

These are the minutes of the regular meeting of the Texas Transportation Commission, which was held on April 28, 2011, in Austin, Texas. The meeting was called to order by Chair Delisi. The meeting opened at 9:05 a.m. with the following commissioners present:

Texas Transportation Commission:

Deirdre Delisi	Chair
Ted Houghton	Commissioner
Ned Holmes	Commissioner
Fred Underwood	Commissioner
Bill Meadows	Commissioner

Administrative Staff:

Amadeo Saenz, Executive Director
 Bob Jackson, General Counsel
 Roger Polson, Executive Assistant to the Deputy Executive Director
 JoLynne Williams, Chief Minute Order Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation Chief Minute Order 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 3:21 p.m. on April 20, 2011, as required by Chapter 551, of the Government Code, referred to as "The Open Meetings Act."

ITEM 1. Public Hearing

2012 Unified Transportation Program (UTP) - Receive data, comments, views, and testimony concerning the 2012 UTP

This item was introduced by Chief Financial Officer James Bass. Comments were received from State Representative Joe Pickett and Mayor of the City of El Paso John Cook.

ITEM 2. Approval of Minutes of the March 31 regular meeting and April 12 special meeting of the Texas Transportation Commission

Commissioner Underwood made a motion, which was seconded, and the commission approved the minutes of the March 31 regular meeting and the April 12 special meeting by a vote of 5-0.

ITEM 3. Discussion Item

a. Update on TxDOT's modernization project

This item was introduced by Chair Delisi and presented by Assistant Executive Director for Engineering Operations John Barton.

b. Update on nationwide initiatives related to the use of vehicle mileage fee systems

This item was introduced by Executive Director Amadeo Saenz and presented by the Strategic Policy and Performance Management Office's John Sabala. Comments were also received from TTI Senior Research Engineer Ginger Goodin and MnDOT's Project Research Leader Ben Pierce.

ITEM 4. Aviation

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

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Aviation Division Director Dave Fulton. The commission also received comments from Collin County Regional Airport Director of Operations Steve Gould.

112656
AVN

The Texas Department of Transportation (department) is authorized under the federal Aviation Development Act and the state Aviation Facilities Development and Financial Assistance Act to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

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

On Thursday, March 24, 2011, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$32 million.

Note: Exhibit A on file with minute order clerk.

ITEM 5. 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 (MO)

Amendments to §1.85, Department Advisory Committees (Advisory Committees)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Research & Technology Implementation Division Director Rick Collins.

112657
RTI

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.85, Department Advisory Committees, to be codified under Title 43,

Texas Administrative Code, Part 1.

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.85, Department Advisory Committees, 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 §1.85 are adopted and are authorized for filing with the Office of the 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 minute order clerk.

(2) Chapter 7 - Rail Facilities and Chapter 31 Public Transportation (MO)

New §7.80, Purpose, §7.81, Definitions, §7.82, Program Standard, §7.83, System Safety Program Plan, §7.84, System Security Plan, §7.85, Reviews, §7.86, Accident Notification and Corrective Action Plans, §7.87, Deadlines, and §7.88, Admissibility; Use of Information (Rail Fixed Guideway System State Safety Oversight Program); Amendments to §31.2, Organization, and §31.3, Definitions (General); Amendments to §31.48, Project Oversight (Program Administration); Repeal of Subchapter F, Rail Fixed Guideway System State Safety Oversight Program, §§31.60 - 31.63

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Rail Division Director Bill Glavin.

112658
RRD

The Texas Transportation Commission (commission) finds it necessary to adopt new §§7.80 - 7.88, amendments to §31.2, §31.3, and §31.48, and the repeal of §§31.60 - 31.63, all relating to rail fixed guideway system state safety oversight to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, repeals, and new sections attached to this minute order as Exhibits A - 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 new §§7.80 - 7.88, amendments to §31.2, §31.3, and §31.48, and the repeal of §§31.60 - 31.63 are adopted and are authorized for filing with the Office of the 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 through F are on file with minute order clerk.

(3) Chapter 25 - Traffic Operations (MO)

Amendments to §25.901, Purpose, §25.902, Definitions, §25.903, Scope, and §25.906, Participation (Traffic Safety Program)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Deputy Executive Director Steve Simmons.

112659
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§25.901 - 25.903 and §25.906, all relating to the traffic safety amendments to §§25.901 - 25.903 and §25.906, all relating to the traffic safety program 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 §§25.901 - 25.903 and §25.906 are adopted and are authorized for filing with the Office of the 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 minute order clerk.

b. Proposed Adoption

Chapter 9 - Contract and Grant Management (MO)

Amendments to §9.42, Administrative Qualification (Contracting for Architectural, Engineering, and Surveying Services)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Assistant Executive Director for Engineering Operations John Barton.

112660
DES

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §9.42, Administrative Qualifications, 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 §9.42 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 minute order clerk.

ITEM 6. Audit Subcommittee

Approve changes to the charter of the Texas Transportation Commission Audit Subcommittee (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by General Counsel Bob Jackson.

112661
AUD

On January 28, 2009, Chair Deirdre Delisi created an Audit Subcommittee (subcommittee) of the Texas Transportation Commission (commission), and appointed Commissioners Underwood and Houghton as members, with Commissioner Underwood serving as subcommittee chair.

The subcommittee was created to oversee and ensure compliance with the intent of Sarbanes-Oxley as to reliability and transparency in financial reporting, as well as to ensure the independence of the Texas Department of Transportation's internal audit program by providing oversight of the internal auditor and evaluating implementation of audit recommendations.

The subcommittee charter was approved by the commission on March 25, 2010, in Minute Order 112196. The charter sets forth the purpose and composition of the subcommittee, as well as meeting requirements and principal duties and responsibilities of the subcommittee in carrying out its oversight role.

The subcommittee is required to review and assess the adequacy of the charter annually and request commission approval for proposed changes. On February 23, 2011, the subcommittee voted to amend Section IV.b. of the charter to specify that the subcommittee, led by the subcommittee chair, shall evaluate the performance of the chief audit executive, with input from the executive director. The amended charter is attached as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the Audit Subcommittee Charter, as amended and set forth in Exhibit A, is approved.

Note: Exhibit A is on file with minute order clerk.

ITEM 7. Proposition 12 Bond Program

Bexar County – Revise the funding allocation for a previously approved highway improvement project and approve an additional highway improvement project to be funded with the proceeds of general obligation bonds issued under Transportation Code, Section 222.004 (Proposition 12 Bonds) (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Assistant Executive Director for Engineering Operations John Barton.

112662
AEO

Section 49-p, Article III, of the Texas Constitution (constitutional provision) provides that, to provide funding for highway improvement projects, the legislature by general law may authorize the Texas Transportation Commission (commission) or its successor to issue general obligation bonds of the State of Texas in an aggregate amount not to exceed \$5 billion and enter into related credit agreements.

Pursuant to the constitutional provision, the Texas Legislature, in House Bill 1, 81st Legislature, First Called Session, 2009, enacted Transportation Code, §222.004 (Enabling Act), the enabling legislation for general obligation bonds, notes and other public securities that may be issued by the commission to fund highway improvement projects (Proposition 12 bonds).

House Bill 1 also amended Rider 60 to the appropriations to the Texas Department of Transportation (department) in Senate Bill 1 81st Legislature, Regular Session, 2009 (General Appropriations Act), to allow the issuance of \$2 billion of these bonds. For FY 2010-2011, the Legislature appropriated bond proceeds in the amount of \$90 million for right of way, \$60 million for engineering, and \$850 million to make progress payments on no more than \$1.85 billion in construction contract obligations for non-tolled highway improvement projects, and appropriated \$1 billion of bond proceeds to be used to capitalize the State Infrastructure Bank (SIB) for the purpose of making loans to public entities.

In cooperation with the state's transportation partners, the department developed a list of highway improvement projects and work to be performed in connection with highway improvement activities to be funded with the portion of Proposition 12 bond proceeds that is not used to capitalize the SIB. This list was originally approved by the commission in Minute Order 112036, dated November 19, 2009. The list was subsequently revised by the commission in Minute Order 112472, dated October 28, 2010.

This minute order approves one additional project in the San Antonio District on US 281 at Loop 1604 (CSJ 0253-04-139) to be funded with the proceeds of Proposition 12 bonds. In addition, the funding for the Wurzbach Parkway project in the San Antonio District (CSJ 8000-15-015) has been reduced because the remaining construction costs will be funded from another source. The revised list of projects is set forth in Exhibit A. The total amount of Proposition 12 bond proceeds to fund these projects is not changed. No other projects have been modified or removed.

IT IS THEREFORE ORDERED by the commission that the highway improvement projects and work to be performed in connection with highway improvement activities, as contained in Exhibit A, is approved for funding with the proceeds of Proposition 12 bonds.

Note: Exhibit A is on file with minute order clerk.

ITEM 8. Unified Transportation Program (UTP)**a. Approve updates to FY 2011 funding allocations in the 2010 UTP (MO)**

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Finance Division Director Brian Ragland. The commission received comments from Greater Houston Partnership President Jeff Moseley and Cy-Fair Houston Chamber of Commerce President Mary Evans.

112663
FIN

The Unified Transportation Program (UTP) of the Texas Department of Transportation (department) is a 10-year program that guides the development and authorizes construction of transportation projects and projects involving aviation, public transportation, and the state's waterways and coastal waters.

The 2010 UTP, which was approved by the Texas Transportation Commission (commission) on April 29, 2010, in Minute Order 112237, established funding levels (also known as obligation limits or letting caps) by category and by district. To more effectively manage available funding levels and optimize construction and maintenance project lettings, the commission adopted Minute Order 112531, dated December 16, 2010, which adjusted the FY 2011, FY 2012, FY 2013 and FY 2014 funding levels in the 2010 UTP.

The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects. These rules, which became effective on January 1, 2011, include guidance regarding public involvement related to the adoption of the UTP, including any updates, as well as the allocation of funds through that program.

The department recently identified \$775 million in funding that would be available to advance transportation projects in the current fiscal year. In accordance with the rules, the department conducted open-house style public meetings across the state and held one public hearing in Austin to receive comments on a proposed update to the FY 2011 funding levels in the 2010 UTP. Information regarding the proposed update was made available to the public and posted on the department's website. Written comments were accepted through April 11, 2011.

The proposed allocation of the \$775 million in funding is set forth in Exhibit A. The 2010 UTP was adopted before the effective date of the new rules; therefore, the exhibit reflects the funding categories that were in use at the time of original adoption.

The department recommends the allocation of \$425 million in Category 12 funding to the department's districts and metropolitan planning organizations (MPOs) operating in transportation management areas. Traditionally, projects funded through Category 12 are selected by the commission. However, in order to provide maximum flexibility in the use of these funds, projects will be selected at the discretion of the district engineers and the MPOs. These projects must be of specific importance to the state and generally promote economic opportunity. The department also recommends an allocation of \$350 million from the Texas Mobility Fund to the Houston District for the portion of State Highway 99, known as the Grand Parkway, that is located in Harris County.

IT IS THEREFORE ORDERED by the commission that the proposed funding allocations are approved and the FY 2011 funding allocations in the 2010 UTP are updated as set forth in Exhibit A.

IT IS FURTHER ORDERED that the projects selected by the district engineers and the MPOs are authorized with CONSTRUCT authority without the need for further approval by the commission.

Note: Exhibit A is on file with minute order clerk.

b. Bexar County - Authorize CONSTRUCT authority for the Wurzbach Parkway project in Category 12, Strategic Priority (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Finance Division Director Brian Ragland.

112664
FIN

In BEXAR COUNTY, it is necessary to authorize CONSTRUCT authority for a four-lane divided roadway on a new location, from West Avenue to Jones four-lane divided roadway on a new location, from West Avenue to Jones Maltsberger (Wurzbach Parkway), in the 2010 Unified Transportation Program (UTP).

To more effectively manage available funding and optimize construction and maintenance project lettings, the Texas Transportation Commission (commission) adopted Minute Order 112531, dated December 16, 2010, which adjusted the FY 2011, FY 2012, FY 2013 and FY 2014 district/category allocations in the 2010 UTP. This minute order authorizes the use of Category 12 (Strategic Priority) funds allocated to the San Antonio District by Minute Order 112531 on the Wurzbach Parkway project.

The substantial commercial and residential growth on the north side of San Antonio bounded by I-10, Loop 410, I-35 and Loop 1604 has created the need for improved mobility. The Wurzbach Parkway will serve as an alternative to Loop 1604 and Loop 410, providing improved mobility in and around the north side of San Antonio. The Wurzbach Parkway will also offer the benefits of improved safety and arterial continuity, as well as increased economic development.

IT IS THEREFORE ORDERED by the commission that the Wurzbach Parkway project be authorized with CONSTRUCT authority in Category 12, Strategic Priority.

ITEM 9. State Highway 99 (Grand Parkway)

a. Appoint a member to the Grand Parkway Association Board of Directors (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Transportation Planning & Programming Division Director Jim Randall.

112665
TPP

The Texas Transportation Commission (commission) by Minute Order 110045, dated April 28, 2005, appointed Hans C. “Chris” Olavson to serve a six-year term on the

Board of Directors (board) of the Grand Parkway Association, a transportation corporation created by the commission under Transportation Code, Chapter 431.

Mr. Olavson's term expires on April 28, 2011.

Pursuant to Title 43, Texas Administrative Code (TAC), §15.85, the board has nominated Mr. Olavson for a second term and has submitted the prescribed documentation for commission review.

The board published an appropriate notice of the nomination and its proposed consideration by the commission at least 20 days prior to the date of this order, and has furnished the commission with the requisite publisher's affidavit.

Based upon the review and consideration of all relevant information as documented and filed with the commission, as well as the board's recommendation, it appears to the commission that the nominee is fully eligible and qualified to serve as a member of the board in accordance with Transportation Code, Chapter 431, and 43 TAC, Chapter 15, Subchapter H.

IT IS THEREFORE ORDERED by the commission that effective on the date of this order, Hans C. "Chris" Olavson is hereby re-appointed to serve as a member on the board for the Grand Parkway Association, with a term expiring April 28, 2017.

b. Fort Bend County – Authorize the department to enter into an agreement with Fort Bend County pursuant to Transportation Code, §228.011, for the use of state-owned right of way by Fort Bend County to develop, construct, and operate the portion of the Grand Parkway toll project from US 59 to just north of FM 1093 as part of the Fort Bend County road system (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Turnpike Authority Division Director Mark Tomlinson. The commission also received comments from Fort Bend County Grand Parkway TRA President Bill Jameson.

112666
TTA

Transportation Code, §228.0111, establishes a process for providing local toll project entities, defined as regional tollway authorities, regional mobility project entities, defined as regional tollway authorities, regional mobility authorities, or counties acting under Transportation Code, Chapter 284, with the first option to develop, construct, and operate toll projects located within the boundaries of the local toll project entity.

In Minute Order 111410, dated June 26, 2008, the Texas Transportation Commission (commission) adopted policies relating to the implementation of this process, which determines whether the Texas Department of Transportation (department) or a local toll project entity will develop, construct, and operate a toll project located within the boundaries of the local toll project entity.

In accordance with the requirements of Transportation Code, §228.0111 and the policies included in Minute Order 111410, the department and the counties in which State Highway 99 (Grand Parkway) is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway,

agreed to waive the development of a market valuation of the Grand Parkway, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway.

As required by Transportation Code, §228.0111(e), the agreed terms and conditions were approved by the area's metropolitan planning organization, the Houston-Galveston Transportation Policy Council, in Resolution No. 2008-08, dated August 22, 2008.

In accordance with the requirements of Transportation Code, §228.0111(g), on September 8, 2009, FORT BEND COUNTY (county) elected to exercise its option to develop, construct, maintain, and operate the portion of the Grand Parkway located within the county.

Transportation Code, §228.0111(k) requires the department to assist a local toll project entity in the development, financing, construction, and operation of a toll project for which the local toll project entity has exercised its option by allowing the local toll project entity to use state highway right of way owned by the department and to access the state highway system as necessary to construct and operate the toll project.

Transportation Code, §228.0111(l) provides that a local toll project entity shall enter into an agreement with the department for any project for which the entity has exercised its option to develop, finance, construct, and operate the project under Section 228.0111(g) and for which the entity intends to use state highway right-of-way. An agreement must contain provisions necessary to ensure that the local toll project entity's construction, maintenance, and operation of the project complies with the requirements of applicable federal and state law.

Minute Order 112117, dated January, 28, 2010, designated 15 intersection overpasses, approaches, and mainlanes to be constructed on the Grand Parkway, from US 59 to Franz Road in Fort Bend and Harris counties, as a toll project on the state highway system.

Minute Order 112592, dated February, 24, 2011, authorized the department to enter into agreements with the counties in which the Grand Parkway is located for the development, financing, construction, and operation of the Grand Parkway.

The department and county have been negotiating an agreement under which the county agrees to fund, develop, design, construct, operate and maintain Segment D of the Grand Parkway project.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is authorized to enter into an agreement with Fort Bend County pursuant to Transportation Code, §228.0111, for the county's use of state-owned right of way to develop, construct, and operate the portion of the Grand Parkway toll project, from US 59 to just north of FM 1093, with all costs to be paid by the county.

ITEM 10. State Infrastructure Bank (SIB)**Final Approval****a. El Paso County – Camino Real Regional Mobility Authority (CRRMA)**

Consider granting final approval of an application from the CRRMA to borrow up to \$20 million from the SIB to pay for a portion of the costs of constructing Loop 375 mainlanes from Business 54 to US 54 in El Paso County (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Finance Division Director Brian Ragland.

112667
FIN

On March 31, 2011, by Minute Order 112638, the Texas Transportation Commission (commission) granted preliminary approval of an application from the Camino Real Regional Mobility Authority (CRRMA) to borrow up to \$20 million from the State Infrastructure Bank (SIB). Proceeds of the financial assistance would be used to pay for a portion of the costs of constructing the Loop 375 (Northeast) mainlane extension project, from Business 54 to US 54 in El Paso, a non-toll project on the state highway system consisting of the conversion of the existing six-lane divided urban collector into an urban freeway with frontage roads.

Pursuant to the commission's preliminary approval, the executive director implemented and completed negotiations and other actions authorized and required by commission rules. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed, and that the Texas Department of Transportation has approved those studies. The executive director recommends that the commission grant final approval of the SIB application for financial assistance.

Based in part on costs of the project being lower than estimated, the CRRMA will need to borrow no more than \$6 million from the SIB.

The commission determines that providing financial assistance will protect the public safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and that the projects will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE ORDERED by the commission that financial assistance to the CRRMA in the amount of up to \$6 million from the SIB is granted final approval. The executive director is directed and authorized to enter into the financial assistance agreement as negotiated with CRRMA. The loan will be repaid over a period of 20 years at 4.05 percent interest per annum, with interest only payments for the first two years.

b. El Paso County – Camino Real Regional Mobility Authority (CRRMA)

Consider granting final approval of an application from the CRRMA to borrow up to \$20 million from the SIB to pay for a portion of the costs of constructing two direct connectors at the Loop 375/FM 659 interchange in the city of El Paso (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Finance Division Director Brian Ragland.

112668
FIN

On March 31, 2011, by Minute Order 112637, the Texas Transportation Commission (commission) granted preliminary approval of an application from the Camino Real Regional Mobility Authority (CRRMA) to borrow up to \$20 million from the State Infrastructure Bank (SIB). Proceeds of the financial assistance would be used to pay for a portion of the costs of constructing two direct connectors at the Loop 375 (Joe Battle Boulevard) and FM 659 (Zaragoza Road) interchange (project).

Pursuant to the commission's preliminary approval, the executive director implemented and completed negotiations and other actions authorized and required by commission rules. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed, and that the Texas Department of Transportation has approved those studies. The executive director recommends that the commission grant final approval of the SIB application for financial assistance.

The commission determines that providing financial assistance will protect the public safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and that the projects will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE ORDERED by the commission that the application for financial assistance submitted by the CRRMA to borrow up to \$20 million from the SIB is granted final approval. The executive director is directed and authorized to enter into the financial assistance agreement as negotiated with CRRMA. The loan will be repaid over a period of 30 years at 4.95 percent interest per annum, with interest only payments for the first two years.

ITEM 11. Obligation Limit Report

Status report on the FY 2011 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts

This report was presented by Finance Division Director Brian Ragland.

ITEM 12. Contracts

Award or reject contracts for maintenance, highway and building construction

a. **Highway Maintenance and Department Building Construction** (see attached itemized list) (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Construction Division Director Russel Lenz.

112669
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 maintenance of the State Highway System, which were publicly opened and read on April 5 and 6, 2011.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder or reject, as indicated, those highway maintenance and department building construction contracts, with an engineer's estimated cost of \$300,000 or more, identified on attached Exhibit A to this order.

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

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

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

Note: Exhibit A is on file with minute order clerk.

b. Highway and Transportation Enhancement Building Construction (see attached itemized list) (MO)

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute order by a vote of 5 – 0. This item was presented by Construction Division Director Russel Lenz.

112670
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 5 and 6, 2011.

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 commission respectively award to the lowest bidder or reject, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

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

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

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

Note: Exhibit A and Attachment are on file with minute order clerk.

ITEM 13. Routine Minute Orders

Commissioner Houghton made a motion, which was seconded and the commission approved the following minute orders by a vote of 5 – 0. This item was presented by Executive Director Amadeo Saenz.

a. Eminent Domain Proceedings

Various Counties – non-controlled and controlled access highways (see attached itemized list) (MO)

112671
ROW

The Texas Transportation Commission (commission) of the State of Texas (state) has found in order to promote the public safety, to facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, public necessity requires the laying out, opening, constructing, reconstructing, maintaining, and operating of the following highways in the state as a part of the State Highway System (highway system).

The commission has found and determined that each of the following listed parcels of land, same being more particularly described in the exhibits attached hereto, and such additional lesser estates or property interests described thereon, are necessary or convenient for use for such purposes and it is necessary to acquire fee simple title to said land, as provided by Texas Transportation Code, Subchapter D, Chapter 203, Sections 203.051, 203.052, and 203.054, as a part of the highway system to be constructed, reconstructed, maintained and operated thereon.

The commission has found in order to promote the public safety, to facilitate the safety and movement of traffic, to preserve the financial investment of the public in its highways and reconstructing, maintaining, and operating of Controlled Access Highways in the state as a part of the highway system at such locations as are necessary throughout the state and has determined that each of the following listed parcels of land, described in those Exhibits designated, identified and listed by an alphabetical exhibit reference under "CONTROLLED ACCESS" and same being more particularly described in the exhibits attached hereto and such additional lesser estates or property interests described thereon, are necessary and suitable for use for such purposes and it is necessary to acquire fee simple title to said land, as provided by law, as a part of the highway system to be so constructed, reconstructed, maintained, and operated thereon and in the exercise of the police power of the state for the preservation of human life and safety, and under existing laws, the highway to be constructed on each such parcel of land is designated as a Controlled Access Highway, and on such parcels of land listed herein where there is remaining abutting private property, roads are to be built as a part of said highway whereby the right of ingress and egress to or from the remaining private property abutting on said highway is to be permitted and/or denied, as designated and set forth on each of the exhibits attached hereto.

The commission, through its duly authorized representatives, has attempted to negotiate with the owner(s) of the parcels of land described in the attached exhibits and has been unable to agree with such owner(s) as to the fair cash market value thereof and damages, if any, or after diligent search of available records, numerous inquiries, and actual visits to the location of said parcels of land has been unable to locate the owner(s) of same so as to enter into negotiations for the purchase of said parcels of land.

IT IS THEREFORE ORDERED that the executive director is hereby authorized and directed to transmit this request of the commission to the attorney general to file or cause to be filed against all owners, lienholders and any owners of any other interests in said parcels of land, proceedings in eminent domain to acquire in the name of and on behalf of the state, for said purposes, fee simple title to each such parcel of land as are more particularly described in each of the exhibits attached hereto and made a part hereof, and such additional lesser estates or property interests as are more fully described in each of said exhibits, save and excepting, oil, gas and sulphur, as provided by law, to wit:

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bell	SH 317	2	0398-04-064	37
Denton	FM 423	1	1315-02-010	62
Hood	SL 567	6	3524-01-005	7
Hood	SL 567	4	3524-01-005	8
Hood	SL 567	3	3524-01-005	1
Tarrant	SH 26	5	0363-01-123	7

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bell	IH 35	II	0015-06-082	64E
Bell	IH 35	EE	0015-07-078	59AC
Bell	IH 35	CC	0015-07-078	48AC
Harris	IH 610	K	0271-14-221	203
Harris	IH 610	M	0271-14-221	213
Harris	IH 610	L	0271-14-221	206
Hill	IH 35	BB	0014-07-096	2, 2AC
Hill	IH 35	AA	0014-07-096	10, 10TE
Hill	IH 35	Y	0014-07-096	14E
Hill	IH 35	X	0014-07-096	29, 29AC
McLennan	IH 35	FF	0014-08-082	19
McLennan	IH 35	DD	0014-08-083	51
McLennan	IH 35	V	0014-08-083	14, 14AC
McLennan	IH 35	W	0014-08-083	49, 49E
San Jacinto	US 59	KK	0177-02-084	3
San Jacinto	US 59	Z	0177-02-084	7
Tarrant	IH 820	GG	0008-14-093	157
Tarrant	SH 121	JJ	0364-01-119	607
Tarrant	SH 121	G	0364-01-119	549
Tarrant	SH 121	F	0364-01-119	543
Tarrant	SH 121	D	0364-01-119	589
Tarrant	SH 121	B	0364-01-119	579
Tarrant	SH 121	P	0364-01-119	712
Tarrant	SH 121	C	0364-01-119	627
Tarrant	SH 121	H	0364-01-119	610
Tarrant	SH 121	J	0364-01-119	617
Tarrant	SH 121	O	0364-01-119	601
Tarrant	SH 121	Q	0364-01-119	616
Tarrant	SH 121	R	0364-01-119	687
Tarrant	SH 121	S	0364-01-119	578
Tarrant	SH 121	T	0364-01-119	625
Tarrant	SH 121	U	0364-01-119	618
Tarrant	SH 121	HH	0364-01-119	729

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Tarrant	SH 121	N	0364-01-119	681
Tarrant	SH 183	I	0364-05-038	669
Tarrant	SH 183	E	0364-05-038	662B
Tarrant	SH 183	A	0364-05-038	659

Note: Exhibits 1 through 6 and A through KK are on file with minute order clerk.

b. Load Zones & Postings**(1) Roadways - Various Counties – Revise load restrictions on roadways on the state highway system (MO)**112672
BRG

The Texas Transportation Commission (commission) under provision of Texas Transportation Code §621.102, may set the maximum gross weight of a vehicle and its load, maximum gross weight of a combination of vehicles and loads, maximum axle load, or maximum wheel load that may be moved over a state highway or a farm or ranch road if the commission finds that heavier maximum weight would rapidly deteriorate or destroy the road.

Pursuant to §621.102, a maximum weight or load may not exceed the maximum set by statute for that weight or load. This section does not apply to a vehicle delivering groceries, farm products, or liquefied petroleum gas.

An engineering and traffic investigation has been made on the state highway system to determine and fix the maximum loads to be transported or moved on, over or upon the roads of the highway system.

It has been determined from this investigation that the load restriction on a section of road on the state highway system in Johnson County should be removed.

IT IS THEREFORE ORDERED by the commission that the maximum load limits which may be transported or moved on, over or upon the road described in Exhibit A be removed, as set forth therein, superseding any portion of a previous action in conflict. The executive director shall proceed with the removal of signs as appropriate, making the removal of this load limitation effective and operative.

Note: Exhibit A on file with minute order clerk.

(2) Bridges - Various Counties – Revise load restrictions on bridges on the state highway system (MO)112673
BRG

The Texas Transportation Commission (commission) under provision of V.T.C.A., Transportation Code, §621.102, may set the maximum gross weight of a vehicle and its load, maximum gross weight of a combination of vehicles and loads, maximum axle load, or maximum wheel load that may be moved over a state highway or a farm or ranch road if the commission finds that heavier maximum weight would rapidly deteriorate or destroy the road or a bridge along the road.

Pursuant to §621.102, a maximum weight or load may not exceed the maximum set by statute for that weight or load. This section does not apply to a vehicle delivering groceries, farm products, or liquefied petroleum gas.

An engineering and traffic investigation has been made to determine and fix the maximum loads that may be moved over the state highway system.

It has been determined from this investigation that the loads on certain bridges of the state highway system should be restricted or previous restrictions should be revised or removed.

IT IS THEREFORE ORDERED by the commission that the maximum load limits which may be moved over the bridges described in Exhibits A and B be placed, revised, or removed as set forth therein, superseding any portion of previous action in conflict. The executive director shall proceed with the erection of signs as appropriate, making the placement of these load limitations effective and operative.

Note: Exhibits A and B are on file with minute order clerk.

c. Finance

(1) Accept the Quarterly Cash Report (MO)

112674
FIN

Texas Transportation Code, §201.107 requires the Texas Transportation Commission (commission) to prepare a quarterly statement containing an itemized list of all the money received by the Texas Department of Transportation (department) and the source of the money and of all money paid by the department and the purpose of the payment. The statement shall be filed in the records of the department and a copy submitted to the governor. The report must comply with each reporting requirement applicable to financial reporting provided by the General Appropriations Act..

The cash statement will be prepared for each quarter of the department's fiscal year. A quarterly cash report for the department for the second quarter of FY 2011, ending February 28, 2011, attached as Exhibit A, has been prepared in accordance with Texas Transportation Code, §201.107.

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

Note: Exhibit A on file with minute order clerk.

(2) Accept the Quarterly Investment Report (MO)

112675
FIN

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 authorized under the Public Funds Investment Act, in accordance 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.

Pursuant to this legislation, 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 held under the Indenture of Trust dated July 15, 2002, securing the outstanding bonds, notes, and other obligations issued by the commission to finance a portion of the cost of the initial phase of the Central Texas Turnpike System, also known as the 2002 Project. The commission has designated the department's Chief Financial Officer as investment officer. In the absence of the Chief Financial Officer, the

Director of Finance, Deputy Director of Finance, or the Debt Management Director is authorized to act as investment officer.

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, most recently by Minute Order 112401, dated August 26, 2010.

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, 2011, 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 on file with minute order clerk.

d. Right of Way Dispositions and Donations

(1) Dallas County - SH 114 at N. Airfield Drive in Irving - Consider the sale of surplus right of way to the cities of Dallas and Fort Worth (MO)

112676
ROW

In the city of Irving, DALLAS COUNTY, on STATE HIGHWAY 114, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 5630, Page 68, Deed Records of Dallas County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

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

The cities of Dallas and Fort Worth have requested that the surplus land be sold to the cities for \$86,370.

The commission finds \$86,370 to be a fair and reasonable value of the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's rights,

title and interest in the surplus land to the cities of Dallas and Fort Worth for \$86,370; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(2) Fort Bend County - US 90A at FM 1092 in Stafford - Consider the amendment of Minute Order 110130, dated June 30, 2005, to correct the legal descriptions and revise the values of surplus and new easements being exchanged (MO)

112677
ROW

In the city of Stafford, FORT BEND COUNTY, on US 90A, the State of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 483, Page 206, Deed Records of Fort Bend County, Texas.

The Texas Transportation Commission (commission) approved Minute Order 110130 on June 30, 2005, authorizing the exchange of easements and acceptance of the donation to the state of the difference in value between the two easements. The legal descriptions for the two easements were incorrect. The legal descriptions are being corrected, as described in Exhibit A, and the values are being revised by this minute order.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the exchange of an interest in surplus land as whole or partial consideration for an interest in other land needed for a state highway purpose.

Union Pacific Railroad Company, owner of the new easement, has executed an instrument granting to the state an easement interest in land needed for highway improvement (new easement), described in Exhibit B, and desires to make a partial donation to the state of the difference in value between the surplus easement and the new easement.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owner, which is \$110,800, exceeds the value of the surplus easement, which is \$110,144, by more than \$500.

NOW, THEREFORE, IT IS ORDERED that Minute Order 110130 be amended only with respect to the incorrect legal descriptions and the values of the surplus and new easements, and all other provisions of Minute Order 110130 are to remain unchanged.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument releasing the state's rights and interest in the surplus easement to Union Pacific Railroad Company, a Delaware corporation, in exchange and as consideration for the partial donation and conveyance of the new easement to the state.

Note: Exhibits A and B are on file with minute order clerk.

(3) Hays County - I-35 at Centerpoint Road in San Marcos - Consider the sale of surplus right of way to the abutting landowners (MO)

112678
ROW

In the city of San Marcos, HAYS COUNTY, on INTERSTATE HIGHWAY 35, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 170, Page 476, Deed Records of Hays County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowners.

Tanger Properties Limited Partnership and Pisces Foods, L.P., are the abutting landowners and have requested that the surplus land be sold to them for \$408,260.

The commission finds \$408,260 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Tanger Properties Limited Partnership and Pisces Foods, L.P., for \$408,260; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(4) Hidalgo County - Old alignment of BUS 281W (Tourist Drive) in Edinburg - Consider the quitclaim of surplus right of way to the City of Edinburg (MO)

112679
ROW

In the city of Edinburg, HIDALGO COUNTY, on BUSINESS US 281W, the state of Texas used certain land for highway purposes, there being no record title in the state's or city's name.

The land (surplus land), known as Tourist Drive, described in Exhibit A, is no longer needed for highway purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend, if there is no record title to the property, the quitclaim of any interest that might have accrued to the state by use of the property to the county or municipality where the property is located.

The city has requested that the surplus land be turned over to the city and has agreed to assume control, jurisdiction and maintenance.

It is the opinion of the commission that it is proper and correct that the state quitclaim its rights and interest in the surplus land to the city.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general,

that the governor of Texas execute a proper instrument quitclaiming the state's rights and interest in the surplus land to the City of Edinburg, Texas.

Note: Exhibit A on file with minute order clerk.

(5) Hood County - FM 4 at US 377 east of Granbury - Consider the sale of surplus right of way to the abutting landowner (MO)

112680
ROW

In HOOD COUNTY, on FARM TO MARKET ROAD 4, the State of Texas acquired certain land needed for highway purposes by instrument recorded in Volume 1720, Page 501, Deed Records of Hood County, Texas.

A portion of the land (surplus land), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowner.

Cardinal Ridge, LLC, is the abutting landowner and has requested that the surplus land be sold to the company for \$25,500.

The commission finds \$25,500 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Cardinal Ridge, LLC, for \$25,500; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(6) Schleicher County - US 190 east of the Crockett County line - Consider the quitclaim of surplus right of way to honor a reversionary clause (MO)

112681
ROW

In SCHLEICHER COUNTY, on US 190, the State of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 52, Page 393, interest in certain land for highway purposes by instrument recorded in Volume 52, Page 393, of the Deed Records of Schleicher County, Texas.

The instrument conveying the interest to the state contained a clause to the effect that should the highway be permanently abandoned, the property shall revert to the grantor.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim of the state's interest to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state.

The commission finds that it is proper and correct that the state quitclaim its rights and interest in the surplus easement to comply with the reversionary clause contained in the instrument of conveyance to the state.

NOW, THEREFORE, the commission finds that the surplus easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming the state's rights and interest in the surplus easement to the Board of Regents of The University of Texas, its successors or assigns, for the use and benefit of the Permanent University Fund.

Note: Exhibit A on file with minute order clerk.

(7) Tarrant County - I-30 at Center Street in Arlington - Consider the sale of surplus right of way to the abutting landowner (MO)

112682
ROW

In TARRANT COUNTY, on INTERSTATE HIGHWAY 30, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 2927, Page 199, Deed Records of Tarrant County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of surplus land to the abutting landowner.

Moritz Interests, Ltd., is the abutting landowner and has requested that the surplus land be sold to the partnership for \$577,000.

The commission finds \$577,000 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Moritz Interests, Ltd., for \$577,000; **SAVE AND EXCEPT**, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

e. Highway Designations

Cameron County – Correct the description of the new location of FM 732 in and near the city of San Benito as set out in Minute Orders 109918 and 109919, dated December 16, 2004, and rescind the removal of a portion of FM 732 described in MO 109919 (MO)

112683
TPP

In CAMERON COUNTY, the Pharr district has requested that Minute Order 109918, dated December 16, 2004, be amended to correct the descriptions detailing the limits of the redesignation of a portion of FARM TO MARKET ROAD 732 as FARM TO MARKET ROAD 1577 and the designation of FM 1577 on a new location. In addition, the district has requested that Minute Order 109919, also dated December 16, 2004, be amended

to correct the description detailing the limits of the designation of FM 732 on a new location, rescind the removal of a portion of FM 732 in and near the city of San Benito, and correct the description detailing the limits of the obliterated segment of the former location of FM 732. Exhibit A to this minute order illustrates these corrections.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended this action.

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

IT IS THEREFORE ORDERED by the commission that:

1. The descriptions detailing the redesignation of a portion of FM 732 as FM 1577 and the designation of FM 1577 on a new location set out in Minute Order 109918 are corrected as follows and as indicated on Exhibit A of this order:
 - a. A segment of the former location of FM 732 is redesignated on the state highway system as FM 1577 from the intersection of FM 1577 to 0.3 mile southwest of the intersection of FM 1577, a distance of approximately 0.3 mile.
 - b. FM 1577 is designated along a new location, locally known as Sherer Road, from approximately 0.3 mile southwest of the intersection of FM 1577 to approximately 0.6 mile southwest of the intersection of FM 1577, a distance of approximately 0.3 mile.
2. The description detailing the limits of the designation of FM 732 on a new location set out in Item #1 of Minute Order 109919 is corrected as follows: FM 732 is designated along a new location from Iowa Gardens southwestward, approximately 2.6 miles, to the former segment of FM 732 approximately 0.5 mile east of the intersection of FM 1577.
3. The removal of a portion of FM 732 from the intersection of FM 1577 to approximately 0.3 mile east of the intersection of FM 1577 set out in Item #5 of Minute Order 109919 is rescinded.
4. The description detailing the limits of the obliterated segment of the former location of FM 732 set out in Item #6 of Minute Order 109919 is corrected as follows:

A segment of the former location of FM 732 is removed from the state highway system from approximately 0.3 mile southwest of the intersection of FM 1577 to approximately 0.7 mile southwest of the intersection of FM 1577 and obliterated, a distance of approximately 0.4 mile.

IT IS FURTHER ORDERED that all other provisions of Minute Orders 109918 and 109919 remain unchanged.

Note: Exhibit A on file with minute order clerk.

f. Speed Zones

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

112684
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 various 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 portion of the minute order establishing the speed zones shown on the attached Exhibit C are canceled.

Note: Exhibits A through C are on file with minute order clerk.

14 Executive Session Pursuant to Government Code, Chapter 551, Section 551

a. Section 551.071 – Consultation with and advice from legal counsel regarding any item on this agenda

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 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.

The regular meeting of the Texas Transportation Commission adjourned at 11:11 a.m.

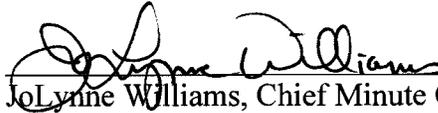
APPROVED:



Deirdre Delisi, Chair
Texas Transportation Commission

xxx

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 28, 2011, in Austin, Texas.



JoLynne Williams, Chief Minute Order Clerk
Texas Department of Transportation