

These are the minutes of the regular meeting of the Texas Transportation Commission held on January 30, 2020, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

J. Bruce Bugg, Jr.	Chairman
Alvin New	Commissioner
Robert C. Vaughn	Commissioner

Commissioner Laura Ryan did not attend the meeting.

**Administrative Staff:**

James Bass, Executive Director  
 Jeff Graham, General Counsel  
 Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 5:18 p.m. on January 22, 2020, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

**ITEM 1. Safety Briefing**

This item was presented by Occupational Safety Specialist Randy Clawson.

**ITEM 2. Consider the approval of the Minutes of the December 11, 2019, workshop meeting and the December 12, 2019, regular meeting of the Texas Transportation Commission**

Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the December 11, 2019, workshop meeting and the December 12, 2019, regular meeting by a vote of 3 - 0.

Chairman Bugg recognized Representative Lina Ortega, a member of the House Transportation Committee, who made brief remarks to the commission.

**ITEM 3. Contracts**

**Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)**

**a. Highway Improvement and Other Transportation Facilities (MO)**

This item was presented by Construction Division Director Gina Gallegos. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115660  
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 January 9 and 10, 2020, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, 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 or deferred as indicated therein.

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

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

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

**b. Routine Maintenance (MO)**

This item was presented by Construction Division Director Gina Gallegos. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115661  
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on January 9 and 10, 2020, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway maintenance and department 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 or deferred, as indicated therein.

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

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

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

#### **ITEM 4. Discussion Items**

##### **a. Potential update to the 2020 Unified Transportation Program (UTP) (Presentation)**

This item was deferred and not presented.

##### **b. Development of 2021 Unified Transportation Program (UTP) planning targets (Presentation)**

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Financial Management Division Director Stephen Stewart provided financial explanations as part of the presentation by staff. The commission asked questions and discussed the topic. The commission also heard comments from private citizen Don Dixon and El Paso MPO Executive Director Eduardo Calvo.

#### **ITEM 5. Public Transportation**

##### **Various Counties - Consider the award of federal funding for projects submitted in the department's 2019 Safe Routes to School and Transportation Alternatives Set-Aside call for projects (MO) (Presentation)**

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115662  
PTN

The Texas Transportation Commission (commission) desires to award federal funds for 30 bicycle and pedestrian infrastructure projects under two separate funding programs as follows:

- 12 projects totaling \$8,577,168 in remaining funds under the Safe Routes to Schools (SRTS) Program
- 18 projects totaling \$15,838,882 in available funds under the Transportation Alternatives Set-Aside (TA) Program

SRTS funding was authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and is contained in 23 U.S.C. §402. Available SRTS infrastructure funds are associated with past federal appropriations under SAFETEA-LU. The commission adopted administrative rules that establish the guidelines under which the SRTS Program is administered by the Texas Department of

Transportation (department) located at Title 43, Texas Administrative Code (TAC), §§25.500 - 25.505. This award distributes funds to projects located within two miles of schools with grades kindergarten through 8 in communities regardless of population size. In accordance with TAC rules, the commission will select SRTS projects for funding based on recommendations from the director of the division responsible for administering the SRTS Program, funding availability, the safety of the traveling public, the overall goals of the program, and safety in and around school areas. Exhibit A is a list of the SRTS projects recommended for funding.

TA funding is authorized under Section 1190 of Fixing America's Surface Transportation (FAST) Act and codified at 23 U.S.C. §133(h). Available TA funds are associated with fiscal year 2019 – 2020 federal appropriations for nonurban areas with a population of 5,000 or less located outside Transportation Management Areas. The commission adopted administrative rules that establish the guidelines under which the TA Program is administered by the department located at 43 TAC §§11.400 - 11.418. In accordance with TAC rules, the commission will select TA projects for funding based on recommendations from the director of the division responsible for administering the TA Program, the potential benefit of the projects to the state, and whether the projects enhance the surface transportation system. Exhibit B is a list of the nonurban TA projects recommended for funding.

The commission recognizes that the federal legislation requires the state to have a competitive process to allow eligible entities to submit projects for funding. A Notice of Call for Projects for SRTS and TA funds was published in the Texas Register on February 8, 2019. SRTS and TA project applications were received by the department on or before August 15, 2019. Projects were evaluated for eligibility, technical standards, and specific selection criteria as set forth in the TxDOT's 2019 TA/SRTS Program Guide.

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

IT IS FURTHER ORDERED that for each SRTS project listed in Exhibit A and subsequently verified as eligible for development, the amount awarded represents 100 percent federal funds and no local match is required.

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

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those project nominations submitted in the 2019 SRTS/TA Call for Projects.

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

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

**Final Rule Adoptions**

**a. Chapter 2 - Environmental Review of Transportation Projects**

**Amendments to §2.3, Applicability; Exceptions (General Provisions) (MO)**

This item was presented by Environmental Affairs Division Director Carlos Swonke. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115663  
ENV

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §2.3 relating to General Provisions to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §2.3 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

**b. Chapter 7 - Rail Facilities**

**Amendments to §7.81 and §7.82, the repeal of §§7.83 - 7.95, and new §§7.83 - 7.96 (Rail Fixed Guideway System State Safety Oversight Program) (MO)**

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115664  
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §7.81, Definitions, and §7.82, System Safety Program Plan, the repeal of §§7.83 – 7.95, and new §§7.83 – 7.96, all concerning the rail fixed guideway system state safety oversight program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §7.81 and §7.82, the repeal of §§7.83 – 7.95, and new §§7.83 – 7.96 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**c. Chapter 31 - Public Transportation**

**Amendments to §31.3, Definitions (General), and §31.38, Public Transit Safety Program (Program Administration) (MO)**

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115665  
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §31.3, relating to Definitions, and §31.38, relating to Public Transit Safety Program, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§31.3 and 31.38 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**d. Chapter 9 - Contract and Grant Management**

**Amendments to §9.17, Award of Contract (Highway Improvement Contracts) and §9.227, Information from Bidders (Disadvantaged Business Enterprise (DBE) Program) (MO)**

This item was presented by Civil Rights Division Director Michael Bryant. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115666  
CIV

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.17, relating to Award of Contract, and §9.227, relating to Information from Bidders, 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-C, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the Texas Register.

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.17 and 9.227 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**e. Chapter 11 - Design**

**Amendments to §11.52, Access Connection Facilities Process (Access Connections to State Highways) (MO)**

This item was presented by Design Division Director Camille Thomason. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115667  
DES

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §11.52 relating to Access Connections to State Highways to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §11.52 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**f. Chapter 21 - Right of Way**

**New §21.25, State Participation in the Relocation of Certain Publicly-Owned Utility Facilities (Utility Adjustment, Relocation, or Removal) (MO)**

This item was presented by Right of Way Division Deputy Director Charon Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115668  
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt new §21.25 relating to State Participation in the Relocation of Certain Publicly-Owned Utility Facilities to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the new §21.25 is adopted and is authorized for filing with the Office of Secretary of State.

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

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

**ITEM 7. Eminent Domain Proceedings**

**Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (MO)**

This item was presented by Right of Way Division Deputy Director Charon Williams. Commissioner Vaughn made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway

facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner New and the following minute order was approved by Chairman Bugg, Commissioner New, and Commissioner Vaughn (a vote of 3 - 0).

115669  
ROW

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

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

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits A-NNNNN. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1-121 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	36	0176-02-121	17AAQ
Angelina	US 59	78	0176-02-121	32AAQ
Angelina	US 59	80	0176-02-121	34AAQ
Angelina	US 59	79	0176-02-121	41AAQ

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	81	0176-02-121	50AAQ
Bastrop	SH 71	90	0265-03-046	2
Bastrop	SH 71	91	0265-03-046	4
Bastrop	SH 71	87	0265-03-046	6
Bastrop	SH 71	86	0265-03-046	25
Bastrop	SH 71	94	0265-03-046	30
Bastrop	SH 71	89	0265-03-046	34
Bell	SL 121	121	2502-01-018	44,44E
Bexar	FM 1518	54	0465-02-028	48
Bexar	FM 1518	55	0465-02-028	147
Brazoria	SH 36	102	0188-04-041	10
Brazoria	SH 36	71	0188-04-041	11
Brazoria	SH 36	108	0188-04-041	50
Brazoria	SH 36	69	0188-04-041	55
Brazoria	SH 36	68	0188-04-041	70
Brazoria	SH 36	83	0188-04-041	82
Brazoria	SH 36	70	0188-04-041	87
Cherokee	US 175	25	0198-04-034	95
Cherokee	US 175	29	0198-04-034	96
Collin	FM 2551	97	2056-01-043	1
Collin	FM 2551	98	2056-01-043	2
Collin	FM 2551	99	2056-01-043	3
Collin	FM 2551	100	2056-01-043	5
Collin	FM 2551	101	2056-01-043	6
Collin	FM 2551	103	2056-01-043	7
Collin	FM 2551	104	2056-01-043	8
Collin	FM 2551	105	2056-01-043	9
Collin	FM 2551	107	2056-01-043	10
Collin	FM 2551	109	2056-01-043	13
Collin	FM 2551	65	2056-01-043	14
Collin	FM 2551	66	2056-01-043	15
Collin	FM 2551	110	2056-01-043	16
Collin	FM 2551	67	2056-01-043	17
Collin	FM 2551	111	2056-01-043	18
Collin	FM 2551	74	2056-01-043	19
Collin	FM 2551	113	2056-01-043	20
Collin	FM 2551	75	2056-01-043	21
Collin	FM 2551	114	2056-01-043	22
Collin	FM 2551	76	2056-01-043	23
Collin	FM 2551	115	2056-01-043	24
Collin	FM 2551	96	2056-01-043	25
Collin	FM 2551	117	2056-01-043	29
Collin	FM 2551	118	2056-01-043	30
Collin	FM 2551	119	2056-01-043	31
Collin	FM 2551	112	2056-01-043	33
Collin	FM 2551	120	2056-01-043	34
Collin	FM 2514	5	2679-03-017	26,26E
Collin	FM 2514	4	2679-03-017	35,35E
Collin	FM 2514	82	2679-03-018	52
Collin	FM 2514	84	2679-03-018	53
Collin	FM 2514	44	2679-03-018	72
Collin	FM 2514	14	2679-03-018	75

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 2514	37	2679-03-018	83
Collin	FM 2514	77	2679-03-018	84
Collin	FM 2514	43	2679-03-018	85
Collin	FM 2514	40	2679-03-018	86
Collin	FM 2514	41	2679-03-018	87
Collin	FM 2514	6	2679-03-018	88
Collin	FM 2514	56	2679-03-018	89
Collin	FM 2514	57	2679-03-018	90
Collin	FM 2514	45	2679-03-018	92
Collin	FM 2514	61	2679-03-018	94,94E
Collin	FM 2514	62	2679-03-018	95,95E
Collin	FM 2514	93	2679-03-018	97
Collin	FM 2514	58	2679-03-018	98
Collin	FM 2514	7	2679-03-018	99
Collin	FM 2514	8	2679-03-018	100
Collin	FM 2514	9	2679-03-018	101
Collin	FM 2514	10	2679-03-018	102
Collin	FM 2514	95	2679-03-018	103
Collin	FM 2514	64	2679-03-018	104
Collin	FM 2514	88	2679-03-018	106
Collin	FM 2514	106	2679-03-018	110
Collin	FM 2514	63	2679-03-018	111
Collin	FM 2514	92	2679-03-018	116
Collin	FM 2514	59	2679-03-018	117
Collin	FM 2514	60	2679-03-018	119
DeWitt	SH 72	38	0270-02-045	47
Eastland	US 183	26	0127-02-146	8
Fort Bend	FM 1463	85	0188-10-037	126
Harris	US 90U	21	0028-01-093	100
Harris	US 90U	22	0028-01-093	101
Harris	US 90U	31	0028-01-093	103
Harris	US 90U	12	0028-01-093	122
Harris	US 90U	11	0028-01-093	123
Harris	US 90U	20	0028-01-093	203
Harris	FM 1960	24	1685-01-105	1
Kaufman	SH 205	47	0451-02-030	1
Kaufman	SH 205	48	0451-02-030	5
Kaufman	SH 205	49	0451-02-030	36
Kaufman	SH 205	39	0451-02-030	37
Kaufman	SH 205	28	0451-02-030	43
Kaufman	SH 205	13	0451-02-030	45
Kaufman	SH 205	50	0451-02-030	50
Kaufman	SH 205	51	0451-02-030	51
Kaufman	SH 205	46	0451-02-030	57
Kaufman	SH 205	42	0451-02-030	58
Kaufman	SH 205	2	0451-02-030	61
Kaufman	SH 205	27	0451-02-030	63
Kaufman	SH 205	17	0451-02-030	69
Kaufman	SH 205	16	0451-02-030	70,70E
Kaufman	SH 205	15	0451-02-030	75
Kaufman	SH 205	3	0451-02-030	79
Kaufman	SH 205	1	0451-02-030	80

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Kaufman	SH 205	52	0451-02-030	86
Kaufman	SH 205	53	0451-02-030	97
La Salle	SH 97	32	0483-01-057	10
La Salle	SH 97	33	0483-01-057	12
La Salle	SH 97	34	0483-01-057	15
La Salle	SH 97	35	0483-01-057	16
Polk	US 59	72	0176-04-074	19
Polk	US 59	73	0176-04-074	28
San Jacinto	US 59	23	0177-02-105	7
San Jacinto	US 59	30	0177-02-105	12
San Jacinto	US 59	19	0177-02-105	20
San Patricio	FM 893	18	1209-01-032	13
Travis	US 290	116	0113-08-089	43

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 35	SS	0016-07-133	89
Bexar	IH 35	UU	0016-07-133	93
Bexar	IH 35	TT	0016-07-133	94
Bexar	IH 35	VV	0016-07-133	95
Bexar	IH 35	WW	0016-07-133	96
Bexar	IH 35	XX	0016-07-133	97
Bexar	IH 35	YY	0016-07-133	98
Bexar	IH 35	ZZ	0016-07-133	100
Bexar	IH 35	AAA	0016-07-133	106
Bexar	IH 35	BBB	0016-07-133	109
Bexar	IH 35	CCC	0016-07-133	113
Bexar	IH 35	HH	0016-07-133	116
Bexar	IH 35	PP	0017-10-278	64
Bexar	IH 35	QQ	0017-10-278	67
Bexar	IH 35	RR	0017-10-278	71
Bexar	IH 410	Y	0521-06-140	17
Bexar	IH 410	X	0521-06-140	31
Dallas	IH 35E	F	0196-03-247	30E
Dallas	IH 35E	G	0196-03-247	31
Dallas	IH 35E	J	0196-03-248	43
Dallas	IH 35E	FFFFF	0196-03-248	108
Denton	IH 35	QQQQ	0195-02-080	60
Denton	IH 35	SSSS	0195-02-080	62
Denton	IH 35	UUUU	0195-02-080	64
Denton	IH 35	WWWW	0195-02-080	77
Denton	IH 35	YYYY	0195-02-080	79
Denton	IH 35	DDD	0195-02-080	81
Denton	IH 35	FFF	0195-02-080	81B
Denton	IH 35	GGG	0195-02-080	83
Denton	IH 35	JJJ	0195-02-080	85
Denton	IH 35	HHH	0195-02-080	87
Denton	IH 35	LLL	0195-02-080	129
Denton	IH 35	NNN	0195-02-080	130
Denton	IH 35	PPP	0195-02-080	131
Denton	IH 35	VVV	0195-02-080	132

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35	XXX	0195-02-080	133
Denton	IH 35	ZZZ	0195-02-080	134
Denton	IH 35	BBBB	0195-02-080	135
Denton	IH 35	DDDD	0195-02-080	136
Denton	IH 35	FFFF	0195-02-080	137
Denton	IH 35	HHHH	0195-02-080	138
Denton	IH 35	JJJJ	0195-02-080	139
Denton	IH 35	LLLL	0195-02-080	140
Denton	IH 35	NNNN	0195-02-080	142
Denton	IH 35	PPPP	0195-02-080	143,143E
Denton	IH 35	RRRR	0195-02-080	144
Denton	IH 35	TTTT	0195-02-080	145
Denton	IH 35	VVVV	0195-02-080	146,146E
Denton	IH 35	XXXX	0195-02-080	147
Denton	IH 35	ZZZZ	0195-02-080	148
Denton	IH 35	EEE	0195-02-080	149
Denton	IH 35	S	0195-03-074	20
Denton	IH 35	T	0195-03-074	23
Denton	IH 35E	MMMMM	0196-01-100	75
Denton	IH 35E	KKKKK	0196-01-100	95
Denton	IH 35E	B	0196-01-100	98
Denton	IH 35E	A	0196-01-100	117
Denton	IH 35E	H	0196-02-115	46
Denton	IH 35E	U	0196-02-115	99
El Paso	SL 375	GG	2552-02-033	5
Ellis	IH 35E	DDDDD	0048-04-096	2
Ellis	IH 35E	UUU	0048-04-096	3
Ellis	IH 35E	AAAA	0048-04-096	4
Ellis	IH 35E	BBBBB	0048-04-096	7
Ellis	IH 35E	IIII	0048-04-096	10
Ellis	IH 35E	HHHHH	0048-04-096	16
Ellis	IH 35E	OOO	0048-04-096	19
Ellis	IH 35E	C	0048-04-096	20
Ellis	IH 35E	NN	0048-04-096	21
Ellis	IH 35E	Q	0048-04-096	22
Ellis	IH 35E	NNNNN	0048-04-096	23
Ellis	IH 35E	RRR	0048-04-096	24,24E
Ellis	IH 35E	EEEEE	0048-04-096	25,25E
Ellis	IH 35E	TTT	0048-04-096	32,32E
Ellis	IH 35E	I	0048-04-096	33
Ellis	IH 35E	JJJJ	0048-04-096	35,35E
Ellis	IH 35E	AAAAA	0048-04-096	38
Ellis	IH 35E	SSS	0048-04-096	48
Ellis	IH 35E	QQQ	0048-04-096	49
Ellis	IH 35E	CCCC	0048-04-096	51,51E
Ellis	IH 35E	MMM	0048-04-096	52
Ellis	IH 35E	KKK	0048-04-096	53
Ellis	IH 35E	CCCCC	0048-04-096	55
Ellis	IH 35E	WWW	0048-04-096	57
Ellis	IH 35E	YYY	0048-04-096	58
Ellis	IH 35E	DD	0048-04-097	1
Ellis	IH 35E	EE	0048-04-097	4

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	IH 35E	FF	0048-04-097	5
Ellis	IH 35E	W	0048-04-097	6E
Ellis	IH 35E	CC	0048-04-097	7
Ellis	IH 35E	Z	0048-04-097	8
Ellis	IH 35E	AA	0048-04-097	9
Ellis	IH 35E	BB	0048-04-097	10
Ellis	IH 35E	K	0048-04-098	15
Ellis	IH 35E	L	0048-04-098	16
Ellis	IH 35E	M	0048-04-098	19,19E
Ellis	IH 35E	N	0048-04-098	20,20E
Ellis	IH 35E	O	0048-04-098	22
Ellis	IH 35E	P	0048-04-098	24
Ellis	IH 35E	R	0048-04-098	25
Ellis	IH 35E	LL	0048-04-099	1
Ellis	IH 35E	MM	0048-04-099	3
Ellis	IH 35E	OO	0048-04-099	4
Ellis	IH 35E	II	0048-04-099	5
Ellis	IH 35E	JJ	0048-04-099	6
Ellis	IH 35E	KK	0048-04-099	7
Ellis	IH 35E	EEEE	0048-04-099	9,9E
Ellis	IH 35E	GGGG	0048-04-099	10
Ellis	IH 35E	III	0048-04-099	11,11E
Ellis	IH 35E	KKKK	0048-04-099	12
Ellis	IH 35E	MMMM	0048-04-099	13
Ellis	IH 35E	OOOO	0048-04-099	14
Galveston	IH 45	III	0500-04-139	501AC
Liberty	SH 99	GGGGG	3510-09-003	1103
Liberty	SH 99	LLLLL	3510-09-003	1106
Liberty	SH 99	E	3510-09-003	1116
Liberty	SH 99	V	3510-09-004	1215
Walker	IH 45	D	0675-07-104	33AC

Note: Exhibits A - NNNNN and 1 - 121 are on file with the commission chief clerk.

**ITEM 8. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute orders by a vote of 3 - 0.

**a. Donations to the Department**

**Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)**

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

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit C lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached Exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A, B, and C.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Alan S. Trevino	TRF	Travis	Funds to cover the state’s cost to design, fabricate, and install two memorial highway designation signs on the portion of SH 71 between the Bastrop/Travis County line and SH 130, designated as the Trooper Carlos Ray Warren Memorial Highway within Travis County.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Austin Leased Housing Associates II, Limited Partnership	AUS	Travis	Design and construction of a driveway on FM 734, 650 ft. east of the intersection of SH 130 and FM 734 along with a hooded left turn lane, pavement widening, and pavement markings along FM 734 in Austin.
BKCK, LTD.	HOU	Brazoria	Design and construction of a left turn lane and associated striping through a raised divided median along the eastbound SH 288 into the donor's development in Manvel.
BNSF Railway Company	HOU	Montgomery	Design and construction of a left turn lane for westbound traffic on SH 105, approximately 800 feet east of the relocated Old Dobbin Road, along with associated lane restriping in Dobbin.
Centex Los Milagros Investors, LLC	AUS	Bastrop	Design and construction of a center turn lane on SH 21 in Bastrop County.
DRI/JS Nexus Park, LLC	HOU	Harris	Design and construction of a hooded left turn lane from northbound FM 1960 and traffic signal modifications at the intersection of FM 1960 and Bobcat Road into the donor's development in Cypress.
El Rancho Seafood, Inc	HOU	Fort Bend	Design and construction of a right turn lane from south bound IH 69 service roadway into the donor's development in Richmond.
Gateway Development, L.P.	HOU	Montgomery	Design and construction of gore extension on an existing off-ramp at northbound SH 249 into the donor's development in Montgomery County.
GEOZF BCS, LLC	BRY	Brazos	Design and construction of a left turn lane and associated widening and striping on FM 1688 into the donor's property located in Bryan.
GJG Development I, LLC	SAT	Guadalupe	Design and construction of a left turn lane and right turn lane on SH 123 Grayson Lane in Seguin.
Golden Pass LNG Terminal LLC	BMT	Jefferson	Design and construction of a northbound acceleration lane at the donor's facility entrance on SH 87 in Port Arthur.
Levey Group Fund 16, LLC	HOU	Harris	Design and construction of two deceleration lanes from westbound S. Sam Houston Parkway West into the donor's development in Houston.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Magnolia Escondido LLC	HOU	Montgomery	Design and construction of a traffic signal and right turn deceleration lane from westbound FM 1774 into the donor's development in Magnolia.
Permian Road Safety Coalition	ODA	Winkler	Funds towards the state's cost to design, let and construct highway improvements to improve access at SH 302 and intersection SH 115 in Winkler County.
Ranier & Son Development Company, LLC	BRY	Walker	Design and construction of two left turn lane extensions, adjustments to median cable barriers, drainage structures, and pavement markings on SH 19 at the intersection of Ellisor Road and future Overhill Road in Huntsville.
Rausch Coleman Homes San Antonio, LLC	SAT	Guadalupe	Design and construction of a right turn lane from the IH 10 North frontage road to a new public street being constructed with Unit 1 of the development in Seguin.
Seton Lake Logistics Center, LLC	HOU	Harris	Design and construction of a left turn lane striping modification and signal modification/addition from northbound SH 249 and southbound Seton Lake Drive into the donor's development in Houston.
Starship I-45 League City, LLC	HOU	Galveston	Design and construction of a deceleration lane and drainage improvements from northbound I-45 frontage road into the donor's development in League City.
WBW Development Group, LLC - Series 041, a Texas Series Limited Liability Company	SAT	Guadalupe	Design and construction of a continuous 2-way left turn lane from SH 46 to Desert Willow Drive with right turn lane at Desert Willow Drive and widened shoulder at Cape Myrtle Drive for a new subdivision entrance on FM 725 in Seguin.
James McNutt, Darrell McNutt, Deborah Sullivan, Michele Sullivan-Essex, and Steve Stone	HOU	Fort Bend	Donation of 0.31 acres of land from SH 36 to US 59. The property being donated will be utilized in the construction of a deceleration lane as part of the FM 2218 expansion project.
iSolved	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Sport Clips, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. These are renewals on existing sign locations.
Evangeline Cafe	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Palms Car Wash	AUS	Travis	Revenue generation through the Sponsor a Highway Program. These are renewals on existing sign locations.
Presidio Doors	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Texican Cafe	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Sport Clips, Inc.	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Elephant Insurance Services, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Law Firm of Roger "Rocky" Walton, P.C.	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Trushine Window Cleaning, LTD	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Linscomb & Williams, Inc.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

**b. Real Estate Dispositions**

**(1) Ellis County - US 77S - Consider the sale of right of way to Ellis County (MO)**

115671  
ROW

In Forresteron, Ellis County, on US 77S, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 330, at Page 350, Deed Records of Ellis County, Texas.

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

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

Ellis County is a governmental entity with the authority to condemn the tract and has requested to purchase the tract for \$4,426.

The commission finds \$4,426 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission authorizes the executive director of the department to execute a proper instrument conveying all of the state's right, title, and interest in the tract to Ellis County for \$4,426; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

**(2) Tarrant County - SH 287/US 81 - Consider an easement release to the underlying fee owners (MO)**

115672  
ROW

In Fort Worth, Tarrant County, on SH 287/US 81, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 6422, at Page 3, Deed Records of Tarrant County, Texas.

All of the easement encumbering the real property, described in Exhibit A (the tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

D. R. Horton - Texas, Ltd., a Texas limited partnership, and Knox Street Partners No. 22, Ltd., a Texas limited partnership, are the owners of the fee interest in the property and have requested to purchase the easement interest for \$19,688.

The commission finds \$19,688 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to D. R. Horton - Texas, Ltd., a Texas limited partnership, and Knox Street Partners No. 22, Ltd., a Texas limited partnership, for \$19,688.

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

**(3) Tarrant County - SH 287/US 81 - Consider an easement release to the underlying fee owners (MO)**

115673  
ROW

In Fort Worth, Tarrant County, on SH 287/US 81, the State of Texas acquired an easement interest in certain land by instrument recorded in Volume 6422, at Page 3, Deed Records of Tarrant County, Texas.

All of the easement encumbering the real property, described in Exhibit A (the tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

D. R. Horton - Texas, Ltd., a Texas limited partnership, Forestar (USA) Real Estate Group, Inc., a Delaware corporation, and Knox Street Partners No. 22, Ltd., a Texas limited partnership, are the owners of the fee interest in the property and have requested to purchase the easement interest for \$58,404.

The commission finds \$58,404 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to D. R. Horton - Texas, Ltd., a Texas limited partnership, Forestar (USA) Real Estate Group, Inc., a Delaware corporation, and Knox Street Partners No. 22, Ltd., a Texas limited partnership, for \$58,404.

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

**c. Reports**

**(1) Compliance Division report**

Note: Confidential report to commission.

(2) Letting Allocation Status Report

Quarterly status report on the FY 2020 letting allocation, the actual allocation utilized through the current month, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

(3) Quarterly Cash Report

Quarterly report on FY 2020 State Highway Fund 6 cash status (Report)

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

(4) Texas Department of Transportation Comprehensive Annual Financial Report (with Independent Auditor’s Report) for the Fiscal Year Ended August 31, 2019 (Report)

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

(5) Quarterly Investment Report

Quarterly Investment Report for all of the funds invested at the direction of the commission (Report)

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

**d. Finance**

**(1) Texas Mobility Fund**

Consider the acceptance of the audited financial statements of the Texas Mobility Fund as required by the governing master resolution (MO)

115674  
FIN

Article III, Section 49-k of the Texas Constitution created the Texas Mobility Fund (Mobility Fund) within the treasury of the State of Texas (state) to be administered by the Texas Transportation Commission (commission) as a revolving fund to: (i) provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways, including costs of any necessary design and costs of acquisition of rights of way, as determined by the commission in accordance with standards and procedures established by law; and (ii) provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects in accordance with the procedures, standards, and limitations established by law.

Transportation Code, Chapter 201 and other applicable law authorized the commission to issue obligations secured by and payable from a pledge of and lien on all or part of the moneys in the Mobility Fund in the name and on behalf of the state and the Texas Department of Transportation (department) in multiple series and issues from time to time for one or more of the following purposes: (i) to pay all or part of the costs of constructing, reconstructing, acquiring, and expanding state highways, including any necessary design and acquisition of rights of way, in the manner and locations determined by the commission that, according to conclusive findings of the commission, have an expected useful life, without material repair, of not less than 10 years; (ii) to 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 that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state; (iii) to create debt service

reserve accounts; (iv) to pay interest on obligations for a period of not longer than two years; (v) to refund or cancel outstanding obligations; and (vi) to pay the commission’s costs of issuance. The commission also authorized the execution of a master resolution (Resolution), amendments to the Resolution and supplemental resolutions (resolutions) to authorize bonds for the Mobility Fund revenue financing program. The resolutions pledge a variety of dedicated statutory fees and other revenues as security and sources of payment for the Mobility Fund bonds and additionally pledge the general revenue of the state. The resolutions also prescribe the terms, provisions and covenants related to the general obligation Mobility Fund bonds.

Under Section 5 (j) of the Resolution, the commission covenants to prepare, or cause to be prepared, no more than 120 days after the last day of each fiscal year, a financial report of the Mobility Fund. The financial report is required to be prepared in accordance with generally accepted accounting principles and certified by a certified public accountant. Audited financial statements, contained in the attached Exhibit A, have been prepared for the fiscal year ended August 31, 2019.

IT IS THEREFORE ORDERED by the commission that the audited financial statements of the Mobility Fund, attached as Exhibit A, are accepted.

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

(2) Central Texas Turnpike System

**Travis and Williamson Counties - Consider the acceptance of the audited financial statements of the Central Texas Turnpike System (CTTS), as required by the CTTS Indenture of Trust (MO)**

115675  
FIN

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

The commission issued toll project revenue bonds and other obligations to finance a portion of the costs of the Central Texas Turnpike System (System), a turnpike project composed of the State Highway 130 (Segments 1 through 4), State Highway 45 North, State Highway 45 SE and Loop 1 project elements. The commission has also authorized the execution of an indenture of trust and eight supplemental indentures to secure revenue bonds and other obligations issued for the System. The Indenture of Trust dated July 15, 2002, as supplemented by the Amended and Restated Seventh Supplemental Indenture of Trust, dated as of January 1, 2015 (Indenture), prescribes the terms, provisions and covenants related to the issuance of revenue bonds and obligations to finance a portion of the costs of the System.

Under Section 712 of the indenture, the commission covenants to prepare, or cause to be prepared, no more than 120 days after the last day of each fiscal year, a financial report of the results of operations of the system for such fiscal year. The financial report is required to be certified by a certified public accountant and to contain an audited balance sheet, an audited statement of operations, and an audited statement of cash flows for such fiscal year. Audited financial statements, contained in the attached Exhibit A, have been prepared for the fiscal year ended August 31, 2019.

IT IS THEREFORE ORDERED by the commission that the audited financial statements of the system, attached as Exhibit A, are accepted.

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

(3) Central Texas Turnpike System

Travis and Williamson Counties - Consider the acceptance of the Voluntary Quarterly Report of Actual Traffic and Toll Revenue for the Central Texas Turnpike System (MO)

115676  
PFD

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 2002 the commission issued \$2,199,993,782 in obligations to finance a portion of the costs of the Central Texas Turnpike System (system), a toll project composed initially of the SH 130, SH 45, and Loop 1 project elements (2002 Project), pursuant to an Indenture of Trust, dated July 15, 2002 (indenture), and four supplemental indentures. The indenture prescribes the terms, provisions and covenants related to the issuance of toll revenue bonds and obligations to finance a portion of the costs of the 2002 Project. Subsequent refunding bonds were issued in 2009, 2012, and 2015, pursuant to the indenture and three additional supplemental indentures. Pursuant to Section 702 of the indenture, the commission has covenanted that on or before August 31 in each fiscal year, it will adopt annual operating, maintenance and capital budgets for the system for the ensuing fiscal year and provide copies of such budgets to the trustee and the U.S. Department of Transportation.

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

Pursuant to Minute Order 111081, dated September 27, 2007, the system was declared substantially complete as defined within the indenture.

Section 501 (c) of the indenture covenants that at the conclusion of the five year period, the commission may discontinue such reports if the revenues for the previous two years have been sufficient to meet the rate covenant. The revenues for the previous two years have been sufficient to meet the rate covenant; however, the commission has not exercised its option to discontinue the reports.

A report of actual traffic and revenue, attached as Exhibit A, has been prepared consistent with the reports previously filed pursuant to Section 501(c) of the indenture.

IT IS THEREFORE ORDERED by the commission that the Voluntary Quarterly Report of Actual Traffic and Toll Revenue attached as Exhibit A is accepted.

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

e. Rail Clearance Deviations

Consider the approval of rail clearance deviations (MO)

115677  
RRD

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may, by order, permit a railroad company or other corporation, firm, partnership, or individual or county or municipality to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Dallas Global Industrial Center (DGIC) requesting a clearance deviation within their facility located in Grand Prairie, Texas. The department has conducted investigations for each location

to determine whether good cause could be shown and whether the deviations could be operated in a reasonable and safe manner.

In determining whether the facility has demonstrated good cause for the requested clearance deviations, the department considered:

- (1) the safety of railroad and non-railroad workers near railroad tracks;
  - (2) limitations impacting loading and unloading commodities transported by rail;
- and
- (3) limitations of existing equipment and structures near railroad tracks.

In determining whether the requested clearance deviations are reasonable and safe, the department conducted investigations as to whether the facility plans include:

- (1) warning signs, pavement markings, lighting and/or other control devices to inform employees of the limited clearance locations; and
- (2) safety rules and operational requirements addressing the limited clearance locations.

Based on the investigations, the department has determined that the clearance deviations as listed in Exhibit A meet the requirements of Transportation Code §191.005. The Attorney General of Texas has been notified as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation application from DGIC for their facility located in Grand Prairie, Texas as described in Exhibit A is approved.

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

**f. Land Acquisitions for Facilities**

**Various Counties - Consider the grant of authority to the department to acquire real property for facilities (MO)**

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SSD

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

Transportation Code Chapter 203 authorizes the commission to acquire an interest in real property that the commission determines is necessary or convenient to construct or operate a facility used in connection with the construction, maintenance or operation of a state highway or toll project, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation or operation of a state highway.

The Texas Department of Transportation proposes to acquire the properties listed on Exhibit A, attached hereto, for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by the 86th Legislature, General Appropriations Bill, HB 1.

The commission finds that the acquisition of the properties listed in Exhibit A is necessary for the overall efficiency of the construction, maintenance and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the purchase prices for the individual properties listed on Exhibit A may be expended to pay for such properties, together with such additional funds as may be required to pay any necessary and customary incidental expenses of performing due diligence and acquiring fee simple title to the properties.

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to negotiate and execute earnest money contracts or purchase agreements containing such terms as determined necessary to purchase the properties. The executive director, or his designee, may terminate such contracts or agreements in the event that the department determines that one or more of the properties is unsuitable for its intended purpose.

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to close the acquisition of the properties and execute any related closing documents, to expend funds for the applicable purchase prices, surveys, due diligence, title insurance, and any other necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the properties, consistent with the provisions of this minute order.

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

**g. Speed Zones**

**Various Counties - Consider the establishment or alteration of regulatory and construction speed zones on various sections of highways in the state (MO)**

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TRF

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

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

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

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

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

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

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

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

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

**ITEM 9. Executive Session Pursuant to Government Code, Chapter 551**

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

The commission did not meet in executive session.

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

The commission received comments from private citizen Don Dixon concerning highway funding needs; and from Public Citizen, Texas Office Director, Adrian Shelley concerning North Houston Highway Improvement Project.

Commissioner Vaughn motioned adjournment and Commissioner New seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:12 a.m.

APPROVED by the Texas Transportation Commission on February 27, 2020:



J. Bruce Bugg, Jr., Chairman  
Texas Transportation Commission

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on January 30, 2020, in Austin, Texas.

  
Robin Carter, Commission Chief Clerk  
Texas Department of Transportation