

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 17, 2015, in Austin, Texas. The meeting was called to order at 9:03 a.m. by Chairman Lewis with the following commissioners present:

Texas Transportation Commission:

Tryon D. Lewis	Chairman
Jeff Austin, III	Commissioner
Jeff Moseley	Vice Chairman
Victor Vandergriff	Commissioner
J. Bruce Bugg	Commissioner

Administrative Staff:

LtGen. Joe Weber, Executive Director
 Marc Williams, Interim Deputy Executive Director
 Jeff Graham, General Counsel
 Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:59 p.m. on December 9, 2015, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Randy Clawson.

ITEM 2. Approval of Minutes of the November 18, 2015, special meeting and the November 19, 2015, regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the minutes of the November 18, 2015, special meeting and the November 19, 2015, regular meeting by a vote of 5 - 0.

ITEM 3. Acknowledgment of Service

a. Recognize by resolution Greg A. Malatek, P.E., District Engineer, Austin District, for his 32 years of service to the department

Chief Engineer Bill Hale presented Austin District Engineer Greg Malatek with a resolution signed by the commission. District Engineer Malatek then spoke and thanked the commission and others. The commission thanked and congratulated District Engineer Malatek.

b. Recognize LtGen Joe F. Weber, USMC (Ret), Executive Director, for his outstanding service to the department

The commission thanked and recognized LtGen Joe F. Weber, USMC (Ret), Executive Director, for his outstanding service to the department. General Weber thanked the commission and the men and women of the department. The commission presented General Weber with a pair of "Don't Mess with Texas" boots.

Photographs of the commission with District Engineer Malatek and with General Weber were taken.

Chairman Lewis also recognized Representative and Chairman Larry Phillips, who did not speak.

ITEM 4. Discussion Items

a. Federal Affairs update (Presentation)

This item was presented by Federal Affairs Section Director Andrea Lofye.

b. I-69 Texas System update (Presentation)

This item was introduced by the Transportation Planning and Programming Division's Corridor Planning Branch Manager Roger Beall. Mr. Beall introduced Port of Corpus Christi and I-69 Advisory Committee Chairwoman Judy Hawley, who made the presentation. Alliance for I-69 Chairman and Nueces County Judge Loyd Neal also spoke to the commission.

ITEM 5. Advisory Committee Appointment

Appoint new member to the I-69 Corridor Advisory Committee (MO)

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by the Transportation Planning and Programming Division's Corridor Planning Branch Manager Roger Beall.

114443
TPP

Pursuant to 43 TAC §1.86 and Minute Order 111294, dated March 27, 2008, the Texas Transportation Commission (commission) created an advisory committee to assist the Texas Department of Transportation (department) in the transportation planning process for the corridor planned as part of Interstate Highway 69 (I-69).

The purpose of the I-69 Corridor Advisory Committee (committee) is to facilitate and achieve support and consensus from affected communities, governmental entities, and other interested parties in the planning of transportation improvements in the I-69 corridor and in the establishment of development plans for that corridor. The committee's advice and recommendations will provide the department with an

enhanced understanding of public, business, and private concerns about the I-69 corridor, facilitating the department's communications and project development objectives and resulting in greater cooperation between the department and all affected parties during project planning and development.

In Minute Order 113422, dated January 31, 2013, the commission appointed new members to the committee. Judy Hawley, the member from Portland and the committee Chair, has asked to step down from the committee and will be replaced by Hugh Taylor, from Marshall.

Under 43 TAC §1.86, the commission may appoint members of an advisory committee from the following groups as deemed appropriate by the commission: affected property owners and owners of business establishments; technical experts; representatives of local governmental entities; members of the general public; economic development officials; chambers of commerce officials; members of the environmental community; department staff; and professional consultants representing the department.

Mr. Taylor has been selected because he will ensure the committee represents a geographic distribution across the corridor area and reflects a diverse cross-section of the widely varying stakeholder groups needed to help the department identify and reach consensus on corridor needs and potential transportation solutions.

IT IS THEREFORE ORDERED by the commission that Hugh Taylor is appointed as a member of the I-69 Corridor Advisory Committee.

ITEM 6. Highway Designation

Cameron County - Designate a segment of the state highway system as I-169, concurrent with State Highway 550 from existing I-69E to Old Alice Road in the city of Brownsville (MO)

Vice Chairman Moseley made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by the Transportation Planning and Programming Division's Corridor Planning Branch Manager Roger Beall.

114444
TPP

In Cameron County, officials have requested the designation of a segment of the state highway system as I-169 concurrent with SH 550 from existing I-69E to Old Alice Road in Brownsville, a total distance of approximately 1.5 miles.

Minute Order 113100, dated April 26, 2012, authorized the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as I-69. During the 2015 AASHTO Spring Meeting, the AASHTO Special Committee on US Route Numbering approved the application for the I-69 segment described above.

The Administrator of the Federal Highway Administration approved the inclusion of this segment of I-69 on the Interstate Highway System on November 5, 2015.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended the concurrent designation of I-169 with SH 550 on the state highway system.

The Texas Transportation Commission (commission) finds that the designation will facilitate the flow of traffic, promote public safety, and 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 I-169 is designated on the state highway system concurrent with SH 550 from existing I-69E to Old Alice Road in Brownsville, a total distance of approximately 1.5 miles, as shown in Exhibit A.

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

ITEM 7. Aviation

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

Commissioner Vandergriff made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 4 - 0. Commissioner Austin was not on the dais at the time of this vote. This item was presented by Director of Aviation Dave Fulton.

114445
AVN

The Texas Department of Transportation (department) is authorized under the federal Airport and Airway Improvement 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 Wednesday, November 18, 2015 a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the 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 \$9,903,205.

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

ITEM 8. Public Transportation

Various Counties - Approve federal funding for projects submitted in the department's 2015 Transportation Alternatives Program call for projects (MO)

Commissioner Bugg made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Director of Public Transportation Eric Gleason.

114446
PTN

The Texas Transportation Commission (commission) desires to award \$25,293,975 in federal funds under the Transportation Alternatives Program (TAP), authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21), and codified at 23 U.S.C. §213(b) and §101(a)(29). The commission recognizes that MAP-21 requires the state to have a competitive process to allow eligible entities to submit projects for funding.

The commission adopted administrative rules that establish the guidelines under which the TAP is administered by the Texas Department of Transportation (department), located in Title 43, Texas Administrative Code (TAC), Chapter 11, Subchapter F, §11.300 - §11.317. Pursuant to the program rules, a Notice of a TAP Call for Projects was published in the *Texas Register* on January 16, 2015, for the distribution of TAP funds apportioned to the department for fiscal years 2013, 2014, and 2015, as well as funds anticipated for fiscal year 2016. TAP project nominations were received by the department on or before May 4, 2015. Projects were evaluated for eligibility, technical standards, and specific selection criteria set forth in the TAP Program Guide.

This award distributes funds available for projects in nonurban areas with a population of 5,000 or less.

In accordance with the TAC rules, the commission will select TAP projects for funding based on recommendations from the director of the division responsible for administering the TAP, the potential benefit of the project to the state, and whether the project enhances the surface transportation system. Exhibit A is a list of the candidate projects recommended for funding.

IT IS THEREFORE ORDERED by the commission that the projects listed in Exhibit A are hereby selected and designated for funding under the TAP and that the executive director or the director's designee is authorized to proceed with the award and execution of local agreements, as required by the program rules.

IT IS FURTHER ORDERED that for each project listed in Exhibit A and subsequently verified as eligible for development, the total amount in federal funds must be locally matched by a minimum of 20 percent. The required local match may be 100 percent in cash or a combination of cash with state funds, available through the department's Economically Disadvantaged Counties Program, or with federally eligible in-kind contributions. The federal funding awarded to a TAP project will be limited to the amount shown in Exhibit A.

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those project nominations submitted in the department's 2015 TAP Call for Projects.

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

ITEM 9. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Final Adoption

Chapter 4 - Employment Practices

Amendments to §4.51, Definitions, §4.54, Contributions, §4.55, Contribution Returns, and §4.56, Withdrawals (Sick Leave Pool Program) (MO)

Vice Chairman Moseley made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Human Resources Division Director David McMillan.

114447
HRD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§4.51, 4.54, 4.55, and, 4.56, relating to the Sick Leave Pool 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 §§4.51, 4.54, 4.55, and 4.56 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

b. Proposed Adoption

Chapter 21 - Right of Way

Amendments to §§21.31, 21.33, 21.41 and new §21.57 (Utility Accommodation), and §§21.962-21.963 (Leasing of Right of Way to Saltwater Pipeline Operators) (MO)

Commissioner Vandergriff made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Right of Way Division Interim Director Gus Cannon.

114448
ROW

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §21.31, §21.33, and §21.41, and new §21.57, concerning Utility Accommodation, and §§21.962 – 21.963, concerning Leasing of Right of Way to Saltwater Pipeline Operators, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §21.31, §21.33, §21.41, and §§21.962 – 21.963, and new §21.57, are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

ITEM 10. Financial Assistance for Projects

Hays and Travis Counties - Central Texas Regional Mobility Authority - Consider granting preliminary approval of requests from the Central Texas Regional Mobility Authority to receive: (1) a loan of up to \$60,000,000; and (2) a grant of up to \$28,920,000 previously allocated by the Capital Area Metropolitan Planning Organization, all to be used for construction of SH 45 SW (MO)

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Innovative Financing/Debt Management Officer Ben Asher. The commission also heard remarks from Travis County Precinct 3 Commissioner Gerald Dougherty, CAMPO Chair and Hays County Commissioner Will Conley, and Keep MOPAC Local coalition representative Bill Bunch.

114449
DMO

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) have been proceeding with the development of the SH 45 SW toll facility in Travis and Hays Counties, a project under the jurisdictional limits of the CTRMA (project).

The project is the development and construction of SH 45 SW, which is approximately 4 miles in length and would include a four-lane, divided toll road between Loop 1 and FM 1626. The project also includes proposed bike/pedestrian shared use paths. The project is located within the boundaries of the CTRMA, and is subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code §373.052, the CTRMA has exercised its option to develop, construct, and operate the project.

Transportation Code §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code §222.103 authorizes the department to participate, by spending money from any available source, in the

acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the Texas Transportation Commission (commission).

Pursuant to Transportation Code §222.103, the commission adopted Title 43 Texas Administrative Code §§27.50-27.58 (financial assistance rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In accordance with Section 27.53 of the financial assistance rules, the CTRMA has submitted requests to receive: (1) a loan of up to \$60,000,000; and (2) a grant of up to \$28,920,000 previously allocated by the Capitol Area Metropolitan Planning Organization (allocated in the Unified Transportation Program as \$8,620,000 of Category 7 funds and \$20,300,000 of Category 2 funds), all to pay for the construction of the project. The information and data required by Section 27.53 of the financial assistance rules is either contained in the request for financing, is already in the department's possession, or may be waived.

On February 24, 2011, the commission adopted Minute Order 112605, directing that if financial assistance is provided to a public entity under Transportation Code §222.103 from a statewide funding source: (1) that assistance shall be repaid, or (2) the department shall require the entity to which the assistance is provided to agree to share project revenue with the department, in such amounts and for such period of time as is approved by the commission. These requirements do not apply to financial assistance provided from funds allocated to metropolitan planning organizations and department districts.

In accordance with 43 TAC §27.54(a)(2), the commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air Act non-attainment area; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the project and the CTRMA are likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED that the requests submitted by the Central Texas Regional Mobility Authority for financial assistance in the form of a loan and a grant meet the applicable requirements of 43 TAC §§27.53 and 27.54(a) and, in accordance with those provisions, and including an exception to the requirements of Minute Order 112605, the commission grants preliminary approval of the requests for financial assistance in an amount not to exceed \$60,000,000 as a loan and not to exceed \$28,920,000 as a grant, to be used for construction of the project, subject to the condition that the sources of funds for the loan and grant may not be from:

1. Money transferred to the State Highway Fund pursuant to Texas Constitution, Article III, Section 49-g, as amended by Senate Joint Resolution 1 (83rd Legislature, Third Called Session), as approved by statewide election on November 4, 2014 (Proposition 1); or
2. Money deposited to the credit of the State Highway Fund under Texas Constitution, Article VIII, Section 7-c, as amended by Senate Joint Resolution 5

(84th Legislature, Regular Session), as approved by statewide election on November 3, 2015 (Proposition 7); or

3. Money in the State Highway Fund which is available to the department for projects as a result of the enactment of House Bill 20 (84th Legislature, Regular Session), which amended Transportation Code §222.001(a) to discontinue the use of State Highway Fund money by the Department of Public Safety.

ITEM 11. Contracts

Award or reject contracts for maintenance, highway and building construction
(a) Highway Maintenance and Department Building Construction (MO)

Commissioner Vandergriff made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Deputy Director of Construction Darren Hazlett. Director of Urban and Rural District Operations Randy Hopmann also answered questions from commissioners.

114450
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on December 2 and 3, 2015, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively 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 the commission chief clerk.

(b) Highway and Transportation Enhancement Building Construction (MO)

Commissioner Bugg made a motion, which was seconded by Commissioner Vandergriff, and the commission approved the following minute order by a vote of 5 - 0. This item was presented by Deputy Director of Construction Darren Hazlett.

114451
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 December 2 and 3, 2015, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder 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 is on file with the commission chief clerk.

ITEM 12. Eminent Domain Proceedings

Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached list) (MO)

Commissioner Bugg made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Vandergriff and the following minute order was approved by Chairman Lewis, Commissioner Austin, Vice Chairman Moseley, Commissioner Vandergriff, and Commissioner Bugg (a vote of 5 - 0). This item was presented by Right of Way Division Interim Director Gus Cannon.

114452
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening, constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of the parcels of land listed below, and more particularly described in the attached Exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to acquire fee simple title in the parcels or such lesser property interests as set forth in the attached Exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits A -Q. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1 - 42, in accordance with Transportation Code, Sections 203.002 and 203.003.

The commission finds and determines that condemnation of the parcels is required.

IT IS THEREFORE ORDERED that the initiation of condemnation proceedings for the parcels is adopted and authorized by a single order for the parcels, and this first vote by the commission applies to all of the parcels.

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Burleson	FM 60	30	0648-03-064	32
Burleson	FM 60	33	0648-03-064	39
Collin	FM 2514	6	2679-02-009	56
Dallas	SL 12	38	0581-02-115	75
Dallas	SL 12	39	0581-02-115	76
Dallas	SL 12	40	0581-02-115	77
Dallas	SL 12	41	0581-02-115	78
Dallas	SL 12	42	0581-02-115	110
Denton	FM 720	1	1567-01-038	10
Denton	FM 720	2	1567-01-038	19
Denton	FM 720	3	1567-01-038	23,23E
Denton	FM 720	4	1567-01-038	1
Denton	FM 720	20	1567-01-038	3
Denton	FM 720	21	1567-01-038	22,22E
Denton	FM 720	24	1567-01-038	18
El Paso	SL 375	37	2552-04-041	53
Ellis	US 287	9	0172-08-098	18
Ellis	US 287	10	0172-08-098	19
Ellis	US 287	11	0172-08-098	23
Ellis	US 287	12	0172-08-098	24
Ellis	US 287	13	0172-08-098	22
Ellis	US 287	16	0172-08-098	34
Ellis	US 287	17	0172-08-098	35
Ellis	US 287	18	0172-08-098	37
Ellis	US 287	19	0172-08-098	40
Ellis	US 287	22	0172-08-098	21
Ellis	US 287	23	0172-08-098	20
Ellis	US 287	25	0172-08-098	11

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	US 287	26	0172-08-098	17
Ellis	US 287	27	0172-08-098	25
Ellis	US 287	28	0172-08-098	12
Ellis	US 287	29	0172-08-098	9
Ellis	FM 664	7	1051-01-043	15,15E
Ellis	FM 664	8	1051-01-043	26
Ellis	FM 664	14	1051-01-043	10
Ellis	FM 664	15	1051-01-043	30
Ellis	FM 664	31	1051-01-043	34
Ellis	FM 664	32	1051-01-043	67
Fort Bend	FM 2234	5	2105-01-036	42
Tarrant	SH 360	34	2266-02-129	30
Tarrant	SH 360	35	2266-02-129	34C
Tarrant	SH 360	36	2266-02-129	34A

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 30	D	1068-04-137	18
Dallas	IH 30	E	1068-04-137	16
Dallas	IH 30	F	1068-04-137	17
Ellis	US 287	G	0172-08-098	28
Ellis	US 287	I	0172-08-098	7
Ellis	US 287	J	0172-08-098	16
Ellis	US 287	K	0172-08-098	29
Ellis	US 287	L	0172-08-098	39,39E,39AC
Ellis	US 287	M	0172-08-098	38,38AC
Ellis	US 287	N	0172-08-098	8,8E
McLennan	IH 35	A	0015-01-234	203
McLennan	IH 35	B	0015-01-234	103
McLennan	IH 35	H	0015-01-234	39,39AC
Tarrant	SH 183	O	0364-05-038	42A
Tarrant	SH 183	P	0364-05-038	44A
Tarrant	SH 183	Q	0364-05-038	62
Tarrant	IH 30	C	1068-02-123	9

Note: Exhibits A - Q and 1 - 42 are on file with the commission chief clerk.

ITEM 13. Routine Minute Orders

Commissioner Austin made a motion, which was seconded by Vice Chairman Moseley, and the commission approved the following minute orders by a vote of 5 - 0. This item was presented by Executive Director General Joe Weber.

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with land adjacent to a highway that is part of the state highway system, to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner's land (See attached itemized list) (MO)

114453
CSO

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

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

b. Real Estate Dispositions**(1) Cameron County - FM 1846, west side, north of San Benito in - Consider the quitclaim of land acquired by the state in error (MO)**114454
ROW

In CAMERON COUNTY, on FARM TO MARKET ROAD 1846, the state of Texas acquired certain land by instrument recorded as Document Number 00005587, Official Public Records of Cameron County, Texas.

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

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

George W. Scott was the intended grantee and has requested that Tract 1 be quitclaimed to him.

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

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

(2) Dallas County - I-635, at 12000 N. Greenville Avenue in Dallas - Consider the sale of an old maintenance facility site to the city of Dallas (MO)114455
ROW

In the city of Dallas, DALLAS COUNTY, on INTERSTATE 635, the state of Texas acquired certain real property for highway maintenance purposes by instrument recorded in Volume 4613, Page 205, Deed Records of Dallas County, Texas.

The land and improvements (Tract 1) are 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 any interest in real property no longer needed for a state highway purpose to the general public.

The city of Dallas has requested to purchase Tract 1 for \$3.365 million.

The commission finds \$3.365 million to be a fair and reasonable value of the state's right, title, and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in Tract 1 to the city of Dallas for \$3.365 million; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

(3) Eastland County - FM 2214, old alignment east of FM 2461 - Consider the sale of right of way to abutting landowners (MO)

114456
ROW

In EASTLAND COUNTY, on FARM TO MARKET ROAD 2214, the state of Texas acquired certain land for highway purposes by various instruments recorded in the Deed Records of Eastland County, Texas.

Portions of the land (Tracts), 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 highway right of way acquired and no longer needed for a state highway purpose to abutting landowners.

Mike McPhail and wife, Ann McPhail, are abutting landowners and have requested to purchase the Tracts for \$15,331.

The commission finds \$15,331 to be a fair and reasonable value of the state's right, title, and interest in the Tracts.

IT IS THEREFORE ORDERED by the commission that the Tracts are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the Tracts to Mike McPhail and wife, Ann McPhail, for \$15,331; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Jefferson County - US 69, now N. 11th Street, west side, south of Delaware Street in Beaumont - Consider the sale of a right of way easement to the owners of the fee in the property (MO)

114457
ROW

In the city of Beaumont, JEFFERSON COUNTY, on US 69, the state of Texas acquired an easement interest in certain land for highway purposes by instrument recorded in Volume 434, Page 198, Deed Records of Jefferson County, Texas.

The easement (Tract 1), described in Exhibit A, is no longer needed for a highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in real property acquired and no longer needed for a state highway purpose.

Albert L. Eastham and Lyle A. Eastham are the owners of the fee in the property and have requested that Tract 1 be sold to them for \$130,639.

The commission finds \$130,639 to be a fair and reasonable value for the state's right and interest in Tract 1.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval

by the attorney general, that the governor of Texas execute a proper instrument releasing the state's right and interest in Tract 1 to Albert L. Eastham and Lyle A. Eastham for \$130,639.

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

(5) Zapata County - FM 496 at Jackson Street in Zapata - Consider the quitclaim of right of way to the abutting landowners (MO)

114458
ROW

In ZAPATA COUNTY, on FARM TO MARKET ROAD 496, the state used certain land for highway purposes to which there is no record title.

A portion of the land (Tract 1), 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 quitclaim of property to which there is no record title to abutting property owners at the request of the county or municipality.

Jaime A. Gonzalez and Carmen B. Gonzalez are the abutting landowners and have requested that Tract 1 be quitclaimed to them.

Zapata County has requested that Tract 1 be quitclaimed to the abutting landowners.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in Tract 1 to the abutting landowners.

IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming the state's right and interest in Tract 1 to Jaime A. Gonzalez and Carmen B. Gonzalez.

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

c. Reports

(1) Compliance Office report

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

(2) Grand Parkway Association report

Annual report on the status of projects and activities undertaken during the preceding 12 months (Report)

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

(3) Environmental Review of Projects

Accept semiannual report on projects being processed under the department's environmental review process (MO)

114459
ENV

Transportation Code, Chapter 201, Section 762 requires the Texas Department of Transportation (department) to report on the status of environmental reviews it processes under the provisions of Transportation Code, Chapter 201, Subchapter I-1. Reports to the Texas Transportation Commission (commission) are required in June and December of each year.

This report, attached as Exhibit A, addresses environmental reviews submitted to the department between May 1, 2015 and September 30, 2015.

IT IS THEREFORE ORDERED by the commission that the report of the status of environmental reviews attached as Exhibit A is accepted.

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

d. Highway Designations

Camp County - Near the city of Pittsburg, redesignate FM 3535 as State Loop 255 (MO)

114460
TPP

In Camp County, the Atlanta District has requested the redesignation of FM 3535 on the state highway system as State Loop 255 from FM 1520 to US 271 approximately 1.0 mile south of the Camp and Titus County line, a distance of approximately 2.5 miles.

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

The Texas Transportation Commission (commission) finds that this action will facilitate the flow of traffic, promote public safety, and 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 FM 3535 is redesignated on the state highway system as State Loop 255 from FM 1520 to US 271 approximately 1.0 mile south of the Camp and Titus County line, a distance of approximately 2.5 miles, as shown in Exhibit A.

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

e. Designation of Access Control

Harris County - I-10, approximately 750 feet east of Katy-Fort Bend Road - Consider the designation of a location on the highway at which access will be permitted to the abutting property (MO)

114461
DES

In HARRIS COUNTY, on INTERSTATE HIGHWAY 10, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in County Clerk's File Number Z451340 of the Official Public Records of Real Property of Harris County, Texas, with denial of access to the abutting remainder properties as described in the instrument.

Katy Promise Joint Venture, the current owner of the abutting property, has requested that access to the westbound frontage road of I-10 be permitted along its south property line at a new access point described in Exhibit A.

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

Transportation Code, §203.002, authorizes the commission to 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 point will not compromise the mobility, safety, or operation of the existing state highway facility, and designates the new access point as a location where ingress and egress is permitted to the westbound frontage road of I-10.

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

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

f. Speed Zones

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

114462
TRF

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

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

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

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

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

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

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

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

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

ITEM 14. Executive Session Pursuant to Government Code, Chapter 551

a. Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

b. Section 551.074 - Deliberate on the election and compensation of an interim executive director of the Texas Department of Transportation

c. Section 551.074 - Deliberate on the search for a new executive director of the Texas Department of Transportation

d. Section 551.074 - Deliberate on the election and compensation of an executive director of the Texas Department of Transportation

The commission did not meet in executive session.

ITEM 15. Election of Executive Director

Elect the executive director of the Texas Department of Transportation and approve compensation (MO)

Commissioner Bugg made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 5 - 0.

114463
COMM

Transportation Code, Section 201.301, provides that the Texas Transportation Commission (commission) shall elect an executive director for the Texas Department of Transportation (department), who must be experienced and skilled in transportation planning and development and in organizational management.

Due to the resignation of Executive Director Joseph F. Weber, it is necessary to elect a successor to assure the orderly transition of duties of executive director, thereby protecting the safety and welfare of the traveling public. The department's posted job vacancy notice for the executive director position opened on October 12, 2015, attracting a number of candidates for the position.

All of the applications submitted for the position of executive director were reviewed. The commission evaluated the qualifications, background, and experience of the many well-qualified candidates. The results of those evaluations and of interviews with the top candidates indicate that James Bass is best qualified for the position. Recognizing the proven abilities, professional expertise and qualifications,

administrative talents, and leadership qualities, the commission determines that James Bass possesses the skills and experience that fully satisfy the requisites of law and policy applicable to the position of executive director of the department and the attributes necessary for performance of those duties.

NOW THEREFORE, IT IS ORDERED that James Bass is elected as executive director of the department, to assume the full range of duties and responsibilities of that position beginning on or about January 1, 2016, conditioned on James Bass' satisfying the conditions of employment, as stated in the job requisition for the position.

IT IS FURTHER ORDERED that, as the executive director of the department, James Bass is to be compensated at an annual salary of \$299,812.44.

ITEM 16. Administrative Appointment

Elect an interim executive director of the Texas Department of Transportation and approve compensation (MO)

This item was not considered by the commission.

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

The commission received comments from Amy Nobles, Chad Nobles, Sandra Nobles, Robert Nobles all concerning SH 249 in Grimes County and REAL, Inc. Director Martin Ornelas concerning the Alice Multimodal Facility.


Chairman Lewis again recognized Representative and Chairman Larry Phillips, and thanked him for attending the meeting. Commissioner Austin motioned adjournment and Vice Chairman Moseley seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:43 a.m.

APPROVED:



Tryon D. Lewis, Chairman
Texas Transportation Commission

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 December 17, 2015, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation