

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 27, 2020, in Austin, Texas. The meeting was called to order at 9:01 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

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

**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 4:01 p.m. on February 19, 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.

Chairman Bugg recognized Senator José Rodriguez and Representative Art Fierro both of whom spoke regarding the Unified Transportation Program.

**ITEM 2. Consider the approval of the Minutes of the January 30, 2020, regular meeting of the Texas Transportation Commission**

Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the January 30, 2020, regular meeting by a vote of 4 - 0.

**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 Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

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 February 6 and 7, 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.

115680  
CST

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 4 - 0.

115681  
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 February 6 and 7, 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.

**c. Construction and Rehabilitation of Buildings (MO)**

This item was presented by Project Development Branch Manager Warren Rose. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115682  
SSD

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 February 4, 2020, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject or defer, as indicated, those highway improvement 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 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 re-advertise 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 Item****Potential update to the 2020 Unified Transportation Program (Presentation)**

This discussion was led by Project Planning and Development Director Brian Barth. The commission heard remarks from the following: Legislative Director for Senator Kirk Watson, Sandy Guzman; Williamson County Commissioner and CAMPO Chair Cynthia Long; President and CEO of Opportunity Austin Mike Rollins (letter on file with chief clerk); CEO, Texas Association of Business, Jeff Moseley; H-GAC Director of Transportation Planning Alan Clark; El Paso MPO Director Eduardo Calvo; Camino Real RMA Executive Director Raymond Telles; Greater Austin Chamber of Commerce Vice President for Regional Infrastructure and Mobility Matt Geske; Architect and private citizen Sinclair Black; President, Sunset Heights Neighborhood Association (El Paso), Sibon Negron; Policy Director, El Paso Chamber of Commerce, Steve Ortega; engineer and private citizen Don Dixon; Farm and City Executive Director Jay Blazek Crossley; and Heyden Black Walker, Chair, Reconnect Austin (handout on file with chief clerk). In addition, the chairman called Representative Art Fierro again, who did not speak, and recognized CAMPO Executive Director Ashby Johnson, who did not speak. The chairman also read a statement letter from Chair of the Alamo Area MPO and Bexar County Commissioner Kevin Wolff (letter on file with chief clerk). The commission discussed the topic among themselves and with staff.

**ITEM 5. Advisory Committee Appointment****Consider the appointment of members to the Port Authority Advisory Committee (MO)**

This item was presented by Maritime Interim Division Director Dan Harmon. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115683  
MRD

Transportation Code, §55.006(a), requires the Texas Transportation Commission (commission) to appoint seven (7) members to the Port Authority Advisory Committee (committee). The purpose of the committee is to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports. Transportation Code, §55.006(b) provides that a committee member serves at the pleasure of the commission.

The commission has charged the committee with the following priorities: 1) assist with development of the Port Mission Plan, and update of other reports as required; and 2) assess the impacts of Texas' growing energy export market on Texas ports.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members appointed by the commission serve staggered three-year terms unless removed sooner at the discretion of the commission.

One (1) individual is being re-appointed to the committee and one (1) individual is a new appointment. Both terms will expire on February 28, 2023.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Phyllis Saathoff, Executive Director & CEO, Port Freeport - Upper Coast  
Ronald Mills, Port Director, Port Mansfield - Lower Coast

IT IS THEREFORE ORDERED by the commission that these individuals be appointed as members of the Port Authority Advisory Committee for the term specified.

**ITEM 6. Aviation**

**Various Counties** - Consider the award of federal non-primary entitlement grant funding, federal apportionment grant funding, and state grant funding for airport improvement projects at various locations (MO) (Presentation)

This item was presented by Aviation Division Director Dan Harmon. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115684  
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds, federal apportionment grant funds, and state grant funds for the improvements.

On January 31, 2020, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director’s designee, subject to applicable federal and state requirements, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A.

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

**ITEM 7. Public Transportation**

**a. Various Counties** - Consider the award of federal §5339 and §5311 funds and state funds to various rural transit districts for transit vehicles and facilities (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 4 - 0.

115685  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$24,584,000 in state and federal program funds to rural transit districts for the purposes of transit vehicle replacement and facility development and rehabilitation.

The Texas Department of Transportation (department) submitted a project application and was awarded \$13,815,200 in federal funds through the Federal Transit Administration’s (FTA) Fiscal Year 2019 (FY19) competitive funding opportunity for the Bus and Bus Facilities Program (49 U.S.C. §5339(b)). Additional funds necessary for the project include \$10,000,000 of funds flexed from the Surface Transportation Block Grant Program to the Formula Grants for Rural Areas Program (49 U.S.C. §5311) and \$768,800 of state funds. The distribution of the award is shown in Exhibits A and B.

Transportation Code, Chapter 455, assigns a broad spectrum of public transportation roles and missions to the department.

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director’s designee is directed to proceed with the awards as shown in Exhibits A and B, submit the necessary state applications to the FTA, and enter into the necessary contracts in accordance with the priorities established in this minute order.

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

**b. Various Counties - Consider the award of federal §5311(b)(3) grant funds to Lower Rio Grande Valley Development Council (MO)**

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115686  
PTN

The Texas Transportation Commission (commission) desires to award up to \$45,000 in Section 5311(b)(3) Rural Transportation Assistance Program (RTAP) funds to Lower Rio Grande Valley Development Council for the 2020 Texas Transit Association Roadeo, Exposition, and Conference training programs.

Title 43, Texas Administrative Code, §31.37 establishes a process by which eligible proposals are selected to receive funds for training and technical assistance needs under the Federal Transit Administration (FTA) RTAP (49 U.S.C. §5311(b)(3)). The award is provided to Lower Rio Grande Valley Development Council for their specific role in this event to provide assistance and technical support.

Transportation Code, Chapter 455, assigns a broad spectrum of public transportation roles and missions to the department.

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director’s designee is directed to proceed with the award as described, submit the necessary state applications to the FTA, and enter into the necessary contract in accordance with the priorities established in this minute order.

**ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**a. Rules Proposal**

**Chapter 3 - Public Information**

Amendments to §3.11, Definitions, §3.12, Public Access, and §3.13,

Waiver of Fees for Certain Copies of Official Records (Access to Official Records) (MO)

This item was presented by Associate General Counsel Sarah Parker. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115687  
GCD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§3.11-3.13, concerning access to official records.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§3.11-3.13 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 and B are on file with the commission chief clerk.

**b. Final Rules Adoption**

**Chapter 15 - Financing and Construction of Transportation Projects**

**Amendments to §15.185, Allocation to Counties, §15.188, Application Procedure, and §15.191, Agreement (County Transportation Infrastructure Fund Grant Program) (MO)**

This item was presented by Local Government Projects Section Director John Jameson. The commission heard remarks from La Salle County Judge Joel Rodriguez. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115688  
TPD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§15.185, 15.188, and 15.191 relating to County Transportation Infrastructure Fund Grant Program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§15.185, 15.188, and 15.191 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.

Following Item 8.b., the commission took a short break from 10:57 a.m. to 11:07 a.m.

**ITEM 9. Toll Projects**

**Various Counties - Consider issuing an order prohibiting the operation of certain motor vehicles on Texas Department of Transportation toll projects (MO)**

This item was presented by Toll Operations Division Director Rick Nelson. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115689  
TOD

Transportation Code, Chapter 372, Subchapter C, authorizes toll project entities, including the Texas Department of Transportation (department), to exercise various remedies against certain motorists with unpaid toll violations.

Transportation Code §372.106 provides that a “habitual violator” is a registered owner of a vehicle who a toll project entity determines:

- (1) was issued at least two written notices of nonpayment that contained:
  - (A) in the aggregate, 100 or more events of nonpayment within a period of one year, not including events of nonpayment for which: (i) the registered owner has provided to the toll project entity information establishing that the vehicle was subject to a lease at the time of nonpayment, as provided by applicable toll project entity law; or (ii) a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law; and
  - (B) a warning that the failure to pay the amounts specified in the notices may result in the toll project entity’s exercise of habitual violator remedies; and
- (2) has not paid in full the total amount due for tolls and administrative fees under those notices.

The department previously determined that the individuals listed in Exhibit A are habitual violators. These determinations are now considered final in accordance with Subchapter C.

Transportation Code §372.109 provides that a final determination that a person is a habitual violator remains in effect until:

- (1) the total amount due for the person’s tolls and administrative fees is paid; or
- (2) the toll project entity, in its sole discretion, determines that the amount has been otherwise addressed.

Transportation Code §372.110 provides that a toll project entity, by order of its governing body, may prohibit the operation of a motor vehicle on a toll project of the entity if:

- (1) the registered owner of the vehicle has been finally determined to be a habitual violator; and
- (2) the toll project entity has provided notice of the prohibition order to the registered owner.

The department recommends that the Texas Transportation Commission (commission) prohibit the operation of the motor vehicles listed in Exhibit A on the Central Texas Turnpike System and certain segments of the SH 99 Grand Parkway System as described: (1) SH 130 (Segments 1-6); (2) SH 45 North; (3) SH 45 Southeast; (4) Loop 1, from existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange; (5) SH 99 Grand Parkway, Segment D in Harris County and Segments E, F-1, F-2, and G in Harris and Montgomery counties; and (6) SH 99 Grand Parkway, from I-10 to Fisher Road.

IT IS THEREFORE ORDERED by the commission that the motor vehicles listed in Exhibit A are prohibited from operation on the toll projects described above, effective March 13, 2020.

IT IS FURTHER ORDERED that the department shall provide notice of this order to the individuals listed in Exhibit A, as required by Transportation Code §372.110.

IT IS FURTHER ORDERED that the prohibition shall remain in effect for the motor vehicles listed in Exhibit A until the respective habitual violator determinations are terminated, as provided by Transportation Code §372.109.

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

**ITEM 10. Lease Agreement**

**Travis County - US 183 - Consider authorizing the department to enter into a lease agreement with ATX Helps, a Texas domestic nonprofit corporation, to lease land on US 183 (MO)**

This item was presented by Right of Way Division Director Kyle Madsen. The commission heard remarks from Robert Rhodes, Executive Director, Hands of Hope, Camp RATT, and from Vice President of Investor Relations, Downtown Austin Alliance, Bill Brice, representing ATX Helps. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115690  
ROW

In or near Austin, Travis County, on US 183, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 871, at Page 632, and in Volume 2270, at Page 238, Deed Records of Travis County, Texas, including that certain real property described in the attached Exhibit A (the property).

ATX Helps, a domestic nonprofit corporation, has requested to lease the property for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

Transportation Code, Chapter 202, Subchapter C, authorizes the Texas Department of Transportation (the department) to lease highway right of way.

The Texas Transportation Commission (the commission) finds that the property to be leased will not be needed for highway purposes during the period of the lease, and that the use of the property by ATX Helps will be consistent with the safety, maintenance, operation, and beautification of the state highway system. The commission also finds that the lease is in the public interest for social mitigation purposes, and, as such, will be economically beneficial to the department. In accordance with Transportation Code §202.052 and Title 43, Texas Administrative Code §21.603, the commission finds that the requirement to charge fair market value for the lease may be waived.

IT IS THEREFORE ORDERED by the commission that the staff of the department is authorized and directed to enter into negotiations and execute a lease agreement for all or a portion of the property with ATX Helps.

IT IS ALSO ORDERED by the commission that the fair market value requirement is waived for the lease of all or a portion of the property for social mitigation purposes to ATX Helps.

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

**ITEM 11. 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 Director Kyle Madsen. 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 Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115691  
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-ZZ. 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 1-30 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>
Bastrop	SH 71	8	0265-03-046	21
Bastrop	SH 71	9	0265-03-046	26
Bexar	FM 1518	21	0465-02-028	99
Bexar	FM 1516	17	1477-01-044	33A
Bexar	FM 1516	18	1477-01-044	33B
Bowie	FM 989	20	1231-01-072	5
Brazoria	SH 36	19	0188-04-041	2

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cameron	FM 511	24	0684-02-029	3
Cameron	FM 511	25	0684-02-029	4
Cherokee	US 175	27	0198-04-034	86
Cherokee	US 175	28	0198-04-034	88
Collin	FM 2514	14	2679-03-018	91
Collin	FM 2514	16	2679-03-018	114
Comal	SH 46	10	0215-07-028	53
DeWitt	SH 72	11	0270-02-045	49
DeWitt	SH 72	12	0270-02-045	53
Fort Bend	FM 1463	26	0188-10-038	248
Harris	US 90U	15	0028-01-093	221
Kaufman	SH 205	1	0451-02-030	22
Kaufman	SH 205	2	0451-02-030	25
Kaufman	SH 205	3	0451-02-030	26
Kaufman	SH 205	7	0451-02-030	46
Kaufman	SH 205	13	0451-02-030	49
Kaufman	SH 205	4	0451-02-030	60
Kaufman	SH 205	5	0451-02-030	65
Kaufman	SH 205	6	0451-02-030	76
Lubbock	FM 1585	29	1502-01-038	184
Lubbock	FM 1585	30	1502-01-038	185
Lubbock	FM 1585	22	1502-01-039	142
Lubbock	FM 1585	23	1502-01-039	143

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 35	BB	0016-07-133	21
Bexar	IH 35	DD	0016-07-133	22
Bexar	IH 35	NN	0016-07-133	78
Bexar	IH 35	OO	0016-07-133	82
Bexar	IH 35	PP	0016-07-133	88
Bexar	IH 35	QQ	0016-07-133	91
Bexar	IH 35	RR	0016-07-133	101
Bexar	IH 35	SS	0016-07-133	108
Bexar	IH 35	TT	0016-07-133	111
Bexar	IH 35	Y	0017-10-278	12
Bexar	IH 35	HH	0017-10-278	61
Bexar	IH 35	II	0017-10-278	62
Bexar	IH 35	JJ	0017-10-278	63
Bexar	IH 35	KK	0017-10-278	68
Bexar	IH 35	LL	0017-10-278	72
Bexar	IH 35	MM	0017-10-278	75
Bexar	IH 410	A	0521-06-140	44
Dallas	IH 35E	ZZ	0196-03-248	20
Denton	IH 35	U	0195-03-091	1
Denton	IH 35	V	0195-03-091	9

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35	W	0195-03-091	10
Denton	IH 35	X	0195-03-091	11
Denton	IH 35	Z	0195-03-091	12
Denton	IH 35	AA	0195-03-091	13
Denton	IH 35	CC	0195-03-091	21
Denton	IH 35	K	0195-03-091	24
Denton	IH 35	L	0195-03-091	26
Denton	IH 35	M	0195-03-091	28
Denton	IH 35	N	0195-03-091	31
Denton	IH 35	O	0195-03-091	32
Denton	IH 35	P	0195-03-091	35
Denton	IH 35	Q	0195-03-091	36
Denton	IH 35	EE	0195-03-091	37
Denton	IH 35	FF	0195-03-091	39
Denton	IH 35	GG	0195-03-091	40
Denton	IH 35E	B	0196-01-100	109
Ellis	IH 35E	H	0048-04-096	6
Galveston	IH 45	G	0500-04-139	502AC
Galveston	IH 45	C	0500-04-139	505
Galveston	IH 45	R	0500-04-139	513
Galveston	IH 45	S	0500-04-139	514
Galveston	IH 45	T	0500-04-139	515
Galveston	IH 45	WW	0500-04-139	517
Galveston	IH 45	XX	0500-04-139	518
Galveston	IH 45	D	0500-04-139	522
Galveston	IH 45	E	0500-04-139	523
Galveston	IH 45	YY	0500-04-139	525
Galveston	IH 45	F	0500-04-139	526
Liberty	SH 99	I	3510-09-004	1213
Liberty	SH 99	J	3510-09-004	1214
Walker	IH 45	UU	0675-07-104	43
Walker	IH 45	VV	0675-07-104	45

Note: Exhibits A - ZZ and 1 - 30 are on file with the commission chief clerk.

**ITEM 12. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute orders by a vote of 4 - 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)

115692  
CSD

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

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 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 B 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 and B.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
ASP 1960 LLC	HOU	Harris	Design and construction of a right turn in and right turn out driveway with a raised median located at 11220 FM 1960 Road West and extending the curb on the left turn lane approximately 100 feet in Houston.
Centex Los Milagros, L.P.	AUS	Bastrop	Design and construction of a center turn lane on SH 21 in Bastrop.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Dunham Pointe Development LLC	HOU	Harris	Design and construction of traffic signal modifications at Mason Road and eastbound US 290 frontage in Cypress.
Fordyce Holdings, Inc.	YKM	Victoria	Funds sufficient to install two flashing edge lit signs near the donor's driveway entrance located 1.3 miles southwest of US 87 on FM 447 in Victoria County.
Galvanize	AUD	N/A	In-kind donation consisting of registration fees for five employees of the Internal Audit and Compliance Divisions to attend the 2020 Galvanize Summit in Orlando, Florida, April 22-25, 2020.
Garceno Properties, Ltd.	SAT	Guadalupe	Design and construction of left turn and right turn lanes on SH 80 and a right turn lane on I-10 westbound frontage road in Luling.
Hargunn Holdings LLC	HOU	Harris	Design and construction of an existing traffic signal modification from west of I-45 on W. Mount Houston Road and Old Hickory Road into the donor's development in Houston.
H-E-B, LP	HOU	Montgomery	Design and construction of a right turn lane and striping from eastbound SH 99 toll exit ramp at FM 1314 into the proposed HEB development in Porter.
HK Hannah Heights, LLC	SAT	Guadalupe	Design and construction of a right turn lane on FM 20 in Seguin.
Karnes Electric Cooperative, Inc.	CRP	Karnes	Design and construction of a continuous left turn lane and passing lane extension on US 181 adjacent to the Karnes Electric facility in Karnes City.
Knife River Corporation - South	AUS	Burnet	Design and construction of: 1) a right turn deceleration lane from northbound US 281 into the quarry entrance; 2) an acceleration lane from the quarry entrance to northbound US 281; and 3) a left turn deceleration lane from southbound US 281 into the quarry entrance in Burnet.
Landmark Industries Energy, LLC	HOU	Harris	Design and construction of modifying access into a new development along FM 2920 at SH 99 in Tomball.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
LGI Homes-Texas, LLC	HOU	Waller	Design and construction of a left turn lane from southbound FM 1489 into the donor's development in Waller County.
Love's Travel Stops & Country Stores, Inc.	ODA	Winkler	Design, construction and construction engineering inspections of highway improvements to include, but not limited to, the addition of acceleration lanes, deceleration lanes, improvement to surface drainage, and installation of small roadside warning signs along SH 302 near the intersection of CR 313 in Winkler County.
Magnolia 15.512 Acres, Ltd.	HOU	Brazoria	Design and construction of a right turn deceleration lane along southbound FM 1128 into a private driveway for a commercial development in Pearland.
Northwood Retail LLC	AUS	Travis	Funds towards the state's cost of safety and operational improvements along SL 1 northbound frontage road west of Duval Road in Austin.
Seefried Development Management, Inc.	AUS	Travis	Design and construction of improvements at the intersection of SH 130 southbound frontage road and Pecan Street to accommodate traffic flow to and from a new development on Pecan Street in Pflugerville.
Taeken, Ltd.	HOU	Harris	Design and construction of a right turn deceleration lane from northbound US 90 Alternate into the donor's development in Houston.
The Domain POA, Inc.	AUS	Travis	Funds towards the state's cost of safety and operational improvements along SL 1 northbound frontage road west of Duval Road in Austin.
TR Domain, LLC	AUS	Travis	Funds towards the state's cost of safety and operational improvements along SL 1 northbound frontage road west of Duval Road in Austin.
TX Parmer Austin CCF GP, LLC	AUS	Travis	Design and construction of a southbound right turn deceleration lane into the Boyce Lane development along FM 734 in Austin.
Click4 LLC in Care of Nadine Floors	DAL	Collin	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>
Trinity Falls Holdings, LP (a division of) Johnson Development Corp.	DAL	Collin	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Elite MMA - Baytown, LLC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Katy Asian Town Retail Condominium Association, Inc.	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
KAT Grand West Retail Condominium, Association Inc.	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Nations Reliable Lending, LLC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Plains ER Management, LTD - DBA Express ER	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Texas MedClinic	SAT	Comal	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

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

**b. Real Estate Dispositions**

**(1) Bexar County - PA 1502 (Wurzbach Parkway) - Consider an easement release to the underlying fee owner (MO)**

115693  
ROW

In San Antonio, Bexar County, on PA 1502 (Wurzbach Parkway), the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 6170, at Page 1555, Official Public Record of Real Property of Bexar County, Texas.

A portion 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.

Capitol Park Little League, Inc. is the owner of the fee interest in the property and has requested to purchase the easement interest for \$6,841.

The commission finds \$6,841 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 authorizes the executive director of the department to execute a proper instrument conveying all

of the state’s right, title, and interest in the easement interest to Capitol Park Little League, Inc. for \$6,841.

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

**(2) Bexar County - SS 53 - Consider the sale of right of way to an abutting landowner (MO)**

115694  
ROW

In San Antonio, Bexar County, on SS 53, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 2867, at Page 2857, and Volume 4277, at Page 240, Official Public Record of Real Property of Bexar 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 right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

UTSA/UTEX, Ltd. is an abutting landowner and has requested to purchase the tract for \$230,000.

The commission finds \$230,000 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 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 tract to UTSA/UTEX, Ltd. for \$230,000; 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.

**(3) Lubbock County - SL 289 - Consider the sale of right of way to an abutting landowner (MO)**

115695  
ROW

In Lubbock, Lubbock County, on SL 289, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 705, at Page 9, and Volume 706, at Page 16, Deed Records of Lubbock 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 right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Louis Equities, LP, a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$32,700.

The commission finds \$32,700 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 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 tract to Louis Equities, LP, a Texas limited partnership, for \$32,700; 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.

**c. Reports**

**(1) Compliance Division report**

Note: Confidential report to commission.

**(2) Grand Parkway Transportation Corporation**

**Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)**

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

**d. Finance**

**(1) State Highway 249 System**

**i. Grimes and Montgomery Counties - Consider accepting the Quarterly Construction Progress Report for the State Highway 249 System (MO)**

115696  
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 securing the obligations and indentures of trust governing matters related to the issuance of such obligations.

The commission issued revenue bonds and other obligations to finance a portion of the costs of the SH 249 System (System), comprised of Segment 1 of the SH 249 extension, which is anticipated to be approximately 15 miles of four new toll lanes from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Grimes County near Todd Mission, as an all-electronic, open road toll facility.

Pursuant to Minute Order 115393, dated December 13, 2018, the commission issued toll revenue obligations (obligations) to finance a portion of the costs of the System, pursuant to a master trust agreement and first supplemental agreement (indenture) which prescribe the terms, provisions and covenants related to the issuance of the obligations.

Pursuant to Section 407 of the indenture, the commission has covenanted that by the last day of the second month after each fiscal quarter, it will cause the general engineering consultant to prepare a progress report and provide copies of such report to the trustee and the commission, and a department representative shall file such progress reports with the Municipal Securities Rulemaking Board, through its Electronic Municipal Markets Access System, within thirty (30) days of the commission's receipt of such report.

A progress report has been prepared by General Engineering Consultant Brown & Gay Engineers, Inc. pursuant to Section 407 of the indenture.

IT IS THEREFORE ORDERED by the commission that the SH 249 System Quarterly Construction Progress Report for the quarter ended November 30, 2019, attached as Exhibit A, is accepted.

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

**ii. Grimes and Montgomery Counties - Consider accepting the Annual Continuing Disclosure Report for the State Highway 249 System (MO)**

115697  
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 securing the obligations and indentures of trust governing matters related to the issuance of such obligations.

The commission issued revenue bonds and other obligations to finance a portion of the costs of the SH 249 System (System), comprised of Segment 1 of the SH 249 extension, which is anticipated to be approximately 15 miles of four new toll lanes from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Grimes County near Todd Mission, as an all-electronic, open road toll facility.

Pursuant to Minute Order 115393, dated December 13, 2018, the commission issued toll revenue obligations (obligations) to finance a portion of the costs of the System, pursuant to a master trust agreement and first supplemental agreement (indenture) which prescribe the terms, provisions and covenants related to the issuance of the obligations.

Section 709 of the indenture requires the commission to provide annually, within six months after the end of each fiscal year, updated financial information and operating data with respect to the commission and the System of the general type included in specified sections of the final official statement relating to the obligations issued for the System.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2019 with respect to the commission and the System, attached as the State Highway 249 System Annual Continuing Disclosure Report, is accepted.

Note: The State Highway 249 System Annual Continuing Disclosure Report is on file with the commission chief clerk.

(2) State Highway Fund

Consider accepting the Annual Continuing Disclosure Report for the State Highway Fund revenue bond program (MO)

115698  
PFD

Pursuant to Article III, Section 49-n of the Texas Constitution, the Legislature authorized the Texas Transportation Commission (commission) to issue bonds and other public securities to: (i) finance state highway improvement projects that are eligible for funding with revenues dedicated or appropriated to the State Highway Fund (Fund); and (ii) pay the costs of issuing the bonds. The bonds are payable from and secured by a prior lien on certain revenues deposited to the credit of the Fund held in the treasury of the State of Texas.

Pursuant to Minute Order 110472, dated March 30, 2006, the commission approved the Master Resolution Establishing a Financing Program for Bonds, Other Public Securities and Credit Agreements Secured by and Payable from Revenue Deposited to the Credit of the State Highway Fund, as amended and restated by the Second Amended and Restated Master Resolution dated April 23, 2010, to establish a revenue financing program, pursuant to which the commission may issue bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on revenues deposited to the credit of the Fund. The commission has approved nine supplemental resolutions for the issuance of bonds under Transportation Code, Section 222.003 and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within 180 days after the end of each fiscal year, financial information and operating data with respect to the Fund of the general type in the attached State Highway Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for fiscal year ended August 31, 2019, attached as the State Highway Fund Annual Continuing Disclosure Report, is accepted.

Note: The State Highway Fund Annual Continuing Disclosure Report is on file with the commission chief clerk.

(3) Texas Mobility Fund

Consider accepting the Annual Continuing Disclosure Report for the Texas Mobility Fund bond program (MO)

115699  
PFD

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 limitation established by law.

Pursuant to a Master Resolution approved on May 4, 2005, and as amended, the commission has approved thirteen supplemental resolutions for the issuance of bonds under Transportation Code, Chapter 201, Subchapter M and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within six months after the end of each fiscal year, financial and operating data with respect to the Mobility Fund of the general type in the attached Texas Mobility Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2019, attached as the Texas Mobility Fund Annual Continuing Disclosure Report, is accepted.

Note: The Texas Mobility Fund Annual Continuing Disclosure Report is on file with the commission chief clerk.

(4) Central Texas Turnpike System

Travis and Williamson Counties - Consider accepting the Annual Continuing Disclosure Report for the Central Texas Turnpike System (MO)

115700  
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 securing the obligations and indentures of trust governing matters related to the issuance of such obligations.

The commission issued 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.

Section 716 of the Indenture requires the commission to provide annually, within six months after the end of each fiscal year, updated financial information and operating data with respect to the commission and the System of the general type included in specified sections of the final official statements relating to the obligations issued for the System.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2019 with respect to the commission and the System, attached as the Central Texas Turnpike System Annual Continuing Disclosure Report, is accepted.

Note: The Central Texas Turnpike System Annual Continuing Disclosure Report is on file with the commission chief clerk.

**e. Transportation Planning**

**(1) Grayson County - Consider designating proposed FM Spur 121 (Grayson Parkway) on a new location on the state highway system (MO)**

115701  
TPP

The Paris District and Grayson County have requested the designation of FM Spur 121 (Grayson Parkway) on a new location from FM 121, approximately four miles west of SH 289, southward to County Road 60 (Grayson County line), a distance of approximately 4.5 miles.

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

The Texas Transportation Commission (commission) finds that this action will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that FM Spur 121 (Grayson Parkway) is designated on a new location from FM 121, approximately four miles west of SH 289, southward to County Road 60 (Grayson County line), a distance of approximately 4.5 miles.

Note: Map is on file with the commission chief clerk.

**(2) Various Counties - Consider the approval of the Fiscal Year 2019 Annual Report on the Economically Disadvantaged Counties Program (MO)**

115702  
TPP

For Fiscal Year 2019, Section 222.053(a), Transportation Code, defined an “economically disadvantaged county” as a county that had, 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(c) 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.

Section 222.053(e) further directs the commission to report annually to the governor, the lieutenant governor, and the speaker of the house of representatives on the use of matching funds and local incentives and the ability of the commission to ensure that political subdivisions located in economically disadvantaged counties have equal ability to compete for highway funding with political subdivisions in counties that are not economically disadvantaged.

The Texas Department of Transportation has completed the Fiscal Year 2019 Annual Report on the Economically Disadvantaged Counties Program, which is attached as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2019 Annual Report on the Economically Disadvantaged Counties Program, as shown in Exhibit A, is approved by the commission and shall be presented to the governor, the lieutenant governor, and the speaker of the house of representatives as required by Section 222.053(e), Transportation Code.

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

(3) Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

115703  
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in Exhibit A. The list of previously-approved projects is shown in Exhibit B and a summary of funds associated with the SH 121 work program is set forth in Exhibit C. Both Exhibit B and Exhibit C are included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in Exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

**f. Speed Zones**

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

115704  
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 13. 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 no further comments.

Commissioner New motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:27 a.m.

APPROVED by the Texas Transportation Commission on March 26, 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 February 27, 2020, in Austin, Texas.



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Robin Carter, Commission Chief Clerk  
Texas Department of Transportation

