

These are the minutes of the regular meeting of the Texas Transportation Commission, which was held on September 27, 2007 in Austin, Texas. The meeting opened at 9:05 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:

Steve Simmons, Interim Executive Director
 Bob Jackson, General Counsel
 Roger Polson, Executive Assistant to the Deputy Executive Director
 Dee Hernandez, Chief Minute Clerk

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 1:52 p.m. on September 19, 2007, as required by Chapter 551, of the Government Code, referred to as "The Open Meetings Act."

The commission presented an award to Mary Anne Griss for 15 years of service with the Texas Department of Transportation.

ITEM 1. Approval of Minutes of the August 23, 2007 regular meeting and the August 29, 2007 and September 17, 2007 special meetings of the Texas Transportation Commission.

Commissioner Underwood made a motion, seconded by Commissioner Houghton, and the commission approved the minutes of the August 23, 2007 regular meeting and the August 29, 2007 and September 17, 2007 special meetings of the Texas Transportation Commission.

ITEM 2. AVIATION

Approve funding for airport improvement projects at various locations

Commissioner Underwood made a motion, seconded by Commissioner Houghton, and the commission approved the following minute order presented by Aviation Project Management Director Bill Fuller.

111068
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, August 16, 2007, a public hearing was held and no comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A at an estimated cost of \$7,213,542.

Note: Exhibit A on file with minute order clerk.

ITEM 3. PUBLIC TRANSPORTATION

Appointment to the Public Transportation Advisory Committee

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

111069
PTN

One member of the Public Transportation Advisory Committee (committee) has a term that will expire September 30, 2007. The Texas Transportation Commission (commission) makes the following appointment:

Term expiring September 30, 2010:

Francisco (Frank) Castellanos, Brownsville, Texas - representing public transportation users

Transportation Code, §455.004, directs the commission to appoint an eleven-member committee to advise the commission on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation money; comment on rules or rule changes involving public transportation matters; advise the commission on the implementation of Transportation Code, Chapter 461; and perform other duties as determined by order of the commission.

Title 43, Texas Administrative Code, §1.84, administrative rules for the committee, includes a provision that members serve staggered three-year terms, unless removed sooner at the discretion of the commission.

IT IS THEREFORE ORDERED by the commission that the individual identified above is appointed for the terms specified as a member of the committee.

ITEM 4. DISCUSSION ITEM

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

This report was presented by Government and Public Affairs Division Director Coby Chase. Comments were also made by Chief Financial Officer James Bass; Assistant Executive Director for Engineering Operations Amadeo Saenz.

ITEM 7. FINANCIAL ASSISTANCE FOR TOLL FACILITIES

El Paso County – Consider final approval of a request for financing from the Camino Real Regional Mobility Authority (CRRMA) to pay for the costs of independent financial and engineering advisors retained by the CRRMA to assist in negotiations with the department concerning market valuation studies of candidate toll projects comprised of the Northeast Parkway Tollway, express toll lanes along Loop 375, the keystone link of Loop 375 (Cesar Chavez Border Highway Extension West), and express toll lanes along the US 62/180 (Montana) Corridor, and to pay for certain administrative, legal, or other expenses related to the acquisition, construction, maintenance, and operation of those projects (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:

111070
TTA

In Minute Order 110573, dated June 29, 2006, the Texas Transportation Commission (commission) authorized the creation of a regional mobility authority (RMA) in the city of El Paso, known as the Camino Real Regional Mobility Authority (CRRMA), with the boundaries of the authority to be the entire geographic area of the city of El Paso, Texas.

The Texas Department of Transportation (department) and the CRRMA 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 CRRMA.

The CRRMA's goals are to improve mobility by providing relief routes to I-10 and completing Loop 375. This would be accomplished by accelerating the delivery of individual segments and projects with innovative funding and partnerships.

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 CRRMA has submitted a request for \$330,000 to secure independent financial and engineering advisors to assist with negotiations with the department concerning market valuation studies for 12 candidate toll projects under consideration by the department, composed of

a system of concurrent-flow express toll lanes along Loop 375, the keystone link of Loop 375 (Cesar Chavez Border Highway Extension West), express toll lanes along the US 62/180 (Montana) corridor, and the Northeast Parkway Tollway from Loop 375 to FM 3255. The financial assistance would also be used for necessary or incidental administrative, legal, and other expenses relating to the development, acquisition, construction, maintenance, and operation of those projects.

Information and data required by Section 27.53(b) is either contained in the request for financing, in the petition for authorization to form the authority filed with the department on February 28, 2006, or is already in the department's possession. 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 110573, the CRRMA 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 these projects, which will enhance mobility and safety within these segments of the state transportation system.

The projects are consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the El Paso County Metropolitan Planning Organization.

As the CRRMA has indicated that it will fund a portion of the costs of developing the proposed projects with toll revenue and local participation, 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 Camino Real Regional Mobility Authority meets the requirements of 43 TAC §27.53 and §27.54(a) and, in accordance with those provisions, the commission grants final approval of the request for financing in the amount of \$330,000, 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 City of El Paso Mayor John Cook and Representative Joe Pickett.

ITEM 4. DISCUSSION ITEM (continued)

b. Review of TxDOT urban-thoroughfare standards for the possible incorporation of design elements that support walkable, mixed-use development

This report was presented by Traffic Operations Division Director Carlos Lopez. The commission received comments from Scott Polikov with the Congress for the New Urbanism; and Representative Mike Krusee.

ITEM 5. TRAFFIC OPERATIONS**Various Counties – Authorize funding for the Safe Routes to School Program (MO)**

Commissioner Houghton made a motion, seconded by Commissioner Andrade, and the commission approved the following minute order presented by Traffic Operations Division Director Carlos Lopez.

111071
TRF

Pursuant to Title 43, TAC §§25.500 – 25.505, Safe Routes to School Program, the Texas Transportation Commission (commission) may distribute designated state and federal funds to the state Safe Routes to School Program to enhance safety in and around school areas through a comprehensive program designed to improve the bicycle and pedestrian safety of school age children; encourage a healthy and active lifestyle from an early age; enable and encourage children, including those with disabilities, to walk and bicycle to school; and to facilitate projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

A call for project applications for the Safe Routes to School Program, opening on January 19, 2007 and closing on May 25, 2007 was published in the *Texas Register* on January 19, 2007. The call requested applications for infrastructure and non-infrastructure projects. The Texas Department of Transportation's (department) Bicycle Advisory Committee (BAC) and the department's project evaluation committee evaluated projects based on methodology developed in accordance with the selection criteria, pursuant to Title 43, TAC, §25.504. The Director of Traffic Operations reviewed the recommendations of the committees and compiled the recommendation for the commission.

In selecting the projects shown in Exhibit A, Infrastructure Projects, and Exhibit B, Non-Infrastructure Projects, the commission, pursuant to Title 43, TAC, §25.504, considered:

- the recommendations of the Director of Traffic Operations
- safety of the traveling public
- safety in and around school areas
- funding availability

IT IS THEREFORE ORDERED by the commission that the SAFE ROUTES TO SCHOOL PROGRAM – 2007 PROGRAM CALL projects, as shown in Exhibits A & B are 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 infrastructure construction cost of \$22,187,392 and non-infrastructure project cost of \$2,491,561. Federal funding will consist of \$23,739,123 apportioned under Section 1404 of Public Law 109-59, SAFETEA-LU. The department will provide \$939,830 in state funds generated from the sale of the "God Bless Texas" and "God Bless America" license plates.

Note: The commission received comments from TxDOT Bicycle Advisory Committee Chair Regina Garcia; Texas Bicycle Coalition Executive Director Robin Stallings; and Bicycle Advisory Committee Member Tommy Eden; and Texas Department of Safety Lieutenant Bob Gilbert.

ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

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

(1) Chapter 3 – Public Information and Chapter 25 – Traffic Operations (MO)

Amendments to §3.13, Cost of Copies of Official Records (Access to Official Records) and New §25.971, Purpose, §25.972, Definitions, §25.973, Medical Examiner's Report, and §25.974, Officer Accident Report Modifications (New Subchapter O, Crash Records Information System)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Traffic Operations Deputy Director Carol Rawson:

111072
TRF

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §3.13, cost of copies of official records, and new §25.971, purpose, §25.972, definitions, §25.973, medical examiner's report, and §25.974, officer accident report modifications, all relating to crash records information system, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments and new sections, attached to this minute order as Exhibits A - C, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §3.13 and new §25.971, §25.972, §25.973, and §25.974 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 through C on file with minute order clerk.

(2) Chapter 5 – Finance (MO)

Amendments to §5.53, Proposal, §5.54, Commission Approval to Negotiate, §5.55, Proposals from Private Entities, §5.56, Final Approval, and §5.58, Project Development by Public or Private Entity (Pass-Through Fares and Tolls)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Design Division Director of Planned Development Section Elizabeth Hilton:

111073
DES

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §5.53, proposal, §5.54, commission approval to negotiate, §5.55, proposals from private entities, §5.56, final approval, and §5.58, project development by public or private entity, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §5.53, §5.54, §5.55, §5.56, and §5.58 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

(3) Chapter 8 – Motor Vehicle Distribution (MO)

Amendments to §8.132, Definitions, §8.133, General Distinguishing Number, §8.139, Metal Dealer License Plates and Temporary Cardboard Tags, §8.144, Record of Sales and Inventory, and New §8.149, Independent Mobility Motor Vehicle Dealers (General Distinguishing Numbers)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Motor Vehicle Division Director Brett Bray:

111074
MVD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §8.132, definitions, §8.133, general distinguishing number, §8.139, metal dealer license plates and temporary cardboard tags, §8.144, record of sales and inventory, and new §8.149, independent mobility motor vehicle dealers, all relating to general distinguishing numbers, 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 and B, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §8.132, §8.133, §8.139, §8.144, and new §8.149 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

(4) Chapter 15 – Transportation Planning and Programming and Chapter 24 – Trans-Texas Corridor (MO)

Amendments to §15.2, Definitions, and New §15.9, Corridor Advisory Committees (Transportation Planning) and New §24.13, Corridor Planning and Development (Development of Facilities)

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

111075
AEO

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §15.2, relating to definitions, new §15.9, relating to corridor advisory committees, and new §24.13, relating to corridor planning and development, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments and new sections, attached to this minute order as Exhibits A - C, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §15.2 and new §15.9 and §24.13 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 through C on file with minute order clerk.

(5) Chapter 17 – Vehicle Titles and Registration (MO)

Amendments to §17.3, Motor Vehicle Certificates of Title, and New §17.8, Landowner's Lien (Motor Vehicle Certificates of Title), and Amendments to §17.23, Temporary Registration Permits (Motor Vehicle Registration)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Vehicle Titles and Registration Division Deputy Director Mike Craig:

111076
VTR

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §17.3, motor vehicle certificates of title, new §17.8, landowner's lien, and amendments to §17.23, temporary registration permits, all relating to motor vehicle registration, 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 at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §17.3, new §17.8, and amendments to §17.23, 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 through C on file with minute order clerk.

b. Final Adoption

(1) Chapter 1 - Management (MO)

Amendments to §1.4, Public Access to Commission Meetings (Public Meetings and Hearings)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by General Counsel Bob Jackson:

111077
OGC

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.4 relating to public access to commission meetings, 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 at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §1.4 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

(2) Chapter 21 - Right of Way (MO)

Amendments to §21.23, State Participation in Toll-Related Relocations (Utility Adjustment, Relocation, or Removal)

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Right of Way Division Acquisition Section Director John Zimmerman:

111078
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §21.23, relating to state participation in toll-related relocations, 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 at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the amendments to §21.23 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

ITEM 8. TRANSPORTATION PLANNING

a. Comal County – Tender a proposal to the City of New Braunfels and Comal County to extend FM 306 and to remove FM 483 from the state highway system and return it to the city for control, jurisdiction and maintenance (MO)

Commissioner Houghton made a motion, seconded by Commissioner Andrade, and the commission approved the following minute order presented by Transportation Planning and Programming Division Deputy Director Wayne Dennis:

111079
TPP

In COMAL COUNTY, the city of New Braunfels (city) proposed a project to extend FARM TO MARKET ROAD 306 (proposed facility) along a new location from I-35, east and south to FM 1101, a distance of approximately 1 mile.

The city also requested the removal from the state highway system of FARM TO MARKET ROAD 483, from I-35 to FM 1101, a distance of approximately 0.92 mile. The city is planning development along the new location of FM 306 and wishes to extend the proposed development by demolishing the roadway of FM 483 and terminating its use as a public road. The city assures the Texas Department of Transportation (department) that no property owners along existing FM 483 will be landlocked following demolition of the road. Title to the existing right of way for FM 483 is held in the name of Comal County.

Constructing the proposed facility will expand economic opportunities in that area and improve the continuity of the state highway system. The department recognizes the benefits of extending the designation of FM 306 along this new location, thus providing direct access between I-35 and FM 1101.

Transportation Code, §§202.021 and 202.025 authorize the Texas Transportation Commission (commission) to recommend to the governor the execution of a quitclaim deed relinquishing and conveying to a county any interest in real property that was acquired by the county in its own name for use by the state, if the property is no longer needed for a state highway purpose.

IT IS THEREFORE ORDERED by the commission that the executive director is directed to tender the following proposal to the city:

Provided the city will:

1. Complete the environmental and public involvement process for the proposed facility in accordance with all applicable federal and state laws, rules and regulations. This includes any coordination necessary for resource agency approvals, clearance on all endangered species issues, and any re-evaluations of environmental documents as needed.
2. Complete any required environmental mitigation and remediation.

3. Retain ownership and maintain all required environmental mitigation property located outside the contiguous roadway right of way.
4. Provide all right of way for the proposed facility in the name of the state at no cost to the state, with access permitted only at those locations approved by the department. This includes costs to relocate or remove all conflicting utilities and improvements and to provide relocation assistance to any displacees. Acquisition of right of way and relocation assistance will be in accordance with department policy and all applicable federal and state laws, rules and regulations governing acquisition procedures.
5. Design and construct the new facility in accordance with department specifications, at no cost to the state.
6. Upon completion of the proposed facility, surrender control, jurisdiction and maintenance of this facility to the state.

The department will:

1. Review the design and construction of the proposed facility to ensure that it meets department specifications.
2. Upon satisfactory completion of the FM 306 extension, recommend to the commission that it enter a subsequent order to accept the project, add the FM 306 extension to the state highway system, remove FM 483 from the state highway system, declare it to be surplus to the needs of the department, and recommend that the governor execute a quitclaim deed to Comal County.

IT IS FURTHER ORDERED that upon acceptance of the provisions of this order by the city, the executive director is hereby authorized to enter into any necessary agreements with the city containing terms consistent with the provisions of this order.

This order shall become operative upon acceptance by the city, and if not accepted within 90 days of this date, the actions contained in this order shall not be implemented.

b. Various Counties – Certify eligible counties for the 2008 Economically Disadvantaged Counties Program and establish local match adjustment for each county (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 Deputy Director Wayne Dennis:

111080
TPP

Section 222.053, Transportation Code defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Section 222.053 directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local

matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement. The commission is also required to certify a county as an economically disadvantaged county on an annual basis as soon as possible after the comptroller reports on the economic indicators listed above.

43 TAC §15.55 establishes the criteria that the commission will consider in determining the adjustment to the local matching funds requirement and a local government's effort and ability to meet the requirement.

The Comptroller of Public Accounts has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for 2008. The counties' efforts and ability to provide a local match has been considered using the criteria set forth in 43 TAC §15.55. Exhibit A lists the eligible counties and their respective recommended local match adjustments.

IT IS THEREFORE ORDERED that the 2008 list of counties eligible for the Economically Disadvantaged Counties Program, as shown in Exhibit A, is certified and the local match adjustment for each county is established.

Note: Exhibit A on file with minute order clerk.

ITEM 9. FINANCE

a. Accept a report from a Texas Turnpike Authority Representative, as required by the 2002 indenture, certifying attainment of substantial completion for the 2002 Central Texas Turnpike System (MO)

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

111081
FIN

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

In TRAVIS AND WILLIAMSON COUNTIES, pursuant to Minute Order 108873, dated April 25, 2002, STATE HIGHWAY 130 has been designated as a turnpike project and a controlled access state highway from I-35 at SH 195 to a southern terminus at US 183.

In TRAVIS AND WILLIAMSON COUNTIES, pursuant to Minute Order 108896, dated May 30, 2002, STATE HIGHWAY 45, has been designated as a turnpike project and a controlled access state highway from west of US 183 to SH 130.

In TRAVIS AND WILLIAMSON COUNTIES, pursuant to Minute Order 108896, dated May 30, 2002, LOOP 1 has been designated as a turnpike 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 45.

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

In connection with the issuance of the obligations for the 2002 Project, the Commission engaged Vollmer Associates and URS Corporation jointly to serve as the traffic consultant in accordance with the Indenture and to prepare an investment grade traffic and revenue report to use in connection with the marketing of the obligations for the 2002 Project (2002 Traffic and Revenue Report).

Section 406(b) of the Indenture requires that a TTA Representative, as defined in the Indenture, deliver to the bond trustee a report certifying when substantial completion of the 2002 Project has occurred. In certifying substantial completion the TTA Representative must base the certification upon his review of the quarterly progress reports prepared by the general engineering consultant and upon consultation with the traffic consultant that prepared the 2002 Traffic and Revenue Report.

Section 101 of the Indenture defines substantial completion to be the point in time when the 2002 Project has been partially opened to traffic to the extent that the portions of the 2002 Project open to traffic were projected to produce 80% of the revenues of such project in the 2002 Traffic and Revenue Report issued at the time of issuance of the obligations to finance the costs of the 2002 Project.

The Commission has received information from the general engineering consultant and the traffic consultant that the 2002 Project is substantially complete as prescribed by the Indenture.

IT IS THEREFORE ORDERED by the commission that the 2002 Project is hereby declared Substantially Complete as defined within the Indenture.

IT IS FURTHER ORDERED that a TTA Representative prepare the necessary certification in accordance with Section 406(b) of the Indenture and provide such other notices, representations and other actions as required by the Indenture and bond documents in connection with such certification.

b. Various Counties – Approval and authorization to enter into an agreement for lockbox and custodial services for the collection and administration of toll revenues (MO)

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

111082
FIN

The Texas Department of Transportation (department) owns and operates a customer service center that receives information from various toll-road operators in the state, regarding the use of toll roads and the amount of toll charges to be paid by users.

The department provides clearinghouse services and back-office functions relating to the operation of certain toll roads, including call-center operations, account management and maintenance, transponder issuance and replacement, invoicing, toll collection, violation processing and enforcement, revenue handling and accounting and customer service and support.

The department and other state toll-road operators have issued transponders to motorists who have agreed to pay tolls for use of the roads. Tolls are also collected from motorists who use the toll roads but do not have transponders. Further, the department is considering permitting the use of transponders to pay for services other than use of toll roads.

The department has requested proposals from qualified bidders to provide for (i) the establishment and administration of master lockbox accounts, (ii) the deposit into the specified master custodial accounts of receipts from the master lockbox accounts and funds that may be remitted directly to the custodian in respect of the use of toll roads, and (iii) a custodian to administer the master lockbox accounts daily and to hold, administer and distribute funds that are deposited into the master custodial accounts.

The department received one responsive proposal from the Bank of New York Mellon. The department evaluated the proposal and has determined that the Bank of New York Mellon will provide quality services at reasonable costs and is a good value.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the department is authorized to negotiate and enter into an agreement with the Bank of New York Mellon for lockbox and custodial services for the collection and administration of toll revenues in a form substantially similar to the sample contract attached as Exhibit A.

Note: Exhibit A on file with minute order clerk.

c. Approval of the financial plan, documents, and issuance of bonds for the Texas Mobility Fund Revenue Financing Program (MO)

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

111083
FIN

Section 49-k, Article III of the Texas Constitution (Constitutional Provision) and Transportation Code, Chapter 201, Subchapter M, and other applicable law, including Government Code, Chapter 1371, authorize the Texas Transportation Commission (commission) to issue bonds and other obligations secured by all or part of the money in the Texas Mobility Fund (fund). Obligations may be issued to 1) pay all or part of the costs of constructing, reconstructing, acquiring, and expanding state highways; 2) provide participation by the state in the payment of part of the costs of constructing and providing publicly owned toll roads and other public transportation projects; 3) create debt service accounts; 4) pay interest on obligations for a period of not longer than two years; 5) refund or cancel outstanding obligations and 6) pay the commission's costs of issuance (collectively, Projects).

Transportation Code, Chapter 201, Subchapter M, provides that the commission may guarantee on behalf of the state the payment of any obligations and credit agreements secured by the fund by pledging the full faith and credit of the state to the payment of the obligations and credit agreements in the event the revenue and money dedicated to the fund and on deposit in the fund under the Constitutional Provision, are insufficient for that purpose.

Transportation Code, §201.947 provides that the commission may not issue obligations before the Texas Department of Transportation (department) has developed a strategic plan that outlines how the proceeds of obligations will be used and the benefit the state will derive from use of money in the fund. Pursuant to Minute Order 109800, dated September 30, 2004, the Texas Mobility Fund Strategic Plan as developed by the department was adopted and has not been amended.

Government Code, §1231.041 provides that a state agency may not issue a state security, including a bond, unless the Texas Bond Review Board (board) approves the issuance. On May 5, 2005, the board approved the issuance in one or more series of "Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds" in an aggregate principal amount not to exceed \$4 billion. The board is considering the department's application for approval of one or more series of additional "Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds" in connection with the updated projected debt capacity of the fund. The department will not issue additional bonds payable from the fund until board approval is received in accordance with law.

Pursuant to Minute Order 110081 dated May 4, 2005 (Authorizing Minute Order), the commission has approved a "Master Resolution Establishing the Texas Transportation Commission Mobility Fund Revenue Financing Program" (as may be amended from time to time, the Master Resolution) to establish a revenue financing program (Mobility Fund Revenue Financing Program) initially established in the aggregate principal amount outstanding at any time of not to exceed \$4 billion pursuant to which the commission may issue obligations including bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on all or part of the moneys in the fund and any applicable state guarantee authorized pursuant to Section 2(c) of the Master Resolution. The Authorizing Minute Order further approved two supplemental resolutions to the Master Resolution which authorized the issuance of the \$900 million Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2005-A (the Series 2005-A Bonds) and the \$100 million Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2005-B (Variable Rate Bonds) (the Series 2005-B Bonds). Any capitalized terms not otherwise defined herein have the meanings given in the Master Resolution.

Pursuant to Minute Order 110530 dated May 25, 2006, the commission further approved a third supplemental resolution to the Master Resolution which authorized the issuance of the \$750 million Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2006 (Series 2006 Bonds).

Pursuant to Minute Order 116084 dated September 28, 2006, the commission further approved a fourth supplemental resolution and a fifth supplemental resolution to the Master Resolution which authorized the issuance of the \$1,040,275,000 Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2006-A (Series 2006-A Bonds) and \$150 million Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2006-B (Multi-Modal Bonds) (Series 2006-B Bonds), respectively.

Pursuant to Minute Order 110940 dated May 24, 2007, the commission further approved a sixth supplemental resolution to the Master Resolution which authorized the issuance of the \$1,006,330,000 Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds, Series 2007 (the Series 2007 Bonds, the Series 2006 Bonds, the Series 2006-A Bonds, the Series 2006-B Bonds, the Series 2005-A Bonds, and the Series 2005-B Bonds, together with the reimbursement obligations under the liquidity facility related to the Series 2006-B Bonds and Series 2005-B Bonds, collectively "Outstanding Parity Debt").

The Master Resolution can be amended at any time without notice or consent of the owners of the Outstanding Parity Debt to increase the Mobility Fund Revenue Financing Program size so long as the commission determines that the Dedicated Revenues will be sufficient to pay all amounts to be payable from the Dedicated Revenues.

The commission has determined it to be in the best interest of the state to issue additional obligations, on parity with the previously issued Outstanding Parity Debt, secured by revenues and money dedicated to the fund and on deposit in the fund under the Constitutional Provision and by a pledge of the full faith and credit of the state and to amend the Master Resolution to increase the projected debt capacity to not to exceed \$6.5 billion in aggregate principal amount outstanding at any time.

The Master Resolution, together with the "Seventh Supplemental Resolution to the Master Resolution Establishing the Texas Transportation Commission Mobility Fund Revenue Financing Program" (Seventh Supplement), prescribes the terms, provisions and covenants related to the issuance of additional bonds in one or more series entitled "Texas Transportation Commission State of Texas General Obligation Mobility Fund Bonds" (Bonds) with such series designation as set forth in the Seventh Supplement, in the aggregate principal amount not to exceed \$2.5 billion.

Under the Seventh Supplement, the commission has determined it to be in the best interest of the state for the Bonds to be sold through a negotiated sale pursuant to the procedures set forth in the Seventh Supplement, including entering into a bond purchase contract with the underwriters (Purchase Contract) under which the underwriters agree to purchase from the commission, and to make a bona fide public offering of, such principal amount of the Bonds as identified by the department Representative, as defined in the Seventh Supplement, in the award certificate for said obligations, and at such price and subject to such terms as prescribed in the award certificate.

Under the Seventh Supplement, the Department Representative is authorized to price all or a portion of the Bonds as Variable Rate Bonds and may need to utilize liquidity provider(s), tender agents, remarking agents and other similar functions in connection with any such Variable Rate Bonds.

Pursuant to Minute Order 110656 dated August 24, 2006, the commission approved a Derivative Management Policy which policy established a Derivative Committee to review and make recommendations regarding the commission's use of derivative financial products. The Derivative Committee previously recommended, and pursuant to Minute Order 116084 the commission approved, the implementation of a financial plan which involves the execution of swap agreements in connection with the Mobility Fund Revenue Financing Program and the commission has executed the 1992 International Swap Dealers Association, Inc. (ISDA) Master Agreements with Goldman, Sachs Mitsui Marine Derivative Products, L.P., JPMorgan Chase Bank, N.A. and Morgan Stanley Capital Services Inc. (Existing Swap Providers).

The Derivative Committee has also approved and recommended execution of an additional Master Agreement with UBS AG (Potential Swap Provider) pursuant to which the commission is authorized to enter into additional interest rate swap transactions with some or all of the Existing Swap Providers and the Potential Swap Provider when in the judgment of the Department Representative, and in accordance with the commission's Derivative Management Policy, Chapter 1371, Texas Government Code and the Seventh Supplement, the transaction is expected to benefit the commission.

IT IS THEREFORE ORDERED by the commission that the chair and Executive Director are authorized and directed to execute and deliver the Bonds and the Department Representative, as defined in the Seventh Supplement, is authorized and directed to execute and deliver the Seventh Supplement, the Bond Purchase Contract, the First Amendment to the Master Resolution, the Paying Agent Agreement, the Seventh Supplement, the Bond Purchase Agreement, any Remarketing Agreement, Liquidity Agreement, Tender Agent Agreement and similar agreements necessary for any Variable Rate Bonds (collectively, Program Documents), and the Bond Purchase Contract and Paying Agent Agreement and any Remarketing Agreement, Liquidity Agreement, Tender Agent Agreement and similar agreements in connection with any Variable Rate Bonds are approved in substantially the form previously approved by the commission in connection with the Outstanding Parity Debt with such changes as the Department Representative executing the same may approve, such approval to be conclusively evidenced by execution of the Program Documents.

IT IS FURTHER ORDERED by the commission that the Dedicated Revenues in the fund are estimated to be sufficient to pay all amounts to be payable from Dedicated Revenues and the Mobility Fund Revenue Financing Program capacity shall be increased as set forth in the First Amendment to the Master Resolution.

IT IS FURTHER ORDERED by the commission that any necessary ancillary documents in connection with the issuance of the Bonds and the Program Documents are hereby approved, and the Department Representative is authorized and directed to execute and deliver such documents.

IT IS FURTHER ORDERED by the commission that the Department Representative is hereby authorized to enter into the 1992 ISDA Master Agreement (Swap Agreement) with the Potential Swap Provider in substantially the form presented to the commission, including the form of Master Schedule and any appropriate confirmation related to any interest rate swap transaction relating to Outstanding Parity Debt and Bonds with any or all of the Existing Swap Provider and the Potential Swap Providers, with such changes as the Department Representative executing the same may approve, such approval to be conclusively evidenced by execution of the Swap Agreement in accordance with the Derivative Management Policy and the Seventh Supplement.

IT IS FURTHER ORDERED by the commission that a pledge of the full faith and credit of the state be utilized in connection with the Bonds, the payment obligations of the commission under any Liquidity Agreement and the payment obligations of the commission under the Swap Agreements.

IT IS FURTHER ORDERED by the commission that each member of the commission and each Department Representative is authorized and directed to perform all such acts and execute such documents, including execution of certifications to the underwriters, the Attorney General, the Comptroller of Public Accounts and other parties, as may be necessary to carry out the intent of this order and other orders of the commission relating to the Mobility Fund Revenue Financing Program and the Program Documents.

ITEM 10. STATE INFRASTRUCTURE BANK

Hidalgo County – Mission Redevelopment Authority – Consider granting preliminary approval of an application from the Mission Redevelopment Authority to borrow \$3 million from the State Infrastructure Bank to pay for construction related to the extension of FM 396/Anzalduas Road from the international border to US 83 in Hidalgo County (MO)

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

111084
FIN

The Mission Redevelopment Authority (authority) submitted an application for financial assistance from the State Infrastructure Bank (SIB) under Title 43 Texas Administrative Code, Chapter 6 (rules). The application satisfied all requirements of the rules, including passage by the authority of a resolution authorizing submission of the application to the Texas Department of Transportation (department). The authority intends to use the financial assistance to pay for costs resulting from the extension of FM 396/Anzalduas Road from the international border to US 83 in the city of Mission (project).

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

Based on department review and analysis of the application, the Texas Transportation Commission (commission) makes the following findings: 1) the authority has offered its tax incremental revenues as security to assure likely repayment of the financial assistance; 2) the project is consistent with the Statewide Transportation Plan; 3) the project is listed in the 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 state transportation systems; and 5) the repayment of the financial assistance under negotiated terms will expand the availability of funding for other transportation projects and reduce direct state costs.

NOW, THEREFORE, IT IS DETERMINED that the application for SIB financial assistance submitted by the Mission Redevelopment Authority meets the requirements of commission rules, and in accordance with those rules and applicable law, the commission grants preliminary approval of the application to borrow \$3 million from the State Infrastructure Bank, and directs the executive director to commence negotiations and other actions authorized and required by its rules.

ITEM 11. RIGHT OF WAY

Williamson County – Authorize the negotiation of options to purchase for the advance acquisition of right of way for expansion of FM 1460 from Quail Valley Drive in Georgetown to Old Settlers Boulevard in Round Rock (MO)

Commissioner Andrade made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Right of Way Acquisition Section Director John Zimmerman:

111085
ROW

In WILLIAMSON COUNTY, projects have been proposed to improve FARM TO MARKET ROAD 1460 from Quail Valley Drive to Westinghouse Road in Georgetown, a distance of approximately 2.232 miles, and from north of Westinghouse Road to Old Settlers Boulevard in Round Rock, a distance of approximately 3.647 miles, for a total distance of approximately 5.879 miles. These projects will widen the existing highway facility to a four-lane divided highway facility.

The Texas Transportation Commission (commission) finds that use of options to acquire property in connection with the FM 1460 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 these projects will help preserve the transportation corridor and benefit both the public and land owners along the proposed route.

Although construction of the projects is not yet authorized and no final determination has been made on the alignment of the projects, preserving the transportation corridor for completion of the FM 1460 projects 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 Austin district engineer is authorized to negotiate with property owners along the proposed route of FM 1460 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 12. CONTRACTS

a. Award or Reject Highway Improvement Contracts

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

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

111086
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 September 6 and 7, 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 Andrade made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order, rejecting Project Nos. STP 2000(588)TE in Galveston County, and STP 2007(845) in Uvalde County, as recommended by staff and presented by Construction Division Director Thomas Bohuslav:

111087
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 September 6 and 7, 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.

ITEM 13. ROUTINE MINUTE ORDERS

Commissioner Andrade made a motion, seconded by Commissioner Holmes, and the commission approved the following minute orders presented by Interim Executive Director Steve Simmons.

a. Donations to the Department

(1) **Bexar County** – Consider a donation from Union Pacific Railroad for replacement of a bridge at the Union Pacific Railroad Crossing along FM 2536 in San Antonio (MO)

111088
OGC

Union Pacific Railroad (UPRR) proposes to donate to the Texas Department of Transportation (department) an estimated \$3.5 million necessary for the construction costs related to replacing a bridge over a railroad crossing along FM 2536 to provide vertical height requirements for the railroad and for the safety of the traveling public.

This donation has been examined by department personnel. The department recommends issuance of this minute order on the ground that it is in the best interest and welfare of the traveling public.

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 and has not been a party to a contested case before the department during the last 30 days. The commission also finds that the donor 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.

IT IS THEREFORE ORDERED by the commission that the estimated donation of \$3.5 million by UPRR 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.

(2) **Construction Division** – Acknowledge a donation from the American Institute of Steel Construction for a department employee's travel expenses related to participation in a meeting that discussed revisions to the steel fabricators certification program. The meeting was held in Pittsburgh, Pennsylvania on September 18, 2007 (MO)

111089
OGC

This minute order acknowledges a donation of \$1,003 from the American Institute of Steel Construction (AISC) for a Texas Department of Transportation (department) employee's travel expenses related to participating in a meeting that discussed revisions to the steel fabricators certification programs that was held in Pittsburgh, Pennsylvania on September 18, 2007.

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 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.

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.

This donation has been examined by department personnel. The department recommends issuance of this minute order on the ground that acceptance of the donation is in the best interest and welfare of the traveling public.

The commission finds that the donation will further the department's responsibilities and that the donors are not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the donors are interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department. The commission has determined that acceptance of the donation would nonetheless provide significant public benefits and would not influence or reasonably appear to influence the department in the performance of its duties.

IT IS THEREFORE ORDERED by the commission that the donation of \$1,003 by AISC is acknowledged. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

(3) Franklin County – Consider a donation for costs associated with the design, fabrication and installation of signs designating the Tom Ramsay Highway on SH 37 in Mount Vernon (MO)

111090
OGC

This minute order considers a donation to the Texas Department of Transportation (department) from Ms. Lillie Bush, a private citizen that represents friends and supporters of Tom Ramsay, for an estimated \$2,400 for costs associated with the design, fabrication, and installation of highway signs. The signs will be used to designate a portion of State Highway 37 from US 67 near Yates Street in Mount Vernon, Texas south to FM 21 outside Mount Vernon, Franklin County as the Tom Ramsay Highway.

This donation has been examined, and the department recommends issuance of this minute order on the ground that it is in the best interest and welfare of the traveling public.

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 and has not been a party to a contested case before the department during the last 30 days. The commission also finds that the donor 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.

IT IS THEREFORE ORDERED by the commission that the estimated donation of \$2,400 by Ms. Bush 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.

(4) Texas Turnpike Authority Division – Consider a donation from Strategic Research Institute for a department employee's travel expenses related to participation at the 2nd Annual Infrastructure Investing: A Growing Asset Class Conference to be held in New York, New York from October 9-10, 2007 (MO)

111091
OGC

This minute order considers a donation worth an estimated amount of \$735.54 from the Strategic Research Institute for travel expenses related to a Texas Department of Transportation (department) employee's participation at a conference titled, "2nd Annual Infrastructure Investing: A Growing Asset Class" to be held in New York, New York from October 9-10, 2007.

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 and has not been a party to a contested case before the department during the last 30 days. The commission also finds that the donor is not subject to department regulation or oversight and is not interested in a contract, purchase, payment, or claim with or against the department.

IT IS THEREFORE ORDERED by the commission that the donation worth an estimated amount of \$735.54 from the Strategic Research Institute 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.

(5) Travel Division – Consider donations from various entities to support the department's adopt-a-highway program (MO)

111092
OGC

This minute order considers donations in the total amount of \$500 each by ARCADIS, Costello, Inc., L & G Consulting Engineers, Inc., LJA Engineering & Surveying, Inc., R.J. Rivera Associates, Inc., RODS Surveying, Inc., and Structural Engineering Associates, Inc. and from Raytheon Company in the amount of \$1,000 for a total of \$4,500 to the Texas Department of Transportation (department) in support of the adopt-a-highway program. The purpose of the adopt-a-highway program is to assist the department's litter prevention and highway maintenance efforts. These donations have been examined by department personnel. The department recommends issuance of this minute order on the ground that it is in the best interest and welfare of the traveling public.

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 donations will further the department's responsibilities and that the donors are not a party to a contested case before the department and have not been a party to a contested case before the department during the last 30 days. The commission also finds that the donors are interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department. The commission has determined that acceptance of the donations would nonetheless provide significant public benefits and would not influence or reasonably appear to influence the department in the performance of its duties.

IT IS THEREFORE ORDERED by the commission that the donation of a total amount of \$4,500 by the donors 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 (see attached itemized list) (MO)

111093
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>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Anderson	US 175	2	0198-03-029	146
Anderson	US 175	4	0198-03-029	127
Brazos	SH 21	10	0117-02-031	1
Brazos	SH 21	15	0117-02-031	2
Cass	FM 3129	8	0945-05-017	1
Collin	FM 982	16	0387-05-017	123
Collin	SH 289	9	0091-04-049	16
Collin	SH 289	11	0091-04-049	31
Denton	US 380	1	0134-09-059	28
Denton	US 380	12	0134-09-059	35

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Denton	US 380	13	0134-09-059	8
Rockwall	SH 205	6	0451-01-043	30
Rockwall	SH 205	7	0451-01-043	32
Tarrant	SH 26	5	0363-01-123	7
Tarrant	SH 26	3	0363-01-126	29
Tarrant	SH 26	14	0363-01-126	37, 37E

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Anderson	US 79	J	0205-07-065	29
Archer	US 277	OO	0156-05-047	3
Archer	US 277	NN	0156-05-047	10
Archer	US 277	MM	0156-05-047	11
Brazoria	SH 332	W	1524-01-072	1
Collin	US 75	Q	0047-14-057	26
Dallas	IH 35E	K	0196-03-231	57
Dallas	IH 35E	RR	0196-03-231	43
Dallas	IH 35E	QQ	0196-03-231	45
Dallas	IH 35E	PP	0196-03-231	48
Dallas	IH 35E	P	0196-03-231	56
Dallas	IH 635	D	2374-01-052	42
Dallas	IH 635	N	2374-01-052	18
Dallas	IH 635	A	2374-01-052	36
Dallas	IH 635	X	2374-01-052	38
Dallas	IH 635	B	2374-01-052	35
Dallas	IH 635	T	2374-01-148	3
Dallas	IH 635	U	2374-01-148	6
Dallas	IH 635	E	2374-01-149	9
Harris	IH 10	SS	0271-07-260	710B
Henderson	US 175	H	0198-02-028	91
Henderson	US 175	I	0198-02-028	97
Montgomery	IH 45	M	0675-08-089	2
Montgomery	IH 45	II	0675-08-089	8
Montgomery	IH 45	DD	0675-08-089	16
Montgomery	IH 45	KK	0675-08-089	1
Montgomery	IH 45	JJ	0675-08-089	18
Montgomery	IH 45	HH	0675-08-089	143
Montgomery	IH 45	GG	0675-08-089	14
Montgomery	IH 45	FF	0675-08-089	15
Montgomery	IH 45	EE	0675-08-089	160

CONTROLLED ACCESS (continued)				
COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Montgomery	IH 45	CC	0675-08-089	101
Montgomery	IH 45	BB	0675-08-089	114
Montgomery	IH 45	AA	0675-08-089	152
Montgomery	IH 45	Z	0675-08-089	149
Montgomery	IH 45	Y	0675-08-089	121
Montgomery	IH 45	V	0675-08-089	108
Tarrant	SH 121	F	0504-02-018	50A
Tarrant	SH 121	G	0504-02-018	50B
Williamson	IH 35	L	0015-08-126	5
Williamson	IH 35	R	0015-08-126	7
Williamson	IH 35	O	0015-08-126	3
Williamson	SH 195	LL	0440-01-037	35, 35TE
Williamson	SH 195	TT	0440-01-037	27, 27E
Williamson	SH 195	S	0440-01-037	28
Williamson	SH 195	C	0836-01-013	10

c. Load Zones & Postings

Various Counties – Revise load restrictions on the state highway system:

(1) Roadways (MO)

111094
CST

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

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

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

It has been determined from this investigation that the loads on certain sections of roads 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 transported or moved on, over or upon the roads described in Exhibit A be fixed, revised, or removed for the month of September 2007, as set forth therein, superseding any portion of a previous action in conflict. The executive director shall proceed with the erection, revision or removal of signs as appropriate, making the removal of this load limitation effective and operative.

Note: Exhibit A on file with minute order clerk.

(2) Bridges (MO)111095
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.

d. Right of Way Dispositions and Donations**(1) Fort Bend County – SH 99 from Fry Road to FM 1093 – Consider the donation of .6751 acres of land for a highway improvement project (MO)**111096
ROW

In FORT BEND COUNTY, on STATE HIGHWAY 99 from Fry Road to FM 1093, 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.

Trendmaker Homes, Inc. (owner) is the owner of the property described in Exhibit A. The owner wants to donate this property, estimated at \$664,245, 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.

(2) Harris County – 6810 Old Katy Road, adjacent to Houston District Headquarters – Consider the exchange of railroad right of way for an addition to the headquarters site (MO)

111097
ROW

In the city of Houston, HARRIS COUNTY, at 6810 OLD KATY ROAD, the State of Texas acquired fee and easement interests in certain land by instruments recorded under County Clerk's File Numbers P019476, P019477 and P019478, Official Public Records of Real Property, Harris County, Texas.

Portions of the land (surplus land), shown on 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 exchange of surplus land as partial or full consideration for other land needed by the state for highway purposes.

The City of Houston (city) owns certain land needed by the state for highway purposes (new land), described in Exhibit B. The city has requested that the surplus land be conveyed and quitclaimed to the city and will pay the state the \$1,938,091 difference in value pursuant to an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state convey the surplus land, valued at \$2,388,323, to the city in exchange and as consideration for the conveyance of the new land, valued at \$450,232, and the cash payment of \$1,938,091 to the state.

NOW, THEREFORE, the commission finds that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute proper instruments conveying and quitclaiming all of the state's rights, title and interest in the surplus land to the City of Houston in exchange and as consideration for the conveyance of the new land and the cash payment of \$1,938,091 to the state; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles 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 surplus land.

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

(3) **Randall County** – FM 1705 about five miles south of FM 1714 – Consider the exchange of drainage easements (2 MOs)

111098
ROW

In RANDALL COUNTY, on FARM TO MARKET ROAD 1705, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 343, Page 26, Deed Records of Randall County, Texas.

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

Toby Jason Crow (owner) has conveyed to the state an easement interest in land (new easement), described in Exhibit B, needed for the realignment and reconstruction of a new drainage facility and desires to make a partial donation to the state of the value of the new easement.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (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 by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administration Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owner, which is \$813, exceeds the value of the surplus easement, which is \$258.

The owner has executed and delivered a document under the terms of the donation agreement to convey the new easement to the state and has requested that the state's rights and interest in the surplus easement be released.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the release of surplus easements and the exchange of surplus easements 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 release its rights and interest in the surplus easement in exchange and as consideration for the partial donation and the conveyance of the new easement to the state.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easement and that 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, Texas Administrative Code, Chapter 1, Subchapter G.

FURTHER, 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 easement is no longer needed for a state highway purpose and recommends,

subject to approval by the attorney general, that the Governor of Texas execute a proper instrument releasing all of the state's rights and interest in the surplus easement in exchange and as consideration for the conveyance to the state of the new easement.

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

111099
ROW

In RANDALL COUNTY, on FARM TO MARKET ROAD 1705, the State of Texas acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 343, Page 26, Deed Records of Randall County, Texas.

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

Darren M. Johnson and Jalane J. Johnson (owners) have conveyed to the state an easement interest in land (new easement), described in Exhibit B, needed for the realignment and reconstruction of a new drainage facility and desire to make a partial donation to the state of the value of the new easement.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the Texas Department of Transportation (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 by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owner and tendered to the department for acceptance under the provisions of Title 43, Texas Administration Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owner, which is \$866, exceeds the value of the surplus easement, which is \$32.

The owners have executed and delivered a document under the terms of the donation agreement to convey the new easement to the state and have requested that the state's rights and interest in the surplus easement be released.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the release of surplus easements and the exchange of surplus easements 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 release its rights and interest in the surplus easement in exchange and as consideration for the partial donation and the conveyance of the new easement to the state.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easement and that 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, Texas Administrative Code, Chapter 1, Subchapter G.

FURTHER, 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 easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument releasing all of the state's rights and interest in the surplus easement in exchange and as consideration for the conveyance to the state of the new easement.

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

e. Speed Zones

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

111100
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 speed limits on various segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by cities which have the authority to set speed limits on these sections of highways.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limits on the segments of FARM TO MARKET ROAD 362, established by Minute Order 109064, dated October 31, 2002, and listed in Exhibit D, are no longer necessary.

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

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

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

ITEM 14. 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 – Interview and discuss the election of the executive director of the Texas Department of Transportation**

The meeting was recessed at 1:31 p.m. to enter into Executive Session. The meeting was reconvened at 2:53 p.m.

OPEN COMMENT PERIOD – There were no open comments.

The regular meeting of the Texas Transportation Commission adjourned at 2:00 p.m.

APPROVED:

Ric Williamson, Chair
Texas Transportation Commission

xxx

I hereby certify that the above and foregoing pages constitute the full, true and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on September 27, 2007, in Austin, Texas.

Dee Hernandez, Chief Minute Clerk
Texas Department of Transportation