

Due to COVID-19 and the Governor’s Executive Order No. GA-14 relating to COVID-19 preparedness and mitigation, the Texas Transportation Commission meeting on April 30, 2020, was conducted as a telephonic/audio meeting. These are the minutes of the regular meeting of the Texas Transportation Commission held on April 30, 2020. The meeting was called to order at 9:01 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 10:01 a.m. on April 22, 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 watch and 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 an operator assisted the caller with accessing the meeting to provide their comments.

ITEM 2. Consider the approval of the Minutes of the March 26, 2020, regular meeting of the Texas Transportation Commission

Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the March 26, 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

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Executive Director James Bass. 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.

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on April 8 and 9, 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 New, and the commission approved the following minute order by a vote of 4 - 0.

115720
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 April 8 and 9, 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. Unified Transportation Program

Consider the approval of updates to the 2020 Unified Transportation Program (UTP) (MO) (Presentation)

This item was presented by Project Planning and Development Director Brian Barth. The commission heard comments from Jay Blazek Crossley of Farm and City, Jennifer McEwan of Texas Transportation Alliance, and Ray Wilkerson of Austin Area Research Organization. Commissioner Ryan made a motion, which was seconded by Commissioner Bugg, and the commission approved the following minute order by a vote of 3 - 1 with Commissioner New voting against adoption of the item.

115721
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects.

The Texas Transportation Commission (commission) has adopted rules in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects. The rules include guidance regarding the development of the UTP and any updates to the program, as well as public involvement requirements.

The 2020 UTP was approved by the commission on August 29, 2019 by Minute Order 115550.

The department conducted a public meeting across the state via WebEx on March 12, 2020, and a virtual public hearing on April 24, 2020, to receive comments and testimony concerning the proposed updates to the 2020 UTP.

The updates to the 2020 UTP, which are attached as Exhibit A, include project specific authorizations for the IH 35 Capital Express Central Project.

IT IS THEREFORE ORDERED by the commission that the updates to the 2020 UTP, as shown in Exhibit A, are hereby approved.

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

ITEM 5. 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)

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.

115722
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 April 6, 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 6. Design-Build Contracts

a. Travis County - Consider approving the selection of the proposer who submitted the best value proposal, and the conditional award of a design-build contract to the selected proposer, for the design and construction of the Oak Hill Parkway Project, consisting of non-tolled improvements along US 290 from approximately the east end of Circle Drive to Loop 1, and non-tolled improvements along SH 71 from US 290 to Silvermine Drive, including the reconstruction of the US 290 and SH 71 interchange, and the addition of frontage roads and grade separations at major intersections, in Austin and southwest Travis County; and consider authorizing the executive director of the department to negotiate and execute a design-build contract with the selected proposer, subject to funding availability in excess of estimated costs (MO) (Presentation)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Project Planning and Development Director Brian Barth also answered questions from the commission. The commission heard comments from the following: private citizen Cynthia Wilcox; private citizen Carol Cespedes; Bruce Melton of Melton Engineering; Jay Blazek Crossley of Farm and City; Angela Richter of Save Barton Creek Association; Bill Gammon of Gammon Law Office; and private citizen Stephen Beards. 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.

115723
PFD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On September 27, 2018, by Minute Order 115335, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential maintenance of the Oak Hill Parkway Project (Project) in Travis County. The Project consists of non-tolled improvements

along US 290 from approximately the east end of Circle Drive to Loop 1, and non-tolled improvements along SH 71 from US 290 to Silvermine Drive, which improvements include the addition of frontage roads and grade separations at major intersections. As part of the Project, the US 290 and SH 71 interchange will be reconstructed with the US 290 mainlanes going underneath SH 71, and with direct connectors at the intersection. The Project will improve the existing four-lane divided roadway with signalized intersections along US 290 to a six-lane controlled access facility with grade separations and frontage roads. Additionally, the existing controlled access portion from Loop 1 to near Joe Tanner Lane will have minor widening for operational improvements near entrance and exit ramps.

The department issued the RFQ on October 12, 2018. Four proposer teams responded to the RFQ. Following the department's evaluation of the qualifications statements, the best qualified teams were short-listed and requested to submit detailed proposals to develop, design and construct the Project.

Transportation Code § 223.246 and 43 TAC § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. On December 18, 2018, by Minute Order 115392, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to develop, design, and construct the Project, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the design-build contract (DBC). On August 23, 2019, the department issued the RFP.

On February 14, 2020, proposals were received from Colorado River Constructors, Flatiron-Lane Oak Hill Joint Venture, and Hill Country Infrastructure. From February 18, 2020 until March 9, 2020, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP, and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: Colorado River Constructors; Hill Country Infrastructure; Flatiron-Lane Oak Hill JV. The proposal submitted by Colorado River Constructors was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Colorado River Constructors provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Colorado River Constructors necessary to finalize the DBC to develop, design and construct the Project in Travis County, and to modify the DBC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC is awarded to Colorado River Constructors subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically

identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that the execution of the DBC by the executive director of the department is subject to the availability of funding if the contract price is in excess of the department's cost estimate.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Colorado River Constructors cannot be successfully completed, and that therefore the proposal submitted by Colorado River Constructors will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Hill Country Infrastructure, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

b. Dallas County - I-35E Phase 2 Project - Consider authorizing the department to issue a request for qualifications to design, construct, and maintain the I-35E Phase 2 Project, consisting of the full reconstruction and widening of the I-35E corridor from I-635 to the Denton County line in Dallas County, and "grandfathering" the existing two reversible toll managed lanes with no new toll lanes. The project includes the addition of one general purpose lane and one frontage road lane in each direction. The project will not include funding from either Proposition 1 or Proposition 7. (MO) (Presentation)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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.

115724
PFD

The Texas Department of Transportation (department) has been evaluating the design, construction, financing, operation and maintenance of a project to reconstruct and widen Interstate Highway 35E from I-635 to the Denton County line in the cities of Dallas, Farmers Branch, and Carrollton in Dallas County (I-35E Phase 2 Project). The I-35E Phase 2 Project consists of the full reconstruction and widening of this segment of the I-35E corridor and includes the addition of one general purpose lane in each direction and full reconstruction and "grandfathering" of the existing two reversible tolled managed lanes, for a total of 10 general purpose and tolled managed lanes, along with the construction of continuous frontage roads and numerous intersection improvements.

By Resolution 11-146, adopted on September 21, 2011, the Board of Directors of the North Texas Tollway Authority (NTTA) confirmed the NTTA's previous waiver of its first option to develop, finance, construct, and operate the I-35E Managed Lanes project, and waived and declined to exercise the NTTA's option to develop, finance, construct, and operate the I-35E Managed Lanes project pursuant to Transportation Code, §373.055. The scope of the I-35E Managed Lanes Project considered by the NTTA consisted of the ultimate scope of the project, including the improvements comprising the I-35E Phase 2 Project.

Pursuant to Transportation Code §373.053, the department exercised its option to develop, finance, construct, and operate the I-35E Managed Lanes project. In recognition of the department's exercise of this option, the Texas Transportation Commission (commission), in Minute Order 112840, adopted on September 29, 2011, authorized the department to issue a

request for qualifications to develop, design, construct, finance, maintain, and operate the I-35E Managed Lanes Project.

Transportation Code §373.007 provides that, unless otherwise provided by a toll project agreement under Transportation Code §373.006, or other agreement, an exercise of primacy over a phase of a toll project is an exercise of primacy over the entire project, with additional phases to be developed as the entity determines the phases financially feasible. The department has determined that the I-35E Phase 2 Project is financially feasible, and through this minute order is requesting commission authorization to issue a request for qualifications to design, construct and maintain the I-35E Phase 2 Project.

Subchapter F, Chapter 223, Transportation Code prescribes the process by which the department may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

Transportation Code §§ 223.245-223.250 prescribe requirements for a design-build contract procurement. Pursuant to those provisions, the department must issue a request for qualifications that includes, among other things, the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received. The department is also required to publish a notice advertising the issuance of the request for qualifications in the *Texas Register* and on the department's website.

The planned improvements for the I-35E Phase 2 Project will provide continuous frontage roads and increased capacity through the addition of general purpose lanes from I-635 to the Denton County line that are critical to the region's continued mobility and economic viability. Increasing capacity will relieve congestion and reduce travel time as well as provide social and economic benefits locally, regionally and statewide. The project is a crucial element to providing enhanced system continuity and accommodating projected growth through the region as well as improving safety and mobility in the area and meets the requirements for design-build delivery.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue a request for qualifications to design, construct, and maintain the I-35E Phase 2 Project in Dallas County, and to publish in the *Texas Register* and on the department's website a notice advertising the issuance of the request for qualifications.

ITEM 7. Eminent Domain Proceedings

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

This item was presented by 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).

115725
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-XX. 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 1-78 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	QQ	0016-07-133	20
Bexar	IH 35	RR	0016-07-133	79
Bexar	IH 35	PP	0016-07-133	80
Bexar	IH 35	OO	0016-07-133	81
Bexar	IH 35	NN	0016-07-133	83
Bexar	IH 35	MM	0016-07-133	84
Bexar	IH 35	LL	0016-07-133	85

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 35	KK	0016-07-133	92
Bexar	IH 35	AA	0016-07-133	110
Bexar	IH 35	JJ	0016-07-133	114
Bexar	IH 35	BB	0017-10-278	70
Chambers	SH 99	WW	3510-10-017	1302E
Comal	IH 35	FF	0016-05-116	42A
Comal	IH 35	EE	0016-05-116	127
Comal	IH 35	CC	0016-05-116	129
Comal	IH 35	XX	0016-05-116	130
Comal	IH 35	DD	0016-05-116	133
Denton	IH 35	H	0195-03-091	2
Denton	IH 35	M	0195-03-091	3
Denton	IH 35	L	0195-03-091	4
Denton	IH 35	D	0195-03-091	5
Denton	IH 35	K	0195-03-091	16
Denton	IH 35	TT	0195-03-091	17
Denton	IH 35	SS	0195-03-091	18
Denton	IH 35	I	0195-03-091	19,19E
Denton	IH 35	G	0195-03-091	22
Denton	IH 35	F	0195-03-091	23
Denton	IH 35	U	0195-03-091	29
Denton	IH 35	S	0195-03-091	30
Denton	IH 35	R	0195-03-091	33
Denton	IH 35	T	0195-03-091	34
Denton	IH 35	Q	0195-03-091	38
Denton	IH 35	P	0195-03-091	42
Ellis	IH 35E	J	0048-04-096	5
Ellis	IH 35E	B	0048-04-096	45
Ellis	IH 35E	A	0048-04-097	3,3E
Ellis	IH 35E	C	0048-04-099	2
Galveston	IH 45	W	0500-04-139	506
Galveston	IH 45	X	0500-04-139	508
Galveston	IH 45	N	0500-04-139	510
Galveston	IH 45	V	0500-04-139	511
Galveston	IH 45	Y	0500-04-139	512A
Galveston	IH 45	UU	0500-04-139	512B
Galveston	IH 45	Z	0500-04-139	516
Guadalupe	IH 35	II	0016-06-114	27
Guadalupe	IH 35	HH	0016-06-114	30
Guadalupe	IH 35	GG	0016-06-114	31A
Liberty	SH 99	VV	3510-09-004	1223
Rockwall	IH 30	E	0009-12-222	56
Rockwall	IH 30	O	0009-12-222	61

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	24	0176-02-121	31AAQ
Bexar	FM 1518	7	0465-02-028	139
Brazoria	SH 36	73	0188-05-031	108
Cherokee	US 175	45	0198-04-034	83
Cherokee	US 175	46	0198-04-034	109
Cherokee	US 175	40	0198-04-034	111
Cherokee	US 175	57	0198-04-034	116
Cherokee	US 175	65	0198-04-034	119
Cherokee	US 175	55	0198-04-034	124
Cherokee	US 175	58	0198-04-034	125
Cherokee	US 175	47	0198-04-034	155
Cherokee	US 175	54	0198-04-034	168
Collin	FM 2551	10	2056-01-043	26
Collin	FM 2551	9	2056-01-043	61
Collin	FM 2551	8	2056-01-043	65
Collin	FM 2514	20	2679-03-018	60
Collin	FM 2514	11	2679-03-018	78
Collin	FM 2514	23	2679-03-018	80
Collin	FM 2514	28	2679-03-018	81
Collin	FM 2514	16	2679-03-018	105
Collin	FM 2514	17	2679-03-018	109
Collin	FM 2514	18	2679-03-018	113
Collin	FM 2514	15	2679-03-018	120
Dallas	SL 9	12	2964-10-011	172
Fort Bend	FM 1463	74	0188-10-037	107
Fort Bend	FM 1463	72	0188-10-037	125A
Fort Bend	FM 1463	39	0188-10-038	231A
Fort Bend	FM 1463	69	0188-10-038	231C
Harris	US 90U	38	0028-01-093	106
Harris	US 90U	37	0028-01-093	108
Harris	US 90U	36	0028-01-093	118
Harris	US 90U	71	0028-01-093	200
Harris	US 90U	75	0028-01-093	212
Hidalgo	US 281	42	0255-07-142	4
Hidalgo	US 281	44	0255-07-142	5
Hidalgo	US 281	52	0255-07-142	7
Hidalgo	US 281	43	0255-07-142	11
Hidalgo	US 281	51	0255-07-142	12
Hidalgo	US 281	50	0255-07-142	13
Hidalgo	US 281	49	0255-07-142	17
Hidalgo	US 281	48	0255-07-142	18
Hidalgo	US 281	56	0255-07-142	23
Hidalgo	US 281	61	0255-07-142	27
Hidalgo	US 281	25	0255-07-142	33
Hidalgo	US 281	76	0255-07-142	34
Hidalgo	US 281	60	0255-07-142	35

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Houston	SH 21	66	0117-06-050	1
Kaufman	SH 205	13	0451-02-030	12,12E
Kaufman	SH 205	29	0451-02-030	16
Kaufman	SH 205	27	0451-02-030	52
Kaufman	SH 205	19	0451-02-030	68,68E
Kaufman	SH 205	62	0451-02-030	73
La Salle	SH 97	77	0483-01-057	5
La Salle	SH 97	30	0483-01-057	13
Lubbock	FM 1585	1	1502-01-037	268
Lubbock	FM 1585	6	1502-01-037	322A
Lubbock	FM 1585	3	1502-01-037	322B
Lubbock	FM 1585	78	1502-01-038	181
Lubbock	FM 1585	26	1502-01-039	117
Lubbock	FM 1585	22	1502-01-039	140
Montgomery	FM 1488	21	0523-08-010	38,38TCE
Nacogdoches	SH 21	67	0118-08-083	2TE
Nacogdoches	SH 21	70	0118-08-084	1TE
Rockwall	SH 205	31	0451-01-057	101
Rockwall	SH 205	32	0451-01-057	102
Rockwall	SH 205	33	0451-01-057	103
Rockwall	SH 205	34	0451-01-057	104
San Augustine	FM 2558	63	0390-05-007	1TE
San Augustine	FM 2558	59	0390-05-007	2TE
San Augustine	FM 2558	64	0390-05-007	3TE
San Jacinto	US 59	68	0177-02-105	9
San Jacinto	US 59	2	0177-02-105	14
Smith	FM 16	53	0522-04-035	48
Starr	US 83	41	0038-06-049	10X
Tarrant	Spur 303	5	2208-01-072	2
Tarrant	Spur 303	14	2208-01-072	4
Tarrant	Spur 303	4	2208-01-072	6
Tarrant	SH 360	35	2266-02-129	94

Note: Exhibits A - XX and 1 - 78 are on file with the commission chief clerk.

ITEM 8. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Item 8.b.(7), Hood County, was deferred and not considered. Commissioner New made a motion, which was seconded by Commissioner Ryan, and, with the exception of item 8.b.(7) which was deferred, 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)

115726
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>
Abilene Police Foundation	TRF	Taylor	Funds to cover the state’s cost to design, fabricate, and install two memorial highway designation signs on the portion of LP 322 between US 84 and IH 20, designated as the Officer Rodney T. Holder Memorial Highway within Taylor County.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
A-L 95 Creekside Town Center, L.P.	SAT	Comal	Design and construction of a right turn and left turn lanes for Sophia Drive a new street intersecting FM 306 in New Braunfels.
AT&T Inc.	TRF	N/A	1,000 units of "It Can Wait" cardboard viewers to be used for campaign related activities and community outreach events.
Austin AURO LP	AUS	Travis	Design and construction of two new signal poles at the existing intersection of FM 1325 and Northridge Road in Austin.
Austin Stadco LLC	AUS	Travis	Design and construction of a new traffic signal at the intersection of FM 1325 and Burnet Access Road in Austin.
Cargill Meat Solutions Corporation	LBB	Parmer	Funds towards the state's cost to construct a new grade separated intersection on US 60 and CR 15 in Parmer County.
Cedar Port NIT IP 1, LLC	BMT	Chambers	Design and construction of a southbound left turn lane into the donor's facility entrance on FM 1405 in Chambers County.
Centex Los Milagros, L.P.	AUS	Bastrop	Funds towards the state's cost to construct a center turn lane on SH 21 in Bastrop County.
Chevron Phillips Chemical Company LP	BMT	Orange	Design and construction of several roadway improvements on SH 62, FM 1006, FM 105, SH 87 and BUS 90 in Orange.
Continental Homes of Texas, L.P.	AUS	Travis	Funds towards the state's cost to construct an eastbound/northbound left turn lane and a northbound/southbound right turn lane at the intersection of Gregg Lane and FM 973 in Manor.
Gary W. Purser Construction, Ltd.	WAC	Winkler	Design and construction of a 4-way signaled intersection on FM 201 (Clear Creek Road) at Golden Gate Drive, south of the existing signaled intersection located on W. Stan Schlueter Loop and FM 201 in Killeen.
Gibson Energy Infrastructure, LLC	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, southwest of FM 1232, along SH 115 in Winkler County.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
IDEA Public Schools	SAT	Bexar	Design and construction for widening of a section of FM 1516 at the intersection of Binz-Engleman Road to accommodate traffic signals and left turn deceleration lanes at the IDEA Converse school in San Antonio.
KB Home Lone Star Inc.	SAT	Bexar	Design and construction for widening of a section of SH 16 approximately 0.25 miles south of IH 410 to accommodate a right and left turn deceleration lane into Palo Alto development in San Antonio.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Comal	Design and construction of a right turn lane on SH 46 at Peiper Road in New Braunfels.
Logisticus Projects Group LLC	WFS	Wichita Falls Baylor Knox	Design and construction of temporary roadway widening and sign relocations necessary to increase the turning radius for transporting oversize loads and then returning each site to its original condition promptly after the completion of the transportation activities requiring the work.
National Oilwell Varco, L.P.	BRY	Grimes	Design and construction of a left turn lane, a right turn lane, and additional signage on state Highway 105 in Grimes County.
Republic EES, LLC	BRY	Grimes	Design and construction of a left turn lane and associated widening and striping on SH 30 into the donor's property located in Grimes County.
RCR Taylor Rail, L.P.	AUS	Williamson	Design and construction of a flashing beacon on US 79 and FM 3349 near the RCR-Taylor Logistics Park development in Taylor.
SG Land Holdings LLC	AUS	Travis	Funds towards the state's cost to construct an eastbound/northbound left turn lane and a northbound/southbound right turn lane at the intersection of Shadowglen Trace and FM 973 in Manor.
Steel Dynamics, Inc.	CRP	San Patricio	Design and construction of acceleration and deceleration lanes into the donor's driveway on SH 89 north of Sinton in San Patricio County.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
TVPA Partners LLC	SAT	Bexar	Design and construction for widening of a section of SH 16 approximately 0.5 miles north of LP 1604 to accommodate a left turn deceleration lane into the Palo Alto Villas Unit 2 development in San Antonio.
Vaquero Clifton Partners, LP	WAC	Bosque	Design and construction of approximately 315 linear feet of sidewalk and two pedestrian ramps along the edge of the property adjacent on SH6/Avenue G right of way at 923 N. Avenue G into the donor's development in Clifton.
Victor D. Turley	WAC	Bell	Design and construction of a left turn and right turn lane on FM 2268 into a future development by widening the existing roadway approximately 1,900 linear feet in Bell County.
Premiere Events	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Kwik Ice	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Exceptional ER	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Brazoria	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
TWS Acquisition Corp dba The Refrigeration School	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Shell Federal Union Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Linscomb & Williams, Inc.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Texas Plumbing Supply, Inc.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
LCA-Vision Inc. dba LasikPlus Vision Centers	SAT	Bexar	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) Angelina County - SL 266 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and quitclaim of right of way to the City of Lufkin (MO)

115727
ROW

In Lufkin, Angelina County, on SL 266, the State of Texas has been using certain land for highway purposes for which there is no record title to the property.

All 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 quitclaim of any interest that may have accrued to the state by use of the property to the county or municipality where the property is located.

The City of Lufkin, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be quitclaimed to the City of Lufkin, 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 quitclaiming all of the state's right, title, and interest in the tract to the City of Lufkin, Texas.

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

(2) Angelina County - SL 266 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Lufkin (MO)

115728
ROW

In Lufkin, Angelina County, on SL 266, the State of Texas acquired certain land for highway purposes as reflected in instruments recorded in Volume 84, at Page 336, Volume 84, at Page 308, Volume 84, at Page 332, Volume 86, at Page 43, Volume 84, at Page 320, Volume 84, at Page 331, Volume 130, at Page 605, Volume 130, at Page 613, Volume 130, at Page 334, Volume 85, at Page 227, and Volume 85, at Page 228, of the Deed Records of Angelina County, Texas and that certain 0.072 acre tract of land of which no deed was found but is shown on the ROW (right-of-way) strip map of State Highway No. 35, Angelina County, Texas.

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

(3) Bexar County - FM 1516 and FM 3502 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Converse (MO)

115729
ROW

In the City of Converse, Bexar County, on FM 1516 and FM 3502, the State of Texas acquired certain land for highway purposes.

All 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 Converse is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the city.

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 Converse; 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) Chambers County - SL 207 - Consider the exchange of right of way pursuant to an exchange agreement (MO)

115730
ROW

In Mont Belvieu, Chambers County, on SL 207, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 113, at Page 545, Volume 1, at Page 15, Volume 115, at Page 189, and Volume 112, at Page 616, in the Deed Records of Chambers County, Texas.

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 Enterprise Products Operating, LLC (Enterprise) have entered into an Agreement to Accept Donation for Construction and Exchange of Right of Way Amendment No. 1. As part of this agreement, the State of Texas and Enterprise Products Operating, LLC are exchanging deeds for the tract and for a parcel and construction services needed for state highway purposes. This exchange was approved in the commission’s minute order 112736 on June 30, 2011.

All of the land, described in Exhibit A, save and except all of the land described in Exhibit B, (the tract) is no longer needed for a state highway purpose. The value of the tract is \$230,000.

The parcel and construction services are valued at \$250,000.00.

The tract has been appraised at \$230,000.00.

Enterprise has requested that the tract be conveyed to Enterprise in exchange for the parcel, which has already been conveyed, and Enterprise will donate the \$20,000 difference in value between the tract and the parcel to the state, in accordance with an executed exchange agreement.

The commission finds \$230,000.00 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 Enterprise Products Operating, LLC, in exchange for and as consideration of the parcel and also acknowledges the donation of \$20,000 in value difference to the state; 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: Exhibits A and B are on file with the commission chief clerk.

(5) Comanche County - US 67 - Consider the quitclaim of the state’s interest including mineral rights, if any, to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state (MO)

115731
ROW

In Comanche County, on US 67, the state of Texas acquired a certain tract for highway purposes by an instrument recorded in Volume 201, at Page 128, of the Deed Records of

Comanche County, Texas.

The tract (tract), described in Exhibit A, is no longer needed for a state highway purpose.

The instrument conveying the tract to the state contained a clause to the effect that if the state ceases to use the premises for roadside park purposes, the property shall revert to the grantor, Neva Stark.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, and particularly § 202.025 (6), the Texas Transportation Commission (the commission) may recommend the quitclaim of the state’s interests to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state.

The heirs of Neva Stark have requested that the tract be quitclaimed to honor the reversionary clause.

The commission finds that it is proper and correct that the state quitclaim its right, title, and interest in the tract to comply with the reversionary clause contained in the instrument of conveyance to the state.

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 quitclaiming the state’s right, title, and interest in the tract to Neva Stark.

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

(6) El Paso County - SL 375, Border West Expressway - Consider the exchange of an easement as part of a transaction to acquire an easement needed for a state highway purpose (MO)

115732
ROW

In El Paso, El Paso County, on SL 375, Border West Expressway, the State of Texas acquired certain land for highway purposes by an instrument recorded in Document No. 20140024763 of the Official Public Records of El Paso County, Texas.

An easement on 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 the City of El Paso, on behalf of the El Paso Water Utilities-Public Service Board, 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 partial consideration for another interest in real property needed for a state highway purpose. As part of the agreement, the State of Texas and the City of El Paso, on behalf of the El Paso Water Utilities-Public Service Board, are exchanging an easement on the tract for an easement on the parcel needed for a state highway purpose, respectively.

The easement on the tract has been appraised at \$4,277.

The commission finds \$4,277 to be a fair and reasonable value of the state’s right, title, and interest in the easement on the tract.

IT IS THEREFORE ORDERED by the commission that the easement on 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 easement on the tract to the City of El Paso, on behalf

of the El Paso Water Utilities-Public Service Board, in accordance with the terms of the exchange agreement.

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

(7) Hood County - SH 377 - Consider an easement release to the underlying fee owner (MO)

Deferred

This item was deferred and not considered by the commission.

(8) Live Oak County - US 281 - Consider the sale of right of way to the George West Independent School District (MO)

115733
ROW

In George West, on US 281, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 184, at Page 67, Deed Records of Live Oak County, Texas.

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

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

George West Independent School District has the authority to condemn the tract and has submitted an offer of \$37,000.

The commission finds \$37,000 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 George West Independent School District for \$37,000; 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.

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting Allocation Status Report

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

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

(3) Quarterly Cash Report

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

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

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

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

d. Finance

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

115734
PFD

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

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

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

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

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

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

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

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

e. Highway Designation

Madison County - In the city of Madisonville, consider designating proposed State Loop 1853 on a new location on the state highway system (MO)

115735
TPP

The Bryan District and Madison County have requested the designation of State Loop 1853 on a new location on the south side of the city of Madisonville from 0.7 miles east

of FM 1452 to 0.4 miles west of FM 2346, a distance of approximately 7.3 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 SL 1853 is designated on a new location on the south side of the city of Madisonville from 0.7 miles east of FM 1452 to 0.4 miles west of FM 2346, a distance of approximately 7.3 miles, as shown on Exhibit A.

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

f. Designation of Access Control

Midland County - SH 349, just west of Midland - Consider the designation of one location on the east side of SH 349 at which access will be permitted to the abutting property (MO)

115736
DES

In MIDLAND COUNTY, on State Highway 349 (SH 349), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 2820, Pages 368 to 372 of the Official Public Records of Midland County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Moore Casey Properties, LLC, the current owner of the abutting property, has requested designated access to and from the east side of SH 349 for proposed access at one location along the property line described in Exhibit A.

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

Transportation Code, §203.002 authorizes the commission to layout, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled-access highways.

Transportation Code, §203.031 authorizes the commission to designate locations on a controlled-access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from SH 349.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

g. Speed Zones

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

115737
TRF

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

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as

determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

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

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

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

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

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

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

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

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

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

The commission did not meet in executive session.

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

The commission received comments from Harrison Humphreys of Air Alliance Houston concerning I-45.

Commissioner Ryan 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 11:43 a.m.

APPROVED by the Texas Transportation Commission on May 28, 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 April 30, 2020.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

