

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 26, 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 2:18 p.m. on April 18, 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 March 28, 2018, workshop meeting and the March 29, 2018, regular meeting of the Texas Transportation Commission**

Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the minutes of the March 28, 2018, workshop meeting and the March 29, 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 Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115193  
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 April 3 and 4, 2018; as well as Austin District, Travis County, Job Number 3201,

Project Number CC 440-6-17, which was publicly opened and read on December 6, 2017 as shown on Exhibit A.

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

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

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

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

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

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

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

#### **b. Highway Maintenance (MO)**

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

115194  
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 April 3 and 4, 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 Director Andrew Chavez. 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.

115195  
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 April 3, 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 4. Discussion Items**

##### **a. Strategic Plan**

Update and discussion regarding the draft 2019-2023 Texas Department of Transportation's Strategic Plan (Presentation)

This discussion was led by Government Affairs Division Director Jerry Haddican. The commission asked questions and discussed the topic.

##### **b. Legislative Appropriations Request (LAR)**

Discussion regarding the development of the Texas Department of Transportation's Fiscal Year 2020-2021 Legislative Appropriations Request (Presentation)

This discussion was led by Financial Management Division Director Stephen Stewart. The commission asked questions and discussed the topic.

#### **ITEM 5. Aviation**

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

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

115196  
AVN

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

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

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

On April 4, 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 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**a. Proposed Adoption**

**(1) Chapter 1 - Administration**

**Amendments to §1.84, Statutory Advisory Committees (Advisory Committees) (MO)**

This item was presented by Aviation Division Director David Fulton. Jim Schwertner, Chairman of the Aviation Advisory Committee, 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.

115197  
AVN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §1.84 relating to Statutory Advisory Committees 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 §1.84 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.

**(2) Chapter 2 - Environmental Review of Transportation Projects**  
Repeal of §§2.251-2.278 and New §§2.251-2.279, Subchapter H (Memorandum of Understanding with the Texas Historical Commission) (MO)

This item was presented by Environmental Affairs Division Director Carlos Swonke. 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.

115198  
 ENV

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§2.251-2.278 relating to Memorandum of Understanding with the Texas Historical and new §§2.251-2.279 relating to Memorandum of Understanding with the Texas Historical Commission to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed 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 §§2.251-2.278 and new §§2.251-2.279 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 - C are on file with the commission chief clerk.

**(3) Chapter 16 - Planning and Development of Transportation Projects**  
Amendments to Subchapter A, General Provisions, §§16.2 and 16.4; Subchapter B, Transportation Planning, §§16.51, 16.53 and 16.54; Subchapter C, Transportation Programs, §§16.101 - 16.103, and 16.105; Subchapter D, Transportation Funding, §§16.151 and 16.160; and Subchapter E, Project, Performance, and Funding Reporting, §16.202; New §16.57, Responsibilities of the Department; and Repeal of §16.55, Long-Range Transportation Planning Recommendations for Non-Metropolitan Areas (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. 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.

115199  
 TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§16.2, 16.4, 16.51, 16.53, 16.54, 16.101 - 16.103, 16.105, 16.151, 16.160, and 16.202, repeal of §16.55, and new §16.57, relating to Planning and Development of Transportation Projects to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, repeal, and new section attached to this minute order as Exhibits A, B, C, D, E, and F 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 §§16.2, 16.4, 16.51, 16.53, 16.54, 16.101 - 16.103, 16.105, 16.151, 16.160, and 16.202, repeal of §16.55, and new §16.57 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 - F are on file with the commission chief clerk.

**b. Final Adoption**

**(1) Chapter 9 - Contract and Grant Management**

**New §9.8, Enhanced Contract and Performance Monitoring (General) (MO)**

This item was presented by Contract Services Division Director Kenneth Stewart. 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.

115200  
CSD

The Texas Transportation Commission (commission) finds it necessary to adopt new §9.8 relating to Enhanced Contract and Performance Monitoring to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted new section, 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 new §9.8 is adopted and is authorized for filing with the Office of Secretary of State.

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

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

**(2) Chapter 9 - Contract and Grant Management**

**Amendments to §9.35, Federal Process, and §9.41, Contract Administration (Contracting for Architectural, Engineering, and Surveying Services) (MO)**

This item was presented by Professional Engineering Procurement Services Division Director Martin Rodin. Commissioner Ryan made a motion, which was

seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115201  
PEPS

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.35 relating to Federal Process and §9.41 relating to Contract Administration to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.35 and 9.41 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**(3) Chapter 27 - Toll Projects**

Amendments to §27.50, Purpose, §27.51, Definitions, §27.52, Available Financing, §27.53, Request, §27.54, Commission Action, §27.55, Financial Assistance Agreement, and §27.58, Financial and Credit Requirements (Financial Assistance for Toll Facilities) (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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.

115202  
PFD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§27.50 - 27.55 and §27.58, all concerning Financial Assistance for Toll Facilities to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§27.50 - 27.55 and §27.58 are adopted and are authorized for filing with the Office of Secretary of State.

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

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



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).

115204  
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 - F. 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**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	E	0176-03-116	38
Dallas	IH 635	C	2374-01-151	103
Dallas	IH 635	B	2374-01-151	110
Ellis	US 77	F	0048-03-082	31
Lubbock	FM 179	D	0880-04-034	8
Nacogdoches	US 59	A	0176-01-110	60

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	29	0188-05-031	107
Collin	FM 2478	24	2351-01-022	6
Collin	FM 2478	6	2351-01-022	12
Collin	FM 2478	4	2351-01-022	36
Collin	FM 2478	3	2351-01-022	37
Collin	FM 2478	31	2351-01-022	41
Collin	FM 2478	5	2351-01-022	47
Collin	FM 2478	18	2351-01-022	27,27E
Crane	US 385	14	0229-03-038	2
Crane	US 385	15	0229-03-038	3
Crane	US 385	8	0229-03-038	4
Crane	US 385	9	0229-03-038	10,10E
Crane	US 385	10	0229-03-038	14,14E
Crane	US 385	13	0229-03-038	15,15E
Ellis	US 77	12	0048-03-082	24
Ellis	US 77	33	0048-03-094	7
Gregg	FM 2206	25	2073-01-013	4
Gregg	FM 2206	26	2073-01-013	9
Gregg	FM 2206	27	2073-01-013	11
Grimes	SH 249	32	3635-02-003	311
Grimes	SH 249	28	3635-02-003	314
Harris	W Airport Blvd	19	0912-71-617	39
Harris	W Airport Blvd	20	0912-71-617	40
Harris	FM 2100	22	1062-04-060	200
Harris	FM 2100	7	1062-04-060	201
Harris	FM 2100	23	1062-04-060	202
Harris	FM 2100	30	1062-04-060	212

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Randall	SL 335	11	2635-03-019	1
Randall	SL 335	1	2635-03-019	2
Randall	SL 335	2	2635-03-019	7
Upton	US 385	17	0229-04-058	22
Upton	US 385	16	0229-04-058	23
Upton	US 385	21	0229-04-058	39

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

**ITEM 9. Routine Minute Orders and Reports**

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

**a. Donations to the Department**

**Various Districts** - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (MO)

115205  
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.

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.

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. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of this donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

The executive director has determined that the donations identified in the attached Exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

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

**b. Real Estate Dispositions**

**(1) Dallas County - I-635 at Forest Lane in Dallas - Consider the sale and quitclaim of right of way to the abutting landowner (MO)**

115206  
ROW

In Dallas, DALLAS COUNTY, on INTERSTATE 635, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 5910, Page 401, and Volume 263, Page 149, Deed Records of Dallas County, Texas, and the state used other land for highway purposes to which there is no record title.

Portions of the land (Tracts 1, 2 and 3), RCSJ 2374-01-184, described in Exhibit A, are 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 and may recommend the quitclaim of any interest that might have accrued to the state by use of the property to the abutting landowner at the request of the county or municipality.

East Bay, Inc., a Texas corporation, is the abutting landowner, has requested to purchase Tracts 1 and 2 for \$200,214, and has requested the quitclaim of Tract 3.

The City of Dallas has requested that Tract 3 be quitclaimed to the abutting landowner.

The commission finds \$200,214 to be a fair and reasonable value of the state's right, title, and interest in Tracts 1 and 2.

IT IS THEREFORE ORDERED by the commission that Tracts 1, 2, and 3 are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in Tracts 1 and 2 to East Bay, Inc., a Texas corporation, for \$200,214; 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. Further, the commission 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 3 to East Bay, Inc., a Texas corporation.

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

(2) Harris County - US 59, southeast corner at Beltway 8 in Houston - Consider the sale of right of way to the abutting landowner (MO)

115207  
ROW

In Houston, HARRIS COUNTY, on US HIGHWAY 59, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 4007, Page 137, Deed Records of Harris County, Texas.

A portion of the land (Tract R54), RCSJ 0177-01-110, 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.

J.B. Harrison, Jr., is the abutting landowner and has requested to purchase Tract R54 for \$26,614.

The commission finds \$26,614 to be a fair and reasonable value of the state’s right, title, and interest in Tract R54.

IT IS THEREFORE ORDERED by the commission that Tract R54 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 R54 to J.B. Harrison, Jr., for \$26,614; 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.

(3) Hidalgo County - BU 281-W, east of courthouse in Edinburg - Consider the removal of a highway segment from the system, redesignation on a new location, and release of a right of way easement to Hidalgo County (MO)

115208  
ROW

In Edinburg, HIDALGO COUNTY, on BUSINESS US 281-W, the state of Texas acquired an easement interest in certain land for highway purposes by instrument

recorded in Volume 802, Page 155, Deed Records of Hidalgo County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that a segment of BU 281-W, shown on Exhibit A, be removed from the state highway system and that control, jurisdiction, and maintenance be transferred to the county. The executive director has also recommended that a segment of US 281 be redesignated as BU 281-W concurrent with SH 107.

A portion of the easement (Tract 1), RCSJ 0255-08-106, shown on 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 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. State law does not require a reversion to the state for this transfer.

The fair value of Tract 1 is estimated to be \$602,811, and the state's future maintenance costs on the property over 30 years are estimated to be \$605,000.

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

The commission finds \$602,811 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 1) a segment of BU 281-W, on Closner Blvd. from McIntyre St. south to Cano St., is removed from the state highway system, a distance of 0.1 mile; 2) jurisdiction, control, and maintenance are transferred to the county; and 3) a segment of US 281 is designated as BU 281-W concurrent with SH 107, on McIntyre St. at 10th St., east to 12th St., south to Cano St., west to 10th St., and north to McIntyre St., a distance of 0.6 mile.

FURTHER, IT IS ORDERED that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument releasing the state's right and interest in Tract 1 to Hidalgo County, Texas, in consideration of the estimated savings to the state of future maintenance costs.

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

**(4) Matagorda County - SH 35 in Palacios - Consider the quitclaim of land quitclaimed to the state in error (MO)**

115209  
ROW

In MATAGORDA COUNTY, near STATE HIGHWAY 35, certain land was acquired by the state of Texas by deed recorded as Instrument Number 2012-123706, Official Records of Matagorda County, Texas.

The land (Tract 1), described in Exhibit A, was not intended to be acquired by the state and is not needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim of an interest in real property not intended to be acquired and not needed for a highway purpose.

Nellie Claybourn is the intended grantee and has requested that Tract 1 be quitclaimed to her.

IT IS THEREFORE ORDERED by the commission that Tract 1 was not intended to be acquired and is not needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming the state’s right, title, and interest in Tract 1 to Nellie Claybourn.

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

(5) Mills County - US 84 east of County Road 509 - Consider the sale of right of way to abutting landowners (MO)

115210  
ROW

In MILLS COUNTY, on US HIGHWAY 84, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 80, Page 262, Deed Records of Mills County, Texas.

A portion of the land (Tract 1), RCSJ 0054-09-037, 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.

Robert Scott Russell and wife, Rebecca Lindsey Russell, are the abutting landowners and have requested to purchase Tract 1 for \$10,632.

The commission finds \$10,632 to be a fair and reasonable value of the state’s right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in

Tract 1 to Robert Scott Russell and wife, Rebecca Lindsey Russell, for \$10,632; 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.

(6) Travis County - SH 130, southeast corner at Kelly Lane in Pflugerville - Consider the sale of a drainage easement (MO)

115211  
ROW

In Pflugerville, TRAVIS COUNTY, on STATE HIGHWAY 130, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded as Document No. 2007115250, Official Public Records of Travis County, Texas.

The easement (Tract 1), RCSJ 0440-06-021, 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.

Costco Wholesale Corporation is the owner of the fee in the property and has requested to purchase Tract 1 for \$237,600.

The commission finds \$237,600 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. The commission 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 Costco Wholesale Corporation for \$237,600.

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

### **c. Reports**

#### **(1) Compliance Division report**

Note: Confidential report to commission.

#### **(2) Letting allocation status report**

Quarterly status report on the FY 2018 letting allocation, the actual allocation utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

#### **(3) Quarterly report on FY 2018 State Highway Fund 6 cash status (Report)**

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

### **d. Finance**

#### **(1) Quarterly investment report (MO)**

115212  
PFD

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments that are in compliance with investment policies approved by the commission.

Government Code §2256.005 requires the commission to adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds under its control, and to designate one or more officers or employees of the Texas Department of Transportation (department) as investment officer to be responsible for the investment of funds consistent with the investment policy.

In Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy and investment strategy applicable to funds of the commission relating to the Central Texas Turnpike System held by Bank One, N.A., (in

such capacity with its successors, currently Bank of New York Mellon), as Trustee under the Indenture of Trust dated July 15, 2002, between the commission and the trustee. Pursuant to Government Code §2256.005(e) and Section 20 of the investment policy, the investment policy and investment strategies of the commission have been reviewed and revised annually by minute order since 2003. In Minute Order 114360, dated August 27, 2015, the commission approved and adopted a written investment policy that added an investment strategy applicable to funds in the prepaid TxTag custodial account under the Master Lockbox and Custodial Account Agreement by and between the Bank of New York Mellon Trust Company, N.A., as custodian, and the department. In Minute Order 114706, dated August 25, 2016, the commission approved and adopted a written investment policy that added an investment strategy applicable to funds related to obligations issued for the IH 35E Project under a Trust Agreement by and between Amegy Bank, a Division of ZB, National Association, as trustee, and the department.

The commission has designated the department's chief financial officer and the director, Project Finance, Debt & Strategic Contracts Division as investment officers. The chief financial officer is primarily responsible for the execution of investment strategy and activities on a daily basis. However, in his/her absence, the director, Project Finance, Debt & Strategic Contracts Division, or a designee of any of the investment officers (as evidenced in a delegation memorandum) shall perform these duties and responsibilities.

Government Code §2256.023 requires the designated investment officer to prepare and submit to the commission and the executive director, not less than quarterly, a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. The report must describe in detail the investment position of the department on the date of the report, and must be prepared jointly and signed by each investment officer.

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period. A quarterly investment report for the department for the period ending February 28, 2018, attached as Exhibit A, has been prepared in accordance with Government Code §2256.023 and Section 9.0 of the investment policy.

IT IS THEREFORE ORDERED by the commission that the quarterly investment report attached as Exhibit A is accepted.

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

**(2) Travis and Williamson Counties - Consider the acceptance of the report of Actual Traffic and Revenue for the Central Texas Turnpike System (MO)**

115213  
TOD

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 and indentures of trust governing matters relating to the issuance of such obligations.

In 2002 the commission issued \$2,199,993,782 in obligations to finance a portion of the costs of the Central Texas Turnpike System (system), a toll project composed initially of the SH 130, SH 45, and Loop 1 project elements (2002 Project), pursuant to an Indenture of Trust, dated July 15, 2002 (indenture), and four supplemental indentures. The indenture prescribes the terms, provisions and covenants related to the issuance of toll revenue bonds and obligations to finance a portion of the costs of the 2002 Project. Subsequent refunding bonds were issued in 2009, 2012 and 2015, pursuant to the indenture and three additional supplemental indentures. Pursuant to Section 702 of the indenture, the commission has covenanted that on or before August 31 in each fiscal year, it will adopt annual operating, maintenance and capital budgets for the system for the ensuing fiscal year and provide copies of such budgets to the Trustee and the U.S. Department of Transportation.

Section 501(c) of the indenture covenants that for the first five full years of operation of the system, the commission will provide to the trustee a report showing the traffic and revenue of the system for the previous quarter.

Pursuant to Minute Order 111081, dated September 27, 2007, the system was declared substantially complete as defined within the indenture.

Section 501(c) of the indenture covenants that at the conclusion of the five year period, the commission may discontinue such reports if the revenues for the previous two years have been sufficient to meet the rate covenant. The revenues for the previous two years have been sufficient to meet the rate covenant; however, the commission has not exercised its option to discontinue the reports.

A report of actual traffic and revenue, attached as Exhibit A, has been prepared consistent with the reports previously filed pursuant to Section 501(c) of the indenture.

IT IS THEREFORE ORDERED by the commission that the report of actual traffic and revenue attached as Exhibit A is accepted.

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

(3) Various Counties - Concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

115214  
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may

assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in Exhibit A. The RTC has also identified changes to the list of previously-approved projects, which are shown in Exhibit B. A summary of funds associated with

the SH 121 work program is set forth in Exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in Exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously-approved projects as shown in Exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

**e. Highway Designation**

**Potter and Randall Counties - In the city of Amarillo, consider designating State Loop (SL) 335 on a new location, designating SL 335 along Helium Road, redesignating a segment of FM 2186 as SL 335 and redesignating a segment of existing SL 335 as FM 2590 (MO)**

115215  
TPP

The Amarillo District has requested the following actions: (1) designation of SL 335 on a new location from 0.5 miles south of SW 9th Street southwestward to I-40, a distance of approximately 1.4 miles; (2) designation of SL 335 along Helium Road from I-40 southward to FM 2186, a distance of approximately 5.2 miles; (3) redesignation of a segment of FM 2186 as SL 335 from Helium Road eastward to the intersection of existing SL 335, a distance of approximately 1.0 mile; and (4) redesignation of a segment of existing SL 335 as FM 2590 (along Soncy Road) from approximately 0.5 miles south of SW 9th Street southward to the intersection of FM 2186, a distance of approximately 5.6 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

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

IT IS THEREFORE ORDERED by the commission that: (1) SL 335 is designated on a new location from 0.5 miles south of SW 9th Street southwestward to I-40, a distance of approximately 1.4 miles; (2) SL 335 is designated along Helium Road from I-40 southward to FM 2186, a distance of approximately 5.2 miles; (3) a segment of FM 2186 is redesignated as SL 335 from Helium Road eastward to the intersection of existing SL 335, a distance of approximately 1.0 mile; and (4) a segment of existing SL 335 is redesignated as FM 2590 (along Soncy Road) from approximately 0.5 miles south of SW 9th Street southward to the intersection of FM 2186, a distance of approximately 5.6 miles, as shown in Exhibit A.

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)**

115216  
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 10. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.**

The commission did not meet in executive session.

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

The commission received comments from private citizen and engineer Don Dixon; private citizen and speaking on behalf of LBJ Now Christie Myers; and private citizen representing Lake Highlands Kathy Stewart.

Commissioner Ryan motioned adjournment and Commissioner New seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:21 a.m.

APPROVED by the Texas Transportation Commission on May 24, 2018:

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 April 26, 2018, in Austin, Texas.

Robin Carter, Commission Chief Clerk  
Texas Department of Transportation