

These are the minutes of the regular meeting of the Texas Transportation Commission, which was held on July 26, 2007 in Sugar Land, Texas. The meeting opened at 9:21 a.m. with the following commissioners present:

Texas Transportation Commission:

Ric Williamson	Chair
Hope Andrade	Commissioner
Ted Houghton, Jr.	Commissioner
Ned Holmes	Commissioner
Fred Underwood	Commissioner

Administrative Staff:

Michael W. Behrens, Executive Director
 Steve Simmons, Deputy Executive Director
 Bob Jackson, General Counsel
 Roger Polson, Executive Assistant to the Deputy Executive Director

Registration sheets listing others in attendance are on file with the Texas Department of Transportation Chief Minute 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 2:16 p.m. on July 18, 2007, as required by Chapter 551, of the Government Code, referred to as "The Open Meetings Act."

Resolution recognizing Bill Knowles, chair of the Texas Aviation Advisory Committee

The commission received comments from Texas Aviation Advisory Committee members Blair Bisbey; and Jim Schwertner.

Receive comments from area public officials, community and civic leaders, and private citizens. Report by the Houston District.

The commission received comments from Sugar Land Mayor David Wallace; Fort Bend County Judge Robert Hebert; Fort Bend County Commissioner James Patterson; and Houston District Engineer Gary Trietsch.

ITEM 1. Approval of Minutes of the June 28, 2007 regular meeting and the special meeting on July 18, 2007 of the Texas Transportation Commission.

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the minutes of the June 28, 2007 regular meeting and the special meeting on July 18, 2007 of the Texas Transportation Commission.

ITEM 2. DISCUSSION

a. Discuss the financial impacts resulting from recent state and federal legislation

The commission received comments from Government and Public Affairs Division Director Coby Chase, Chief Financial Officer James Bass and Assistant Executive Director for Engineering Operations Amadeo Saenz.

ITEM 6. REGIONAL MOBILITY AUTHORITY

b. Various Counties – Consider authorizing Bowie, Panola, Wood, Cass, Van Zandt, and Titus counties to become part of the North East Texas Regional Mobility Authority (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Texas Turnpike Authority Division Director Phillip Russell.

110996
TTA

Pursuant to Chapter 370 of the Transportation Code, and Texas Administrative Code (TAC), 43 TAC Chapter 26 (RMA rules), Gregg and Smith counties (counties) petitioned the Texas Transportation Commission (commission) for authorization to form a regional mobility authority (RMA). The petition was filed on June 23, 2004.

By Minute Order 109829 dated October 28, 2004, the commission authorized the creation of the North East Texas Regional Mobility Authority (NETRMA). The minute order authorized that the initial board of directors be composed of seven members, with six members appointed by the Gregg and Smith counties commissioners courts, and the presiding officer appointed by the governor.

43 TAC §26.21 provides that one or more counties may request commission approval to become part of an existing RMA.

By Minute Order 110569 dated June 29, 2006, the commission authorized the addition of four counties to the NETRMA. The minute order authorized the expansion of the NETRMA by the addition of Cherokee, Harrison, Rusk and Upshur counties, and ordered that the board of directors be composed of the original seven members, with each added county appointing one additional board member.

The NETRMA has now received resolutions from the Bowie, Cass, Panola, Titus, Van Zandt and Wood county commissioners courts indicating support for the request to join the NETRMA, and the NETRMA has agreed in writing to the six county additions to the RMA.

The commissioners courts of Gregg and Smith Counties, the original petitioning counties, as well as the commissioners courts of Cherokee, Harrison, Rusk and Upshur counties have all submitted adopted resolutions indicating support for the request.

The resolutions propose that the board of directors shall now be composed of 17 members, the original seven members, and one board member each from Cherokee, Harrison, Rusk and Upshur counties, with each added county appointing one additional board member.

The commission finds that expansion of the NRTRMA will result in direct benefits to the state, local governments, and the traveling public, and will improve the efficiency of the state's transportation systems. Expansion of the RMA will benefit the state by constructing needed roadway projects, such as the network identified in the

original RMA petition. The expanded RMA will benefit local governments by increasing local control over transportation planning and through additional transportation projects that may be funded through the RMA. The traveling public will also benefit through improved mobility and traffic safety throughout the region encompassed by the expanded RMA.

The commission also finds that the affected political subdivisions in the added counties will be adequately represented on the board.

IT IS THEREFORE ORDERED that the commission authorizes the expansion of the NETRMA by the addition of Bowie, Cass, Panola, Titus, Van Zandt and Wood counties.

IT IS FURTHER ORDERED that the board of directors shall be composed of 17 members, with six members appointed by the Gregg and Smith counties commissioners courts, and the presiding officer appointed by the Governor and one board member each from Cherokee, Harrison, Rusk and Upshur counties, with each added county appointing one additional board member.

Note: The commission received comments from Northeast Texas Regional Mobility Authority Chairman Jeff Austin, III.

ITEM 2. DISCUSSION (continued)

b. Discuss the Metropolitan Transit Authority of Harris County proposal to re-designate Houston area high occupancy vehicle (HOV) lanes to high occupancy toll lanes and the possible re-designation precedence for HOV lanes statewide

This discussion item was presented by Traffic Operations Division Director Carlos Lopez.

The commission received comments from Houston Metro Director Ridership Development James Gallagher; and Houston District Engineer Gary Trietsch.

c. Discuss the creation of committees to assist in and advise on the development of the Trans-Texas Corridor

This discussion item was presented by Assistant Executive Director for Engineering Operations Amadeo Saenz.

ITEM 3. AVIATION

Approve funding for airport improvement projects at various locations (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Aviation Division Director Dave Fulton.

110997
AVN

The Texas Department of Transportation (department) is authorized under Transportation Code, Chapter 21 and Chapter 22, 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. Due to the interest on the part of the airport sponsors, the department recommends that the improvements be funded.

On Thursday, June 21, 2007, and Monday, June 25, 2007, public hearings were held. No comments were received at either hearing.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$7,970,419.

Note: Exhibit A on file with minute order clerk.

ITEM 4. PUBLIC TRANSPORTATION

a. Award FY 2006 Federal §5316, Job Access/Reverse Commute (JARC) Program funds, state funds and transportation development credits for JARC transit projects (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Public Transportation Division Director Eric Gleason:

110998
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "Job Access and Reverse Commute Formula Grant Program" (JARC) (49 U.S.C. §5316), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

Title 43, Texas Administrative Code, §31.17 establishes a process by which §5316 program proposals shall be evaluated and funds distributed. On February 2, 2007, the department published a Notice of Request for Proposal for JARC Projects in the *Texas Register*. Project criteria included project planning and coordination; need; benefits of the project; and service sustainability.

On December 14, 2006, the commission passed Minute Order 110771, expressing its intent to award Transportation Development Credits (TDC) for projects that promote public transportation and further the goals of the department to: reduce congestion; expand economic opportunity; enhance safety; improve air quality; and increase the value of transportation assets.

Under a separate project, the department, in accordance with fiscal year 2007 Appropriation Rider 26, provides state funds to the Texas Workforce Commission (TWC) for workforce related transportation services. TWC then makes these funds available to the Local Workforce Development boards for projects. TWC has relinquished the use of \$795,000 in funds and requests that the department use \$426,173 of those funds for JARC projects.

The commission finds that the projects in Exhibit A are eligible for funding and awards a total of \$4,634,044 in federal JARC funds; \$426,173 in state funds; and

\$296,944 in TDC. The projects receiving TDC awards reduce congestion by improving reliable transit options thereby increasing levels of ridership; expand economic opportunity by increasing the level of service access for the transit dependent populations to jobs and other employment related activities; enhance safety by providing late night and early morning service that otherwise would not be available; improve air quality by reducing emissions through technological advances enhancing service coordination; and increase the value of the transportation assets by utilizing automatic vehicle locators and mobile data terminals thus yielding savings or efficiencies which can be reinvested into additional trips.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department. Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the allocations as described in Exhibit A, submit the necessary state application to the FTA and enter into the necessary contracts.

Note: Exhibit A on file with minute order clerk.

b. Award federal §5304 funds and state matching funds to Alamo Area Council of Governments, City of Brownsville, and Colorado Valley Rural Transit District for transit planning projects (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Public Transportation Division Director Eric Gleason:

110999
PTN

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "State Planning and Research Programs" (49 U.S.C. §5304), in a letter dated October 4, 2005. Under §5304, the FTA provides funds to be used for planning and coordination projects.

The commission desires to award funds to assist the Alamo Area Council of Governments in preparing service plans for public transportation service in Fredericksburg, Kerrville, New Braunfels, and Seguin.

The commission desires to award funds to assist the City of Brownsville, operating the Brownsville Urban System to evaluate the Job Access Reverse Commute Colonias project in Cameron County.

The commission desires to award funds to assist the Colorado Valley Rural Transit District for preliminary engineering, design, environmental, and related work for a transit maintenance and fueling facility in Wharton.

Transportation Code, Chapter 455 requires the Texas Department of Transportation to assist political subdivisions of this state to obtain federal aid to establish or maintain public transportation systems.

Transportation Code, Chapter 456 requires the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards as described in Exhibit A, submit the necessary state application to the FTA, and enter into any necessary contracts in accordance with the priorities established in this minute order.

Note: Exhibit A on file with minute order clerk.

ITEM 5. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

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

Chapter 27 – Toll Projects (MO)

New §27.10, Formula for Determining Compensation Upon Termination for

Convenience (Comprehensive Development Agreements)

This item was deferred.

ITEM 6. REGIONAL MOBILITY AUTHORITY (continued)

a. Bexar County – Consider preliminary approval of a request for financing from the Alamo Regional Mobility Authority to pay for certain costs relating to the development of the SH 16, Wurzbach Parkway, US 281 and Loop 1604 projects, including the costs of developing environmental studies, schematics, and preliminary financial plans, public involvement, and the procurement of bids or proposals (MO)

Commissioner Andrade made a motion, seconded by Commissioner Houghton, and the commission approved the following minute order presented by Texas Turnpike Authority Division Director Phillip Russell:

111000
TTA

In Minute Order 109523, dated December 18, 2003, the Texas Transportation Commission (commission) authorized the creation of the Alamo Regional Mobility Authority (AlamoRMA), formerly known as the Bexar County Regional Mobility Authority, with the boundaries of the authority to be the entire geographic area of Bexar County, Texas.

The Texas Department of Transportation (department) and the AlamoRMA have worked together to identify an approach to provide for the funding and development of certain transportation system improvements within the jurisdictional limits of the AlamoRMA.

The Metropolitan Transportation Plan of the San Antonio-Bexar County Metropolitan Planning Organization identifies several projects within the jurisdictional limits of the AlamoRMA to be developed as toll projects including: I-35 near the Bexar/Guadalupe county line to I-37 in the San Antonio Central Business District; SH 16 from I-410 to LP 1604 North; the US 281/Wurzbach Parkway Interchange; US 281 from LP 1604 to the Bexar County line; and LP 1604 from SH 151 to I-10E.

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 commission.

Pursuant to Transportation Code, §222.103, the commission adopted Title 43, Texas Administrative Code, §27.50-27.58 (toll equity 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 toll equity rules, the AlamoRMA has submitted a request for \$3,965,167 to pay for certain costs relating to the development of (1) SH 16 from I-410 to LP 1604 North; (2) Wurzbach Parkway from Wetmore to Blanco, including the US 281/Wurzbach Parkway Interchange; (3) US 281 from LP 1604 to the Bexar County line, and (4) LP 1604 from SH 151 to I-10E, including the costs of developing environmental studies, schematics, and preliminary financial plans, public involvement, and the procurement of bids or proposals.

The requested financial assistance would be funded by redirecting the balance of funds remaining out of the financial assistance previously approved in Minute Order 110269, dated October 27, 2005, and Minute Order 110299, dated November 17, 2005, and would be in the form of a loan. The AlamoRMA has requested financial assistance to develop US 281 from LP 1604 to the Bexar County line and LP 1604 from SH 151 to I-10E in anticipation of the transfer of those projects to the AlamoRMA upon completion of the market valuation currently underway. The AlamoRMA's performance of the work on those projects described in the request for financial assistance and the approval of the requested financial assistance is subject to the cancellation of the comprehensive development agreement procurement currently underway and the commission's approval to transfer the projects to the AlamoRMA.

Information and data required by Section 27.53(b) is either contained in the request for financing, the previous requests for financing approved in Minute Order 110269 and Minute Order 110299, or in the petition for authorization to form the authority filed with the department on September 3, 2003. Supplemental information and data required by Section 27.53(c) is contained in the request for financing or has already been provided to the department.

As provided in Minute Order 109523, the AlamoRMA will benefit the state and the traveling public and improve the efficiency of the state's transportation system through the potential construction and operation of the projects, which will enhance mobility and safety within these segments of the state highway system.

The projects are consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the San Antonio-Bexar County Metropolitan Planning Organization.

As the AlamoRMA has indicated that it will fund a portion of the costs of developing the proposed projects with bond proceeds and other funding provided by the AlamoRMA, along with the requested financial assistance, the projects will expand the availability of funding for transportation projects or will reduce direct state costs.

NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by the Alamo Regional Mobility Authority meets the requirements of 43 TAC §27.53 and §27.54(a) and, in accordance with those provisions, the commission grants preliminary approval of the request for financing in the amount of

\$3,965,167, in the form of a loan, and directs the executive director to implement the actions authorized and required by those provisions.

Note: The commission received comments from Alamo Regional Mobility Executive Director Terry Brechtel.

ITEM 7. TOLL PROJECTS

Travis and Williamson Counties – Accept the General Engineering Consultant quarterly progress report for the Central Texas Turnpike System as of May 31, 2007 (MO)

Commissioner Holmes made a motion, seconded by Commissioner Houghton, and the commission approved the following minute order presented by Texas Turnpike Authority Division Director Phillip Russell:

111001
TTA

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 130 has been designated a toll project and a controlled access state highway from I-35 north of Georgetown to a southern terminus at US 183.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 45N has been designated a toll project and a controlled access state highway from west of US 183 to SH 130.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY LOOP 1 has been designated a toll project and a controlled access state highway from the intersection of existing Loop 1 and FM 734 (Parmer Lane) in Austin to the intersection of Loop 1 and SH 45N.

The Texas Transportation Commission (commission) has issued toll revenue bonds and other obligations to finance a portion of the costs of the 2002 Project of the Central Texas Turnpike System, a toll project composed of the SH 130, SH 45N, and Loop 1 project elements, and has entered into an Indenture of Trust dated July 15, 2002 with Bank One, National Association, as Trustee to secure the revenue bonds and other obligations issued for the 2002 Project.

In Section 406 of the Indenture of Trust, the commission covenants that at least quarterly during the construction of the 2002 Project it will cause the general engineering consultant to prepare a progress report in connection with such construction, including current projections with respect to the date the 2002 Project will be open to traffic, the date on which construction will be completed, the cost of the 2002 Project, and the amount of funds required each six months during the remaining estimated period of construction to pay the costs of the 2002 Project.

Section 406 of the Indenture of Trust requires copies of the quarterly progress report to be filed with the commission, the U.S. Department of Transportation, and the Trustee, and to be made available by the Trustee to owners of obligations issued for the 2002 Project.

The commission has previously engaged PBS&J to serve as general engineering consultant in accordance with the Indenture of Trust. A quarterly progress report for the period ending May 2007, attached as Exhibit A, has been prepared by PBS&J in accordance with Section 406 of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the general engineering consultant's quarterly progress report attached as Exhibit A is accepted.

Note: Exhibit A on file with minute order clerk.

ITEM 8. FINANCE

a. Accept the Quarterly Investment Report as of May 31, 2007 as required by the Public Funds Investment Act (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Chief Financial Officer James Bass:

111002
FIN

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

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

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

Pursuant to this legislation, in Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy and written investment strategy applicable to funds of the commission held under the Indenture of Trust dated July 15, 2002 securing the outstanding bonds, notes or other obligations issued by the commission to finance a portion of the cost of the initial phase of the Central Texas Turnpike System, also known as the 2002 Project. The investment policy and investment strategy have been amended pursuant to Minute Order 109066, dated October 31, 2002, Minute Order 109339, dated July 31, 2003, Minute Order 109462, dated October 30, 2003, Minute Order 109732, dated July 29, 2004, Minute Order 109963, dated February 24, 2005, Minute Order 110087, dated May 26, 2005, Minute Order 110145, dated July 28, 2005, and Minute Order 110617, dated July 27, 2006. The commission also adopted investment strategies in relation to the Texas Mobility Fund on February 24, 2005 and the Lease With an Option to Purchase Houston District Headquarters Complex Project on May 26, 2005. The commission has designated the department's Chief Financial Officer and Deputy Director of Finance as investment officers.

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department

an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period.

Quarterly investment reports will be prepared for each quarter of the department's fiscal year. A quarterly investment report for the 2002 Project for the period ending May 31, 2007, attached as Exhibit A, and a quarterly investment report for the Lease With an Option to Purchase Houston District Headquarters Complex Project for the period ending May 31, 2007, attached as Exhibit B, have been prepared in accordance with Government Code, §2256.023 and Section 9.0 of the investment policy.

IT IS THEREFORE ORDERED by the commission that the quarterly investment reports attached as Exhibits A and B are accepted.

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

b. Annual review of Investment Policy (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Chief Financial Officer James Bass:

111003
FIN

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

Government Code, §2256.005 requires the commission to adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds.

Pursuant to this legislation, in Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy applicable to funds of the commission held by Bank One, N.A., (in such capacity with its successors, currently *JP Morgan Trust Company, N.A.*), as Trustee under the Indenture of Trust dated July 15, 2002 between the commission and the trustee.

Government Code, §2256.005(e) and Section 17.0 of the investment policy require the commission to review the investment policy and investment strategy on an annual basis, and to approve by order any modifications to the investment policy and investment strategy. The investment policy and investment strategy of the commission were revised by minute orders 109963, 110087, 110145, and 110617 adopted by the commission on February 24, 2005, May 26, 2005, July 28, 2005, and July 27, 2006, respectively, to update the investment policy and strategies to make it applicable to all funds under the control of the commission and not otherwise required to be invested by the Comptroller of Public Accounts (comptroller) including the Texas Mobility Fund and proceeds from the Lease with Option to Purchase relating to the Houston District Headquarters Complex Project.

The investment policy and investment strategies are attached as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller, attached as Exhibit A, has been reviewed and is hereby approved in accordance with Government Code Section §2256.005(e) and Section 17.0 of the investment policy.

Note: Exhibit A on file with minute order clerk.

ITEM 9. STATE INFRASTRUCTURE BANK

Final Approval

Brazoria County – City of Brazoria – Consider final approval of an application from the City of Brazoria to borrow \$163,115 from the State Infrastructure Bank to pay for utility relocation costs along SH 332 due to construction of the new Brazos River bridge in Brazoria County (MO)

Commissioner Houghton made a motion, seconded by Commissioner Underwood and the commission approved the following minute order presented by Chief Financial Officer James Bass:

111004
FIN

The City of Brazoria (city) submitted an application for limited financial assistance from the State Infrastructure Bank (SIB) in the amount of \$163,115 plus a 20 percent contingency under Title 43 Texas Administrative Code, Chapter 6 (rules). The application satisfied all requirements of the rules, including passage by the city of a resolution authorizing submission of the application to the Texas Department of Transportation (department). The city intends to use the limited financial assistance to pay for utility relocation along SH 332 made necessary by the construction of the new Brazos River bridge (project).

The intended use of the limited financial assistance conforms to the purposes of the SIB. The present and projected financial condition of the SIB is sufficient to cover the requested limited 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 city has offered its utility revenues as security to assure likely repayment of the limited financial assistance; 2) the project is consistent with the Statewide Transportation Plan; 3) the project is listed in the 2006-2008 Statewide Transportation Improvement Program and is consistent with the State Implementation Plan; 4) the project will improve both the safety and efficiency of the state transportation systems; and 5) the repayment of the limited financial assistance under negotiated terms will expand the availability of funding for other transportation projects and reduce direct state costs.

The executive director affirms that the necessary social, economic, and environmental impact study has been completed, and that the department has approved that study. The executive director recommends that the commission grant final approval of the SIB application for limited financial assistance.

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

NOW, THEREFORE, IT IS DETERMINED that the application for SIB limited financial assistance submitted by the City of Brazoria meets the requirements of commission rules, and in accordance with those rules and applicable law, the commission grants final approval of the application to borrow \$163,115 plus a 20 percent contingency from the State Infrastructure Bank. The loan will be paid over a period of no more than 14 years, with no payments for the first 3 years, and interest at 3.7 percent per annum. The executive director is directed and authorized to commence negotiations and other actions authorized and required by its rules, and to enter into the financial assistance agreement as negotiated with the city.

ITEM 10. TRANSPORTATION PLANNING

a. Bexar and El Paso Counties – Amend the 2007 Statewide Mobility Program to authorize additional project selections in Category 2, Metropolitan Area Corridor Projects and Category 12, Strategic Priority (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Transportation Planning and Programming Division Director Jim Randall:

111005
TPP

The Texas Transportation Commission (commission) approved the 2007 Statewide Mobility Program (SMP) by Minute Order 110753, dated November 16, 2006.

It is necessary to amend Category 2, Metropolitan Area Corridor Projects, and Category 12, Strategic Priority, of the 2007 SMP to include additional project selections. These projects will promote increased mobility in the El Paso and San Antonio metropolitan areas and will also generally promote economic development, increase efficiency on military deployment routes, or address other strategic needs.

IT IS THEREFORE ORDERED by the commission that Category 2, Metropolitan Area Corridor Projects, and Category 12, Strategic Priority, of the 2007 SMP be amended to authorize additional project selections for the amounts shown in the attached Exhibit A.

Note: Exhibit A on file with minute order clerk.

b. Brazoria, Harris and Montgomery Counties – SH 99 (Grand Parkway) – Reallocate \$1 million from Segment B-1 to Segments E, F-1, F-2 and G in order to complete additional studies from I-10 West to US 59 North, a distance of approximately 52 miles (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Transportation Planning and Programming Division Director Jim Randall:

111006
TPP

The Texas Transportation Commission (commission) authorized funding of \$8 million by Minute Order 107844, dated May 27, 1999, to the Grand Parkway Association (association) for selecting and approving consultants to conduct major investment studies, environmental studies and schematic design for the development of Segments E, F-1, F-2 and G of the Grand Parkway, from I-10 West to US 59 North, a distance of approximately 52 miles.

Minute Order 110046, dated April 28, 2005, authorized additional funding of \$2.5 million to the association for a total of \$10.5 million to complete the additional studies for Segments E, F-1, F-2 and G of the Grand Parkway.

The association, Harris County and the Texas Department of Transportation have determined that \$1 million in funding is necessary in order to complete additional studies for Segments E, F-1, F-2 and G.

The commission authorized a total of \$8.2 million by Minute Orders 108543 and 110042, dated June 28, 2001 and April 28, 2005, respectively, for the development of Segments B-1 and B-2 of the Grand Parkway, from SH 288 in Brazoria County east to I-45 in Galveston County, a distance of approximately 26.2 miles.

The funding which was originally approved by the commission is insufficient for the association to complete the necessary studies for Segments E, F-1, F-2 and G; therefore, the department has determined that \$1 million in funding should be reallocated from Segment B-1 to Segments E, F-1, F-2 and G to complete these studies and expedite the timely construction of these segments.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to reallocate \$1 million from Segment B-1 to Segments E, F-1, F-2 and G of the Grand Parkway, from I-10 west to US 59 North, a distance of approximately 52 miles.

IT IS FURTHER ORDERED by the commission that the association is hereby authorized to proceed with the additional work and to continue the project development activities.

ITEM 11. TRAFFIC OPERATIONS

Approve funding for the 2008 Highway Safety Plan (MO)

Commissioner Holmes made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Traffic Operations Division Director Carlos Lopez:

111007
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and deaths, injuries and property damage.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) also appropriated various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the FY 2008 Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the HSP is approved and the executive director is directed to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$68,106,413 as shown in Exhibit A. The estimated cost for this program is contingent upon the appropriation of funds by the U.S. Congress and could increase or decrease from the requested amount.

IT IS FURTHER ORDERED that, should additional federal funds become available, the director of the Traffic Operations Division is authorized to approve an increase in the HSP up to 10 percent of the total approved budget and the executive director or the director's designee is authorized to approve an increase in the HSP up to 50 percent of the total approved budget, or to the extent of the additional federal funds.

Note: Exhibit A on file with minute order clerk.

ITEM 13. CONTRACTS

a. Award or Reject Highway Improvement Contracts

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

Commissioner Houghton made a motion, seconded by Commissioner Holmes and the commission approved the following minute order as recommended by staff and presented by Construction Division Director Thomas Bohuslav:

111008
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 July 10 and 11, 2007.

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.

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, 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, seconded by Commissioner Houghton, and the commission approved the following minute order as recommended by staff and presented by Construction Division Director Thomas Bohuslav:

111009
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 July 10 and 11, 2007.

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.

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, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A on file with minute order clerk.

b. Sterling County – Project RMC 6161-19-001. Award of maintenance contract to second lowest bidder (MO)

Commissioner Holmes made a motion, seconded by Commissioner Houghton and the commission approved the following minute order as recommended by staff and presented by Construction Division Director Thomas Bohuslav:

111010
MNT

Project RMC 6161-19-001 (Picnic area maintenance) was let on July 12, 2007 in the San Angelo District. Ari Maintenance Solutions was the low bidder but did not accept the awarded contract at letting. The second lowest bidder, Boyd Wesley Turner, has indicated in writing that they are willing to perform the work at the unit bid prices set forth in the lowest bid.

Section 223.0041 of the Transportation Code allows the Texas Transportation Commission (commission), under certain conditions, to award a maintenance contract of less than \$300,000 to the second lowest bidder when the lowest bidder does not execute a contract.

Title 43, Texas Administrative Code §9.17(d) allows the commission to accept the withdrawal of the lowest bid and award the contract to the second lowest bidder on the recommendation of the executive director when the executive director determines that the second lowest bidder is willing to perform the work at the unit bid prices of the lowest bidder, the unit bid prices of the lowest bidder are reasonable, and delaying award of the contract may result in significantly higher unit bid prices.

The memorandum attached as Exhibit A to this minute order and incorporated in this order by reference contains the executive director's recommendation and written determination, required by 43 TAC §9.17(d), that the contract is eligible for award to the second lowest bidder in accordance with the law and the rules.

The commission concurs with the executive director's determinations as set forth in attached Exhibit A.

IT IS THEREFORE ORDERED by the commission that Ari Maintenance Solutions be allowed to withdraw its bid for the contract for Project RMC 6161-19-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6161-19-001 be awarded to Boyd Wesley Turner in the low bid amount of \$15,025.63.

Note: Exhibit A on file with minute order clerk.

ITEM 12. RIGHT OF WAY

Harris County – Authorize the negotiation of options to purchase for the advance acquisition of right of way for US 290/Hempstead Corridor (from FM 2920 to I-610, including I-610 Interchange rebuild areas associated with both US 290 and Hempstead Highway) (MO)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, Commissioner Holmes abstained from voting and the commission approved the following minute order presented by Assistant Executive Director for Engineering Operations Amadeo Saenz:

111011
ROW

In HARRIS COUNTY, a project has been proposed to improve the US 290/Hempstead Highway corridor, parts of which are proposed toll facilities, from FM 2920 East to I-610, including I-610 Interchange reconstruction associated with both U.S. 290 and Hempstead Highway connection. This project will reconstruct, widen mainlanes, and improve this highway corridor to alleviate congestion and improve traffic flow in the northwest Houston metropolitan area and the surrounding region.

The Texas Transportation Commission (commission) finds that use of options to acquire property in connection with the US 290/Hempstead Highway corridor project may reduce the time required for acquisition of right of way and can be economically beneficial to the state by either establishing the purchase price at current market value as of the date of the option contract or establishing a methodology for determining a purchase price at the time the option is exercised without the necessity for condemnation, and/or agreeing to restrictions on the owner's future development and improvement of the property. Successful negotiation of options for this project will help preserve the transportation corridor and benefit both the public and land owners along the proposed route.

Although construction of the project is not yet authorized and no final determination has been made on the preferred alignment of the project, preserving the transportation corridor for completion of the US 290/Hempstead Highway corridor project is essential and urgent, as there is significant risk of impending commercial, industrial and residential development.

Transportation Code, §201.103 authorizes the commission to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads as well as toll road projects. Transportation Code, §§203.051 and 203.052 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to a state highway or toll road project, including property necessary or convenient to protect a state highway or toll road project or to accomplish any other purpose related to the project location, construction, improvement, maintenance, beautification, preservation, or operation.

Transportation Code, §202.112 authorizes the commission to purchase an option to acquire property for possible use in, or in connection with, a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property.

IT IS THEREFORE ORDERED by the commission that the Houston district engineer is authorized to negotiate with property owners along the proposed route of the US 290/Hempstead Highway corridor project and execute option contracts for the purchase of property of a size and in a location as is reasonably related to the possible

future design and alignment of such transportation facility, to expend funds for option fee payments, surveys, title examinations, appraisals and other expenses reasonably necessary to purchase the options, and to exercise the options and expend funds for acquisition of the properties.

ITEM 14. ROUTINE MINUTE ORDERS

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute orders presented by Executive Director Michael W. Behrens.

a. Donations to the Department

Harris County – Consider a donation from Houston Gulfgate Partners, L.P. contributing to a landscape cost sharing project along I-45 and I-610 Loop South in Houston (MO)

111012
OGC

This minute order considers a donation of approximately \$1.52 million from Houston Gulfgate Partners, L.P. to the Texas Department of Transportation (department) to contribute to a landscape improvement project along I-45 and I-610 Loop South in Houston, Texas. The project is part of the department's Landscape Cost Sharing Program, which allows private businesses, civic organizations, and local governments an opportunity to support the aesthetic improvement of the state highway system.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide 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 will further the department's responsibilities and that the donor is not a party to a contested case before the department,

has not been a party to a contested case before the department during the last 30 days, is not subject to department regulation or oversight, and is not interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department. The commission also finds that this donation will 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 approximately \$1.52 million by Houston Gulfgate Partners, L.P. is accepted. 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 – noncontrolled and controlled access highways (MO)

111013
ROW

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

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

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

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

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

NON-CONTROLLED ACCESS

<u>EXHIBIT</u>	<u>COUNTY</u>	<u>HIGHWAY</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
1	Collin	US 75	0047-14-058	4
2	Hopkins	SH 11	0083-03-046	1, 1E, 1TE
3	Hopkins	SH 11	0083-03-046	22
4	Collin	SH 289	0091-05-052	38
5	Hunt	US 380	0135-06-022	3
6	Hunt	US 380	0135-06-022	17
7	Hunt	US 380	0135-06-022	18
8	Hunt	US 380	0135-07-037	46
9	Hill	SH 31	0162-02-035	22
10	Henderson	US 175	0198-01-025	15
11	Henderson	US 175	0198-02-030	50, 50E
12	Henderson	US 175	0198-02-030	60
13	Anderson	US 175	0198-03-029	134
14	Anderson	US 79	0205-07-065	29
15	Anderson	US 79	0205-07-066	60
16	Coryell	US 190	0231-02-044	19
17	Tarrant	SH 26	0363-01-123	68
18	Tarrant	SH 26	0363-01-127	2
19	Rockwall	SH 205	0451-01-043	98
20	Burleson	FM 60	0648-03-053	10
21	Cass	FM 3129	3195-01-013	8
22	Baylor	US 277	5500-00-002	1

CONTROLLED ACCESS

<u>EXHIBIT</u>	<u>COUNTY</u>	<u>HIGHWAY</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
A	Johnson	IH 35	0014-03-085	1AC
B	Archer	US 277	0156-05-047	9

CONTROLLED ACCESS (continued)

EXHIBIT	COUNTY	HIGHWAY	ROW CSJ NO.	PARCEL
C	McLennan	SH31	0162-01-081	37E
D	Dallas	IH 35E	0196-03-231	22
E	Dallas	IH 35E	0196-03-231	82
F	Harris	IH 10	0271-07-260	710A
G	Midland	SH 349	0380-18-002	17
H	Harris	IH 45	0500-03-548	2
I	Johnson	SH 121	0504-05-002	114
J	Montgomery	IH 45	0675-08-089	19
K	Montgomery	IH 45	0675-08-089	141
L	Montgomery	IH 45	0675-05-089	164
M	Dallas	IH 635	2374-01-052	9
N	Dallas	IH 635	2374-01-052	13
O	Dallas	IH 635	2374-01-052	20
P	Dallas	IH 635	2374-01-052	25
Q	Dallas	IH 635	2374-01-052	38
R	Dallas	IH 635	2374-01-052	40
S	Dallas	IH 635	2374-01-052	44
T	Dallas	IH 635	2374-01-151	25
U	Smith	SH Loop 49	3487-01-010	111
V	Smith	SH Loop 49	3487-01-010	114

Note: Exhibits 1 through 22 and A through V on file with minute order clerk.

c. Finance

Accept the quarterly cash report for the period ending May 31, 2007 (MO)

111014
FIN

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

The cash statement will be prepared for each quarter of the department's fiscal year. A quarterly cash report for the department for the third quarter of Fiscal Year 2007, ending May 31, 2007, attached as Exhibit A, has been prepared in accordance with Texas Transportation Code, §201.107.

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

Note: Exhibit A on file with minute order clerk.

d. Highway Designations**(1) Collin County – Remove a segment of FM 2786 from the state highway system and return control, jurisdiction, and maintenance to the Town of Fairview and City of Allen (MO)**111015
TPP

In the town of Fairview, COLLIN COUNTY, on STATE HIGHWAY 5, the State of Texas (state) acquired certain land needed for a state highway purpose by instrument recorded in Volume 445, Page 182, Deed Records of Collin County, Texas.

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

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

AUH20, L.L.C. is the abutting landowner and has requested that the surplus land be sold to the company for \$78,191.

The commission finds \$78,191 to be a fair and reasonable value for the state's rights, title and interest in the surplus land.

NOW, THEREFORE, in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, 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 AUH20, L.L.C. for \$78,191; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the surplus land.

Note: Exhibit A on file with minute order clerk.

(2) King County – Designate US 82 along a new location, with the existing location to be redesignated as State Spur 729 (MO)111016
TPP

In KING COUNTY (county), county officials have requested a new location for US 82 on the state highway system. In order to facilitate the flow of traffic, promote public safety, and maintain the integrity of the state highway system, a segment of the existing location will be redesignated as STATE SPUR 729, with the remainder of the existing location to be removed from the state highway system and obliterated.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that US 82 be designated along a new location, and a segment of the existing location be redesignated as State Spur 729, with the remainder of the existing location to be removed from the state highway system and obliterated.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that:

1. US 82 is designated along a new location from a point 0.77 mile west of the existing north intersection with US 83 southward to the current south intersection with US 83, a distance of approximately 1.95 miles.

2. A segment of US 82 is redesignated as State Spur 729 from a point 0.2 mile west of the current north intersection with US 83 eastward to the current north intersection with US 83, a distance of approximately 0.2 mile.
3. A segment of US 82 from the northern point of the new location to the western point of the new designation of State Spur 729 is removed from the state highway system and obliterated, a distance of approximately 0.57 mile.

IT IS FURTHER ORDERED that upon approval by the commission, this minute order, along with all other pertinent information, be forwarded to the American Association of State Highway and Transportation Officials Special Committee on U.S. Route Numbering for their consideration.

(3) Knox County – Designate US 277 along a new location, with the existing location to be redesignated as State Spur 357 (MO)

111017
TPP

In KNOX COUNTY (county) and the CITY OF GOREE (city), city and county officials have requested a new location for US 277 on the state highway system. In order to facilitate the flow of traffic, promote public safety, and maintain the integrity of the state highway system, a segment of the existing location will be redesignated as STATE SPUR 357, with the remainder of the existing location to be removed from the state highway system and obliterated.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that US 277 be designated along a new location, and a segment of the existing location be redesignated as State Spur 357, with the remainder of the existing location to be removed from the state highway system and obliterated.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that:

1. US 277 is designated along a new location from a point 1.0 miles west of the west city limits of the city of Goree northeastward to a point 0.6 mile east of the east city limits of the city of Goree, a distance of approximately 2.92 miles.
2. A segment of US 277 is redesignated as State Spur 357 from a point 1.0 miles west of the west city limits of the city of Goree to the intersection of 1st Street, a distance of approximately 1.75 miles.
3. A segment of US 277 from the the intersection of 1st Street to a point 0.6 mile east of the east city limits of the city of Goree is removed from the state highway system and obliterated, a distance of approximately 1.1 miles.

IT IS FURTHER ORDERED that upon approval by the commission, this minute order, along with all other pertinent information, be forwarded to the American Association of State Highway and Transportation Officials Special Committee on U.S. Route Numbering for their consideration.

(4) Knox County – Designate US 277 along a new location, with the existing location to be redesignated as Business US 277-P (MO)

111018
TPP

In KNOX COUNTY (county), county officials have requested a new location for US 277 on the state highway system. In order to facilitate the flow of traffic, promote public safety, and maintain the integrity of the state highway system, the existing location will be redesignated as BUSINESS US 277-P.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended that US 277 be designated along a new location, and the existing location be redesignated as Business US 277-P.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that:

1. US 277 is designated along a new location from the intersection of FM 267 northeastward to a point 0.16 mile east of the Munday east city limit, a distance of approximately 1.57 miles.
2. The existing location of US 277 is redesignated as Business US 277-P, a distance of approximately 1.95 miles.

IT IS FURTHER ORDERED that upon approval by the commission, this minute order, along with all other pertinent information, be forwarded to the American Association of State Highway and Transportation Officials Special Committee on U.S. Route Numbering for their consideration.

e. Load Zones & Postings

Various Counties – Revise load restrictions on various bridges on the state highway system (MO)

111019
BRG

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

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

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

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

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

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

f. Right of Way Dispositions and Donations

(1) Collin County – SH 5 at Lakeridge Drive in Fairview – Consider the sale of surplus right of way (MO)

111020
ROW

In COLLIN COUNTY, in the city of Fairview and the city of Allen (cities), local officials have requested the removal of a segment of FARM TO MARKET ROAD 2786 from the state highway system. The cities would like to incorporate the highway into their street system and have requested joint control, jurisdiction, and maintenance of this segment of roadway.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended a segment of FM 2786 be removed from the state highway system and returned to the cities.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that a segment of FM 2786 is removed from the state highway system from the intersection of US 75 eastward to the intersection of State Highway 5, a distance of approximately 0.83 mile, and returned to the cities for joint control, jurisdiction, and maintenance.

(2) Harris County – US 290 between Bauer Road and Mueschke Road – Consider the donation of 5.449 acres of land for a highway improvement project (MO)

111021
ROW

In HARRIS COUNTY, on US 290, from west of Bauer Road to east of Mueschke Road, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

CPS Houston Holdings, L.P., a Texas limited partnership (owner) is the owner of the property described in Exhibit A. The owner wants to donate this property, estimated at \$1,424,142, to the department for construction of a highway improvement project.

The owner is not subject to department regulations or oversight, or interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

A donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

Note: Exhibit A on file with minute order clerk.

**(3) Travis County – I-35 between Slaughter Lane and Old San Antonio Road –
Consider the donation of 1.264 acres of land for a highway improvement project (MO)**

111022
ROW

In TRAVIS COUNTY, on INTERSTATE 35, between Slaughter Lane and Old San Antonio Road, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

SP Meadows Central, Ltd., a Texas limited partnership (owner) is the owner of the property described in Exhibit A. The owner wants to donate this property, estimated at \$991,440, to the department for construction of a highway improvement project.

The owner may be subject to department regulations or oversight, but is not currently party to a contested case before the department. The owner may also be interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

A donation agreement has been executed by the owner and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

Note: Exhibit A on file with minute order clerk.

**(4) Travis County – I-35 between Slaughter Lane and Old San Antonio Road –
Consider the donation of 0.080 acres of land for a highway improvement project (MO)**

111023
ROW

In TRAVIS COUNTY, on INTERSTATE 35, between Slaughter Lane and Old San Antonio Road, the Texas Department of Transportation (department) is acquiring the right of way for a highway improvement project.

V.T.C.A., Transportation Code, §201.206, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept a gift or donation valued at \$500 or more by majority vote at an open meeting.

Martin N. Moskowitz and Kim D. Moskowitz, Irving M. Chase, Trustee of the Chase Family Trust, and Michael Bayer, Trustee of the Michael and Margaret Bayer Family Trust (owners) are the owners of the property described in Exhibit A. The owners

want to donate this property, estimated at \$62,514, to the department for construction of a highway improvement project.

The owners are not subject to department regulations or oversight, or interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department.

A donation agreement has been executed by the owners and tendered to the department for acceptance under Title 43, Texas Administrative Code, §1.504.

IT IS THEREFORE ORDERED by the commission that (1) the commission has determined that acceptance of this donation would provide a significant public benefit, and would not influence or reasonably appear to influence the department in the performance of its duties, and (2) the executive director is hereby authorized to accept the donation of real property, as described in Exhibit A, and the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owner, in accordance with Title 43, TAC, §1.504.

Note: Exhibit A on file with minute order clerk.

(5) Travis County – RM 1431 at Trails End Road – Consider the exchange of right of way (MO)

111024
ROW

In TRAVIS COUNTY, on RANCH TO MARKET ROAD 1431, the State of Texas (state) acquired certain land needed for a state highway purpose by instrument recorded in Volume 1996, Page 209, Deed Records of Travis County, Texas.

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

Jeffrey N. Drinkard and wife, Janeen M. Drinkard, the landowners abutting the surplus land, have executed an instrument conveying to the state right of way needed for the realignment and construction of RM 1431 (new land), described in Exhibit B.

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 partial or full consideration for other land needed by the state for highway purposes.

It is the opinion of the commission that it is proper and correct that the state convey its rights, title and interest in the surplus land to the owners in exchange and as partial consideration for the conveyance of the new land to the state and that the state pay the owners the \$85,166 cash difference in value between the new and surplus land.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, 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 and interest in the surplus land to Jeffrey N. Drinkard and wife, Janeen M. Drinkard, in exchange and as partial consideration for the conveyance of the new land to the state and the state's cash payment of \$85,166 to owners; 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: Exhibits A and B on file with minute order clerk.

g. Speed Zones

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

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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 limit on one segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section of the highway.

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

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

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

ITEM 15. Executive Session Pursuant to Government Code, Chapter 551

- a. **Section 551.071** – Consultation with and advice from legal counsel
- b. **Section 551.072** – Discussion of real property purchase, exchange, lease, donations
- c. **Section 551.074** – Discuss the evaluation, designation, reassignment, and duties of department personnel, including district engineers, division directors, and office directors.
- d. **Section 551.074** – Discuss the appointment of the executive director of the Texas Department of Transportation

The commission recessed at 1:35 p.m. to meet in executive session under provisions of Item 15.d. No action was taken. The meeting reconvened at 1:50 p.m.

OPEN COMMENT PERIOD – There were no open comments.

Commissioner Houghton moved to adjourn and Commissioner Underwood seconded the motion.

The regular meeting of the Texas Transportation Commission adjourned at 1:51 p.m.

APPROVED:

Ric Williamson, 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 July 26, 2007, in Sugar Land, Texas.

Dee Hernandez, Chief Minute Clerk
Texas Department of Transportation