

Due to COVID-19 and the Governor’s Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation, the Texas Transportation Commission meeting on March 26, 2020, was conducted as a telephonic/audio meeting. These are the minutes of the regular meeting of the Texas Transportation Commission held by telephone conference on March 26, 2020. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners on the telephone line:

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 5:40 p.m. on March 18, 2020, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

ITEM 1. Meeting Guidelines

Executive Director James Bass provided guidance and instruction for the telephone conference. Each commissioner called into the telephone conference call line and all commissioners could hear and speak with one another. The public was invited to listen to the meeting by accessing the meeting on the Texas Department of Transportation website, www.txdot.gov. Members of the public who wanted to make comments on an agenda item or during the open comment period of the meeting were invited to call a toll free number and operators assisted the public with accessing the meeting to provide their comments.

ITEM 2. Consider the approval of the Minutes of the February 27, 2020, regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the February 27, 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 Executive Director James Bass. 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.

115705
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 March 4 and 5, 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 Executive Director James Bass. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115706
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 March 4 and 5, 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. Public Transportation

Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds and §5339 Bus and Bus Facilities program funds to rural transit districts (MO)

This item was presented by Executive Director James Bass. 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.

115707
PTN

The Texas Transportation Commission (commission) desires to award a total of \$27,287,049 in Federal Transit Administration (FTA) program funds to support public transportation needs in non-urbanized areas of the state.

Title 43, Texas Administrative Code (TAC), §31.36(g)(2) establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for Rural Areas program (49 U.S.C. §5311). An award of \$20,104,352 in federal FY 2020 §5311 funds is shown in Exhibit A and has been determined in accordance with §31.36(g)(2).

Title 43, TAC, §31.30(e)(1) establishes a formula by which public transportation funds shall be distributed under the FTA Bus and Bus Facilities Formula Grant program (49 U.S.C. §5339). An award of \$7,182,697 in federal FY 2019 and 2020 §5339 funds and residual funds from prior years is shown in Exhibit B and has been determined in accordance with §31.30(e)(1).

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 in Exhibits A and B, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

ITEM 5. County Transportation Infrastructure Fund Grant Program

Consider authorizing the designation of a period of time for counties to submit applications requesting grants under the County Transportation Infrastructure Fund Grant Program for funding transportation infrastructure projects located in areas of the state affected by increased oil and gas production, and prescribe the conditions that will be applicable to the grant award process (MO)

This item was presented by Executive Director James Bass. 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.

115708
TPD

Section 256.103, Transportation Code, authorizes and directs the Texas Department of Transportation (department) to administer a grant program using the transportation infrastructure fund dedicated by the Texas Legislature in the 83rd Legislature, Regular Session, 2013 (fund) to provide funding to counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production.

By minute order 115688 dated February 27, 2020, the Texas Transportation Commission (commission) modified Title 43 Texas Administrative Code §§15.180 - 15.196 (rules), that prescribe the policies and procedures governing the department's implementation of the County Transportation Infrastructure Fund Grant program (program) under Transportation Code, Chapter 256, Subchapter C.

Section 15.187 of the rules provides that the commission may designate a period during which the department will accept applications for grants from the fund and, for each designated period, prescribe conditions for submission. Pursuant to §15.187 of the rules, the department will publish notice of the designated period for acceptance of applications for grants from the fund. The notice will specify the period of time and the deadline for submitting applications, the estimated total amount of money available for grants from the fund for the designated period, the estimated allocation for each county in the state based on the allocation formula described in §15.185 of the rules, and any other condition deemed appropriate by the commission.

After review of properly submitted applications, the department will determine the amount of a grant award for each eligible county in accordance with the allocation formula and criteria set forth in §§15.185 and 15.186 of the rules and provide a written notice to each applicant that states the amount of the grant awarded to the county. The department and each county receiving an award will then enter into an agreement in accordance with §15.191 of the rules.

The commission finds that monies currently available under the program for allocation to the counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production total \$250 million in funds from the legislative appropriation described in Senate Bill 500, §78, 86th Legislature, Regular Session, 2019 (SB 500), and House Bill 1, 86th Legislature, Regular Session, 2019 (HB 1). In order to expedite repair to damaged infrastructure and maximize the number of projects that can be advanced in a timely manner, the commission determines that the first designated application period during fiscal year 2020 should occur soon after modification of the rules, and all of the available funds should be allocated to the eligible counties that apply.

IT IS THEREFORE ORDERED by the commission that:

(1) applications for grants from the fund must be submitted by counties to the department on or before May 27, 2020, but no sooner than April 27, 2020; and

(2) the total amount of funds available for the period designated above to be awarded among the eligible counties that submit a valid application will be \$250 million, less amounts authorized by SB 500 and HB 1 for the department to use in administering the program.

IT IS FURTHER ORDERED that the executive director or his designee is directed to take the necessary steps to implement the actions as ordered in this minute order.

ITEM 6. 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 Executive Director James Bass. 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 Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115709
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-SS. 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 1-170 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:

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 35	CC	0016-06-114	120
Comal	IH 35	BB	0016-05-116	50
Comal	IH 35	DD	0016-05-116	124
Comal	IH 35	EE	0016-05-116	125
Comal	IH 35	FF	0016-05-116	126
Comal	IH 35	II	0016-07-133	90
Comal	IH 35	JJ	0016-07-133	102
Comal	IH 35	KK	0016-07-133	103
Dallas	IH 35E	B	0196-03-248	31
Dallas	IH 35E	LL	0196-03-248	45
Dallas	IH 35E	MM	0196-03-248	104
Dallas	IH 35E	NN	0196-03-248	106
Denton	IH 35	S	0195-03-074	24
Denton	IH 35	RR	0195-03-091	6
Denton	IH 35	QQ	0195-03-091	8
Denton	IH 35	PP	0195-03-091	20
Denton	IH 35E	Z	0196-02-115	6
Denton	IH 35E	AA	0196-02-115	8
Denton	IH 35E	T	0196-02-115	9
Denton	IH 35E	R	0196-02-115	19
Denton	IH 35E	F	0196-02-115	106
Ellis	IH 35E	V	0048-04-096	9
Ellis	IH 35E	Y	0048-04-096	14,14E
Ellis	IH 35E	J	0048-04-096	15
Ellis	IH 35E	W	0048-04-096	34,34E
Ellis	IH 35E	P	0048-04-096	36
Ellis	IH 35E	Q	0048-04-096	39
Ellis	IH 35E	U	0048-04-096	43
Ellis	IH 35E	G	0048-04-096	44
Ellis	IH 35E	I	0048-04-096	46
Ellis	IH 35E	H	0048-04-096	47
Ellis	IH 35E	X	0048-04-096	56
Ellis	IH 35E	A	0048-04-099	8
Galveston	IH 45	E	0500-04-139	509

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Galveston	IH 45	C	0500-04-139	519
Galveston	IH 45	D	0500-04-139	521
Guadalupe	IH 35	GG	0016-06-114	121
Guadalupe	IH 35	HH	0016-06-114	122
Liberty	SH 99	K	3510-09-004	1206
Rockwall	IH 30	SS	0009-12-222	60,60E
Rockwall	IH 30	OO	0009-12-222	68
Tarrant	IH 35W	O	0014-16-266	963
Tarrant	IH 35W	L	0014-16-266	964
Tarrant	IH 35W	M	0014-16-266	965,965E
Tarrant	IH 35W	N	0014-16-266	966E

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	SH 71	16	0265-03-046	36
Bastrop	SH 71	3	0265-03-046	46
Bell	SL 121	161	2502-01-018	20
Bell	SL 121	142	2502-01-018	71,71E
Bexar	FM 1518	13	0465-02-028	38
Bexar	FM 1518	14	0465-02-028	40
Bexar	FM 1518	58	0465-02-028	136
Bexar	FM 471	66	0849-01-058	9
Bexar	FM 471	106	0849-01-058	10
Bexar	FM 1516	121	1477-01-044	1
Bexar	FM 1516	122	1477-01-044	46
Brazoria	SH 36	156	0188-03-020	104A
Brazoria	SH 36	157	0188-03-020	105
Brazoria	SH 36	158	0188-03-020	316
Brazoria	SH 36	159	0188-03-020	336
Brazoria	SH 36	160	0188-03-020	341
Brazoria	SH 36	162	0188-03-020	342
Brazoria	SH 36	163	0188-03-020	344
Brazoria	SH 36	67	0188-05-031	104
Brazoria	SH 36	108	0188-05-031	109
Brazoria	SH 36	138	0188-05-031	301
Brazoria	SH 36	143	0188-05-031	304
Brazoria	SH 36	151	0188-05-031	310
Brazoria	SH 36	155	0188-05-031	323
Brazoria	SH 36	168	0188-05-031	326E
Brazoria	SH 36	169	0188-05-031	403
Chambers	SH 99	74	3187-02-012	20E,20TE
Cherokee	US 175	8	0198-04-034	39
Cherokee	US 175	6	0198-04-034	69
Cherokee	US 175	7	0198-04-034	108
Cherokee	US 175	150	0198-04-034	128
Cherokee	US 175	135	0198-04-034	145

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cherokee	US 175	136	0198-04-034	151
Collin	SH 5	5	0047-04-026	87
Collin	FM 2551	18	2056-01-043	37
Collin	FM 2551	19	2056-01-043	42
Collin	FM 2551	20	2056-01-043	43
Collin	FM 2551	22	2056-01-043	46
Collin	FM 2551	21	2056-01-043	47
Collin	FM 2551	23	2056-01-043	53
Collin	FM 2551	24	2056-01-043	55
Collin	FM 2551	112	2056-01-043	57
Collin	FM 2551	111	2056-01-043	59
Collin	FM 2551	25	2056-01-043	64
Collin	FM 2514	15	2679-03-018	93E
Collin	FM 2514	1	2679-03-018	118
Fort Bend	FM 1463	114	0188-10-038	201
Fort Bend	FM 1463	119	0188-10-038	214
Fort Bend	FM 1463	113	0188-10-038	215
Fort Bend	FM 1463	115	0188-10-038	234
Fort Bend	FM 1463	137	0188-10-038	240
Fort Bend	FM 1463	116	0188-10-038	249
Fort Bend	FM 1463	90	0188-10-038	261
Fort Bend	FM 1463	59	0188-10-038	262
Fort Bend	FM 1463	167	0188-10-038	264
Grayson	US 75	124	0047-02-156	3E
Grayson	US 75	125	0047-02-156	6E
Harris	SH 90U	75	0028-01-093	107
Hidalgo	US 281	101	0255-07-142	3
Hidalgo	US 281	102	0255-07-142	10
Hidalgo	US 281	103	0255-07-142	22
Hidalgo	US 281	104	0255-07-142	32
Hidalgo	US 281	105	0255-07-142	37
Kaufman	SH 205	4	0451-02-030	48
Kaufman	SH 205	99	0451-02-030	62
Kaufman	SH 205	98	0451-02-030	64
Kaufman	SH 205	97	0451-02-030	66,66E
Kaufman	SH 205	95	0451-02-030	74
La Salle	SH 97	139	0483-01-057	11
Lubbock	FM 1585	17	1502-01-035	238B
Lubbock	FM 1585	96	1502-01-036	208A
Lubbock	FM 1585	153	1502-01-036	208B
Lubbock	FM 1585	154	1502-01-037	291
Lubbock	FM 1585	65	1502-01-037	312
Lubbock	FM 1585	140	1502-01-038	162
Lubbock	FM 1585	2	1502-01-038	183
Lubbock	FM 1585	77	1502-01-039	116
Lubbock	FM 1585	12	1502-01-039	118

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Lubbock	FM 1585	100	1502-01-039	144
Lubbock	FM 1585	9	1502-01-039	147
Lubbock	FM 1585	11	1502-01-039	148
Lubbock	FM 1585	107	1502-01-039	149
Lubbock	FM 1585	10	1502-01-039	151
Lubbock	FM 1585	120	1502-01-039	159
Montgomery	SH 99	76	3510-07-008	890
Rockwall	SH 205	26	0451-01-057	2
Rockwall	SH 205	27	0451-01-057	3
Rockwall	SH 205	28	0451-01-057	4
Rockwall	SH 205	147	0451-01-057	5
Rockwall	SH 205	29	0451-01-057	6,6E
Rockwall	SH 205	30	0451-01-057	7
Rockwall	SH 205	31	0451-01-057	8
Rockwall	SH 205	144	0451-01-057	9
Rockwall	SH 205	32	0451-01-057	11
Rockwall	SH 205	80	0451-01-057	12
Rockwall	SH 205	33	0451-01-057	13
Rockwall	SH 205	34	0451-01-057	14
Rockwall	SH 205	117	0451-01-057	15
Rockwall	SH 205	93	0451-01-057	18
Rockwall	SH 205	35	0451-01-057	20
Rockwall	SH 205	148	0451-01-057	21
Rockwall	SH 205	36	0451-01-057	22
Rockwall	SH 205	149	0451-01-057	23
Rockwall	SH 205	37	0451-01-057	24
Rockwall	SH 205	38	0451-01-057	25
Rockwall	SH 205	39	0451-01-057	26,26E
Rockwall	SH 205	40	0451-01-057	30
Rockwall	SH 205	41	0451-01-057	31
Rockwall	SH 205	42	0451-01-057	32
Rockwall	SH 205	43	0451-01-057	33
Rockwall	SH 205	44	0451-01-057	35
Rockwall	SH 205	45	0451-01-057	36,36E
Rockwall	SH 205	46	0451-01-057	38
Rockwall	SH 205	47	0451-01-057	39
Rockwall	SH 205	60	0451-01-057	40
Rockwall	SH 205	48	0451-01-057	41
Rockwall	SH 205	152	0451-01-057	42
Rockwall	SH 205	164	0451-01-057	43
Rockwall	SH 205	165	0451-01-057	44
Rockwall	SH 205	81	0451-01-057	45
Rockwall	SH 205	82	0451-01-057	46
Rockwall	SH 205	68	0451-01-057	47
Rockwall	SH 205	49	0451-01-057	49
Rockwall	SH 205	50	0451-01-057	50

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Rockwall	SH 205	69	0451-01-057	52
Rockwall	SH 205	70	0451-01-057	53
Rockwall	SH 205	71	0451-01-057	54
Rockwall	SH 205	92	0451-01-057	57
Rockwall	SH 205	91	0451-01-057	58
Rockwall	SH 205	51	0451-01-057	59
Rockwall	SH 205	83	0451-01-057	60,60E
Rockwall	SH 205	53	0451-01-057	61
Rockwall	SH 205	72	0451-01-057	62
Rockwall	SH 205	73	0451-01-057	63
Rockwall	SH 205	52	0451-01-057	65
Rockwall	SH 205	54	0451-01-057	66
Rockwall	SH 205	94	0451-01-057	67
Rockwall	SH 205	118	0451-01-057	68
Rockwall	SH 205	55	0451-01-057	69
Rockwall	SH 205	84	0451-01-057	70
Rockwall	SH 205	126	0451-01-057	71
Rockwall	SH 205	127	0451-01-057	72
Rockwall	SH 205	166	0451-01-057	73
Rockwall	SH 205	61	0451-01-057	74
Rockwall	SH 205	128	0451-01-057	75
Rockwall	SH 205	62	0451-01-057	76
Rockwall	SH 205	134	0451-01-057	77,77E
Rockwall	SH 205	129	0451-01-057	78
Rockwall	SH 205	133	0451-01-057	79,79E
Rockwall	SH 205	85	0451-01-057	81
Rockwall	SH 205	56	0451-01-057	82
Rockwall	SH 205	87	0451-01-057	83
Rockwall	SH 205	88	0451-01-057	84
Rockwall	SH 205	57	0451-01-057	85
Rockwall	SH 205	130	0451-01-057	86
Rockwall	SH 205	89	0451-01-057	87
Rockwall	SH 205	63	0451-01-057	88
Rockwall	SH 205	64	0451-01-057	91E
Rockwall	SH 205	141	0451-01-057	92E
Rockwall	SH 205	86	0451-01-057	95
Rockwall	SH 205	132	0451-01-057	97
Rockwall	SH 205	131	0451-01-057	100
San Jacinto	US 59	78	0177-02-105	8
San Jacinto	US 59	109	0177-02-105	11
San Jacinto	US 59	123	0177-02-105	25
San Jacinto	US 59	110	0177-02-105	26
Tarrant	Spur 303	170	2208-01-072	1
Tarrant	Spur 303	146	2208-01-072	3
Tarrant	Spur 303	145	2208-01-072	5
Travis	SH 71	79	0700-03-101	57

Note: Exhibits A - SS and 1 - 170 are on file with the commission chief clerk.

ITEM 7. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Cameron County Commissioner David Garza called into the meeting in support of agenda item 7.d.(1), the designation of I-169 in Cameron County. Commissioner Ryan made a motion, which was seconded by Commissioner New, 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)

115710
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>
A-L-L 152 IH 35-South New Road, L.P.	WAC	McLennan	Design and construction of a deceleration right turn lane on I-35 southbound frontage road for proposed Creekview Drive in Waco.
Amstad Huntsville 1791, LP	BRY	Walker	Design and construction of a left turn lane and associated widening and striping on FM 1791 into the donor's property located in Huntsville.
Ellison Roper Land Corporation	AUS	Burnet	Design and funds to cover the state's cost to construct a 36 inch cross culvert under US 281 in Burnet County.
Figs Associates LLC	WAC	Bell	Design and construction of a deceleration right turn lane, 30 foot concrete driveway, and drainage facilities into Expo Plaza on the northwest corner of TX Loop 121 and I-35 in Belton.
Gulf Coast Growth Ventures LLC	CRP	San Patricio	Funds to over the state's contractor to remove and reset concrete traffic barriers in order for the donor to utilize the Heavy Haul Road 12 times during the ongoing construction project on US 181 in San Patricio County.
Lennar Homes of Texas Land and Construction, Ltd.	HOU	Galveston	Design and construction of a left turn lane from southbound FM 2004 into the Delany Cove development in La Marque.
LGI Homes - Texas, LLC	HOU	Harris	Design and construction of traffic signal and pavement markings on FM 2920 at Bauer Road in Harris County.
MG Vaquero West II, LLC	WAC	McLennan	Design and construction of an additional 50 foot extension to an existing southbound right lane on TM West Parkway and I-35 frontage road in West.
Richardson Bros., Inc.	SAT	Wilson	Design and construction of left turn lane improvements at Price Way and US 181 in Floresville.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Rudy Manka	SAT	Bexar	Treadmill Pro-Form Performance 300 Model #PFTL39513.1 to the Texas Metro Area Office/East Bexar Maintenance Office to support the fitness space in San Antonio.
SRS Kelly Property LLC	HOU	Waller	Design and construction of two deceleration lanes and one acceleration lane from eastbound Highway 6 into the Best Stop Gas Station development in Hempstead.
Weiser Business Park Land, LLC	HOU	Harris	Design and construction of a right turn lane from the westbound US 290 frontage road into the donor's development in Cypress.
Northwood Ravin	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.
Lorenz & Lorenz L.L.P.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Richmond Sage Restaurant, INC	HOU	Fort Bend	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Galveston	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Nationwide Specialty Finance, Inc (dba) Drive Away	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Kidd Roofing	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.
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>
J.D. Collision Express, LLC	SAT	Bexar	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) Bell County - SH 317 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Temple (MO)

115711
ROW

In or near Temple, Bell County, on SH 317, the State of Texas acquired certain land for highway purposes by an instrument recorded as Document Number 2015-00014412 in the Real Property Records of Bell 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 transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

The City of Temple, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the City of Temple, Texas.

IT IS THEREFORE ORDERED by the commission that the tract, as shown on Exhibit A, is removed from the state highway system.

IT IS FURTHER 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 the City of Temple, Texas; 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.

IT IS FURTHER ORDERED that, if the tract ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

(2) DeWitt County - SH 72 - Consider the exchange of right of way as part of a transaction to acquire real property needed for a state highway purpose (MO)

115712
ROW

In or near Nordheim, DeWitt County, on SH 72, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 142, at Page 76, Deed Records of DeWitt County, Texas.

A portion of the land, as 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 that the governor execute a deed exchanging an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The State of Texas and William A. Blackwell Land & Cattle Company, Ltd., a Texas limited partnership, have entered into an exchange agreement whereby the state will be exchanging an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose. As part of the agreement, the State of Texas and William A. Blackwell Land & Cattle Company, Ltd., a Texas limited partnership, are exchanging deeds for the tract and for a parcel needed for a state highway purpose, respectively.

The tract has been appraised at \$2,324.

The commission finds \$2,324 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 William A. Blackwell Land & Cattle Company, Ltd., a Texas limited partnership, in accordance with the terms of the exchange agreement; 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) Fort Bend County - US 59 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to Fort Bend County (MO)

115713
ROW

In Fort Bend County, on US 59, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 461, at Page 269, Deed Records of Fort Bend County, Texas and in County Clerk's File Number 2015086898, Official Public Records of Fort Bend 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 transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

The County of Fort Bend, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the County of Fort Bend, Texas.

IT IS THEREFORE ORDERED by the commission that the tract, as shown on Exhibit A, is removed from the state highway system.

IT IS FURTHER 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 the County of Fort Bend, Texas; 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.

IT IS FURTHER ORDERED that, if the tract ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

(4) Rockwall County - SH 205 - Consider the sale of right of way to an abutting landowner (MO)

115714
ROW

In or near Rockwall, Rockwall County, on SH 205, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 4702, at Page 8, Deed Records of Rockwall 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.

Conselman Equities, LLC is an abutting landowner and has requested to purchase the tract for \$47,500.00.

The commission finds \$47,500.00 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 Conselman Equities, LLC for \$47,500.00; 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.

(5) Williamson County - FM 3406 & SS 379 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Round Rock (MO)

115715
ROW

In or near Round Rock, Williamson County, on FM 3406 and SS 379, the State of Texas acquired certain land for highway purposes as reflected in the State Department of Highways and Public Transportation Right of Way Map F.M. 3406, Williamson County, Texas and in the State Department of Highways and Public Transportation Right of Way Map SS-379, Williamson County, Texas.

All of the land comprising the right of way of FM 3406 between the lines described in Exhibit A and all of the land comprising the right of way of SS 379 between the lines described in Exhibit B (the tracts) 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 transfer of highway

right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tracts are no longer used for public road purposes, the tracts shall immediately and automatically revert to the State of Texas.

The City of Round Rock, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tracts be transferred to the City of Round Rock, Texas.

IT IS THEREFORE ORDERED by the commission that the tracts, as shown on Exhibits A and B, are removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the tracts are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tracts to the City of Round Rock, Texas; 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.

IT IS FURTHER ORDERED that, if the tracts cease to be used for public road purposes, they shall immediately and automatically revert to the state.

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

c. Report

Compliance Division report

Note: Confidential report to commission.

d. Highway Designations

(1) Cameron County - In Brownsville, consider designating a segment of the state highway system as I-169, concurrent with SH 550 (MO)

115716
TPP

In Cameron County, officials have requested the designation of a segment of the state highway system as I-169 concurrent with SH 550 from the existing I-169 terminus at Old Alice Road to approximately 0.4 mile east of FM 1847 in Brownsville, a total distance of approximately 2.5 miles. I-169 is a spur route of I-69E.

Minute Order 113100, dated April 26, 2012, authorized the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as I-69. After the 2019 AASHTO Spring Meeting, the AASHTO Special Committee on US Route Numbering approved the application for the I-69 segment described above.

The Administrator of the Federal Highway Administration approved the inclusion of this segment of I-69 on the Interstate Highway System on January 17, 2020.

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 the designation will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that I-169 is designated on the state highway system concurrent with SH 550 from the existing I-169 terminus at Old Alice Road to approximately 0.4 mile east of FM 1847 in Brownsville, a total distance of approximately 2.5 miles, as shown in Exhibit A.

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

(2) Williamson County - Consider designating multiple segments of SH 195 on new locations, re-designating segments of SH 195 as Business State Highway 195-H, State Highway Spur 376, and State Highway Spur 377, and extending the designation of SH 138 on the state highway system (MO)

115717
TPP

The Austin District and the City of Florence have requested the following actions:

1. Designate SH 195 on a new location on the state highway system from approximately 1.6 miles north of SH 138 southward to approximately 1.2 miles south of FM 970, a distance of approximately 3.9 miles, and re-designate the former alignment as BS 195-H;
2. Designate SH 195 on a new location on the state highway system from the intersection of County Road 241 southward to the former alignment of SH 195, a distance of approximately 3.0 miles, and re-designate the former alignment as SS 376;
3. Designate SH 195 on a new location on the state highway system from approximately 0.8 miles north of County Road 239 southeastward to the former alignment of SH 195, a distance of approximately 2.1 miles, and re-designate the former alignment as SS 377; and
4. Extend the designation of SH 138 from the former alignment of SH 195 eastward to the new alignment of SH 195, a distance of approximately 0.6 miles.

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

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

IT IS THEREFORE ORDERED by the commission that:

1. SH 195 is designated on a new location on the state highway system from approximately 1.6 miles north of SH 138 southward to approximately 1.2 miles south of FM 970, a distance of approximately 3.9 miles, and the former alignment is re-designated as BS 195-H;
2. SH 195 is designated on a new location on the state highway system from the intersection of County Road 241 southward to the former alignment of SH 195, a distance of approximately 3.0 miles, and the former alignment is re-designated as SS 376;
3. SH 195 is designated on a new location on the state highway system from the former alignment of SH 195 southeastward to the former alignment of SH 195, a distance of approximately 2.1 miles, and the former alignment is re-designated as 377; and
4. SH 138 is extended on the state highway system from the former alignment of SH 195 eastward to the new alignment of SH 195, a distance of approximately 0.6 miles, as shown on Exhibit A.

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

e. Speed Zones

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

115718
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 8. 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 9:35 a.m.

APPROVED by the Texas Transportation Commission on April 30, 2020:



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on March 26, 2020.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

