallas (city).

The land (property), RCSJ 0196-06-032, described in Exhibit B, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the transfer of a highway right of way to a governmental entity that assumes jurisdiction, control, and maintenance of the real property for public road purposes.

The city has agreed to assume control, jurisdiction, and maintenance and has requested that the property be transferred to the city.

IT IS THEREFORE ORDERED by the commission that SL 354 is removed from the system from I-35E southward to State Loop 12, a distance of approximately 4.4 miles; and 2) control, jurisdiction, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED that the property is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring the state's right, title, and interest in the property to the City of Dallas, 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 land.

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

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

(2) Titus County - FM 127 in Mount Pleasant - Consider a removal from the system, transfer of control, jurisdiction, and maintenance, and transfer of right of way to the City of Mount Pleasant (MO)

115189
ROW

In Mount Pleasant, TITUS COUNTY, on FARM TO MARKET ROAD 127, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 154, Page 536 and Page 629, and Volume 158, Page 593 and Page 597, Deed Records of Titus County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown in Exhibit A, that FM 127 from SH 49 south to US 271 be removed from the state highway system, a distance of 1.6 miles, and that jurisdiction, control, and maintenance be transferred to the City of Mount Pleasant (city).

Tracts 1, 2, and 3 (property), RCSJ 0734-01-041, described in Exhibit B, are no longer needed for a state highway purpose.

In accordance with Texas 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 the property is estimated to be approximately \$1.028 million, and the state's future maintenance costs over the next 20 years are estimated to be approximately \$1.331 million.

The city has agreed to assume jurisdiction, control, and maintenance and has requested that the property be transferred to the city.

IT IS THEREFORE ORDERED by the commission that FM 127 from SH 49 south to US 271, a distance of 1.6 miles, is removed from the state highway system, and jurisdiction, control, and maintenance are transferred to the city.

FURTHER, IT IS ORDERED by the commission that the property is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring all of the state's right, title, and interest in Tracts 1, 2, and 3 to the City of Mount Pleasant, Texas, in consideration of the savings to the state of future maintenance costs; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, and interests, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Report
Compliance Division report

Note: Confidential report to commission.

d. Designation of Access Control

(1) Reeves County - City of Pecos - I-20, N. Arizona Street - Consider the designation of one location on the north I-20 frontage road at which access will be permitted for a proposed street (MO)

115190
DES

In REEVES COUNTY, on I-20, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 230, Pages 449 to 451 of the Deed Records of Reeves County, Texas, with denial of access to the abutting remainder property as described in the instrument.

The City of Pecos, the current owner of the abutting property, has requested that access to and from the north frontage road of I-20 be permitted for a proposed local street intersection (known as N. Arizona Street) at one location along the 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 north frontage road of I-20.

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

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

(2) Williamson County - FM 1460, in Georgetown - Consider the designation of one location on FM 1460 at which access will be permitted to the abutting properties (MO)

115191
DES

In WILLIAMSON COUNTY, on Farm to Market (FM) 1460, a designated controlled-access highway, access was denied to the abutting property owners as described by metes and bounds and recorded in Clerk’s File Number 2014060227 of the Deed Records of Williamson County, Texas.

Vantage at Georgetown, LLC and Longhorn Junction Land and Cattle Company, the current owners of the abutting properties, have requested that access to and from FM 1460 be permitted at one location along the current owners’ eastern property lines at the new access point described in Exhibits A and B.

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 designated 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 Exhibits A and B as a location where ingress and egress are permitted to and from FM 1460.

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 and B are on file with the commission chief clerk.

e. Speed Zones

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

115192
TRF

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

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

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

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

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

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

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that environmental speed limits on the segment of highway established by Minute Order 108409, dated January 25, 2001 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 commission chief clerk.

ITEM 12. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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

The commission received comments from private citizen Don Dixon.

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 9:55 a.m.

APPROVED by the Texas Transportation Commission on April 26, 2018:



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

March 29, 2018

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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 March 29, 2018, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation