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AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
August 26, 2010

9:00 A.M. CONVENE MEETING

- Approved**
1. **Approval of Minutes** of the July 28, 2010 workshop, and the July 29, 2010 regular meeting of the Texas Transportation Commission
 2. **Resolutions**
Present resolutions to recognize Chief Minute Order Clerk Dee Hernandez, Executive Assistant Shirley Macik, and San Angelo District Engineer Walter McCullough, upon retirement from the department.
 3. **Aviation**
 - a. **Various Counties** – Award federal and state grant funding for airport improvement projects at various locations (MO)
Federal law authorizes the award of federal funding to preserve and improve the state's general aviation system. State law authorizes the award of state funding for capital improvement projects. The airports listed in Exhibit A are eligible for award of these grant funds and AVN seeks approval of the awards.
 - b. **Approve the Routine Airport Maintenance Program (MO)**
State law authorizes the award of state funding for routine airport maintenance projects. The recommended airports are eligible for award of these grant funds and AVN seeks approval of the awards.
 - c. **Approve Aviation Capital Improvement Program (MO)**
The department is required to prepare and update annually a multi-year aviation facilities capital improvement program. The department is seeking commission approval of this program.

112376

112377

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- 112379 4. **Public Transportation**
- a. **Various Counties** – Award federal and state matching funds to designated lead agencies to support continuation of coordinated regional public transportation planning for fiscal year 2011 (MO)
The commission previously approved awards of funds to assist lead agencies with their efforts in continuing public transportation regional planning. This agenda item supersedes the FY 2011 awards under the December 17, 2009 Minute Order 112065, changing the financing of the awards; and adds two regional lead agencies which did not appear in the previous minute order.
- 112380 b. **Various Counties** – Award federal §5316, Job Access and Reverse Commute grant program funds and Transportation Development Credits to Texoma Area Paratransit System, Inc (MO)
This minute order awards federal grant funds from the Federal Transit Administration, under 49 U.S.C. §5316, Job Access and Reverse Commute Grant Program and transportation development credits to Texoma Area Paratransit System, Inc. to assume an employment related transportation service that serves the Peterbilt factory in Denton, TX.
- 112381 5. **Rail**
- Various Counties** – Authorize the expenditure of an \$8.7 million appropriation by the 81st Texas Legislature from the General Appropriations Act for passenger rail studies between Austin and San Antonio (MO)
Rider 64b to the department's General Appropriations Act appropriates \$8.7 million for passenger rail studies between Austin and San Antonio. The funds could be utilized by the department or Lone Star Rail District for environmental and other preliminary planning activities.
- 112382 6. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:
- a. **Final Adoption**
- (1) **Chapter 1 – Management and Chapter 15 – Financing and Construction of Transportation Projects (MO)**
New §1.86, Corridor Advisory Committees, and §1.87, Corridor Segment Advisory Committees (Advisory Committees); and Repeal of §15.9, Corridor Advisory Committees and §15.10, Corridor Segment Advisory Committees (Transportation Planning)
Both §15.9 and §15.10 concern advisory committees and will be repealed and proposed as new §1.86 and §1.87, without substantive revision. These changes allow the rules that relate to the organization and duties of advisory committees of the commission and department to be in Chapter 1.
- 112383 (2) **Chapter 13 – Materials Quality and Chapter 15 – Financing and Construction of Transportation Projects (MO)**
New §13.7, New Product Evaluation (Materials Quality) and Repeal of §15.13, New Product Evaluation (Research and Planning Contracts)
These amendments repeal Section 15.13, which describes procedures used by the department to evaluate new products, and transfer the content of that section to Chapter 13, which relates to the quality of material, because the content is more appropriate for that chapter.

6. **Promulgation of Administrative Rules (continued)**

a. **Final Adoption**

112373

(3) **Chapter 15 – Financing and Construction of Transportation Projects (MO)**

Repeal of §§15.1-15.8; Subchapter C, Distribution and Availability of Data, §15.21, Distribution and Availability; and Subchapter D, Texas Highway Trunk System, §§15.40-15.42

Sections 15.1-15.8 of Subchapter A, along with all of the sections of Subchapters C and D will be repealed. Most of the current provisions in Subchapters A and D will be revised and incorporated into a new Chapter 16, Planning and Development of Transportation Projects, as part of a comprehensive approach to transportation planning, programming, funding, and performance reporting. Subchapter C is no longer needed. The remaining subchapters in Chapter 15 will remain and the chapter will be renamed Financing and Construction of Transportation Projects.

112374

(4) **Chapter 16 – Planning and Development of Transportation Projects (MO)**

New Chapter 16, New Subchapter A, General Provisions, §§16.1 - 16.4; New Subchapter B, Transportation Planning, §§16.51 - 16.56; New Subchapter C, Transportation Programs, §§16.101 - 16.105; New Subchapter D, Transportation Funding, §§16.151 - 16.160; and New Subchapter E, Project and Performance Reporting, §§16.201 - 16.205

Chapter 16, Planning and Development of Transportation Projects, will be a new chapter to establish a comprehensive approach to transportation planning, programming, funding, and performance reporting. The current provisions for planning and programming in Chapter 15, Subchapter A, Transportation Planning, and Subchapter D, Texas Highway Trunk System will be repealed, modified, and placed in new Chapter 16, Subchapter A, General Provisions, Subchapter B, Transportation Planning, and Subchapter C, Transportation Programs. Chapter 16, Subchapter D, Transportation Funding, and Subchapter E, Project and Performance Reporting, contain all new provisions.

112384

(5) **Chapter 21 – Right of Way (MO)**

Amendments to §21.37, Design (Utility Accommodation)

These amendments allow the department to share the responsibilities for designing the relocation of utilities to accommodate construction and maintenance plans. This allows the department to include the utility's adjustments in the department's construction plans to expedite and streamline the design process.

Deferred

(6) **Chapter 27 – Toll Projects (MO)**

Amendments to §27.82, Toll Operations (Operation of Department Toll Projects)

These amendments will remove the specific amounts listed for customer account fees and provide that those fees will be set by the commission. In setting those fees, the commission will consider the estimated costs to the department for labor, materials, and storage, and the requirements of project bond covenants. The proposed amendments also remove the requirement that the commission review customer account fees on an annual basis. These amendments add flexibility for the commission to review and adjust customer account fees as necessary to accommodate changes in the department's operational costs.

6. **Promulgation of Administrative Rules (continued)**

b. **Proposed Adoption**

(to be published in the Texas Register for public comment)

112387

(1) **Chapter 1 – Management (MO)**

Repeal of §1.8, Internal Ethics and Compliance Program, and §1.9, Effect of Contractor's Internal Ethics and Compliance Program (Other Entities' Internal Ethics and Compliance Procedures)

The existing ethical provisions in commission rules are moved into new Chapter 10, which sets forth required ethical standards for entities doing business with the department.

112386

(2) **Chapter 9 – Contract and Grant Management (MO)**

Repeal of §§9.100-9.117 and New §9.101, Purpose and Application of Subchapter, §9.102, Definitions, §9.103, Notification of Rules, §9.104, Delivery of Written Notice or Requests to the Department, §9.105, Act of Individual or Entity Imputed to Contractor, §9.106, Compliance Program, §9.107, Grounds for Sanctions, §9.108, Procedure, §9.109, Notice of Sanction, §9.110, Available Sanctions, §9.111, Application of Sanction, §9.112, Appeal of Sanction, §9.113, Indirect Sanction on an Affiliated Entity, §9.114, Lessening or Removal of Sanction, §9.115, List of Debarred or Suspended Contractors (Subchapter G, Highway Improvement Contract Sanctions)

In conjunction with the proposal of new 43 TAC Chapter 10, which provides the ethical standards to be followed by most entities doing business with the department, the proposed rule revises and restructures 43 TAC Chapter 9, Subchapter G, which provides sanctions related to highway improvement contracts. This subchapter includes the enforcement provisions for violations of ethical standards related to highway improvement contracts.

112385

(3) **New Chapter 10 – Ethical Conduct by Entities Doing Business with the Department (MO)**

New Chapter 10, New Subchapter A, General Provisions, §§10.1 - 10.7; New Subchapter B, Other Entities' Internal Ethics and Compliance Procedures, §10.51; New Subchapter C, Required Conduct by Entities Doing Business with the Department, §§10.101 - 10.102; New Subchapter D, Score Reduction for Ethical Violations by Architectural, Engineering, and Surveying Service Providers, §§10.151 - 10.160; New Subchapter E, Removal of Precertification of Architectural, Engineering, and Surveying Service Providers for Ethical Violations, §§10.201 – 10.206; New Subchapter F, Sanctions for Ethical Violations by Other Entities, §§10.251 – 10.257

The proposed rules add new Title 43, Chapter 10 which sets forth required ethical standards for entities doing business with the department. The new chapter also includes the enforcement provisions applicable to violations of the ethical standards, except that the enforcement provisions applicable to highway improvement contractors are provided in Chapter 9.

- 112388 6. b. **Proposed Adoption (continued)**
(4) **Chapter 15 – Financing and Construction of Transportation Projects, Chapter 26 - Regional Mobility Authorities, Chapter 27 - Toll Projects, and Chapter 31 - Public Transportation (MO)**
Amendments to §15.92, Miscellaneous Powers and Duties of Corporations (Transportation Corporations), §26.56, Required Internal Ethics and Compliance Program (Miscellaneous Operation Provisions), §27.53, Request (Financial Assistance for Toll Facilities), and §31.39, Required Internal Ethics and Compliance Program (Program Administration)
The rule proposing new 43 TAC Chapter 10, which provides the ethical standards to be followed by entities doing business with the department, renumbers existing §1.8, relating to the requirements for an internal ethics and compliance program, as new §10.51. These proposed rule amendments change the existing references to §1.8 to §10.51 to conform to that change.
- 112390 7. **Audit Plan**
Approve the Audit Plan for Fiscal Year 2011 and determine whether adequate resources have been dedicated to the internal audit program (MO)
State law requires the internal auditor to create an annual audit plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The audit plan must be approved by the commission. In addition, the commission must review the resources dedicated to the internal audit program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are covered in a reasonable timeframe.
- 112389 8. **Toll Roads**
a. **Travis and Williamson Counties – Approval of the Central Texas Turnpike System annual operating and management budget (MO)**
This minute order approves the annual operating, maintenance and capital budgets for the CTTS which consists of SH 130, segments 1-4, SH 45N and Loop 1 extension. Some costs of the CTTS were financed with debt obligations. The Indenture of Trust stipulates that the commission will adopt annual budgets by August 31 of the preceding fiscal year.
- Deferred b. **Establish fees to be charged for administering electronic toll collection customer accounts (MO)**
State law authorizes the department to charge reasonable fees for administering electronic toll collection customer accounts. Amendments to the department's administrative rules related to toll operations provide that those fees will be set by order of the commission. Customer account fees may include fees for various types of tags, account statements, account maintenance, returned checks, and account reactivation.

- 112391**
9. **Pass-Through Toll Program**
Authorize the executive director or designee to negotiate and execute a final pass-through toll agreement with each of those entities whose proposals under the February 25, 2010 pass-through toll program call were selected by the commission in Minute Order 112305 on June 24, 2010, as providing the best value to the state and who were successful in negotiating the financial terms of a pass-through toll agreement (MO)
The department evaluated proposals submitted under the February 25, 2010 program call using the items of criteria set forth in 43 TAC §5.55, and presented its analyses to the commission. The commission considered the proposals and selected those, up to a cumulative total of \$300 million, that provided the best value to the state, and directed the department staff to attempt to negotiate the financial terms of a potential pass-through toll agreement with the selected public entity proposers under MO 112305, dated June 24, 2010. This agenda item will allow the commission to approve those negotiated agreements for execution.
- 112392**
10. **American Recovery and Reinvestment Act (ARRA)**
a. Approve changes to the lists of mobility, preventive maintenance and rehabilitation, public transit, transportation enhancement and aviation projects previously approved for funding from Texas' portion of the ARRA (MO)
The ARRA created an economic stimulus package that provides for investment in transportation infrastructure projects. This agenda item will allow the commission to make changes to the lists of mobility, preventive maintenance and rehabilitation, and transportation enhancement projects using the under run of ARRA funds on previously approved projects. In addition, this agenda item will allow the commission to approve revisions to public transit projects previously approved for funding under the program and add additional aviation projects.
- 112393**
- b. Approve additional mobility and preventive maintenance and rehabilitation projects to be funded in the event of continued underruns of originally obligated ARRA funds (MO)
Due to national economic conditions and the accompanying effects on construction contracting and material supplies, the mobility and preventive and rehabilitation maintenance projects that have gone to letting have experienced a significant underrun of the originally obligated ARRA funds. The department must obligate all ARRA funds by September 24, 2010. In order to utilize all available ARRA funding, the department has developed a prioritized list of additional projects to be funded in the event that the September letting results in additional underruns. This minute order will authorize the department to select projects from that prioritized list, and obligate funds for those projects, without the need for further commission action.
- 112394**
11. **Proposition 12 Bonds**
Approval of a planned debt structure for highway improvement projects to be funded with the proceeds of general obligation bonds issued under Transportation Code, Section 222.004 (Proposition 12 Bonds) (MO)
The department plans to issue the first \$1 billion of bonds from the Proposition 12 Bond program in September. The debt service on the bonds will be paid from the General Revenue Fund and the commission will select a planned debt structure for the upcoming issuance.

- 112375 12. **Proposition 14 Bonds**
Gillespie County – Approval of an additional project to be funded with the proceeds of State Highway Fund revenue bonds issued under Transportation Code, Section 222.003 (Proposition 14 Bonds) (MO)
The commission is adding an additional safety project to the list of previously approved projects. Funds are available for this additional project due to lower than estimated bids in other approved projects.
- 112395 13. **Transportation Planning**
a. **Various Counties** – Appoint members to the Border Trade Advisory Committee (MO)
Created pursuant to state law, the purpose of the Border Trade Advisory Committee is to assist the commission and the department in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges. Committee members are appointed to staggered three-year terms. Ten committee members' terms expire on August 31, 2010.
- 112396 b. **Various Counties** – Appoint one member to the Port Authority Advisory Committee (MO)
State law requires the commission to appoint a seven-member Port Authority Advisory Committee to advise the commission and the department on port issues and to provide a forum for exchange of information between the commission, the department, and committee members representing the Texas port system. The Port of Houston Authority holds one seat on the committee and has requested to change their representative on the committee.
- 112397 14. **Right of Way**
El Paso County – SL 375 from SH 20 (Mesa Street) to Fonseca Drive - Authorize the negotiation of options to purchase for the advance acquisition of right of way for highway realignment along Loop 375 from SH 20 to Fonseca Drive (MO)
The department plans a extension/reconstruction for Loop 375 in El Paso. Due to the likelihood of imminent development in the area, acquiring options to purchase will enable the department to have the exclusive right to purchase additional right of way for this expansion at a lower overall cost than waiting to acquire the property after private development occurs.
- 112398 15. **Environmental Restriction**
Bowie County – Authorize the executive director to execute a restrictive covenant for the benefit of the U.S. Army Corps of Engineers (USACE) limiting use of a 1.95-acre tract owned by the department in Bowie County, Texas, to an aquatic ecosystem preserve to mitigate an adverse environmental impact that is a direct result of the construction and improvement of I-30 frontage roads near the city of Hooks (MO)
To mitigate the adverse environmental impact resulting from the construction of I-30 one-way frontage roads between FM 560 and Spur 86, the department submitted to the USACE a final mitigation plan dated June 29, 2010 that included the dedication as an aquatic ecosystem preserve of a 1.95-acre off site tract of land owned by the department, located along US 59 at the Red River in Bowie County.

- 112399 16. **Legislative Appropriations Request**
Adopt the department's Legislative Appropriations Request for FY 2012 and 2013 (MO)
Every two years the department is required to submit a Legislative Appropriations Request (LAR) for the upcoming biennium to be considered by the Texas Legislature. The proposed LAR will detail the level funding, method of finance, and FTEs associated with the department strategies for the fiscal year 2012-2013 biennium.
- 112400 17. **Unified Transportation Program**
Amend FY 2011 and FY 2014 allocations in Category 7 (metropolitan mobility/rehabilitation) in the Unified Transportation Program (UTP) (MO)
The 2010 UTP was adopted by the commission on April 29, 2010 and allocates funding to specific projects and programs for FY 2010 - FY 2020. At the request of the Lubbock Metropolitan Planning Organization, the Hidalgo County Metropolitan Planning Organization and the Lubbock and Pharr Districts, the department will present a minute order to amend the 2010 UTP by reallocating FY 2011 funds in Category 7 (metropolitan mobility/rehabilitation). Approximately \$2.0 million of the Category 7 allocation will be transferred from the Lubbock MPO to the Hidalgo County MPO. The transfer will be reversed for FY 2014.
- Deferred 18. **State Infrastructure Bank
Final Approval**
Parker County – **City of Weatherford** – Consider granting final approval of an application from the City of Weatherford to borrow \$650,000 from the State Infrastructure Bank to pay for water and sewer line relocation costs resulting from reconstruction of SH 171 from I-20 to FM 1884 in Parker County (MO)
The City of Weatherford is requesting a SIB loan to pay for the relocation of utilities to accommodate improvements to SH 171 from I-20 to FM 1884. SH 171 is currently a two-lane rural highway and the improvements will expand the facility to four lanes with a raised center median.
- 112401 19. **Finance**
a. Annual review and approval of the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller (MO)
This minute order approves the department's investment policy and investment strategies. The Public Funds Investment Act requires the commission to review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategies.
- 112402 b. Annual review of debt management policy and derivative management policy for financing programs of the department, and authorization for department personnel to execute certain derivative transactions for financing programs of the department (MO)
This minute order approves the debt management policy which establishes parameters for the commission's financing programs considering acceptable levels of risk, minimizing interest costs and optimizing future flexibility with consideration to achieving and maintaining the best possible credit ratings. Additionally, this minute order approves the derivative management policy which establishes responsibilities, objectives and guidelines for use of derivatives such as interest rate swaps and similar products to efficiently and prudently manage the commission's asset/liability profile. This minute order also authorizes department personnel to execute certain derivative transactions pursuant to the terms of specified resolutions for each financing program until August 25, 2011.

20. **Obligation Limit Report**

Status report on the FY 2010 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year; an update on motor fuel tax receipts; and an update on the latest federal rescission notice. ([Report](#))

This report will provide the current overall obligation status, by district, of the FY 2010 Obligation Limit and the anticipated effect on the obligation limit of remaining proposed highway maintenance and construction letting. The report will also provide an update on motor fuel tax receipts, including estimated versus actual receipts fiscal year to date, and any potential impact on letting volume. Finally, the report will provide information on the latest federal rescission.

21. **Property Exchange**

112403

Palo Pinto, Somervell and Tarrant Counties – Request for proposal to exchange real property for improvements at various locations in the Fort Worth District ([MO](#))

Withdraw Minute Order 111860, passed by the commission on June 25, 2009, and reissue a request for proposal, at a revised appraised value of \$12 million from \$17.6 million and reduce the project scope. Proposed minute order will authorize the department to rank and select and negotiate with the top ranked firm to design, construct, renovate and provide other facility-support structures on state-owned property in Fort Worth, Glen Rose and Mineral Wells, in exchange for existing department owned land no longer needed for highway purposes at I-30 and Collins in Arlington, under the terms of the revised request for proposal.

22. **Contracts**

a. **Award or Reject Highway Improvement Contracts**

Proposed MO will conditionally award contract(s) to low bidders allowing the department to enter into contract(s) for highway improvements, or reject all bids for select projects, allowing the department to re-bid those projects. Conditions required for award may include securing of funding from other sources and the contractor's ability to meet federal DBE contracting requirements.

112404

(1) **Highway Maintenance and Department Building Construction** (see attached itemized list) ([MO](#))

112405

(2) **Highway and Transportation Enhancement Building Construction** (see attached itemized list) ([MO](#))

23. **Routine Minute Orders**

a. **Donations to the Department**

112406

(1) **Administration Division** – Acknowledge a donation from Infra-Americas, for reimbursement of a department employee's travel expenses for speaking at the Annual US Public Private Partnership (P3) Infrastructure Finance Forum. The meeting was held in New York, New York from June 21-23, 2010 ([MO](#))

The donation will enable the attendees to hear presentations on important transportation issues and milestones.

23. **Routine Minute Orders (continued)**

a. **Donations to the Department**

- 112407** (2) **Bridge Division** – Acknowledge a donation from the American Iron and Steel Institute for a department employee’s travel expenses to attend the Bridge Task Force Meeting in Washington, D.C. from August 11 – 13, 2010 (MO)
Attendance at this meeting allows the department to meet with other state bridge design engineers to discuss and develop national bridge design specifications.
- 112408** (3) **Houston District** – Consider a donation from Greenroad Media, Inc., to perform installation and maintenance activities for Landscape Partnership Agreements along various highways throughout the Houston District (MO)
The donation will allow the department to beautify the community through these landscape agreements.
- 112409** (4) **Research and Technology Office** – Consider a donation from the Colorado Department of Transportation (CDOT) for department employee’s travel expenses to speak and participate at the CDOT Peer Exchange. The meeting will be held in Denver, Colorado from September 22 – 23, 2010 (MO)
Attendance at this conference allows the department to share information regarding research program best practices, ultimately resulting in better use of research program monies with the general public.
- Deferred** (5) **Travel Information Division** – Consider a donation from the Texas Travel Industry Association to provide food, beverage, lodging, admission and transportation to area attractions, solicited from various sponsors, to the department during a study tour to educate the department’s travel counselors on the North Texas region from October 17-22, 2010 (MO)
The donation allows the department to exchange information and ideas with those in attendance which will be a great benefit to the department.
- 112410** (6) **Yoakum District** – Consider a cash donation from Lavaca Navidad River Authority (LNRA) towards construction of turn lanes on SH 111 near the Lavaca Navidad River Authority Park and Lake Texan State Park (MO)
The turn lanes will facilitate safe passage of the traveling public in this area.
- b. **Eminent Domain Proceedings**
- 112411** **Various Counties** – noncontrolled and controlled access highways (see attached itemized list) (MO)
Commission findings, determinations, and authorizations for the state to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list, for which negotiations with the property owners were unsuccessful.
- c. **Highway Designation**
- 112412** **Shelby County** – Extend the designation of SH Loop 500 from SH 7 westward to US 96, north of Center (MO)
The Lufkin District has requested to extend the designation of State Loop 500 approximately 2.95 miles, from SH 7 westward to US 96, north of Center.

23. **Routine Minute Orders (continued)**

d. **Load Zones & Postings**

112413 **Hamilton and Milam Counties** – Revise load restrictions on various bridges on the state highway system (MO)

This minute order authorizes the placement, revision, or removal of load postings on various bridges on the state-maintained highway system.

e. **Right of Way Dispositions and Donations**

The commission must approve the sales, transfers and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept and acknowledge donations to the state of real property that is valued at \$500 or more.

112414 (1) **Bexar County** – SH Loop 1604 at Bulverde Road in San Antonio – Consider the sale of surplus right of way to the abutting landowner (MO)

The district has determined that the surplus land is no longer needed for highway purposes. The city has no interest in acquiring the surplus land, and it may be sold to the abutting landowner.

112415 (2) **Denton County** – FM 720, old alignment at E. Eldorado Parkway in Little Elm – Consider the sale of surplus right of way to the Town of Little Elm (MO)

Due to highway realignment, the district has determined that a portion of the old alignment is no longer needed for highway purposes. The town has agreed to purchase the surplus land, and it may be sold to the town.

112416 (3) **Fort Bend County** – FM 1464 from Beechnut south to West Airport Boulevard – Consider designation of a new alignment, removal of the old alignment from the system and transfer of control, jurisdiction and maintenance to the county. The MO will also authorize the transfer to the county of the surplus right of way (MO)

The district has advised that the new alignment is complete and opened to traffic and that the surplus land is no longer needed for highway purposes or as part of the system. The county has agreed to accept control, jurisdiction and maintenance. The surplus land may be transferred to the county, since the estimated cost of future maintenance exceeds the fair value of the property.

112417 (4) **Hopkins County** – SH 11 in Sulphur Springs – Consider the designation of a new alignment, removal of the old alignment from the system and transfer of control, jurisdiction and maintenance to the city. The MO will also authorize the transfer to the city of right of way held in the state's name and quitclaim of land to which there is no record title (MO)

The district has advised that the new alignment is complete and open to traffic. The surplus land is no longer needed for highway purposes or as part of the system. The city has agreed to accept control, jurisdiction and maintenance. The surplus state-owned land may be transferred to the city and that the surplus no-title land may be quitclaimed to the city.

112418 (5) **Hunt County** – US 69 in Greenville – Consider the sale of a surplus maintenance site to Greenville Independent School District (MO)

Maintenance operations have moved to a new facility, and the district has advised that the surplus site is no longer needed for highway purposes. Greenville ISD desires to purchase the surplus site, and the district recommends the sale.

23. **Routine Minute Orders (continued)**

e. **Right of Way Dispositions and Donations**

- 112419 (6) **Tarrant County** – FM 1187 at Newt Patterson Road in Fort Worth – Consider a grant of easement to correct an error (MO)
The district has advised that when new highway right of way was acquired, a utility easement was extinguished that should not have been. The grant of an easement will correct the error.
- 112420 (7) **Tarrant County** – I-20/I-820 in Fort Worth – Consider the sale of a surplus easement to the underlying fee owner (MO)
The district has determined that the surplus easement is no longer needed for highway purposes, and it may be sold to the underlying fee owner.
- 112421 (8) **Tarrant and Denton Counties** – FM 156 in Fort Worth and Haslet near the Fort Worth Alliance Airport – Consider the designation of a new alignment, removal of the old alignment and transfer of control, jurisdiction and maintenance and transfer of right of way to the City of Fort Worth (MO)
Construction of FM 156 on a new alignment is complete, and the district recommends that the new alignment be designated. The district has determined that the existing alignment is no longer needed for state highway purposes or as part of the system. The city of Fort Worth has agreed to accept control jurisdiction and maintenance and has requested that the surplus right of way be transferred to the city.
- 112422 (9) **Wise County** – US 380 at Chico Avenue in Decatur – Consider the sale of surplus right of way to the abutting landowner (MO)
The district has determined that the surplus land is no longer needed for highway purposes. The city has no interest in acquiring the surplus land, and it may be sold to the abutting landowner.
- 112423 f. **Speed Zones**
Various Counties – Establish or alter regulatory and construction speed zones on various sections of highways in the state (MO)
This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

24. **Executive Session** Pursuant to Government Code, Chapter 551

- a. **Section 551.071** – Consultation with and advice from legal counsel regarding pending and contemplated litigation, including a briefing by the Office of the Attorney General on Kemp v. Amadeo Saenz, Jr., et al., and Sierra Club v. FHWA and TxDOT.
- b. **Section 551.071** – Consultation with and advice from legal counsel regarding any item on this agenda
- c. **Section 551.074** - Discuss the duties of one or more persons who fills a position of Executive Director, Deputy Executive Director, Chief Financial Officer, Assistant Executive Director, General Counsel, Audit Office Director, Director of Government and Public Affairs, and Director of Strategic Policy and Performance Management.

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 commission. 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.

ADJOURN

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NOTE:

Enumerated agenda items are assigned numbers for ease of reference only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action.

Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Dee Hernandez at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

TEXAS TRANSPORTATION COMMISSION MEETING
ATTACHED LISTS
July 29, 2010

HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-STATE
LET AGENDA ITEM 22.a.(1)

<u>DIST</u>	<u>COUNTY</u> <u>NAME</u>	<u>HIGHWAY</u> <u>NUMBER</u>	<u>CONTROLLING</u> <u>PROJECT NO.</u>
BRY	LEON	IH 45	RMC - 621178001
DAL	COLLIN	US 75	RMC - 620843001
DAL	COLLIN	US 75	RMC - 620844001
DAL	COLLIN	US 75	RMC - 620845001
DAL	COLLIN	US 75	RMC - 620847001
HOU	BRAZORIA	SH 288	RMC - 620863001
HOU	HARRIS	IH 45	RMC - 621062001
HOU	HARRIS	US 59	RMC - 621034001
LBB	BAILEY	SH 214	RMC - 621076001
LBB	CASTRO	US 60	RMC - 621074001
LBB	CROSBY	US 62	RMC - 621078001
LBB	DAWSON	US 180	RMC - 621081001
LBB	GARZA	US 380	RMC - 621082001
LBB	HALE	IH 27	RMC - 621075001
LBB	HOCKLEY	US 385	RMC - 621077001
LBB	LUBBOCK	US 84	RMC - 621079001
WAC	LIMESTONE	SH 14	RMC - 621151001
WAC	MCLENNAN	IH 35	RMC - 620214001
YKM	MATAGORDA	FM 457	RMC - 621133001
YKM	MATAGORDA	FM 616	RMC - 621115001

HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING CONSTRUCTION
CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)

<u>DIST</u>	<u>COUNTY</u> <u>NAME</u>	<u>HIGHWAY</u> <u>NUMBER</u>	<u>CONTROLLING</u> <u>PROJECT NO.</u>
ABL	FISHER	CR	BR 2010(408)
ABL	MITCHELL	VA	STP 2011(102)
ABL	NOLAN	IH 20	C 6-2-104

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	NOLAN	IH 20	STP 2011(292)HES
ABL	SCURRY	US 180	STP 2011(305)
ABL	SCURRY	US 84	NH 2011(363)
ABL	SCURRY	US 84	NH 2011(364)
ABL	TAYLOR	US 83	STP 2011(306)
ABL	TAYLOR	US 83	STP 2011(341)ES
AMA	DALLAM	US 287	NH 2011(365)
AMA	LIPSCOMB	SH 15	STP 2011(336)
AMA	RANDALL	PR 5	C 534-1-16
ATL	BOWIE	FM 1397	STP 2011(106)ES
ATL	BOWIE	IH 30	NH 2011(104)
ATL	BOWIE	SH 8	STP 2011(308)
ATL	TITUS	CR	BR 2006(531)
AUS	BASTROP	CR	BR 2005(708)
AUS	BASTROP	FM 812	STP 2011(117)SB
AUS	BURNET	US 281	STP 2011(355)
AUS	CALDWELL	CR	BR 2005(214)
AUS	CALDWELL	US 183	STP 2011(112)HES
AUS	HAYS	IH 35	IM 0353(277)
AUS	HAYS	SH 21	STP 2011(290)ES
AUS	LLANO	SH 29	STP 2011(109)HES
AUS	TRAVIS	FM 973	STP 2011(119)HES
AUS	TRAVIS	SH 130	STP 2011(310)
AUS	TRAVIS	SH 71	STP 2011(108)
AUS	TRAVIS	VA	STP 2011(115)
AUS	TRAVIS	VA	NH 2011(116)
AUS	WILLIAMSON	BI 35-L	STP 2011(309)
BMT	CHAMBERS	IH 10	IM 0108(168)
BMT	HARDIN	FM 770	STP 2011(311)
BMT	JEFFERSON	SH 82	BR 2011(312)
BMT	LIBERTY	CS	STP 2011(285)ES
BMT	LIBERTY	US 90	STP 2011(121)HES
BMT	NEWTON	SH 87	STP 2011(123)HRR

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
BMT	ORANGE	FM 1442	STP 2011(291)
BMT	ORANGE	IH 10	IM 0108(167)
BMT	TYLER	FM 1013	STP 2011(124)HRR
BWD	BROWN	PW	C 923-6-59
BWD	LAMPASAS	US 183	NH 2011(345)
BWD	MILLS	US 84	STP 2011(125)SB
BRY	BRAZOS	FM 1687	STP 2011(314)
BRY	BRAZOS	SH 6	NH 2011(316)
BRY	ROBERTSON	US 190	STP 2011(126)HES
BRY	ROBERTSON	US 79	NH 2011(313)
CHS	BRISCOE	SH 256	STP 2011(307)
CHS	COTTLE	PW	C 925-14-6
CHS	WHEELER	FM 1046	STP 2011(366)
CRP	ARANSAS	SH 188	STP 2011(142)SB
CRP	BEE	FM 798	C 1117-1-13
CRP	KARNES	SH 123	STP 2011(131)SB
CRP	KLEBERG	FM 1356	STP 2011(138)SB
CRP	LIVE OAK	FM 1042	STP 2011(140)SB
CRP	LIVE OAK	FM 1545	STP 2011(141)SB
CRP	LIVE OAK	FM 3162	C 3245-1-6
CRP	LIVE OAK	FM 534	STP 2011(139)SB
CRP	NUECES	BU 77-U	STP 2011(132)SB
CRP	NUECES	FM 3088	STP 2011(144)HES
CRP	NUECES	FM 665	STP 2011(136)SB
CRP	NUECES	FM 666	BR 2011(135)
CRP	NUECES	FM 666	C 1052-1-72
CRP	NUECES	US 181	BR 2011(127)
CRP	NUECES	US 77	NH 2011(128)
CRP	REFUGIO	FM 774	STP 2011(133)SB
CRP	REFUGIO	SH 239	C 3075-2-9
CRP	REFUGIO	US 183	STP 2011(129)HRR
CRP	SAN PATRICIO	BS 35-L	STP 2011(130)HES
CRP	SAN PATRICIO	FM 1074	STP 2011(357)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
CRP	SAN PATRICIO	FM 631	STP 2011(137)SB
CRP	SAN PATRICIO	SH 234	STP 2011(134)SB
DAL	COLLIN	FM 545	BR 2011(086)
DAL	COLLIN	FM 546	C 1013-1-25
DAL	COLLIN	SH 5	BR 2011(145)
DAL	DALLAS	CS	BR 2007(305)
DAL	DALLAS	IH 30	C 9-11-220
DAL	DALLAS	IH 30	CM 2011(319)
DAL	DALLAS	IH 45	HP 2011(147)
DAL	DALLAS	IH 635	CM 2011(320)
DAL	DALLAS	SH 183	C 94-3-105
DAL	DALLAS	US 67	NH 2011(346)
DAL	DALLAS	VA	NH 2011(318)
DAL	DENTON	FM 2934	STP 2011(152)
DAL	ELLIS	FM 879	STP 2011(151)HES
DAL	KAUFMAN	FM 148	BR 2011(084)
DAL	NAVARRO	FM 637	STP 2011(149)HRR
DAL	NAVARRO	SH 31	C 162-4-47
ELP	CULBERSON	IH 10	IM 0101(256)
ELP	EL PASO	BU 54-A	NH 2011(322)
ELP	EL PASO	IH 10	IM 0101(255)
ELP	EL PASO	IH 10	IM 0101(253)
ELP	EL PASO	SH 20	STP 2011(321)
ELP	EL PASO	US 54	NH 2011(367)
ELP	EL PASO	US 62	NH 2011(323)
ELP	EL PASO	US 85	NH 2011(326)
FTW	ERATH	CR	BR 2008(781)
FTW	ERATH	FM 205	STP 2011(160)SB
FTW	ERATH	US 281	STP 2011(155)HES
FTW	HOOD	FM 167	STP 2011(159)
FTW	JOHNSON	SH 171	TCSP 2011(156)
FTW	JOHNSON	SH 171	STP 2011(301)
FTW	JOHNSON	SH 174	STP 2011(347)
FTW	PALO PINTO	US 180	STP 2011(203)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

**(CONTINUED) HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
FTW	PARKER	IH 20	C 314-1-74
FTW	TARRANT	CR	BR 2008(608)
FTW	TARRANT	CS	BR 2002(227)
FTW	TARRANT	FM 157	NH 2011(157)
FTW	TARRANT	SH 180	BR 2011(098)
FTW	TARRANT	US 287	NH 2011(328)
FTW	TARRANT	VA	STP 2010(937)
FTW	WISE	CR	BR 2008(459)
HOU	BRAZORIA	CR	BR 2006(323)
HOU	BRAZORIA	CR	BR 2006(327)
HOU	BRAZORIA	CS	BR 2001(693)
HOU	BRAZORIA	PW	C 912-31-193
HOU	BRAZORIA	SH 288	NH 2011(344)
HOU	BRAZORIA	SH 288	NH 2011(169)
HOU	BRAZORIA	VA	STP 2011(202)
HOU	FORT BEND	CS	CM 2010(600)
HOU	FORT BEND	CS	STP 2011(170)
HOU	FORT BEND	US 90A	NH 2011(162)
HOU	GALVESTON	CS	BR 2007(368)
HOU	GALVESTON	SH 275	NH 2011(172)
HOU	GALVESTON	SH 275	ITS 2004(811)
HOU	GALVESTON	SH 87	NH 2011(337)
HOU	GALVESTON	SH 87	STP 2011(166)MM
HOU	GALVESTON	VA	CM 2011(329)
HOU	HARRIS	CS	BR 2007(834)
HOU	HARRIS	CS	STP 2011(272)ES
HOU	HARRIS	CS	STP 2011(273)ES
HOU	HARRIS	CS	BR 2007(835)
HOU	HARRIS	CS	BR 94(14)
HOU	HARRIS	CS	STP 2002(145)TE
HOU	HARRIS	CS	BR 2005(25)
HOU	HARRIS	FM 529	NH 2010(988)
HOU	HARRIS	IH 10	STP 2011(025)MM
HOU	HARRIS	IH 10	HP 2011(167)
HOU	HARRIS	IH 10	HP 2011(168)
HOU	HARRIS	IH 45	DMO 2006(885)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
HOU	HARRIS	IH 610	IM 6107(424)
HOU	HARRIS	PW	C 912-70-45
HOU	HARRIS	SH 99	NH 2011(330)
HOU	HARRIS	US 90A	BR 2010(779)
HOU	HARRIS	VA	CM 2008(495)
HOU	HARRIS	VA	CM 2008(894)
HOU	HARRIS	VA	CM 2011(101)
HOU	MONTGOMERY	CR	BR 2006(740)
HOU	MONTGOMERY	CR	BR 2007(726)
HOU	MONTGOMERY	IH 45	NH 2011(372)
HOU	MONTGOMERY	SH 105	STP 2011(165)HES
HOU	MONTGOMERY	SH 75	STP 2011(163)HES
LRD	LA SALLE	IH 35	STP 2011(338)TE
LRD	WEBB	US 59	NH 2011(331)
LRD	WEBB	VA	STP 2011(343)
LBB	LAMB	FM 1055	STP 2011(368)
LBB	LAMB	FM 54	STP 2010(905)HRR
LBB	LUBBOCK	FM 1730	STP 2011(369)
LBB	LYNN	FM 179	STP 2011(370)
LFK	ANGELINA	FM 1669	BR 2009(262)
LFK	HOUSTON	FM 228	STP 2011(176)HES
LFK	POLK	SH 146	STP 2011(175)
LFK	SABINE	CR	BR 2002(844)
ODA	ANDREWS	SH 115	STP 2011(177)SB
ODA	CROCKETT	FM 1901	BR 2011(178)
ODA	ECTOR	IH 20	IM 0201(177)
ODA	WARD	IH 20	STP 2000(400)TE
PAR	GRAYSON	FM 84	STP 2011(180)SB
PAR	GRAYSON	US 75	C 47-3-71
PAR	GRAYSON	US 75	STP 2011(148)ES
PAR	GRAYSON	US 82	STP 2010(989)SB
PAR	HOPKINS	FM 2285	C 735-4-16
PAR	HOPKINS	SH 11	STP 2011(348)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
PAR	HUNT	FM 2737	C 2799-1-5
PAR	HUNT	SH 276	STP 2011(349)
PAR	LAMAR	US 82	STP 2011(179)SB
PHR	CAMERON	CS	STP 2005(291)MM
PHR	CAMERON	FM 3248	STP 2011(090)HES
PHR	CAMERON	US 281	STP 2011(183)HES
PHR	HIDALGO	FM 2557	STP 2011(358)
SJT	CROCKETT	IH 10	IM 0103(109)
SJT	TOM GREEN	RM 584	STP 2011(371)
SJT	TOM GREEN	RM 853	STP 2011(278)
SAT	BEXAR	IH 10	BR 2009(169)
SAT	BEXAR	IH 35	C 17-10-244
SAT	BEXAR	IH 35	C 17-10-250
SAT	BEXAR	MH	C 915-12-224
SAT	BEXAR	PS	C 8000-15-12
SAT	COMAL	CR	BR 94(111)
SAT	COMAL	FM 306	C 857-1-27
SAT	COMAL	FM 306	STP 2011(362)
SAT	GUADALUPE	FM 1620	STP 2011(361)
SAT	GUADALUPE	FM 464	STP 2011(359)
SAT	KENDALL	FM 3351	STP 2010(999)HRR
SAT	KERR	RM 783	STP 2011(360)
SAT	WILSON	CR	BR 2010(297)
TYL	RUSK	US 79	STP 2011(184)
TYL	SMITH	FM 344	STP 2011(351)
TYL	SMITH	IH 20	STP 2011(214)ES
TYL	VAN ZANDT	SH 110	STP 2011(350)
WAC	BELL	FM 439	STP 2011(354)
WAC	BELL	SH 95	STP 2011(352)
WAC	BOSQUE	FM 2602	BR 2011(189)
WAC	BOSQUE	FM 2841	CC 2869-1-7
WAC	BOSQUE	FM 56	STP 2011(353)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

CONSTRUCTION CONTRACTS - STATE LET AGENDA ITEM 22.a.(2)

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
WAC	BOSQUE	FM 56	STP 2011(188)SB
WAC	CORYELL	CR	BR 2009(440)
WAC	CORYELL	FM 932	BR 2011(332)
WAC	CORYELL	SH 9	STP 2011(191)
WAC	HILL	FM 933	STP 2011(094)HES
WAC	MCLENNAN	CS	BR 2007(722)
WAC	MCLENNAN	US 84	STP 2011(185)HES
WFS	BAYLOR	FM 422	BR 2011(197)
WFS	COOKE	FM 678	STP 2011(198)SB
WFS	MONTAGUE	US 81	STP 2011(333)RGS
WFS	MONTAGUE	US 82	NH 2011(193)
WFS	WICHITA	US 82	STP 2011(192)HES
WFS	WILBARGER	BU 287F	STP 2011(335)
WFS	WILBARGER	US 283	STP 2011(194)
WFS	WILBARGER	US 287	NH 2011(334)
WFS	YOUNG	US 380	STP 2011(196)HES
YKM	DEWITT	US 183	BR 2011(201)
YKM	GONZALES	CR	BR 2009(181)
YKM	GONZALES	US 183	STP 2011(200)HES
YKM	MATAGORDA	FM 2668	STP 2011(293)HES
YKM	VICTORIA	US 77	NH 2011(376)
YKM	WHARTON	US 59	NH 2011(199)

* Project numbers with an xxxx(xxx)ES, in the suffix denotes ARRA projects.

EMINENT DOMAIN - [AGENDA ITEM 23.b.]

NONCONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ACCOUNT</u>	<u>PARCEL</u>
Comal	US 281	1	0253-03-065	21
Dallas	SL 12	2	0353-05-105	5, 5TE
Denton	FM 2181	3	2054-02-018	63

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	SL 287	E	2553-01-102	5B
Angelina	SL 287	F	2553-01-102	5A

(CONTINUED) CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	IH 45	J	0500-03-546	209
Harris	IH 45	X	0500-03-546	206
Harris	IH 10	G	0271-07-260	848
Harris	IH 10	H	0271-07-260	849
Harris	IH 10	L	0271-07-260	851
Harris	IH 10	K	0271-07-260	850
McLennan	IH 35	V	0014-08-082	51, 51E
Tarrant	SH 114	C	0353-03-088	20
Tarrant	SH 114	W	0353-03-088	21
Tarrant	SH 114	B	0353-03-088	110
Tarrant	SH 114	A	0353-03-088	114
Tarrant	SH 114	D	0353-03-088	19
Tarrant	SH 114	I	0353-03-088	101A, 101B
Tarrant	SH 114	Q	0353-03-088	108B
Tarrant	SH 114	P	0353-03-088	30
Tarrant	SH 114	M	0353-03-088	97
Tarrant	SH 114	N	0353-03-088	93
Tarrant	SH 114	S	0353-03-088	23
Tarrant	SH 114	T	0353-03-088	108A
Tarrant	SH 114	R	0353-03-088	106
Tarrant	SH 121	O	0364-01-132	50
Tarrant	SH 121	U	0364-01-132	51