

These are the minutes of the regular meeting of the Texas Transportation Commission, which was held on March 31, 2011, in Austin, Texas. The meeting was called to order by Chair Delisi. The meeting opened at 9:01 a.m. with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

Steve Simmons, Deputy 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 2:30 p.m. on March 23, 2011, as required by Chapter 551, of the Government Code, referred to as "The Open Meetings Act."

ITEM 1. Approval of Minutes of the February 23 and February 24 meetings of the Texas Transportation Commission.

Commissioner Holmes made a motion, which was seconded, and the commission approved the minutes of the February 23, 2011 workshop, and February 24, 2011, regular meeting by a vote of 4-0.

ITEM 2. 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.

ITEM 7. State Highway 99 (Grand Parkway)

a. Harris and Montgomery Counties - Designate the tolled mainlanes on SH 99, from I-45 to US 59 in Harris and Montgomery Counties, as a toll project on the state highway system (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 4 – 0. This item was recommended by staff and presented by Assistant Executive Director for Engineering Operations John Barton.

112628
AEO

In HARRIS and MONTGOMERY COUNTIES, on NEW LOCATION, STATE HIGHWAY 99, also known as the Grand Parkway, from 1-45 to US 59, a distance of approximately 13.7 miles, is currently planned as a four-lane divided highway to be on the state highway system. The proposed construction consists of a four-lane, controlled-access toll road with intermittent two-lane, non-tolled, one-way frontage roads in each direction.

Transportation Code, §228.051 provides that the Texas Transportation Commission (commission), by order, may designate one or more lanes of a segment of the state highway system as a toll project or system.

Transportation Code, §203.003 authorizes the commission to layout, construct, maintain, and operate a designated state highway, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare.

The Texas Department of Transportation received final environmental clearance from the Federal Highway Administration on SH 99 from 1-45 to US 59 as a toll facility on December 29, 2010.

IT IS THEREFORE ORDERED by the commission that the tolled mainlanes to be constructed on SH 99, from 1-45 to US 59 in Harris and Montgomery counties, are designated as a toll project on the state highway system.

IT IS FURTHER ORDERED by the commission that SH 99, from 1-45 to US 59, is designated as a controlled-access facility for the purpose of development, maintenance and operation.

ITEM 7. State Highway 99 (Grand Parkway)

b. Various Counties - Authorize the executive director of the department to issue a request for qualifications for the development, design, construction, financing, maintenance, and operation of all or any portion of the SH 99 (Grand Parkway) project from the portion of Segment D in Harris County to Segment I-2 in Chambers County, subject to the enactment of legislation authorizing the department to enter into a comprehensive development agreement for the Grand Parkway project after August 31, 2011, and subject to any needed rescinding by Montgomery and Liberty counties of the exercise of their options to develop, construct, and operate the portion of the project in those counties (MO)

Commissioner Holmes made a motion, which was seconded and the commission approved the following minute order by a vote of 4 – 0. This item was recommended by staff and presented by Assistant Executive Director for Engineering Operations John Barton. Comments were received from Executive Director of the Grand Parkway Association David Gornet; Chair of both the Gulf Coast Regional Mobility Partners and the transportation committee of the Greater Houston Partnership Walt Mischer; and Vice President of Government Relations for the Greater Fort Bend Economic Development Council Perri D'Armond.

112629
AEO

Subchapter E, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a comprehensive development agreement (CDA) with a private entity that provides for the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of an eligible project.

Planning and development of SH 99 (Grand Parkway), a proposed outer circumferential highway traversing seven counties and serving the Houston area has been underway since the 1980s. During that time, the department and the counties in which the highway is proposed to be located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Chambers County.

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 the 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. Each of the counties subsequently elected to exercise its option to develop, construct, and operate the portion of the Grand Parkway located within the territory of the county.

By resolution and order adopted on July 13, 2010, Chambers County withdrew its previous election to exercise that option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112528, the Texas Transportation Commission (commission) approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Chambers County.

On January 11, 2011, the Harris County Commissioners Court rescinded its September 15, 2009 action to exercise the county's option, effectively choosing to not exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate that portion of the Grand Parkway. In Minute Order 112558, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway in Harris County.

There exists the potential for expediting the development and completion of all or part of the Grand Parkway through the use of a CDA, and the employment of innovative methods for the development and financing of projects that are available with a CDA. Development of the Grand Parkway is a crucial element to responding to growing traffic congestion throughout the Houston metropolitan area.

The department's authority to enter into a CDA for the Grand Parkway expires on August 31, 2011. Legislation has been filed that would extend that authority. The department is contemplating the use of a CDA for the development, design, construction, financing, maintenance, and operation of the portion of the Grand Parkway from Segment D in Harris County, northeasterly to Segment I-2 in Chambers County (Project).

The use of a CDA to deliver the Project is subject to the enactment of legislation authorizing the department to enter into a CDA for the Grand Parkway after August 31,

2011. As both Montgomery and Liberty counties have exercised its option to develop, construct, and operate the portion of the Grand Parkway located within the territory of that county, those counties would need to rescind the exercise of their options in order for the department to develop, construct, and operate the portion of the Project in those counties.

Section 223.203, Transportation Code prescribes requirements for a CDA procurement and requires the department to publish a request for qualifications in the *Texas Register* that includes the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received.

The planned improvements will provide increased capacity by creating a circumferential route that relieves traffic congestion and facilitates the efficient movement of people and goods within the developing communities of the metro core.

IT IS THEREFORE ORDERED by the commission that the department is authorized to publish in the *Texas Register* and in one or more newspapers of general circulation a request for qualifications to develop, design, construct, finance, maintain, and operate the portion of the Grand Parkway from the portion of Segment D in Harris County, northeasterly to Segment I-2 in Chambers County.

IT IS FURTHER ORDERED that the issuance of the request for qualifications is subject to the enactment of legislation authorizing the department to enter into a CDA for the Grand Parkway after August 31, 2011.

IT IS FURTHER ORDERED that the project scope described in the request for qualifications may only include the portion of the Grand Parkway in Montgomery and Liberty counties if those counties rescind the exercise of their options to develop, construct, and operate the portion of the Project in those counties.

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

a. Final Adoption Chapter 21 - Right of Way (MO)

Repeal of Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141-21.163, and Subchapter K, Control of Signs along Rural Roads, §§21.401-21.581; and New Subchapter I, Regulation of Signs along Interstate and Primary Highways, Division 1, Signs, §§21.141-21.203, and Division 2, Electronic Signs, §§21.251-21.260, New Subchapter K, Control of Signs along Rural Roads, §§21.401-21.442 and §§21.444-21.446, and New Subchapter Q, Regulation of Directional Signs §§21.941-21.947

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Commissioner Holmes abstained.) This item was recommended by staff and presented by Right of Way Division Director John Campbell. Comments were received from Outdoor Association of Texas representative Tim Anderson; Outdoor Advertising Rulemaking Advisory Committee member and attorney with Locke Lord Bissell & Liddell in Houston Carroll Shaddock; Quorum Media, Austin, representative Drew Cartwright; Texas Sign Association representative Lonnie Stabler; and OGC attorney, Becky Blewett.

112630
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of Chapter 21, Subchapter I, Regulation of Signs along Interstate and Primary Highways, §§21.141 - 21.163, and Subchapter K, Control of Signs along Rural Roads, §§21.401 - 21.581; and propose new Subchapter I, Regulation of Signs along Interstate and Primary Highways, Division 1, Signs, §§21.141 - 21.203 and Division 2, Electronic Signs, §§21.251 - 21.260; new Subchapter K, Control of Signs along Rural Roads, §§21.401 - 21.442 and §§21.444 - 21.446; and new Subchapter Q, Regulation of Directional Signs, §§21.941 - 21.947, all relating to regulation of signs along interstate and primary highways and rural roads to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§21.141 - 21.163 and §§21.401 - 21.581 and new §§21.141 - 21.203, §§21.251 - 21.260, §§21.401 - 21.442 and §§21.444 - 21.446, and §§21.941 - 21.947 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-G are on file with minute order clerk.

ITEM 3. 2030 Committee Report

Accept the final 2030 Committee report assessing the costs of various levels of investment in the Texas transportation system (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.). This item was recommended by staff and presented by Deputy Executive Director Steve Simmons. Comments were received from 2030 Committee Chair Michael Walton and from a panel comprised of Vice Chair Dave Marcus and committee members Ken Allen, Tom Johnson, and Roger Nober. A.J. Widacki also made comments.

112631
ADO

Texas' transportation infrastructure is a key factor in the state's economic vitality, quality of life and natural environment. As population and trade increase throughout all areas of the state, maintaining an efficient and effective transportation system has become more challenging.

In May 2008, the chair of the Texas Transportation Commission (commission) appointed a working group of elected and appointed officials, business leaders and transportation professionals from across the state, referred to as the 2030 Committee, to look at Texas' transportation challenges and identify the financial needs for building and maintaining the transportation system improvements Texas will require through the year

2030 to help the commission in making decisions regarding the future of transportation in Texas.

In February 2009, the commission adopted the 2030 Committee's report, entitled the "Texas Transportation Needs Report." The 2009 report identified the transportation needs anticipated in Texas in the areas of pavement and bridge maintenance, system expansion, safety improvements, public transportation, freight and passenger rail, ports and waterways and airports.

In July 2010, the chair reconvened the 2030 Committee, asking them to update their earlier needs assessment to examine the transportation needs of the state through the year 2035. The committee has also evaluated the user costs of various investment scenarios (including the existing funding trend) and suggested a menu of funding options for future highway system investments. The 2030 Committee utilized a research team from the Texas Transportation Institute, the Center for Transportation Research, and the University of Texas at San Antonio in quantifying the needs, costs, and options in each of these areas.

The commission finds that this report, entitled "It's About Time: Investing in Transportation to Keep Texas Economically Competitive" and attached as Exhibit A, is a strong foundation for quantifying the state's enormous transportation challenges.

IT IS THEREFORE ORDERED that the commission accepts this report and encourages its use by federal, state and local governments, businesses, and citizens in discussions about the state's transportation needs.

IT IS FURTHER ORDERED that the 2030 Committee make copies of this report available to the public via its website and present its recommendations to the Texas Legislature for its consideration.

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

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

b. Proposed Adoption

Chapter 10 - Ethical Conduct by Entities Doing Business with the Department (MO)
Amendments to §10.51, Internal Ethics and Compliance Program (Other Entities' Internal Ethics and Compliance Procedures)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.). This item was recommended by staff and presented by Associate General Counsel Suzanne Mann.

112632
ADM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §10.51 relating to Internal Ethics and Compliance Program 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 §10.51 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 5. Internal Compliance Program (ICP)

Amend Minute Order 111124, dated November 15, 2007, to change the ICP update to the commission from semiannual to annual (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Associate General Counsel Suzanne Mann.

112633
ADM

The Texas Transportation Commission (commission) by Minute Order 111124 adopted November 15, 2007, ordered that a department internal compliance program (ICP) be developed with the mission to exercise due diligence to prevent and detect criminal conduct and otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law. The commission ordered that the executive director or his designee provide semiannual reports to the commission of accomplishments, costs, and plans for the internal compliance program. The purpose of the semiannual reports was for the commission to be briefed on the progress of the development of the internal compliance program, and other matters.

In accordance with Minute Order 111365 adopted May 29, 2008, the commission receives annual training on matters including ethics law and policies and department internal compliance, and is briefed regarding internal compliance issues during the training. On January 28, 2009, the chair of the commission established a commission audit subcommittee (audit subcommittee) to help ensure compliance with the intent of the federal Sarbanes-Oxley Act as to reliability and transparency in financial reporting and the independence of the department’s internal audit program. The audit subcommittee meets quarter-annually and is briefed on matters concerning the internal compliance program.

Because of the commission annual training, and the audit subcommittee quarterly briefings, the semiannual reports to the commission of accomplishments, costs and plans for the internal compliance program are no longer necessary. Now that the internal compliance program has been developed, the commission should be briefed annually on the accomplishments, and issues of the internal compliance program.

IT IS THEREFORE ORDERED by the commission that the executive director or his designee is directed to provide annual reports to the commission of accomplishments and issues of the internal compliance program.

ITEM 6. Toll Road Projects

Travis and Williamson Counties - Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (CTTS) (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Turnpike Authority Division Director Mark Tomlinson.

112634
TTA

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

The commission has previously issued \$2,199,993,781.80 in obligations to finance a portion of the costs of the Central Texas Turnpike System (System), a turnpike project composed initially of the SH 130, SH 45, and Loop 1 project elements (2002 Project), pursuant to an Indenture of Trust and four supplemental indentures. The Indenture of Trust dated July 15, 2002 (Indenture), prescribes the terms, provisions and covenants related to the issuance of turnpike revenue bonds and obligations to finance a portion of the costs of the 2002 Project.

Section 501(c) of the Indenture covenants that for the first five full years of operation of the 2002 Project, the commission will provide to the Trustee a report showing the traffic and revenue of the system for the previous quarter.

Pursuant to Minute Order 111081, dated September 27, 2007, the 2002 Project was declared Substantially Complete as defined within the Indenture.

A report of actual traffic and revenue for the required period, attached as Exhibit A, has been prepared in accordance with Section 501(c) of the Indenture of Trust.

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

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

ITEM 8. Pass-Through Toll Projects

Final Approval

a. El Paso County - Camino Real Regional Mobility Authority (CRRMA) – Authorize the executive director or designee to negotiate and execute a final pass-through toll agreement with CRRMA to provide the department with partial funding for the department's construction of two direct connectors at the Loop 375/FM 659 interchange in the city of El Paso (MO)

Commissioner Meadows made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for

the vote.) This item was recommended by staff and presented by Assistant Executive Director for Engineering Operations John Barton.

112635
AEO

On January 20, 2011, the Camino Real Regional Mobility Authority (CRRMA) submitted a proposal for pass-through toll financing in the amount of \$7 million. The proposal provided for the CRRMA to supply the Texas Department of Transportation (department) with partial funding for the department's construction of two direct connectors at the Loop 375/FM 659 intersection in the city of El Paso (project).

In accordance with §222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on January 27, 2011 in Minute Order 112562 authorizing the department to negotiate the financial terms of an agreement with the CRRMA that provides for the payment of pass-through tolls to the CRRMA as reimbursement for its funding of the project on the state highway system. A pass-through toll is a per vehicle fee or a per vehicle-mile fee that is determined by the number of vehicles using a facility.

On January 29, 2009 by Minute Order 111669 the Texas Transportation Commission (commission) adopted revised rules, codified as Title 43 Texas Administrative Code §§5.51-5.60 (rules), that prescribe the policies and procedures governing the department's implementation of the pass-through toll program under Section 222.104(b), Transportation Code.

The total estimated cost of the project is \$35.8 million and the CRRMA will contribute partial funding up to the amount of \$27 million. The department will construct the project and be responsible for all associated project costs, including any overruns in excess of the total estimated cost.

The department and the CRRMA have agreed to a total reimbursement through pass-through tolls of \$7 million to be paid to the CRRMA for its partial funding of the project. The reimbursement rate will be 15.5 cents per vehicle-mile. The minimum amount to be reimbursed in any year with all projects open to traffic is \$2 million and the maximum amount per year will be \$3.5 million. The agreement will expire once the total amount of that agreement has been reimbursed. The project will be authorized and reimbursed from Category 2 funds.

In accordance with §5.57 of the rules, the commission finds that: (1) the project serves the public interest and not merely a private interest; (2) the proposed pass-through agreement is in the best interest of the state; (3) the project is compatible with existing and planned transportation facilities; and (4) the project furthers state, regional, and local transportation plans, programs, policies, and goals.

Before the project in this proposal is planned, developed, or constructed using funds administered by the department, the project: (1) must be included in the department's UTP, thereby identifying committed funding for the project; (2) must be included in the department's Statewide Transportation Improvement Program; and (3) will be subject to any and all applicable planning and environmental processes and approvals as mandated by state and federal regulations regarding such matters.

IT IS THEREFORE ORDERED that the executive director or his designee is authorized to negotiate and execute a pass-through toll agreement with the CRRMA for

partial funding of the project in accordance with the negotiated terms and such other terms the department determines to be necessary.

IT IS FURTHER ORDERED that this authorization is contingent upon commission final approval of a financial assistance request submitted by the CRRMA to borrow \$20 million from the State Infrastructure Bank (SIB) for the project and execution by the CRRMA of a SIB loan agreement for payment of the loan obligation.

b. El Paso County - Camino Real Regional Mobility Authority (CRRMA) – Authorize the executive director or designee to negotiate and execute a final pass-through toll agreement with CRRMA to provide the department with partial funding for the department's construction of Loop 375 mainlanes from approximately one mile west of US 54 to Business US 54 in far northeast El Paso County (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Assistant Executive Director for Engineering Operations John Barton.

112636
FIN

The Camino Real Regional Mobility Authority (CRRMA) submitted an application for up to \$20 million in financial assistance from the State Infrastructure Bank (SIB) under the State Infrastructure Bank (SIB) under Title 43 Texas Administrative Code, Chapter 6 (rules). The application satisfies all requirements of the rules, including passage by the CRRMA of a resolution authorizing submission of the application to the Texas Department of Transportation (department). The CRRMA intends to use the financial assistance 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 County (project).

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

Based on department review and analysis of the application, the Texas Transportation Commission (commission) makes the following findings: 1) the CRRMA has pledged revenues of the City of El Paso Transportation Reinvestment Zone Number Three as security to assure likely repayment of the financial assistance; 2) the project is consistent with the Statewide Transportation Plan; 3) the project is listed in the Statewide Transportation Improvement Program and is consistent with the State Implementation Plan; 4) the project will improve both the safety and efficiency of state transportation systems; and 5) the repayment of the financial assistance under negotiated terms will expand the availability of funding for other transportation projects and reduce direct state costs.

NOW, THEREFORE, IT IS DETERMINED that the application for SIB financial assistance submitted by the Camino Real Regional Mobility Authority meets the requirements of commission rules, and in accordance with those rules and applicable law, the commission grants preliminary approval of the application to borrow up to \$20 million from the SIB, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

ITEM 9. State Infrastructure Bank (SIB)

Preliminary Approval

a. El Paso County – Camino Real Regional Mobility Authority (CRRMA) Consider granting preliminary 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 Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Finance Division Director Brian Ragland.

112637
FIN

The Camino Real Regional Mobility Authority (CRRMA) submitted an application for up to \$20 million in financial assistance from the State Infrastructure Bank (SIB) under Title 43 Texas Administrative Code, Chapter 6 (rules). The application satisfies all requirements of the rules, including passage by the CRRMA of a resolution authorizing submission of the application to the Texas Department of Transportation (department). The CRRMA intends to use the financial assistance 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).

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

Based on departmental review and analysis of the application, the Texas Transportation Commission (commission) makes the following findings: 1) the CRRMA has pledged revenues from the City of El Paso Transportation Reinvestment Zone Number 2 as security to assure likely repayment of the financial assistance; 2) the project is consistent with the Statewide Transportation Plan; 3) the project is listed in the Statewide Transportation Improvement Program and is consistent with the State Implementation Plan; 4) the project will improve both the safety and efficiency of state transportation systems; and 5) the repayment of the financial assistance under negotiated terms will expand the availability of funding for other transportation projects and reduce direct state costs.

NOW, THEREFORE, IT IS DETERMINED that the application for SIB financial assistance submitted by the Camino Real Regional Mobility Authority meets the requirements of commission rules, and in accordance with those rules and applicable law, the commission grants preliminary approval of the application to borrow up to \$20 million from the State Infrastructure Bank, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

b. El Paso County – Camino Real Regional Mobility Authority (CRRMA) Consider granting preliminary 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 Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Finance Division Director Brian Ragland.

112638
FIN

The Camino Real Regional Mobility Authority (CRRMA) submitted an application for up to \$20 million in financial assistance from the State Infrastructure Bank (SIB) under Title 43 Texas Administrative Code, Chapter 6 (rules). The application satisfies all requirements of the rules, including passage by the CRRMA of a resolution authorizing submission of the application to the Texas Department of Transportation (department). The CRRMA intends to use the financial assistance 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 County (project).

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

Based on department review and analysis of the application, the Texas Transportation Commission (commission) makes the following findings: 1) the CRRMA has pledged revenues of the City of El Paso Transportation Reinvestment Zone Number Three as security to assure likely repayment of the financial assistance; 2) the project is consistent with the Statewide Transportation Plan; 3) the project is listed in the Statewide Transportation Improvement Program and is consistent with the State Implementation Plan; 4) the project will improve both the safety and efficiency of state transportation systems; and 5) the repayment of the financial assistance under negotiated terms will expand the availability of funding for other transportation projects and reduce direct state costs.

NOW, THEREFORE, IT IS DETERMINED that the application for SIB financial assistance submitted by the Camino Real Regional Mobility Authority meets the requirements of commission rules, and in accordance with those rules and applicable law, the commission grants preliminary approval of the application to borrow up to \$20 million from the SIB, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

ITEM 10. Transportation Planning

a. Discuss the 2010 and 2012 Unified Transportation Programs (UTP)

This item was introduced by Deputy Executive Director Steve Simmons and presented by Assistant Executive Director for Engineering Operations John Barton.

b. Authorize project selection process for the 2012 Unified Transportation Program (UTP) (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for

the vote.) This item was recommended by staff and presented by Finance Division Director Brian Ragland.

112639
FIN

Transportation Code, §201.602 requires the Texas Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a public hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions.

The Unified Transportation Program (UTP) 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 commission conducted a public hearing on February 24, 2011 to receive comments concerning the highway project selection process. There were no oral comments provided at the public hearing. Written comments were accepted through March 10, 2011, but none were received.

Exhibit A contains a summary of the UTP funding categories, the various project selection methods and usual funding participation.

The commission is satisfied that the proposed highway project selection process set forth in Exhibit A is consistent with the Texas Department of Transportation's goals to (1) develop an organizational structure and strategies designed to address the future multimodal transportation needs of all Texans, (2) enhance safety for all Texas transportation system users, (3) maintain the existing Texas transportation system, (4) promote congestion relief strategies, (5) enhance system connectivity, and (6) facilitate the development and exchange of comprehensive multimodal transportation funding strategies with transportation program and project partners.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to utilize the project selection process set forth in Exhibit A for developing the 2012 Unified Transportation Program.

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

c. Authorize a variance in the manner in which federal-aid highway construction funds are distributed to parts of the state versus the manner in which they are distributed by the federal government (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Finance Division Director Brian Ragland.

112640
FIN

Transportation Code, §222.034, requires the Texas Transportation Commission (commission) to distribute federal-aid transportation funds to various parts of the state for a funding cycle through the selection of highway projects in a manner consistent with the federal formulas that determine the amount of federal-aid the state of Texas receives, unless the commission issues a minute order or ruling that identifies the variance and provides particular justification for the variance. A distribution under §222.034 does not include

deductions made for the state infrastructure bank or other federal-aid funds reallocated by the federal government.

The commission recently adopted new rules located in 43 Texas Administrative Code Chapter 16, which include provisions relating to the development of the Unified Transportation Program (UTP) and the allocation of funds through that program. The commission also conducted a public hearing and adopted the project selection process for the 2012 UTP.

Exhibit A contains an individual evaluation of each federal-aid apportionment program, including particular justification for any variance from the federal-aid apportionment formula and the proposed distribution of the transportation funds through the 2012 UTP.

IT IS THEREFORE ORDERED by the commission that Exhibit A shall serve as the commission's identification and justification of variances, as required by Transportation Code, Section 222.034.

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

ITEM 11. Obligation Limit and State Highway Fund Report

a. 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.

b. Quarterly report on FY 2011 State Highway Fund 6 cash status

This report was presented by Finance Division Director Brian Ragland.

ITEM 12. CONTRACTS

a. Award or Reject Highway Improvement Contracts

(1) Highway Maintenance and Department Building Construction (see attached itemized list) (MO)

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Construction Division Director Russel Lenz.

112641
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 March 8 and 9, 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 on file with minute order clerk.

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

Commissioner Underwood made a motion, which was seconded and the commission approved the following minute order by a vote of 3 – 0. (Chair Delisi was not present for the vote.) This item was recommended by staff and presented by Construction Division Director Russel Lenz.

112642
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on March 8 and 9, 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 on file with minute order clerk.

ITEM 13. ROUTINE MINUTE ORDERS

Commissioner Underwood made a motion, which was seconded, and the commission approved the following routine minute orders by a vote of 3 – 0. (Chair Delisi was not present for the vote.). This item was presented by Deputy Executive Director Steve Simmons.

a. Donations to the Department

Research and Technology Implementation Office - Acknowledge a donation from the University of North Texas for a department employee’s travel expenses to participate in an advisory team for the University of North Texas Logistics Research Cluster in Denton on February 24-25, 2011 (MO)

112643
GSD

This minute order acknowledges a donation of \$510 from the University of North Texas for a Texas Department of Transportation (department) employee’s travel expenses to participate in an Advisory Team for the University of North Texas Logistics Research Cluster in Denton, Texas, on February 24-25, 2011.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and provides a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department’s acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation furthers the department’s responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission finds that acceptance of the donation would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

IT IS THEREFORE ORDERED by the commission that the donation of \$510 by the University of North Texas is acknowledged. The executive director or the executive director’s designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acceptance of the donation.

b. Eminent Domain Proceedings

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

112644
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, lien holders 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

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	SL 287	7	2553-01-102	10
Denton	FM 2181	1	2054-02-017	38
Denton	FM 423	5	1315-02-010	49
Denton	FM 423	4	1315-02-010	50
Denton	FM 423	3	1315-02-010	28
Denton	FM 423	2	1315-02-010	2
Denton	SH 114	10	0353-02-067	11A
Denton	SH 114	11	0353-02-067	11E
Montgomery	FM 1774	8	1400-04-026	203
Montgomery	FM 1774	9	1400-04-026	204
Tarrant	SS 347	6	0081-01-044	3

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bell	IH 35	HH	0015-07-078	39
Gregg	SL 281	M	1763-03-039	7
Gregg	SL 281	B	1763-03-039	6
Harris	IH 610	N	0271-14-221	232
Harris	IH 610	A	0271-14-221	234
Hill	IH 35	II	0014-07-096	7
Hill	IH 35	JJ	0014-07-096	15, 15AC
Hill	IH 35	KK	0014-07-096	32
McLennan	IH 35	PP	0014-08-082	82
McLennan	IH 35	OO	0014-08-082	56
McLennan	IH 35	LL	0014-08-083	24AC
McLennan	IH 35	NN	0014-08-083	32
McLennan	IH 35	MM	0014-08-083	26
San Jacinto	US 59	W	0177-02-084	2
San Jacinto	US 59	X	0177-02-084	4
San Jacinto	US 59	V	0177-02-084	1
Tarrant	IH 820	L	0008-14-093	135
Tarrant	IH 820	Y	0008-14-093	31
Tarrant	IH 820	S	0008-14-093	159
Tarrant	IH 820	K	0008-14-093	28
Tarrant	IH 820	J	0008-14-093	16
Tarrant	SH 121	G	0364-01-119	609
Tarrant	SH 121	E	0364-01-119	528
Tarrant	SH 121	F	0364-01-119	724
Tarrant	SH 121	I	0364-01-119	511
Tarrant	SH 121	O	0364-01-119	510
Tarrant	SH 121	P	0364-01-119	513
Tarrant	SH 121	GG	0364-01-119	726
Tarrant	SH 121	FF	0364-01-119	551
Tarrant	SH 121	Q	0364-01-119	573
Tarrant	SH 121	R	0364-01-119	607
Tarrant	SH 121	H	0364-01-119	574
Tarrant	SH 121	EE	0364-01-119	540
Tarrant	SH 121	DD	0364-01-119	537
Tarrant	SH 121	BB	0364-01-119	516
Tarrant	SH 121	CC	0364-01-119	520
Tarrant	SH 183	U	0364-05-038	666
Tarrant	SH 183	T	0364-05-038	653
Tarrant	SH 183	Z	0364-05-038	646
Tarrant	SH 183	C	0364-05-038	658
Tarrant	SH 183	D	0364-05-038	634
Tarrant	SH 183	AA	0364-05-038	665

Note: Exhibits 1 through 11 and A through PP on file with minute order clerk.

c. Load Zones & Postings

Johnson County – Revise load restrictions on a bridge on the state highway system (MO)

112645
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 bridge described in Exhibit A be placed 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: Exhibit A is on file with minute order clerk.

d. Right of Way Dispositions and Donations

(1) Archer and Wichita Counties - US 277 at the county line - Consider the exchange of right of way (MO)

112646
ROW

In ARCHER and WICHITA COUNTIES, on US 277, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 639, Page 515, Deed Records of Archer 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 exchange of surplus land as whole or partial consideration for other land needed for a state highway purpose.

C.D. Ayres is the owner of land needed by the state for highway purposes (new land), described in Exhibit B. He has conveyed the new land to the state and has requested that the surplus land be conveyed to him. The state will pay the owner the \$313 cash difference in value between the surplus land and the new land.

It is the opinion of the commission that it is proper and correct that the state convey the surplus land to the owner in exchange and as partial consideration for the conveyance of the new land to the state and the state’s cash payment to the owner of \$313.

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 C.D. Ayres in exchange and as partial consideration for the conveyance of the new land to the state and the state's cash payment of \$313 to the owner; 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 and B are on file with minute order clerk.

(2) Baylor County - US 277 at FM 422 in Seymour - Consider the permitting of access rights (MO)

112647
ROW

In the city of Seymour, BAYLOR COUNTY, on US 277, a designated controlled access highway, the State of Texas acquired certain land by instrument recorded in Volume 310, Page 203, Official Records of Baylor County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Kim Martin and Steve Dreyer, the current owners of the abutting property, have requested that access to and from the southbound frontage road of US 277 be permitted along their east property line at two locations (new access points), described in Exhibit A.

Transportation Code, §201.103 empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002 authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled access highways.

Transportation Code, §203.031 authorizes the commission to designate locations on a controlled access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress are permitted to and from the southbound frontage road of US 277.

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

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

(3) Dallas County - SH Loop 12, northeast corner at US 180 in Dallas – Consider the amendment of MO 112136, dated January 26, 2010, to correct the legal description and revise the value of the surplus land (MO)

112648
ROW

In the city of Seymour, BAYLOR COUNTY, on US 277, a designated controlled access highway, the State of Texas acquired certain land by instrument recorded in Volume 310, Page 203, Official Records of Baylor County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Kim Martin and Steve Dreyer, the current owners of the abutting property, have requested that access to and from the southbound frontage road of US 277 be permitted along their east property line at two locations (new access points), described in Exhibit A.

Transportation Code, §201.103 empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002 authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled access highways.

Transportation Code, §203.031 authorizes the commission to designate locations on a controlled access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points as locations where ingress and egress are permitted to and from the southbound frontage road of US 277.

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

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

(4) Fort Bend County - FM 359 at Foster Crossing - Consider the acceptance of a donation of land for a highway improvement project (MO).

112649
ROW

In the city of Dallas, DALLAS COUNTY, on STATE HIGHWAY LOOP 12, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 4051, Page 379, Deed Records of Dallas County, Texas.

The Texas Transportation Commission (commission) approved Minute Order 112136 on January 28, 2010, authorizing the sale of surplus land. The legal description attached to the minute order was incorrect. The legal description is being corrected by this minute order, as described in Exhibit A.

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

Dallas Legacy Investments is the abutting landowner and has agreed to pay an additional \$472 to the state, which is the difference between the value of the erroneous acreage and the value of the correct acreage, for the additional surplus land.

The commission finds \$472 to be a fair and reasonable value for the state's rights, title and interest in the additional surplus land.

NOW, THEREFORE, IT IS ORDERED that Minute Order 112136 be amended only with respect to the incorrect legal description of the surplus land attached to that minute

order and the value of the surplus land, and all other provisions of Minute Order 112136 are to remain unchanged.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's rights, title and interest in the surplus land to Dallas Legacy Investments for an additional \$472; 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 is on file with minute order clerk.

(5) Harris County - US 59 at Hamilton Street in Houston - Consider the sale of surplus right of way to Metropolitan Transit Authority of Harris County (Metro) (MO)

112650
ROW

In the city of Houston, HARRIS COUNTY, on US 59, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 4923, Page 438; Volume 4246, Page 397; Volume 4596, Page 559; Volume 4911, Page 395, Deed Records of Harris County, Texas, and Harris County Clerk's File No. F479348.

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

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

Metropolitan Transit Authority of Harris County, Texas (Metro), has requested that the surplus land be sold to Metro for \$1,808,550.

The commission finds \$1,808,550 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 Metropolitan Transit Authority of Harris County, Texas, for \$1,808,550; 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 is on file with minute order clerk.

(6) Matagorda County - SH 35, south side at FM 1095 - Consider the transfer of a surplus easement to Matagorda County (MO)

112651
ROW

In MATAGORDA COUNTY, on STATE HIGHWAY 35, the State of Texas (state) acquired an easement interest in certain land by instrument recorded in Volume 327, Page 16, Deed Records of Matagorda County, Texas.

The easement (surplus easement), described in Exhibit A, is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Section 202.021, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity with the authority to condemn the property, if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

The appraised value of the surplus easement is \$11,629. The Yoakum District has advised that maintenance of the surplus land for 20 years is estimated to cost the state \$13,365, which exceeds the value of the surplus easement. The county has requested that the surplus easement be transferred to the county in consideration of the estimated savings to the state of future maintenance costs.

The commission finds \$11,629 to be a fair and reasonable value for the state’s rights and interest in the surplus easement, and it is the opinion of the commission that it is proper and correct that the state transfer to the county all of its rights and interest in the surplus easement in consideration of the estimated savings to the state of future maintenance costs, which exceed the value of the surplus easement.

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 transferring all of the state’s rights and interest in the surplus easement to Matagorda County, Texas, in consideration of the estimated savings to the state of future maintenance costs.

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

(7) San Patricio County - SH 361 at Hackberry Street in Ingleside - Consider the amendment of MO 112586, dated February 25, 2010, to designate a grantee (MO)

112652
ROW

In the city of Ingleside, SAN PATRICIO COUNTY, on STATE HIGHWAY 361, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 158, Page 73, and Volume 159, Page 181, Deed Records of San Patricio County, Texas.

The Texas Transportation Commission (commission) approved Minute Order 112586 on January 27, 2011, authorizing the quitclaim of surplus land. The minute order did not designate a grantee for the surplus land. This minute order amends MO 112586 by designating the grantee for the surplus land, as described in Exhibit A.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend that surplus land be quitclaimed to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way.

NOW, THEREFORE, IT IS ORDERED that Minute Order 112586 be amended only with respect to the designation of a grantee, and all other provisions of Minute Order 112586 are to remain unchanged.

FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming all of the state’s rights, title and interest in the surplus land to Norma N. Haskins, Independent Executrix of the Estate of Roy Lee Cook.

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

e. Traffic Operations

Chambers County - Authorize temporary one-way operation on FM 565 (MO)

112653
TRF

In Chambers County, the Texas Department of Transportation (department) and numerous other entities have worked cooperatively and participated in developing a comprehensive traffic control plan for vehicular access to and egress from the 2011 O'Reilly National Hot Rod Association (NHRA) event in which more than 100,000 attendees are anticipated.

A portion of this traffic control plan requires the temporary one-way operation of FM 565, between SH 99 and the western edge of Gate #5 of the Royal Purple Raceway, westbound toward the event, for up to six hours prior to the beginning and during the event; and eastbound away from the event for up to six hours during and after the event.

The department and the Texas Transportation Commission (commission) find it necessary to participate in the implementation of this traffic control plan to facilitate the orderly flow of traffic and ensure the safety of the attendees and traveling public. Transportation Code, Section §545.059, authorizes the commission to designate a highway or separate roadway under the jurisdiction of the commission for one-way traffic and mandates the erection of appropriate signs giving notice to the designation.

IT IS THEREFORE ORDERED by the commission that FM 565, between SH 99 and the western edge of Gate #5 of the Royal Purple Raceway, is designated for one-way traffic before and after the 2011 O'Reilly NHRA event as outlined in the comprehensive traffic control plan.

IT IS FURTHER ORDERED that the executive director is directed to enter into any necessary agreements required to fulfill the conditions of this order, and that implementation be consistent with provisions of the Texas Manual on Uniform Traffic Control Devices.

f. Speed Zones

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

112654
TRF

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

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

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

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

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

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

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limit on the segment of State Highway 199, established by Minute Order 108409, dated January 25, 2001 and listed in Exhibit D, is no longer necessary.

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

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

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

ITEM 2. Discussion Item

b. Update on the implementation of the SH 130 Segments 5 and 6, DFW Connector, North Tarrant Express, and LBJ projects that are being delivered under comprehensive development agreements

This item was introduced by Deputy Executive Director Steve Simmons and presented by Frank Holzmann from the San Antonio Mobility Initiative Office.

ITEM 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.

There were no open comments.

The regular meeting of the Texas Transportation Commission adjourned at 11:43 a.m.

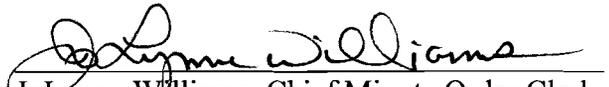
APPROVED:



Deirdre Delisi, Chair
Texas Transportation Commission

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I hereby certify that the above and foregoing pages constitute the full, true and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on March 31, 2011, in Austin, Texas.



JoLynne Williams, Chief Minute Order Clerk
Texas Department of Transportation