

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 25, 2018, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
Jeff Austin, III	Commissioner
Laura Ryan	Commissioner
Alvin New	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 1:47 p.m. on October 17, 2018, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Risk Management Specialist Cheryl Lemon Galloway.

ITEM 2. Consider the approval of the Minutes of the September 26, 2018, workshop meeting and the September 27, 2018, regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the minutes of the September 26, 2018, workshop meeting and the September 27, 2018, regular meeting by a vote of 4 - 0.

ITEM 3. Contracts

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

a. Construction of Highways and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Gina Gallegos. Commissioner New made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on October 2 and 3, 2018; 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. Highway Maintenance (MO)

This item was presented by Construction Division Director Gina Gallegos. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115350
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 October 2 and 3, 2018; as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway maintenance and department building construction contracts, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected or deferred, as indicated therein.

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

115351
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on October 2, 2018, as well as Fort Worth District, Wise County, Project number 02-470418085, which was publicly opened and read on August 7, 2018 as shown on Exhibit A.

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

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

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

those highway improvement and department building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be awarded to the lowest bidder or rejected as indicated therein.

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

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

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

ITEM 4. Aviation

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

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

115352
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, and federal apportionment grant funds and state grant funds for the improvements.

On October 1, 2018, 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, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibits A.

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

ITEM 5. Maritime

a. Consider the approval of the Gulf Intracoastal Waterway Report (MO)

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

115353
MRD

Transportation Code, Chapter 51 (Texas Coastal Waterway Act), designates the state to act as the non-federal sponsor of the main channel of the Gulf Intracoastal Waterway (GIWW) from the Sabine River to the Brownsville Ship Channel.

Transportation Code, Section 51.007 requires the Texas Transportation Commission (commission) to continually evaluate the impact of the GIWW on the state and prepare a report for each regular session of the Texas Legislature. The evaluation shall include:

- 1) an assessment of the importance of the GIWW that includes identification of its direct and indirect beneficiaries;
- 2) identification of principal problems and possible solutions to those problems that includes estimated costs, economic benefits, and environmental effects;
- 3) an evaluation of the need for significant modifications to the GIWW; and
- 4) specific recommendations for legislative action that the commission believes are in the best interest of the state in carrying out the state’s duties under Chapter 51.

The report of the evaluation shall be published and presented to each regular session of the Texas Legislature.

The Texas Department of Transportation has completed the evaluation and developed the report for the period of fiscal years 2017-2018.

IT IS THEREFORE ORDERED that the Gulf Intracoastal Waterway Report, as shown in Exhibit A, is approved by the commission and should be published and presented to the members of the 86th Texas Legislature, the governor, the lieutenant governor, and the speaker of the house of representatives.

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

b. Cameron County - Brownsville Navigation District - Consider approval of participation by the state in the form of a grant in the amount of up to \$1,532,868 to the Brownsville Navigation District (Port of Brownsville) for the payment of a portion of the costs of construction of a port access public roadway project generally described as a direct connector roadway beginning at SH 4 to Ostos Road in Cameron County (MO)

This item was presented by Maritime Division Director Dan Harmon. 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.

115354
MRD

In 2017, the Texas Legislature required that, from any available source of revenue and/or balances in the Texas Mobility Fund (fund), an amount not to exceed

\$20,000,000 in each fiscal year of the 2018-2019 biennium shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission) to improve connectivity to Texas ports, under the General Appropriations Act (SB 1, 85th Texas Legislature 2017), Rider 45, page VII-31.

The Brownsville Navigation District (district), operating as the Port of Brownsville, has submitted a request to the Texas Department of Transportation (department) for state participation in the form of a grant of funds in the amount of \$1,532,868 to pay a portion of the costs of construction of a public transportation project approved by the Port Authority Advisory Committee to construct a direct connector roadway beginning at SH 4 to Ostos Road (project).

Accordingly, the department recommends that the commission approve the project and authorize the department to participate in the project in the form of a grant to the district up to the amount of \$1,532,868 from any available source of revenue and/or money from the fund other than the proceeds of obligations issued under the enabling act, to be used for construction of the project.

Article III, Section 49-k of the Texas constitution (constitutional provision) created the fund in the state treasury and provides that the fund shall be administered by the commission as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in Transportation Code, Chapter 201, Subchapter M (enabling act). Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund General Obligation Bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that the request for a grant submitted by the Brownsville Navigation District (Port of Brownsville) meets the eligibility requirements for state participation under the constitutional provision, and the commission approves the requested state participation in the form of a grant up to the amount of \$1,532,868 from any available source of revenue and/or money in the fund other than the proceeds of obligations issued under the enabling act, to be used for construction of the project, and authorizes and directs the executive director of the department to take all actions necessary to effect the purposes of this minute order.

c. Galveston County - The Galveston Wharves (Port of Galveston) - Consider approval of participation by the state in the form of a grant in the amount of up to \$1,088,471 to the Galveston Wharves (Port of Galveston) for the payment of a portion of the costs of construction of a port access public roadway project generally described as Old Port Industrial Road Improvements in Galveston County, Texas (MO)

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

115355
MRD

In 2015, the Texas Legislature required that, from any available source of revenue or proceeds in the Texas Mobility Fund (fund), an amount not to exceed \$20,000,000 for the 2016-2017 biennium shall be allocated to provide funding for port capital improvement projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission), under the General Appropriations Act (SB 1, 84th Texas Legislature, 2015), Rider 48, page VII-32.

The Galveston Wharves (Port of Galveston) has submitted a request to the Texas Department of Transportation (department) for state participation in the form of a grant to the Galveston Wharves (Port of Galveston) in the amount of up to \$1,088,471 to pay a portion of the costs of construction of a public transportation project approved by the Port Authority Advisory Committee to improve access and traffic circulation to the cruise terminal complex on Galveston Island by providing a variety of improvements, which include repaving 33rd St. North to Old Port Industrial Road, improving the at-grade rail crossings at 33rd St. and Old Port Industrial Road, widening Old Port Industrial Road to add an additional turn lane, reconfiguring the median at 28th St. and Harborside Drive, and installing directional signs on Old Port Industrial Road (project).

Accordingly, the department recommends that the commission approve the project and authorize the department to participate in the project in the form of grant up to the amount of \$1,088,471 from any available source of revenue and/or money from the fund other than proceeds of obligations issued under the enabling act, to be used for construction of the project.

Article III, Section 49-k of the Texas constitution (constitutional provision) created the fund in the state treasury and provides that the fund shall be administered by the commission as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in Transportation Code, Chapter 201, Subchapter M (enabling act). Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund General Obligation Bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that the request for a grant from the fund submitted by the Galveston Wharves (Port of Galveston) meets the eligibility requirements for state participation under the constitutional provision, and the commission approves the requested state participation in the form of a grant up to the amount of \$1,088,471 from any available source of revenue and/or money in the fund other than the proceeds of obligations issued under the enabling act, to be used for the purposes described herein, and directs

the executive director to implement the actions necessary to effect the purposes of this minute order.

ITEM 6. Eminent Domain Proceedings

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

This item was presented by Right of Way Division Director Gus Cannon. Commissioner New 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 Austin, Commissioner Ryan, and Commissioner New (a vote of 4 - 0).

115356
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 - E. 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 - 49, in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 35	A	0017-10-278	6
Dallas	IH 635	B	2374-01-189	37
Liberty	US 59	D	0177-03-100	5
Nueces	US 181	C	0101-06-109	104
Wharton	US 59	E	0089-08-102	42

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 288	12	0598-02-123	102
Crane	US 385	14	0229-03-038	16,16E
Fort Bend	SH 36	43	0188-02-039	15
Fort Bend	SH 36	7	0188-02-039	64
Fort Bend	FM 2218	4	2093-01-028	98
Harris	SH 146	27	0389-05-095	106
Harris	FM 1960	46	1685-03-101	207
Harris	FM 1960	36	1685-03-101	236
Harris	FM 1960	35	1685-03-101	238
Harris	FM 1960	34	1685-03-101	239
Harris	FM 1960	10	1685-03-101	240
Harris	FM 1960	38	1685-03-101	241
Harris	FM 1960	39	1685-03-101	244
Harris	FM 1960	21	1685-03-101	249
Harris	FM 1960	33	1685-03-101	250

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	FM 1960	45	1685-03-101	252
Harris	FM 1960	42	1685-03-101	255
Harris	FM 1960	40	1685-03-101	256
Harris	FM 1960	8	1685-03-101	257
Harris	FM 1960	44	1685-03-101	265
Harris	FM 1960	9	1685-03-101	268
Harris	FM 1960	28	1685-03-101	271
Hidalgo	FM 494	47	0864-01-073	3
Hidalgo	FM 494	48	0864-01-073	5
Hidalgo	FM 494	49	0864-01-073	8
Lubbock	FM 179	13	0880-04-034	39,39E
Lubbock	FM 179	5	0880-04-034	46
Lubbock	FM 1585	6	1502-01-035	257
Lubbock	FM 1585	1	1502-01-036	202
Lubbock	FM 1585	41	1502-01-036	225
Lubbock	FM 1585	32	1502-01-036	227
Lubbock	FM 1585	17	1502-01-036	228B
Lubbock	FM 1585	31	1502-01-037	293
Lubbock	FM 1585	2	1502-01-037	301
Lubbock	FM 1585	3	1502-01-037	304
Lubbock	FM 1585	18	1502-01-037	319
Lubbock	FM 1585	16	1502-01-037	323
Lubbock	FM 1585	19	1502-01-037	354
Lubbock	FM 1585	25	1502-01-037	357A
Lubbock	FM 1585	20	1502-01-037	366
Montgomery	FM 1488	15	0523-09-017	119
Montgomery	FM 1488	11	0523-09-017	129
Montgomery	FM 1488	29	0523-09-017	136
Montgomery	SH 99	37	3510-07-008	835
Tarrant	FM 156	22	0718-02-050	1A
Tarrant	FM 156	23	0718-02-050	35
Tarrant	FM 156	24	0718-02-050	37
Tarrant	FM 156	26	0718-02-050	56
Tarrant	FM 156	30	0718-02-050	60

Note: Exhibits A - E and 1 - 49 are on file with the commission chief clerk.

ITEM 7. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. The commission also received comments from private citizen and engineer Don Dixon concerning agenda items 7.d.(2) - (4). Commissioner Austin 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)

115357
CSD

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

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

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

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal

Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibits B-1 and B-2 list 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-1 and B-2.

Donor and Description of Donation

Ansley Corporation - Design and construction of widening existing roadway and a left turn lane from FM 439 onto High Crest Drive in Belton.

Belton Economic Development Corporation - Design and construction of widening a short portion of Loop 121 at West Avenue D to facilitate the installation of a northbound left turn lane on Loop 121 in Belton. The work includes widening Loop 121 by 9 feet in a southerly direction of the west side of Loop 121 from the Avenue D intersection for approximately 500 feet, the southeast quadrant of the intersection to hand the roadway traffic traveling to the west and to the east side of the proposed four-way intersection.

Black Mountain Sand, LLC - Design, construction and construction engineering inspection of highway improvements to include the addition of acceleration and deceleration lanes, additional travel and passing lanes, and turning lanes along SH 302 to access the El Dorado Commercial Plant in Winkler County.

Black Mountain Sand, LLC - Design, construction and construction engineering inspection of highway improvements to include the addition of acceleration and deceleration lanes, additional travel and passing lanes, and turning lanes along SH 302 to access the Vest Commercial Plant in Winkler County.

Burleson Sand LLC - The donor is donating the design and construction of an acceleration lane and an overlay on FM 908 along with turning radius improvements near the intersection of FM 908 and SH 21 in Burleson County.

Carma Paso Robles LLC - Design and construction of a traffic signal at the intersection of FM 2439 and Centerpoint Road, San Marcos.

Central Southwest Texas Development. L.L.C. - Design and an amount sufficient to cover the State's cost to construct and inspect a hooded left turn lane and right turn lane on RM 620 from 0.232 Miles E. of O'Connor Dr. to 0.568 Miles E. of O'Connor Dr. in Round Rock.

CSW Wolf, LP - Design and construction of: 1) a right turn deceleration lane and relocation of existing bus stop on SH 29 eastbound from 0.121 miles east of IH 35 northbound frontage road to 0.191 miles east of IH 35 north bound frontage road and 2) two right turn deceleration lanes on IH 35 north bound frontage road from 0.119 miles south of SH 29 to 0.383 miles south of SH 29 in Williamson County.

ExxonMobil Oil Corporation - Design and construction of a turn-around bridge on Spur 380 at Virginia Avenue, the construction of a raised traffic channelizing island on Spur 380 at Olin Road, and restriping of northbound Spur 380 at US 69 in Beaumont.

Donor and Description of Donation

Fikes Wholesale, Inc. - Design and construction of approximately 270 feet of additional left turn deceleration lane from eastbound SH 31 onto northbound FM 2661 in Tyler.

LGI Homes-Texas, LLC Travis - Fixed amount of funds to cover the State's cost to construct a traffic signal at the intersection of Highway US 290 and Bois D'Arc Road in Manor.

Ly and Nguyen Partners, LLC - Design and construction of the northbound deceleration lane improvements proposed along Parmer Lane just south of the intersection of Harris Ridge Blvd. to serve Driveway 1 of the Parmer Village project in Austin.

MarMaxx Operating Corp. - Plan, specification and estimate (PS&E) package, which includes schematic Exhibits and traffic analysis of the project intersection improvements, project PS&E for bidding and construction of the proposed improvements, design support during and through the end of construction, and all environmental studies, reports, and documentation associated with project.

Nueces County Junior Livestock Show Association, Incorporated - Fixed amount to design, fabricate, and install two memorial highway designation signs on the portion of FM 666 between SH 44 and FM 624, designated as the Kollyn Gene Barton Memorial Highway within Nueces County.

"Odessa Development Corporation" - Fixed amount towards the State's cost of improvements of constructing a new interchange at the intersection of US 385 and SL 338 in Ector County.

Pflugerville Community Development Corporation - Modifications to access Typhon Texas in Pflugerville. The work consists of improvements to an existing driveway, construction of a new driveway at the intersection of FM 685 and Town Center Drive, right turn acceleration and deceleration lanes, left turn lane, signal upgrades, and modifying pavement markings along FM 685.

Quiktrip Corporation - Redesign and construction of a traffic signal at the intersection of Potranco Road (FM 1957) at American Lotus in San Antonio.

Southerland Boerne Land, LLC - Design and construction of a northbound left turn lane on FM 474 approximately 1,100 feet north of Kreutzberg Road in Kendall County.

The Crow Group, Series LLC - Design and construction of right turn lane on I-35 NBR from 1890' south of Round Rock Avenue to 400' north of McNeil Road, Round Rock.

The Institute of Internal Auditors - Registration fees and travel expenses, to include airfare, meals and lodging to attend and present at the 2018 The Institute of Internal Auditors All Star Conference in Las Vegas, Nevada on October 22-28, 2018

U.S. Silica Company - Design, construction and construction engineering inspection of highway improvements to include the addition of acceleration lanes, deceleration lanes, improvements to surface drainage and installation of small roadside warning signs along SH 137 in Dawson County.

Platinumfades Barbershop - Revenue generation through the Sponsor a Highway Program.

Platinumfades Barbershop - Revenue generation through the Sponsor a Highway Program.

Kirin Court - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Carl Nelson Enterprises, LLC dba Chick-Fil-A - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donor and Description of Donation

Custom Compounding Pharmacy, LLC - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

McLane Arlington - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Old Republic Title - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Parker Law Firm - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Ravi Hospitality dba Super 7 Inn - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Sneha Corporation dba Delux Inn - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Tripoli, LLC dba IHOP - Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

GEICO - Donation for sponsorship at various Service Rest Areas and Travel Information Centers.

Note: Exhibits A, B-1, and B-2 are on file with the commission chief clerk.

b. Real Estate Dispositions

Lamar County - SL 286, .54 miles east of FM 195 in Paris - Consider the exchange of drainage easements (MO)

115358
ROW

In the city of Paris, LAMAR COUNTY, on SL 286, the State of Texas acquired certain land by instruments recorded in Volume 361, Page 535, and Volume 524, Page 838, Deed Records of Lamar County, Texas.

A portion of the land (surplus land), described in Exhibit A, 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 (commission) may recommend the exchange of surplus land as partial or full consideration for other land needed for a state highway purpose.

David and Brenda Robinson, (the Robinsons) have conveyed to the state land needed for a state highway purpose (new land), described in Exhibit B. The Robinsons have requested that the surplus land be conveyed to the Robinsons in exchange and as consideration for the new land.

IT IS THEREFORE ORDERED by commission that it is proper and correct that the state convey the surplus land to the Robinsons in exchange and as consideration for the conveyance of the new land to the state.

FURTHER, IT IS THEREFORE ORDERED by the commission that the surplus land is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper

instrument conveying all of the state's rights, title, and interest in the surplus land to David and Brenda Robinson, in exchange and as consideration for the conveyance of the new land to the state; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles, 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 surplus land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting allocation status report

Quarterly status report on the FY 2018 letting allocation, the actual allocation utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

(3) Quarterly report on FY 2018 State Highway Fund 6 cash status (Report)

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

d. Finance

(1) Quarterly investment report (MO)

115359
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 under its control, and to designate one or more officers or employees of the Texas Department of Transportation (department) as investment officer to be responsible for the investment of funds consistent with the investment policy.

In Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy and investment strategy applicable to funds of the commission relating to the Central Texas Turnpike System held by Bank One, N.A., (in such capacity with its successors, currently Bank of New York Mellon), as Trustee under the Indenture of Trust dated July 15, 2002, between the commission and the trustee. Pursuant to Government Code §2256.005(e) and Section 20 of the investment policy, the investment policy and investment strategies of the commission have been reviewed and revised annually by minute order since 2003. In Minute Order 114360,

dated August 27, 2015, the commission approved and adopted a written investment policy that added an investment strategy applicable to funds in the prepaid TxTag custodial account under the Master Lockbox and Custodial Account Agreement by and between the Bank of New York Mellon Trust Company, N.A., as custodian, and the department. In Minute Order 114706, dated August 25, 2016, the commission approved and adopted a written investment policy that added an investment strategy applicable to funds related to obligations issued for the IH 35E Project under a Trust Agreement by and between Amegy Bank, a Division of ZB, National Association, as trustee, and the department.

The commission has designated the department's chief financial officer and the director, Project Finance, Debt & Strategic Contracts Division as investment officers. The chief financial officer is primarily responsible for the execution of investment strategy and activities on a daily basis. However, in his/her absence, the director, Project Finance, Debt & Strategic Contracts Division, or a designee of any of the investment officers (as evidenced in a delegation memorandum) shall perform these duties and responsibilities.

Government Code §2256.023 requires the designated investment officer to prepare and submit to the commission and the executive director, not less than quarterly, a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. The report must describe in detail the investment position of the department on the date of the report, and must be prepared jointly and signed by each investment officer.

Section 9.0 of the investment policy requires the investment officer to prepare and submit to each member of the commission and the executive director of the department an investment report on no less than a quarterly basis. The report must be prepared in accordance with the requirements of that section, including containing sufficient information to provide for a comprehensive review of investment activity and current investment instruments and performance for the reporting period. A quarterly investment report for the department for the period ending August 31, 2018, attached as Exhibit A, has been prepared in accordance with Government Code §2256.023 and Section 9.0 of the investment policy.

IT IS THEREFORE ORDERED by the commission that the quarterly investment report attached as Exhibit A is accepted.

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

(2) Various Counties - Consider the acceptance of the annual escalated toll rates for portions of SH 99 (Grand Parkway) consisting of the tolled portion of Segment D in Harris County, Segments E, F-1, F-2, G, H, I-1, and I-2B, and for the existing tolling points on the portion of Segment I-2 from I-10 to Fisher Road (Segment I-2A), as calculated on the toll escalation determination date (MO)

115360
TOD

The Texas Department of Transportation (department) and the seven counties in the Houston area in which State Highway 99 (Grand Parkway) is located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Chambers County. In accordance with the requirements of former

§228.0111 of the Transportation Code and the policies included in Minute Order 111410 dated June 26, 2008, the department and the seven counties entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway, agreed to waive the development of a market valuation of the Grand Parkway, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway, including terms for establishing baseline toll rates and toll escalation policies applicable to the Grand Parkway.

In Minute Order 113399, dated December 13, 2012, the Texas Transportation Commission (commission) established a toll rate escalation policy, consistent with the terms and conditions of the Market Valuation Waiver Agreement, for the tolled portion of Segment D in Harris County and Segments E, F-1, F-2, and G, which comprise the initial elements of the Grand Parkway System (system) which are operated on behalf of the commission by the Grand Parkway Transportation Corporation (GPTC) pursuant to a project agreement between the department and GPTC and in accordance with a trust agreement between GPTC and the trustee for the holders of GPTC's toll revenue bonds issued to pay the costs of constructing the system. Minute Order 113399 also authorized GPTC to charge tolls for the tolled portion of Segment D of the Grand Parkway in Harris County and for Segments E, F-1, F-2, and G of the Grand Parkway in Harris and Montgomery counties. Minute Order 114881, dated March 28, 2017 authorized GPTC, upon substantial completion of the construction of Segments H, I-1 and I-2B, to charge tolls for the tolled portions of Segments H, I-1, and I-2B of the Grand Parkway in Montgomery, Harris, Liberty and Chambers Counties, and for the portion of Segment I-2A from Fisher Road to FM 1405 in Chambers County. Minute Order 113399 further authorized the chairman of the commission to execute a toll rate agreement with the GPTC regarding covenants to maintain toll rates on the tolled portion of Segment D of the Grand Parkway in Harris County and on the Grand Parkway Segments E, F-1, F-2, and G in Harris and Montgomery counties in accordance with the toll rate agreement.

Minute Order 111167, dated December 13, 2007, designated the portion of Grand Parkway Segment I-2, from I-10 to Fisher Road, as a toll project on the state highway system (included within Segment I-2A). Minute Order 114881, dated March 28, 2017, designated the portion of Grand Parkway Segment I-2A from Fisher Road to FM 1405, as a toll project on the state highway system. Segment I-2A is in operation outside the Grand Parkway System as a four-lane controlled-access toll road, although tolls are not currently being charged for the portion of Grand Parkway Segment I-2A from Fisher Road to FM 1405. Minute Order 112756, dated July 28, 2011, authorized the department to charge tolls in Chambers County on the portion of Segment I-2A from I-10 to Fisher Road at the existing tolling points on that segment, and Minute Order 113399 authorized the department to revise the toll rates on the portion of Grand Parkway Segment I-2A from I-10 to Fisher Road to be consistent with the rates and toll rate escalation policy in effect for the segments comprising the system.

The toll rate escalation policy adopted by the commission in Minute Order 113399 and Minute Order 114881 provides for the department to calculate the annual toll rate escalation percentage (toll rate escalation percentage) in accordance with the

toll rate escalation policy and report the toll rate escalation percentage to the GPTC and the commission each year at or before the commission's October meeting. The department has established a toll rate escalation percentage of 2.82% to be applied to the current base toll rates for each segment of the Grand Parkway identified above and each tolling point, generating the schedule of increased toll rates for calendar year 2019 shown on the attached Exhibit A.

The toll rate escalation percentage and the escalated toll rates shown in Exhibit A for Segment D of the Grand Parkway in Harris County, Segments E, F-1, F-2, G, H, I-1, and I-2B of the Grand Parkway, and the existing tolling points on Segment I-2A of the Grand Parkway have been prepared in accordance with the toll rate escalation policy established in Minute Order 113399. As provided in Minute Order 113399, the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director and by the GPTC, as applicable, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for Segment D of the Grand Parkway in Harris County, Segments E, F-1, F-2, G, H, I-1, and I-2B of the Grand Parkway, and the existing tolling points on Segment I-2A of the Grand Parkway, attached as Exhibit A, is accepted, replacing the current rate tables with the escalated toll rates on January 1, 2019.

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

(3) Travis and Williamson Counties - Consider the acceptance of the annual escalated toll rates for the Central Texas Turnpike System, as calculated on each toll escalation determination date (MO)

115361
TOD

Title 43, Texas Administrative Code §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in traffic and revenue reports; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

The Central Texas Turnpike System (CTTS) consists of the following elements: SH 130, which runs from I-35 North of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast; SH 45 North, which runs from west of US 183 to SH 130 / SH 45 North interchange; Loop 1, which runs from existing Loop 1 and Farm to Market 734 (Parmer Lane) to the Loop 1 / SH 45 North interchange; and SH 45 Southeast, which runs from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange.

Minute Order 113244, dated August 30, 2012, authorized the executive director to annually escalate toll rates on the CTTS in accordance with established indices and the toll escalation policy set forth in the minute order. The Texas Department of Transportation (department) has established a toll rate escalation percentage of 2.70% (toll rate escalation percentage) to be applied to the current base toll rates for each CTTS element and paypoint, generating the schedule of increased toll rates for calendar

year 2019 shown on Exhibit A. The toll rate escalation percentage and the escalated toll rate table shown in Exhibit A for each CTTS element have been prepared in accordance with the toll escalation policy established in Minute Order 113244. As provided in Minute Order 113244, the percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

In accordance with the CTTS Indenture of Trust, revenues received must be used to pay debt service, the costs of maintenance and operation, and other obligations incurred under the Indenture of Trust, and, after having made the deposits required under the Indenture of Trust, to repay the commission for amounts expended to pay maintenance and operating expenses, and then to purchase or redeem outstanding obligations, pay maintenance expenses, make payments to the construction fund, fund improvements, extensions and replacements of the CTTS, and for any other lawful purpose.

IT IS THEREFORE ORDERED by the commission that the schedule of escalated toll rates for each CTTS element, attached as Exhibit A, is accepted replacing the current rate tables with the escalated toll rates on January 1, 2019.

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

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

115362
TOD

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

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

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

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

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

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

IT IS THEREFORE ORDERED by the commission that the report of actual traffic and revenue attached as Exhibit A is accepted.

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

e. Transportation Planning

Various Counties - Consider the certification of eligible counties for the 2019 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

115363
TPP

Transportation Code, §222.053(a), defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Transportation Code, §222.053(c), directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement.

Transportation Code, §222.053(f), requires the commission to certify a county as economically disadvantaged on an annual basis as soon as possible after the Comptroller of Public Accounts (comptroller) provides reports on the economic indicators listed above.

Title 43 TAC §15.55(b)(2) provides that, in determining the adjustment to the local matching funds requirement, and the local government’s efforts and ability to meet the requirement, the commission will consider a local government’s: (A) population level; (B) bonded indebtedness; (C) tax base; (D) tax rate; (E) extent of in-kind resources available; and (F) economic development sales tax.

The comptroller has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for 2019. The counties’ efforts and ability to provide a local match have been considered using the criteria set forth in 43 TAC §15.55. Exhibit A lists the eligible counties and the respective recommended local match adjustments. Exhibit B establishes additional local match adjustments for cities within these counties participating in the program.

IT IS THEREFORE ORDERED by the commission that the list of counties eligible for the 2019 Economically Disadvantaged Counties Program is certified and the local match adjustment for each county is established, as shown in Exhibit A, as well as additional adjustments for cities participating in the program, as shown in Exhibit B.

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

f. Highway Designation

Nacogdoches County - In the City of Nacogdoches, consider redesignating SH 7 as BS 7-N, designating SH 7 as BS 7-N concurrent with BU 59-F, redesignating SH 21 as BS 21-P and designating SH 7 and SH 21 concurrent with US 59 and SL 224 (MO)

115364
TPP

The Lufkin District and the City of Nacogdoches have requested the designation and redesignation of SH 7 and SH 21, as follows:

1. Beginning on the west side of Nacogdoches, redesignate SH 7 as BS 7-N from the intersection of US 59/SL 224 northeastward to the intersection of BU 59-F, then concurrent with BU 59-F northeastward to the intersection of SH 21 and BU 59-F, then eastward to the intersection of SH 21 and SH 7, then northeastward to the intersection of SL 224, a distance of approximately 4.3 miles.

2. Beginning on the west side of Nacogdoches, designate SH 7 concurrent with US 59/SL 224 from the intersection of US 59/SL 224 and SH 7 southeastward to the intersection of US 59/SL 224 and BU 59-F, then concurrent with SL 224 from the intersection of US 59/SL 224 and BU 59-F northeastward to the intersection of SL 224 and SH 7, a distance of approximately 5.1 miles.

3. Beginning on the west side of Nacogdoches, redesignate SH 21 as BS 21-P from the intersection of US 59/SL 224 eastward to the intersection of SL 224, a distance of approximately 4.1 miles.

4. Beginning on the west side of Nacogdoches, designate SH 21 concurrent with US 59/SL 224 from the intersection of US 59/SL 224 and SH 21 southward and southeastward to the intersection of US 59/SL 224 and BU 59-F, then concurrent with SL 224 from the intersection of US 59/SL 224 and BU 59-F eastward and northeastward to the intersection of SL 224 and SH 21, a distance of approximately 6.2 miles.

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

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

IT IS THEREFORE ORDERED by the commission that:

1. SH 7 is redesignated as BS 7-N from the intersection of US 59/SL 224 northeastward to the intersection of BU 59-F, then concurrent with BU 59-F northeastward to the intersection of SH 21 and BU 59-F, then eastward to the intersection of SH 21 and SH 7, then northeastward to the intersection of SL 224, a distance of approximately 4.3 miles, as shown in Exhibit A.

2. SH 7 is designated concurrent with US 59/SL 224 from the intersection of US 59/SL 224 and SH 7 southeastward to the intersection of US 59/SL 224 and BU 59-F, then concurrent with SL 224 from the intersection of US 59/SL 224 and BU 59-F northeastward to the intersection of SL 224 and SH 7, a distance of approximately 5.1 miles, as shown in Exhibit A.

3. SH 21 is redesignated as BS 21-P from the intersection of US 59/SL 224 eastward to the intersection of SL 224, a distance of approximately 4.1 miles, as shown in Exhibit A.

4. SH 21 is designated concurrent with US 59/SL 224 from the intersection of US 59/SL 224 and SH 21 southward and southeastward to the intersection of US 59/SL 224 and BU 59-F, then concurrent with SL 224 from the intersection of US 59/SL 224 and BU 59-F eastward and northeastward to the intersection of SL 224 and SH 21, a distance of approximately 6.2 miles, as shown in Exhibit A.

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

g. Designation of Access Control

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

115365
DES

In MIDLAND COUNTY, on STATE HIGHWAY 349 (SH 349), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 2865, Pages 619 to 622 of the Deed Records of Midland County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Independence Resources Management, LLC, the current owner of the abutting property, has requested designated access to and from SH 349 for a proposed access at one location along the property line described in Exhibit A.

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

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

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

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

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

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

h. Speed Zones

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

115366
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.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limits on the segment of highway established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, are no longer necessary.

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 Exhibits C and D are canceled.

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

ITEM 8. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

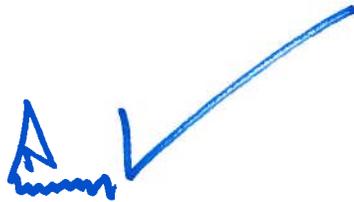
OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No

action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission received comments from private citizen and engineer Don Dixon.

Commissioner Ryan motioned adjournment and Commissioner Austin seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 9:59 a.m.

APPROVED by the Texas Transportation Commission on November 15, 2018:



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 October 25, 2018, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation