

These are the minutes of the regular meeting of the Texas Transportation Commission held on August 27, 2020. Due to COVID-19 and the Governor’s Proclamation of March 13, 2020, declaring a state of disaster for all counties in Texas, the meeting was conducted with the commissioners at the dais and the public accessing the meeting via www.txdot.gov and a toll free telephone line. The meeting was called to order at 11:00 a.m. by Chairman Bugg.

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 9:06 a.m. on August 19, 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 meeting. The public was invited to watch and listen to the meeting through the Texas Department of Transportation website, www.txdot.gov. In addition, for those members of the public who wanted to make a comment on an agenda item or comment during the open comment period of the meeting a toll free number was provided on the agenda and the callers were assisted by operators on the call.

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

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

ITEM 3. Acknowledgment of Service

a. Recognize by resolution Atlanta District Engineer Michael C. Anderson, P.E., for 36 years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners thanked Engineer Anderson and made additional remarks. Engineer Anderson thanked the commission and administration and his TxDOT family and friends.

b. Recognize by resolution Amarillo District Engineer Brian Crawford, P.E., for 35years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners thanked Engineer Crawford and made additional remarks. Engineer Crawford thanked God, his wife and family, his parents, his TxDOT mentors and family, and the commission.

c. Recognize by resolution Maintenance Division Director Dan Stacks, P.E., for 33 years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners thanked Director Stacks and made additional remarks. Director Stacks thanked the commission, administration, and his TxDOT family.

d. Recognize by resolution Transportation Planning and Programming Division Director Peter Smith, P.E., for 20 years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners thanked Director Smith and made additional remarks. Director Smith thanked his mother, the commission and administration, and various colleagues and friends.

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

115809
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 August 5, and 6, 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 New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115810
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 August 5, and 6, 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 5. Financial Management

Consider the adoption of the Fiscal Year 2021 Texas Department of Transportation Budget (MO)

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

115811
FIN

The General Appropriations Act of the 86th Legislature, Regular Session, has appropriated funds for the operations of the Texas Department of Transportation (department) for Fiscal Year 2021.

The funds appropriated are necessary to effectively operate the activities of the department in accordance with the guidelines set forth in the General Appropriations Act.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that a cash operating budget of \$15,037,887,925 be authorized for the operations of the department for Fiscal Year 2021; and the executive director or designee is hereby ordered to administer this cash operating budget in the most feasible and economical manner within the guidelines prescribed by the 86th Legislature, Regular Session.

IT IS FURTHER ORDERED that the executive director or designee is hereby authorized to make necessary adjustments to spending levels in accordance with the General Appropriations Act or other legislation as may be necessary in the operations of the department.

ITEM 6. Legislative Appropriations Request (LAR)

Consider the adoption of the Texas Department of Transportation's Fiscal Year 2022-2023 Legislative Appropriations Request (MO) (Presentation)

This item was presented by Financial Management Division Director Stephen Stewart. 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.

115812
FIN

The Government Code provides the statutory basis for each agency to submit a biennial request for legislative appropriations. The funds shown in Exhibit A are necessary to effectively accomplish the mission, goals, objectives, and strategies of the Texas Department of Transportation's (department) strategic planning and budget structure previously approved by the Office of the Governor, Division of Budget and Policy and the Legislative Budget Board. The Texas Transportation Commission (commission) supports the mission, goals, objectives, strategies and funding requirements contained in Exhibit A.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to submit a Legislative Appropriations Request to the Office of the Governor, Budget Division and the Legislative Budget Board in accordance with all prescribed guidelines in the amounts outlined in Exhibit A for Fiscal Year 2022 and Fiscal Year 2023.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make adjustments to the requested levels as may be necessary in operations of the department.

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

ITEM 7. Texas Transportation Plan 2050

Consider the adoption of the Texas Transportation Plan (TTP) 2050 (MO) (Presentation)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. 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.

115813
 TPP

In compliance with Title 23 U.S.C. § 135, as implemented by 23 C.F.R. Part 450, and Transportation Code §201.601, the Texas Department of Transportation (department) has developed a performance-based, statewide long-range transportation plan - the Texas Transportation Plan (TTP) 2050 - covering a period of 30 years that provides for the development and implementation of a transportation system and contains all modes of transportation, including: (1) the systems and facilities for highways and turnpikes, aviation, public transportation, railroads and high-speed railroads, waterways, pedestrian walkways, and bicycle transportation facilities; and (2) the transportation users of each type of transportation facility.

The TTP 2050, which is attached as Exhibit A, has been developed in cooperation with the metropolitan planning organizations (MPOs) and, as appropriate, in consultation with affected state, tribal, and local agencies responsible for transportation, land use management, natural resources, environmental protection, conservation, and historic preservation. The TTP 2050 includes capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system. It also includes long-term transportation goals for the state with measurable targets for each goal, priority corridors, and, by reference, financially constrained department and MPO programs of projects.

The TTP 2050 has been presented for public comment by means of various stakeholder and public meetings conducted in each department district throughout the state to solicit input and comment from affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, representatives of users of public transit, members of the public, and other interested parties. A public hearing was held virtually on August 11, 2020, and written comments were accepted through August 24, 2020. A summary of the comments is included in the TTP 2050.

After due deliberation and consideration, the Texas Transportation Commission (commission) finds that the requirements of Title 23 U.S.C. §135 and Transportation Code §201.601 have been fully satisfied as they pertain to the development of the TTP 2050.

IT IS THEREFORE ORDERED by the commission that the TTP 2050, which is attached as Exhibit A, is hereby adopted.

IT IS FURTHER ORDERED that the executive director, or his designee, submit the TTP 2050 to the Federal Highway Administration in accordance with federal requirements.

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

The commission took a recess from 1:13 p.m. to 1:24 p.m.

ITEM 8. Unified Transportation Program (UTP)

Consider the approval of the 2021 Unified Transportation Program (MO) (Presentation)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. The commission also heard remarks from El Paso MPO Executive Director Eduardo Calvo, District Director Sito Negron presenting remarks from Senator José Rodríguez, former U.S. Secretary of Commerce Don Evans representing Strategic Permian Partnership, and State Representative Brooks Landgraf. 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.

115814
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. Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a public hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions. The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects, which include guidance regarding public involvement related to the project selection process and the development of the UTP. These rules also require the commission to review both the transportation allocation funding formulas and criteria for allocation of funds at least as frequently as every four years and adopt the UTP not later than August 31 of each year.

The commission has reviewed the formulas and criteria set out in the rules and determined that both continue to be appropriate.

The department conducted a statewide virtual public meeting on July 7, 2020, and a statewide virtual public hearing on July 28, 2020, to receive comments and testimony concerning the development of the 2021 UTP and the project selection process.

The 2021 UTP, which is attached as Exhibit A, authorizes funding for each of the twelve funding categories established by the rules and outlines the various project selection methods. The 2021 UTP lists the connectivity and new capacity roadway projects that the department intends to develop and potentially let during the 10-year period and references for each listed project the funding category to which it is assigned. Projects listed that have been authorized by previous legislative action or prior actions of the commission are still approved and their inclusion in the UTP in no way modifies that prior approval. The remaining funding levels and projects listed for aviation, public transportation, rail, and state waterways and coastal waters are authorized by separate minute orders and this UTP does not supersede those prior actions.

IT IS THEREFORE ORDERED by the commission that the 2021 UTP, including the project selection process, as shown in Exhibit A, is hereby approved and supersedes the previously-approved 2020 UTP for fiscal years 2021-2030.

IT IS FURTHER ORDERED that the executive director is hereby authorized to develop the projects funded in the UTP to the appropriate level of authority, to include any necessary agreements, right of way acquisitions, utility adjustments, and relocation assistance, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property.

IT IS FURTHER ORDERED that pursuant to Transportation Code, §222.052, the commission may accept financial contributions from political subdivisions of the state for development of projects in the 2021 UTP.

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

ITEM 9. Project Development Agreement - 183A Phase III Project

Williamson County - Consider (i) authorizing the Central Texas Regional Mobility Authority (CTRMA) to use state owned right of way to develop, construct, and operate an approximately 6.6 mile extension of 183A from Hero Way to just north of SH 29 in Williamson County (183A Phase III Project), comprised of CTRMA's toll project consisting of two tolled main lanes in each direction (Authority Improvements) and non-tolled improvements to the existing US 183 from approximately the junction of the existing 183A and US 183 northward to just north of SH 29, along with general purpose lane extensions of US 183 north of SH 29 (TxDOT Improvements); (ii) approving the connection of the Authority Improvements with a segment of

the state highway system; (iii) authorizing CTRMA to develop, design, and construct improvements to the state highway system in connection with the funding, design, and construction of the non-tolled TxDOT Improvements; and (iv) authorizing the executive director to enter into a project development agreement and take all actions necessary to carry out the provisions of the minute order (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Chairman Bugg recognized the support of partners to the 183A effort, including CAMPO Chairwoman Cynthia Long, resolutions provided by Williamson County, and the City of Cedar Park, and letters of support from the City of Liberty Hill, the City of Leander, the Austin Chamber of Commerce, the Real Estate Council of Austin, and the Austin Area Research Association. 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.

115815
TPP

The Central Texas Regional Mobility Authority (CTRMA) has been proceeding with the development of the 183A Phase III Project, a project located within the boundaries of CTRMA.

The 183A Phase III Project is a 6.6 mile extension of 183A from Hero Way to just north of SH 29 in Williamson County, and is comprised of (1) CTRMA's toll project consisting of two tolled main-lanes in each direction (Authority Improvements); and (2) improvements to the existing US 183 owned and maintained by the Texas Department of Transportation (department) from approximately the junction of the existing 183A and US 183 northward to just north of SH 29, along with new non-tolled US 183 general purpose lanes north of SH 29 (TxDOT Improvements).

The Capital Area Metropolitan Planning Organization (CAMPO) included the 183A Phase III Project in the CAMPO 2040 Plan adopted on May 11, 2015. Both components of the 183A Phase III Project will be constructed and funded under a single contract by CTRMA. The Authority Improvements are tolled managed lanes and will be owned and operated by CTRMA. The TxDOT Improvements are non-tolled general purpose lanes and other non-tolled improvements and will be owned and operated by the department. The existing US 183 will be reconstructed through the non-tolled TxDOT Improvements to provide an equivalent or greater number of non-tolled lanes than currently exists exclusive of the frontage road lanes. CTRMA will be responsible for paying the costs of both the Authority Improvements and the TxDOT Improvements.

The Authority Improvements are subject to the primacy requirements of Transportation Code, Chapter 373. Pursuant to Transportation Code § 373.052, CTRMA has exercised its option to develop, finance, construct, and operate the Authority Improvements. Pursuant to Transportation Code § 370.301(e), the Authority Improvements will not be on the state highway system. The non-tolled TxDOT Improvements will remain on the state highway system as US 183.

Pursuant to Transportation Code, Chapter 373, Subchapter C, the department shall allow a local toll project entity, including a regional mobility authority, to use state highway right-of-way and to access the state highway system as necessary to construct and operate a toll project. Transportation Code § 373.103 provides that a local toll project entity and the department shall enter into an agreement for any toll project for which the entity has exercised its option to develop, finance, construct, and operate a project and for which the entity intends to use state highway right-of-way necessary to protect the interests of the Texas Transportation

Commission (commission) and the department in the use of state highway right-of-way for operations of the department.

Transportation Code § 370.187 provides that a regional mobility authority may not begin construction of a transportation project that will connect to the state highway system or a department rail facility without the approval of the commission. Title 43, Texas Administrative Code § 26.31, et seq. prescribe the conditions for that approval, and require that a regional mobility authority obtain approval after completing the environmental review required by Transportation Code § 370.188 and federal law and before construction of the project begins. The environmental review of the 183A Phase III Project has been completed. Title 43, Texas Administrative Code § 11.58 provides that the commission must approve a public or private entity's connection of a regionally significant highway to the state highway system, and provides the criteria for that approval.

Pursuant to 43 Texas Administrative Code §§ 26.31 and 11.58, CTRMA has submitted a request to the executive director to connect the Authority Improvements to the state highway system. Pursuant to 43 Texas Administrative Code § 26.32, the commission has determined that the Authority Improvements may be effectively integrated into the state's transportation system. Further, the commission has determined that all other criteria and conditions for connection of the Authority Improvements to the state highway system have been met or satisfied.

Under 43 Texas Administrative Code Chapter 26, Subchapter D, the department and the CTRMA are required to execute a project development agreement (PDA) governing the development of a CTRMA project that will connect to the state highway system. The PDA negotiated by the department and CTRMA will govern CTRMA's development, design, construction, operation, and maintenance of the Authority Improvements. The PDA may also govern CTRMA's development, design, and construction of improvements to the state highway system in connection with the funding, design and construction of the non-tolled TxDOT Improvements.

The commission has determined that it is in the public interest to allow the 183A Phase III Project to be developed as described above.

IT IS THEREFORE ORDERED by the commission that CTRMA is permitted to use state highway right-of-way as necessary to develop, construct, operate, and maintain the 183A Phase III Project from Hero Way to just north of SH 29, subject to terms that the executive director may include in a PDA that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

IT IS FURTHER ORDERED that pursuant to Transportation Code § 370.187, and 43 Texas Administrative Code §§ 11.58 and 26.32, the connection of the Authority Improvements with a segment of the state highway system is approved, subject to terms that the executive director may include in a PDA that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

IT IS FURTHER ORDERED that CTRMA is authorized to develop, design, and construct improvements to the state highway system in connection with the funding, design, and construction of the non-tolled TxDOT Improvements, subject to terms that the executive director may include in a PDA that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

IT IS FURTHER ORDERED that any PDA between the department and CTRMA governing the use of state owned right-of-way and CTRMA's development, design, construction, operation, and maintenance of the 183A Phase III Project, pursuant to Transportation Code § 373.103 and 43 Texas Administrative Code Chapter 26, Subchapter D,

shall include any provisions necessary to carry out the purposes of this minute order, including provisions relating to the construction of the non-tolled TxDOT Improvements by CTRMA.

IT IS FURTHER ORDERED that the executive director is authorized to take all actions necessary to carry out the purposes of this minute order.

ITEM 10. Aviation

a. 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115816
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 July 31, 2020, a public hearing was held. No comments were received.

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

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

b. Aviation Capital Improvement Program

Consider the approval of the Aviation Capital Improvement Program (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.

115817
AVN

Pursuant to Transportation Code, §§21.108 and 21.109, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation prepares and updates a multiyear Aviation Capital Improvement Program (CIP). The CIP is a plan for general aviation airport development in Texas. It is a detailed listing of potential projects based on the anticipated funding levels of the Federal Aviation Administration Airport Improvement Program and the Texas Aviation Facilities Development Program.

In August 2020, the draft FY 2021-23 Aviation CIP was submitted to the sponsors of airports included in the Texas airport system for review. Comments received have been evaluated and, when appropriate, have been addressed in the CIP. The Texas Aviation Advisory Committee recommended approval of the FY 2021-23 CIP at its August 2020 meeting.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the FY 2021-23 Aviation Capital Improvement Program, as shown in Exhibit A, is hereby adopted and

the executive director is authorized to proceed with the development of the airport facilities included in the program.

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

c. Routine Airport Maintenance Program

Consider the approval of the Routine Airport Maintenance Program (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.

115818
AVN

The Texas Department of Transportation (department) is authorized under Texas Transportation Code, Chapter 21 and Chapter 22, to assist in the development and maintenance of airports in the state.

The Routine Airport Maintenance Program (RAMP) provides financial assistance for publicly owned or operated general aviation, reliever and non-hub commercial service airports included in the Texas Airport System Plan.

Due to the success of this program, the department requests continuation of the program by providing funds for airport maintenance and small capital improvements on a 50-50 basis up to a maximum of \$50,000 in state funds for Fiscal Year 2021.

A public hearing regarding the funding of RAMP was held on July 31, 2020, and no comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the airports listed in Exhibit A be awarded grants in accordance with RAMP and that the executive director, or the director’s designee, is authorized to enter into any necessary grant agreements with the appropriate local government agencies necessary to carry out the directives of this minute order.

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

ITEM 11. Advisory Committee Appointments

a. Aviation Advisory Committee

Consider approval of the appointment of three members to the Aviation Advisory Committee (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.

115819
AVN

Transportation Code §21.003(a) provides that the Aviation Advisory Committee (committee) consists of members appointed by the Texas Transportation Commission (commission) to advise the commission and the Texas Department of Transportation on aviation matters. The commission by rule shall determine the number of members of the committee. Transportation Code §21.003(b) provides that a majority of the members of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or a fixed-base operator. Transportation Code §21.003(c) provides that a committee member serves at the pleasure of the commission.

Title 43, Texas Administrative Code, §1.84(a)(2) provides that the commission will appoint nine members to staggered terms of three years with three members’ terms expiring August 31 of each year. Title 43, Texas Administrative Code, §1.82(c)(4) provides that a

committee member may be removed at any time without cause by the person or entity that appointed the member.

The commission charges the committee with the following priorities: 1) provide input for assessment of general aviation airports statewide to help identify benefits of the system, along with deficiencies, and long term needs for funding to maintain the system; and 2) provide advice on the development of the aviation capital improvement program and aviation facilities program.

Three individuals are being reappointed to the committee with terms to expire on August 31, 2023.

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

<u>Name</u>	<u>Location</u>	<u>Term Expiration</u>
Peter Huff	McKinney, TX	August 31, 2023
Shelly deZevallos	Houston, TX	August 31, 2023
John White	League City, TX	August 31, 2023

IT IS THEREFORE ORDERED by the commission that the individuals identified above are appointed to serve as members of the Aviation Advisory Committee for the term specified.

b. Bicycle Advisory Committee

Consider the appointment of four new members to the Bicycle Advisory Committee for three-year terms (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.

115820
PTN

The Bicycle Advisory Committee (committee) advises the Texas Transportation Commission (commission) on bicycle issues. Members of the committee are selected by the commission to serve voluntary, three-year terms. The committee works with the Texas Department of Transportation (department) staff on important initiatives that include the development of bicycle tourism trails in this state, recommendations on the selection of projects relating to the Safe Routes to School Program, and other items of mutual concern between the department and the bicycling community. The committee functions under Title 43, Texas Administrative Code, §1.85 concerning department advisory committees.

Two (2) individuals are being re-appointed to the committee and two (2) individuals are new appointments to the committee with terms to expire on August 31, 2023.

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

The commission desires to make the following four committee appointments:

<u>Name</u>	<u>Location</u>	<u>Term Expiration</u>
Chelsea Phlegar	Waco, TX	August 31, 2023
Eddie Church	Cedar Park, TX	August 31, 2023
Jeffrey Pollack	Corpus Christi, TX	August 31, 2023
Karla Weaver	Arlington, TX	August 31, 2023

IT IS THEREFORE ORDERED by the commission that the four individuals identified above are appointed as members of the department’s Bicycle Advisory Committee for the terms specified.

c. Border Trade Advisory Committee

Consider the appointment of members to the Border Trade Advisory Committee (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.

115821
TPP

Transportation Code, §201.114, requires the Texas Transportation Commission (commission) to appoint members to the Border Trade Advisory Committee (committee) to assist the commission in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges.

Transportation Code, §201.114, also provides that the committee must include, to the extent practicable: (1) the presiding officers, or persons designated by the presiding officers, of the policy boards of metropolitan planning organizations wholly or partly in the Texas Department of Transportation's (department’s) Pharr, Laredo, Odessa, or El Paso transportation districts; (2) the person serving, or a person designated by the person serving, in the capacity of executive director of each entity governing a port of entry in this state; (3) a representative each from at least two institutes or centers operated by a university in this state that conduct continuing research on transportation or trade issues; and (4) the port director of the Port of Brownsville or the port director's designee.

Title 43, Texas Administrative Code, §1.84(d), provides that committee members serve staggered three-year terms expiring on August 31 of each year, except that the commission may establish terms of less than three years for some members in order to stagger terms.

Five (5) individuals are being re-appointed to the committee with terms to expire on August 31, 2023, one (1) individual is a new appointment to the committee with term to expire August 31, 2023, two (2) individuals are new appointments to the committee with terms to expire on August 31, 2022, and three (3) individuals are new appointments to the committee with terms to expire on August 31, 2021.

The commission has determined that the individuals or positions listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee’s efforts.

Re-appointments with Terms Expiring on August 31, 2023:

Pete Saenz, Laredo Metropolitan Planning Organization
Bruno “Ralphy” Lozano, City of Del Rio
Eduardo Campirano, Port of Brownsville
Thomas Taylor, Fasken Oil and Ranch
Andrew Canon, Rio Grande Valley Metropolitan Planning Organization

New Appointment with Term Expiring on August 31, 2023:

Sergio Contreras, Rio Grande Valley Partnership

New Appointments with Terms Expiring on August 31, 2022:

Ivan Jaime, Union Pacific Railroad
Juan Olaguibel, McAllen-Hidalgo and Anzalduas International Bridges

New Appointments with Terms Expiring on August 31, 2021:

Luis Sifuentes, City of Eagle Pass
Cameron Walker , Permian Basin Metropolitan Planning Organization
Megan Shea, BNSF Railway

IT IS THEREFORE ORDERED by the commission that the individuals or positions named above are appointed to the Border Trade Advisory Committee for the terms specified.

ITEM 12. Veteran Discount Program

Various Counties - Consider the approval of additional programs and projects, specifically the costs associated with the Veteran Discount Program on the Central Texas Turnpike System, to be funded with payments received from SH 130 Concession Company, LLC in accordance with the SH 130, Segments 5&6 Facility Concession Agreement, and interest earned on those payments (SH 130 payments), and the allocation of funds from the SH 130 payments to that program and project (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.

115822
TOD

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

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which a project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount.

The department has created a subaccount in the state highway fund to hold the payments received from SH 130 Concession Company, LLC under the SH 130, Segments 5&6 Facility Concession Agreement for the right to develop, finance, design, construct, operate, and maintain the SH 130, Segments 5&6 toll project from US 183 in Travis County to I-10 in Guadalupe County, and the interest earned on those payments (SH 130 payments).

The Texas Transportation Commission (commission) previously approved projects to be funded with the SH 130 payments and approved the placement of those projects in work programs established for the Austin and San Antonio Districts.

In Minute Order 115270, dated July 26, 2018, the commission adopted an amended and restated policy defining the circumstances under which free passage on department toll projects will be provided (free passage policy).

Transportation Code §372.053 authorizes a toll project entity, including the department, to establish a discount program for electronic toll collection customers that, if established, must include free or discounted use of toll projects by an electronic toll collection customer whose account relates to a vehicle registered under (1) Transportation Code §504.202 (disabled veterans), (2) Transportation Code §504.315(f) (recipients of the Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross or the Medal of Honor (Legion of Valor)), or (3) Transportation Code §504.315(g) (Purple Heart recipients). SB 1091, 86th Legislature, Regular Session, amended Transportation Code, §372.053 to provide that a toll project entity may limit to no more than two the number of transponders issued to a participant in the entity's program. An entity that adopts a limit shall allow a participant to be issued one extra transponder on a demonstration of hardship, as determined by the entity. Implementation of SB 1091 will be addressed through the promulgation of administrative rules.

Section 502(b) of the Indenture of Trust (indenture) for the Central Texas Turnpike System (CTTS) does not permit free or discounted use of the CTTS as authorized in Transportation Code §372.053. However, providing such free or discounted use of the CTTS is possible under the indenture if the department pays to the appropriate indenture account the cost of tolls not paid by those veterans. The commission's trust indentures relating to other department toll projects and systems do not have the same restriction, so it is possible to provide free or discounted use of those projects and systems to electronic toll collection customers described in Transportation Code §372.053 without the department paying the costs of tolls not paid by those veterans.

The commission has amended the free passage policy on numerous occasions, most recently in Minute Order 115270, which provides that free passage on department toll projects shall be granted to vehicles registered under Transportation Code §504.202 and Transportation Code §§504.315(f) and (g), and to vehicles registered by recipients of the Medal of Honor under Transportation Code §504.315(e) (Veteran Discount Program). Minute Order 115270 further provides that the department shall pay to the appropriate indenture account from lawfully available funds the cost of tolls not paid by persons operating those vehicles.

Transportation Code, §372.053 provides that the legislature may appropriate funds from the general revenue fund to a toll project entity to defray the cost of providing free or discounted use of the entity's toll project under that section. The legislature did not appropriate funds to the department for that purpose in the General Appropriations Act for the FY 2020-FY 2021 biennium.

The department has established an additional work program to account for and track project costs associated with the Veteran Discount Program on the CTTS that are to be funded with the SH 130 payments. Exhibit A to this order contains funding allocations from the SH 130 payments for those CTTS project costs.

IT IS THEREFORE ORDERED by the commission that funds from payments received from SH 130 Concession Company, LLC for the right to develop, finance, design, construct, operate, and maintain the SH 130 toll project from US 183 in Travis County to I-10 in Guadalupe County, and interest earned on those payments, shall be allocated to the costs

associated with the Veteran Discount Program on the CTTS, in the amounts shown in Exhibit A.

IT IS FURTHER ORDERED that the use of payments received from SH 130 Concession Company, LLC, and the interest earned on those payments, for the project costs shown in Exhibit A is approved.

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

ITEM 13. State Infrastructure Bank

a. El Paso County - El Paso County - Consider preliminary approval of a request from El Paso County for a State Infrastructure Bank loan in the amount of up to \$4,600,000 to pay for the costs of construction necessary for a non-tolled, off-system project to widen Pellicano Drive, add bike lanes and multi-purpose paths and connect to Loop 375 Loop in El Paso County, Texas. (MO)

This item was presented by Executive Director James Bass. The commission also heard remarks from El Paso MPO Executive Director Eduardo Calvo. 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.

115823
PFD

El Paso County (County) has submitted an application for financial assistance in the form of a loan of up to \$4,600,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the County of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The County intends to use the financial assistance to pay for the costs of construction necessary for a non-tolled, off-system project to widen Pellicano Drive, add bike lanes, pedestrian walkways, and landscaping and connect to Loop 375 in El Paso County, Texas (project).

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

The County has proposed a pledge of ad valorem taxes as security for repayment of the loan.

The SIB rules provide for both preliminary and final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of more than \$10 million or in which the department does not have primary responsibility, unless the commission waives the preliminary approval requirement for that application.

The executive director or his designee implemented actions authorized and required by the SIB Rules for preliminary approval. The executive director recommends that the commission grant preliminary approval of the County's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act moderate non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;

- 3. the project will improve the efficiency of the state’s transportation systems;
- 4. the project will expand the availability of funding for transportation projects or reduce direct state costs; and
- 5. the application shows that the County is likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the County for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants preliminary approval of the County’s application for a SIB loan in an amount not to exceed \$4,600,000 to pay the County’s contribution to the department for funding participation in the costs of construction necessary for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to commence negotiations and other actions with the County authorized and required by its rules.

b. Bexar County - City of Shavano Park - Consider final approval of a request from the City of Shavano Park for a State Infrastructure Bank loan in the amount of up to \$925,000 for a contribution to the department to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project on FM 1535 in Bexar County, Texas (MO)

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

115824
PFD

The City of Shavano park (City) has submitted an application for financial assistance in the form of a loan of up to \$925,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the City’s contribution to the department for funding participation in the costs of utility relocation necessary for a non-tolled state highway improvement project on FM 1535 in Bexar County, Texas (project).

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

The City has proposed a pledge of water fund revenues with a general fund revenue backstop as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public’s safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the

department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$925,000 to pay the City's contribution to the department for funding participation in the costs of utility relocation necessary for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

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

ITEM 14. Purchase Order Amendment

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.

115825
PRO

The Texas Department of Transportation (department) issued purchase order 60144000047052 on December 28, 2018, for the development, implementation and operations support of the Toll Operations Division back-office system, through a competitive solicitation under the authority provided by Chapter 2155, Government Code. The purchase order was previously amended to increase the original purchase order from \$80,746,091.00 to \$83,796,884.50, an amount which did not require commission approval as it was less than 10 percent of the total amount of the purchase order.

The department proposes to amend the purchase order to allow the department to increase the value of the purchase order and extend the required due date of development services by one month. This will allow for the development, implementation and operations support of the back-office system to continue as the system will provide transaction processing,

interfaces to 3rd party systems, customer account maintenance, integration with the call center and customer support system, website services and the general accounting system. The amendment will increase the total consideration to be paid under the purchase order from \$83,796,884.50 to \$85,988,413.00, an increase which, after the increase made by the first amendment to the purchase order described above, will result in an increase of more than 10 percent of the total amount paid under the purchase order. A copy of the proposed amendment is attached as Exhibit A.

Subsection (b), Section 2155.088, Government Code requires that the governing body of a state agency, at a meeting, consider a material change to the contract for goods or services awarded under Chapter 2155, Government Code, and consider why the change is necessary. For the purposes of Subsection (b), an increase of at least 10 percent of the total amount paid under a purchase order is a material change.

Approval to amend the purchase order will allow additional funding of \$2,191,528.50 needed for the continuation of development, implementation and operations support services.

The commission, at a meeting, has considered the material change to the purchase order that would be made by the proposed amendment and has determined that change is acceptable and necessary.

IT IS THEREFORE ORDERED by the commission that the material change to the purchase order proposed by the department and set out in Exhibit A to this minute order is approved.

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

ITEM 15. 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).

115826
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-DDDD. 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 1-58 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>
Dallas	IH 35E	LL	0196-03-248	112
Denton	IH 35	C	0195-02-079	47
Denton	IH 35	D	0195-02-079	56
Denton	IH 35	E	0195-02-079	N144
Denton	IH 35	F	0195-02-079	S161
Denton	IH 35	G	0195-03-091	25A
Denton	IH 35	H	0195-03-091	25B
Denton	IH 35	I	0195-03-091	25C
Denton	IH 35	J	0195-03-091	25D
Denton	IH 35E	EE	0196-01-100	103
Ellis	IH 35E	DDDD	0048-04-096	42
Ellis	IH 35E	B	0048-04-096	50
Ellis	IH 45	II	0092-03-054	2
Ellis	IH 45	JJ	0092-03-054	3,3E
Ellis	IH 45	FF	0092-03-054	7
Ellis	IH 45	HH	0092-03-054	8
Ellis	IH 45	PP	0092-03-054	9
Ellis	IH 45	GG	0092-03-054	10
Ellis	IH 45	KK	0092-03-054	11
Ellis	IH 45	SS	0092-03-054	12

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	IH 35E	K	0442-03-046	1
Ellis	IH 35E	L	0442-03-046	2
Ellis	IH 35E	M	0442-03-046	3
Ellis	IH 35E	N	0442-03-046	4
Ellis	IH 35E	LLL	0442-03-046	5
Ellis	IH 35E	O	0442-03-046	6
Ellis	IH 35E	P	0442-03-046	7
Ellis	IH 35E	Q	0442-03-046	9
Ellis	IH 35E	R	0442-03-046	10
Ellis	IH 35E	WW	0442-03-046	11
Ellis	IH 35E	S	0442-03-046	12
Ellis	IH 35E	T	0442-03-046	13
Ellis	IH 35E	XX	0442-03-046	14
Ellis	IH 35E	U	0442-03-046	15
Ellis	IH 35E	YY	0442-03-046	16
Ellis	IH 35E	ZZ	0442-03-046	18
Ellis	IH 35E	AA	0442-03-046	19
Ellis	IH 35E	OO	0442-03-046	20
Ellis	IH 35E	AAA	0442-03-046	21
Ellis	IH 35E	UU	0442-03-046	22
Ellis	IH 35E	MM	0442-03-046	23
Ellis	IH 35E	NN	0442-03-046	24
Ellis	IH 35E	QQ	0442-03-046	25
Ellis	IH 35E	BB	0442-03-046	26
Ellis	IH 35E	RR	0442-03-046	28
Ellis	IH 35E	BBB	0442-03-046	30
Ellis	IH 35E	CCC	0442-03-046	31,31E
Ellis	IH 35E	VV	0442-03-046	32,32E
Ellis	IH 35E	YYY	0442-03-046	33
Ellis	IH 35E	CC	0442-03-046	34
Ellis	IH 35E	MMM	0442-03-046	35
Ellis	IH 35E	ZZZ	0442-03-046	36
Ellis	IH 35E	AAAA	0442-03-046	37
Ellis	IH 35E	DDD	0442-03-046	38
Ellis	IH 35E	EEE	0442-03-046	39
Ellis	IH 35E	NNN	0442-03-046	40
Ellis	IH 35E	TT	0442-03-046	41
Ellis	IH 35E	FFF	0442-03-046	44
Ellis	IH 35E	W	0442-03-046	46
Ellis	IH 35E	JJJ	0442-03-046	47
Ellis	IH 35E	KKK	0442-03-046	48
Ellis	IH 35E	X	0442-03-046	49
Ellis	IH 35E	Y	0442-03-046	50
Ellis	IH 35E	DD	0442-03-046	51
Ellis	IH 35E	GGG	0442-03-046	52
Ellis	IH 35E	HHH	0442-03-046	53

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	IH 35E	III	0442-03-046	54
Ellis	IH 35E	OOO	0442-03-046	55
Ellis	IH 35E	PPP	0442-03-046	56
Ellis	IH 35E	QQQ	0442-03-046	57
Ellis	IH 35E	BBBB	0442-03-046	58
Ellis	IH 35E	RRR	0442-03-046	59
Ellis	IH 35E	SSS	0442-03-046	60
Ellis	IH 35E	Z	0442-03-046	62,62E
Ellis	IH 35E	TTT	0442-03-046	63
Ellis	IH 35E	UUU	0442-03-046	64,64E
Ellis	IH 35E	XXX	0442-03-046	65,65E
Ellis	IH 35E	WWW	0442-03-046	66
Ellis	IH 35E	VVV	0442-03-046	67
Ellis	IH 35E	CCCC	0442-03-046	68
Galveston	IH 45	A	0500-04-139	531
Tarrant	IH 35W	V	0081-12-049	251B

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cherokee	US 175	40	0198-04-034	94
Cherokee	US 175	41	0198-04-034	121
Galveston	SH 146	4	0389-07-036	9
Harris	FM 2100	45	1062-04-053	151
Harris	FM 2100	46	1062-04-053	152
Harris	FM 2100	48	1062-04-053	153
Hidalgo	US 281	32	0255-07-142	8
Hidalgo	US 281	31	0255-07-142	14
Hidalgo	FM 676	22	1064-01-038	16
Hidalgo	FM 676	1	1064-01-038	57
Hidalgo	FM 676	16	1064-01-038	69
Hidalgo	FM 676	2	1064-01-038	114
Kaufman	SH 205	25	0451-02-030	2
Kaufman	SH 205	29	0451-02-030	7
Kaufman	SH 205	24	0451-02-030	8
Kaufman	SH 205	30	0451-02-030	9
Kaufman	SH 205	14	0451-02-030	19
Kaufman	SH 205	27	0451-02-030	27
Kaufman	SH 205	26	0451-02-030	32
Kaufman	SH 205	47	0451-02-030	78
Kaufman	SH 205	23	0451-02-030	98EA
Kaufman	SH 205	28	0451-02-030	98EB
Lampasas	US 190	3	0231-01-061	1
Madison	US 190	58	0117-04-044	649
Madison	US 190	38	0117-04-044	651
Madison	US 190	39	0117-04-044	665
Montgomery	SH 105	44	0338-04-073	204

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Montgomery	SH 105	18	0338-04-073	209
Montgomery	SH 105	53	0338-04-073	211
Montgomery	SH 105	35	0338-04-073	212
Montgomery	SH 105	33	0338-04-073	214
Montgomery	SH 105	54	0338-04-073	218
Montgomery	SH 105	57	0338-04-073	220
Montgomery	SH 105	50	0338-04-073	229
Montgomery	SH 105	52	0338-04-073	230
Montgomery	SH 105	43	0338-04-073	236
Montgomery	SH 105	42	0338-04-073	241
Montgomery	SH 105	34	0338-04-073	242
Montgomery	SH 105	51	0338-04-073	243
Montgomery	SH 105	56	0338-04-073	248
Montgomery	SH 105	55	0338-04-073	251
Montgomery	SH 105	36	0338-04-073	252
Montgomery	SH 105	17	0338-04-073	255
Montgomery	SH 105	49	0338-04-073	257
Montgomery	SH 105	37	0338-04-073	260
Rockwall	FM 548	13	2588-02-009	91
Rockwall	FM 548	11	2588-02-009	92
Rockwall	FM 548	19	2588-02-009	93,93E
Rockwall	FM 548	20	2588-02-009	94,94E
Rockwall	FM 548	21	2588-02-009	95,95E
Rockwall	FM 548	12	2588-02-009	96
Rockwall	FM 548	10	2588-02-009	97
Rockwall	FM 548	9	2588-02-009	98
Rockwall	FM 548	8	2588-02-009	99
Rockwall	FM 548	7	2588-02-009	100
Rockwall	FM 548	6	2588-02-009	101
Rockwall	FM 548	5	2588-02-009	102
Smith	FM 2493	15	0191-03-087	16

Note: Exhibits A - DDDD and 1 - 58 are on file with the commission chief clerk.

ITEM 16. Routine Minute Orders and Reports

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 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)

115827
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 department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

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

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
290 East Bush, Inc.	AUS	Hays	Design and construction of a right turn deceleration lane for the Ledgestone Commercial development on US 290 at Four Star Blvd. in Austin.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Brooks Ranch at Kyle LLC	AUS	Hays	Design and construction of widening RM 150 to three lane section for two subdivisions entrance street and intersection improvements for the Brooks Ranch subdivision, in Kyle.
H-E-B, LP	SAT	Bexar	Design and construction of two deceleration right turn lanes along FM 1957, restriping of FM 1957, two left turn lanes and two straight away lanes at the intersection of FM 1957 and TX 211, and removing a section of the median to provide a left turn lane into the donor's development in San Antonio.
JRC/Alameda Genoa, Ltd.	HOU	Harris	Design and construction of a right turn lane from northbound SH 288 into the donor's development in Houston.
Love's Travel Stops & Country Stores, Inc.	TYL	Smith	Funds towards the state's cost of improvements at I 20 and Barber Road in Winona. The improvements consist of base repair, subgrade widening, milling, asphalt concrete overlay, structures, metal beam guard fence, bridge rail and pavement markings.
Moonlight Land Company, LLC - Series 101	WAC	McLennan	Design and construction of expanding the southbound shoulder of US Highway 77 to provide for a 30 feet deceleration lane approaching into the donor's development in Robinson.
QT South, LLC	WAC	McLennan	Design and construction of a right turn deceleration lane and sidewalk on the IH 35 southbound frontage road into the donor's establishment in Waco.
Tribute Ranch, LLC	BRY	Walker	Design and construction of a pavement widening to accommodate a left turn lane on FM 1097 into the donor's property located in Walker County, Texas.
Waco Infinity Properties, Ltd.	WAC	McLennan	Design and construction to widen the eastbound frontage road of SH 6 (LP 340), approximately 800 feet east of Old Robinson Road, to add a right turn deceleration lane into the western driveway of the donor's development in Robinson.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Plum Creek Fresh Water Supply District No 1.	HOU	Harris	Donation of 25 acres of land from Montgomery County Line to Liberty County Line – Segment H. Grand Parkway Transportation Corporation and Plum Creek Fresh Water Supply District No. 1 (Water District) have entered into a Right of Way Exchange and Donation Agreement. This agreement will facilitate the construction of improvements, including the design and construction of utility conduits, with the design-builder in exchange for the contribution of right of way needed for the SH 99 project.
Plum Creek Fresh Water Supply District No 1.	HOU	Harris	Donation of 20.46 acres of land from Montgomery County Line to Liberty County Line – Segment H. Grand Parkway Transportation Corporation and Plum Creek Fresh Water Supply District No. 1 (Water District) have entered into a Right of Way Exchange and Donation Agreement. This agreement will facilitate the construction of improvements, including the design and construction of utility conduits, with the design-builder in exchange for the contribution of right of way needed for the SH 99 project.
Plum Creek Fresh Water Supply District No 1.	HOU	Harris	Donation of 120.49 acres of land from Montgomery County Line to Liberty County Line – Segment H. Grand Parkway Transportation Corporation and Plum Creek Fresh Water Supply District No. 1 (Water District) have entered into a Right of Way Exchange and Donation Agreement. This agreement will facilitate the construction of improvements, including the design and construction of utility conduits, with the design-builder in exchange for the contribution of right of way needed for the SH 99 project.
Austin County	YKM	Austin	Donation of 12.749 acres of land from 5.3 miles north west of Sealy to SH 36 in Sealy. The donation will be utilized as a maintenance facility site.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Sam Houston Area Council Boy Scouts of America	SAT	Comal	Donation of 0.746 acres of land located 1.2 miles west of Hays County line. The donation will be utilized as a picnic/rest area along RM 32.
City of Diboll	LFK	Angelina	Donation of 2.625 acres of land from FM 2108 to 1.15 miles south of White Oak Creek. The City is donating ROW to facilitate a tie-in of Lumberjack Drive to the new location US 59 relief route. Upon completion of the tie-in work, Lumberjack Drive will connect the US 59 relief route to what will become Business US 59 in the City of Diboll. Lumberjack Drive is currently the roadway to Diboll High School and Diboll Primary School.
County of McLennan	WAC	McLennan	Donation of 2.7303 acres of land from Falls County Line to Woodlawn Rd. This donation will be utilized in the construction of an access road for an underpass on the current IH 35 project.
SLC Lufkin, LLC	LFK	Angelina	Donation of 0.4897 acres of land 0.500 miles north of US 69 to US 69. The donation will be utilized for the proposed widening of FM 326.
Sports Clips, Inc.	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Zeus Mortgage, LTD. ZeusLending.com	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Nations Reliable Lending, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bell County - SL 363 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Temple, Texas (MO)

115828
ROW

In the City of Temple, Bell County, on SL 363, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 917, at Page 220, and Volume 919, at Page 465, Deed Records of Bell County, Texas.

A portion of the land, which portion is 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 (the city) 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 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) Dallas County - I-30 - Consider the sale of right of way to an abutting landowner (MO)

115829
ROW

In the City of Garland, Dallas County, on I-30, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 2849, at Page 499, Volume 5045, at Page 330, and Volume 5357, at Page 628, Deed Records of Dallas County, Texas.

A portion of the land, which portion is 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.

I-30 Bobtown, LLC is an abutting landowner and has requested to purchase the tract for \$105,000.

The commission finds \$105,000 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 I-30 Bobtown, LLC for \$105,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Dallas County - I-30 - Consider the sale of right of way to an abutting landowner (MO)

115830
ROW

In the City of Rowlett, Dallas County, on I-30, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 5120, at Page 74, Deed Records of Dallas County, Texas.

A portion of the land, which portion is 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.

Sapphire Bay Land Holdings I, LLC is an abutting landowner and has requested to purchase the tract for \$71,450.

The commission finds \$71,450 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 Sapphire Bay Land Holdings I, LLC for \$71,450; 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.

(4) Dallas County - I-30 - Consider the sale of right of way to an abutting landowner (MO)

115831
ROW

In the City of Rowlett, Dallas County, on I-30, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 5470, at Page 545, Deed Records of Dallas County, Texas.

A portion of the land, which portion is 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.

Sapphire Bay Land Holdings I, LLC is an abutting landowner and has requested to purchase the tract for \$417,750.

The commission finds \$417,750 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 Sapphire Bay Land Holdings I, LLC for \$417,750; 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) Denton County - FM 544 - Consider an exchange of right of way (MO)115832
ROW

In Denton County, on FM 544, the state of Texas acquired certain land for highway purposes by a Right of Way Deed recorded in Volume 348, at Page 299, of the Deed Records of Denton County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the exchange of 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, acting by and through the Texas Department of Transportation, and Breco Lands CH, LLC, CHPC Commercial, Ltd., and STM Mortgage, LLC have entered into an exchange agreement.

In accordance with the exchange agreement, certain land needed for a state highway purpose, described in Exhibit A (the parcels), is to be conveyed to the state by Breco Lands CH, LLC, CHPC Commercial, Ltd., and STM Mortgage, LLC, and a certain tract not needed for a state highway purpose, described in Exhibit B (the tract), is to be conveyed to Breco Lands CH, LLC, a Texas limited liability company, by the state.

It is the opinion of the commission that it is proper and correct that the state conveys the tract to Breco Lands CH, LLC, a Texas limited liability company, in exchange for the parcels.

IT IS THEREFORE ORDERED by the commission that the tract is not 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 Breco Lands CH, LLC, a Texas limited liability company, in exchange and as consideration for the parcels; SAVE AND EXCEPT, however, there is excepted and reserved herefrom 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 tract described in Exhibit B.

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

(6) Galveston County - I-45 - Consider the sale of right of way to an abutting landowner (MO)115833
ROW

In the city of League City, Galveston County, on I-45, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1611, at Page 312, Deed Records of Galveston County, Texas.

A portion of the land, which portion is 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.

Silk Road Properties, LLC is an abutting landowner and has requested to purchase the tract for \$566,000.

The commission finds \$566,000 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 Silk Road Properties, LLC for \$566,000; 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.

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

115834
ROW

In the City of Lubbock, Lubbock County, on SL 289, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 789, at Page 675, Deed Records of Lubbock County, Texas.

A portion of the land, which portion is 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.

Possum Group, Ltd. is an abutting landowner and has requested to purchase the tract for \$1,060,000.

The commission finds \$1,060,000 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 Possum Group, Ltd. for \$1,060,000; 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.

(8) Williamson County - RM 1431 - Consider the sale of real property to the successful bidder (MO)

115835
ROW

In the City of Cedar Park, Williamson County, on RM 1431, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1524, at Page 692, Official Records of Williamson County, Texas.

A portion of the land, which portion is 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 the general public by sealed bid.

The tract was advertised for sale, and Pedernales Electric Cooperative, Inc. submitted a bid of \$340,336, which was the highest valid bid.

The commission finds \$340,336 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 Pedernales Electric Cooperative, Inc. for \$340,336; 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) Grimes and Montgomery Counties - Quarterly Construction Progress Report for the State Highway 249 System (Report)

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

d. Finance

(1) Investment Policy and Investment Strategies

Consider the annual review and approval of the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller (MO)

115836
PFD

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments that are in compliance with investment policies approved by the commission.

Government Code §2256.005 requires the commission to adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds.

Government Code §2256.005(e) and Section 20.0 of the investment policy require the commission to review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategies. The investment policy and investment strategies are attached as Exhibit A and include revisions to the broker/dealer list, training source list and other updates.

IT IS THEREFORE ORDERED by the commission that the investment policy and investment strategies applicable to all funds of the commission and funds under the commission's control not otherwise required to be invested by the comptroller, attached as Exhibit A, have been reviewed and are hereby approved in accordance with Government Code §2256.005(e) and Section 20.0 of the investment policy.

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

(2) Debt and Derivative Management Policies

Consider the annual review of debt management policy and derivative management policy for financing programs of the commission (MO)

115837
PFD

Pursuant to various provisions of Texas law, the Texas Transportation Commission (commission) is authorized to issue and incur obligations for transportation and other projects.

To ensure that all financings undertaken by the commission and/or the Texas Department of Transportation (department) are effected in accordance with the highest standards of industry, law, and government practice, and to confirm the intent of the

commission and the department to adhere to sound financial management practices, the commission initially adopted a Debt Management Policy in Minute Order 110656 on August 24, 2006. The policy requires an annual review and, if necessary, amendment. The Debt Management Policy attached hereto as Exhibit A has been reviewed and presented to the commission for consideration.

The Debt Management Policy establishes parameters within which to administer the commission's financing programs, and such parameters focus on acceptable levels of risk, minimizing interest costs, optimizing future flexibility, and achieving and maintaining the best possible credit ratings.

Pursuant to Chapter 1371, Texas Government Code, and other applicable Texas law, the commission is authorized to execute credit agreements including interest rate swap and other similar agreements.

To establish responsibilities, objectives, and guidelines for the use of interest rate swap and other similar products in order to efficiently and prudently manage the commission's asset/liability profile for each financing program the commission initially adopted a Derivative Management Policy as a subsidiary component of the Debt Management Policy, also in Minute Order 110656 on August 24, 2006. The policy also requires annual review and, if necessary, amendment. The Derivative Management Policy attached hereto as Exhibit B has been reviewed and presented to the commission for consideration.

IT IS THEREFORE ORDERED by the commission that the Debt Management Policy attached hereto as Exhibit A and Derivative Management Policy attached hereto as Exhibit B have been reviewed and are hereby approved.

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

(3) Dallas and Denton Counties - Consider the approval of the I-35E Managed Lanes Project annual budget of revenues, operating and maintenance expenses, and capital expenditures, and acceptance of the annual inspection report (MO)

115838
PFD

Transportation Code, Chapter 228 and other applicable law, including Government Code, Chapter 1371, authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, notes, and other obligations to finance toll projects or systems on the state highway system, and to enter into trust agreements governing matters relating to the issuance of such obligations.

In Minute Order 113350 dated November 15, 2012, the commission designated the I-35E Managed Lanes Project (Project), from I-635 to US 380 in Dallas and Denton counties, including all managed lane connections, as a toll project on the state highway system.

Pursuant to Minute Order 114424 dated November 19, 2015 and the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), the commission entered into a TIFIA Loan Agreement, dated November 3, 2016, with the United States Department of Transportation, for a loan in the amount of \$285,000,000 to pay a portion of the eligible project costs of the Project (Loan Agreement), and executed a Trust Agreement dated November 1, 2016 securing the I-35E Managed Lanes Project Toll Revenue Obligations (Trust Agreement) and a First Supplemental Agreement dated November 1, 2016 securing the Loan Agreement and the Texas Transportation Commission Toll Revenue Converting Tier Note (I-35E Managed Lanes Project), Series 2016.

Pursuant to Section 505 of the Trust Agreement, the commission has covenanted that on or before the business day preceding the first day of each fiscal year, it will adopt an annual budget of revenues, operating and maintenance expenses, and capital expenditures for the Project and deliver copies of the budget to the trustee and the general engineering consultant.

The department has completed the annual budget which is attached as Exhibit A. In accordance with Section 505 of the Trust Agreement, the annual budget was provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the commission adopts the annual budget for the I-35E Managed Lanes Project for fiscal year 2021 attached hereto as Exhibit A.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the Trust Agreement as may be necessary in the operation of the Project.

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

(4) Travis and Williamson Counties - Consider the approval of the Central Texas Turnpike System annual operating, maintenance, and capital budgets (MO)

115839
PFD

Transportation Code Section 228.051 provides that the Texas Transportation Commission (commission) by order may designate one or more lanes of a segment of the state highway system as a toll project or system.

By Minute Order 108873, dated April 25, 2002, SH 130 was designated as a toll project and a controlled access state highway from I-35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast (SH 130) as part of the Central Texas Turnpike System (system).

By Minute Order 108896, dated May 30, 2002, SH 45 N was designated as a toll project and a controlled access state highway from west of US 183 to SH 130/SH 45 North interchange (SH 45 N) as part of the system.

By Minute Order 108896, dated May 30, 2002, Loop 1 was designated as a toll project and a controlled access state highway from the existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange (Loop 1) as part of the system.

By Minute Order 109729 dated July 29, 2004 SH 45 Southeast was designated as a toll project and a controlled access state highway from I-35 at FM 1327 South of Austin to the SH 130/US 182 interchange (SH 45 SE) and by Minute Order 113243 dated August 30, 2012 SH 45 SE was designated as part of the system.

The commission has outstanding approximately \$2.4 billion in aggregate principal amount of system bonds issued to finance or refinance a portion of the costs of the system, composed of the SH 130, SH 45 N, Loop 1 and SH 45 SE project elements, described above, pursuant to an Indenture of Trust (indenture) and eight supplemental indentures. Any terms not otherwise defined in this order have the meaning given in the indenture.

Pursuant to Section 702 of the indenture, the commission has covenanted that on or before August 31 in each year, it will adopt annual operating, maintenance and capital budgets for the system for the ensuing fiscal year. The annual budgets have been completed and are attached as Exhibit A. In accordance with the indenture the annual budgets were provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the annual budgets for the Central Texas Turnpike System for fiscal year 2020 attached hereto as Exhibit A are adopted.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

e. Highway Designations**(1) Culberson County - Consider redesignating the entirety of FM 3541 as FM 2185 and extending the designation of FM 2185 (MO)**115840
TPP

In Culberson County, the El Paso District has requested redesignation of the entirety of FM 3541 as FM 2185 from the intersection of RM 652 southward to the terminus of FM 3541, a distance of approximately 6.3 miles, and extension of the designation of FM 2185 from the current FM 3541 southward along Smileys Road, Weatherby Road, County Road 501, Nevel Road, and Rustler Springs Road to the intersection of Looney Spur Road and the current FM 2185, a distance of approximately 30.0 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 the entirety of FM 3541 is redesignated as FM 2185 from the intersection of RM 652 southward to the terminus of FM 3541, a distance of approximately 6.3 miles, and the designation of FM 2185 is extended from the current FM 3541 southward along Smileys Road, Weatherby Road, County Road 501, Nevel Road, and Rustler Springs Road to the intersection of Looney Spur Road and the current FM 2185, a distance of approximately 30.0 miles, as shown on Exhibit A.

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

(2) Lubbock County - Near the city of Lubbock, consider designating a segment of US 84 along proposed SL 88 and redesignating a segment of US 84 as BU 84-D (MO)115841
TPP

Minute Order 115000, dated July 27, 2017, designated SL 88 on a new location from US 84 northwest of Lubbock to US 84 southeast of Lubbock, a distance of approximately 36.9 miles. Lubbock County and the Lubbock District have requested the following actions upon completion of SL 88: (1) designation of a segment of US 84 along SL 88 from the intersection of FM 2641 southeastward to the intersection of CR 9657, a distance of approximately 36.9 miles, thereby making SL 88 concurrent with US 84; and (2) redesignation of a segment of US 84 as BU 84-D from the intersection of US 84 and FM 2641 southeastward to the intersection of US 84 and CR 9657, a distance of approximately 36.0 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 upon completion of SL 88, a segment of US 84 is designated along SL 88 from the intersection of FM 2641 southeastward to the intersection of CR 9657, a distance of approximately 36.9 miles, thereby making SL 88 concurrent with US 84, and a segment of US 84 is redesignated as BU 84-D from the intersection of US 84 and FM 2641 southeastward to the intersection of US 84 and CR 9657, a distance of approximately 36.0 miles, as shown on Exhibit A.

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

f. Land Acquisitions for Facilities

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

115842
SSD

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

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

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached Exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by the 86th Legislature, General Appropriations Act for the 2020-21 Biennium.

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

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

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

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

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

g. Designation of Access Control

Caldwell County - SH 130, in the City of Lockhart - Consider the redesignation of one location on the southbound frontage road of SH 130 at which access will be permitted to the abutting property (MO)

115843
DES

In CALDWELL COUNTY, on State Highway 130 (SH 130), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded under Document No. 2020-001135, Official Public Records of Caldwell County, Texas, with denial of access to the abutting remainder property as described in the instrument.

The City of Lockhart and Charles D. Spillmann, a/k/a Charles D. Spillmann, and wife Jane Spillmann, a/k/a Jane Spillmann, the current owners of the abutting properties, have requested a redesignation of control of access along their property lines. The current designated

access (along Lot 1) to and from the southbound frontage road of SH 130 will become controlled whereby access is denied and be redesignated south of its current designated access for a new permitted access point at one location along the property line (along Lot 2), as 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 authorizes redesignation of permitted access from its original permitted access point to the new access point described in Exhibit A as a location where ingress and egress may be permitted to and from the southbound frontage road of SH 130.

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.

h. Prohibition Order

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

115844
TOD

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

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

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

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

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

- (1) the total amount due for the person’s tolls and administrative fees is paid; or

(2) the toll project entity, in its sole discretion, determines that the amount has been otherwise addressed.

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

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

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

IT IS THEREFORE ORDERED by the commission that the motor vehicles listed in Exhibit A are prohibited from operation on the toll projects described above, effective September 11, 2020.

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

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

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

i. Speed Zones

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

115845
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 17. 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.

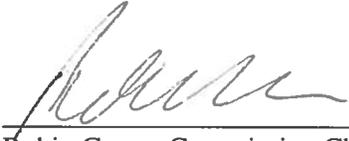
Commissioner Ryan motioned adjournment and Commissioner New seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 3:02 p.m.

APPROVED by the Texas Transportation Commission on September 24, 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 August 27, 2020, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

