

These are the minutes of the regular meeting of the Texas Transportation Commission held on November 15, 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

Laura Ryan

Commissioner

Commissioner Jeff Austin, III, attended the meeting by video teleconference.

Commissioner Alvin New did not attend the meeting.

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 1:32 p.m. on November 7, 2018, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Becky King.

ITEM 2. Consider the approval of the Minutes of the October 24, 2018, workshop meeting and the October 25, 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 October 24, 2018, workshop meeting and the October 25, 2018, regular meeting by a vote of 3 - 0.

ITEM 3. Contracts

a. Grayson County - Consider concurring with the award of Oklahoma highway improvement project contract on US 377 at the Texas/Oklahoma border (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 3 - 0.

115367
CST

Pursuant to an agreement signed by the State of Texas and the State of Oklahoma on April 6, 2015 and September 10, 2015 respectively, the Oklahoma Department of Transportation solicited and received sealed competitive bid proposals on project US377 at Lake Texoma in Marshall County, Oklahoma and project BR 2018(434) in Grayson County, Texas, for replacement of bridge approach in Texas.

The Texas Transportation Commission, by the authority of the Governor, is statutorily authorized under Transportation Code §201.110, to contract with an adjoining State to provide for the improvement of a public road or highway that crosses the states' boundary and to establish respective responsibilities for the improvement.

Article 9 of the Agreement between the States, requires that the award of the contract by the Oklahoma Transportation Commission be subject to the concurrence of the Texas Transportation Commission.

The department has reviewed the results of the letting and recommends that the Texas Transportation Commission respectively concur in the award of the contract to the lowest bidder, as indicated on Exhibit A attached to this order.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that concurrence in the award of the contract described in Exhibit A be and is hereby respectively granted.

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

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

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

This item was presented by Construction Division Director Gina Gallegos. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 3 - 0.

115368
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 November 6 and 7, 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.

c. 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 3 - 0.

115369
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 November 6 and 7, 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.

d. Construction and Rehabilitation of Buildings (MO)

This item was presented by Project Development Branch Manager Warren Rose. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 3 - 0.

115370
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 November 6, 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. Transportation Planning

Various Counties and Districts - Consider rescinding Minute Order 105686 dated June 27, 1995, related to establishing an Urban Road classification system (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115371
TPP

Minute Order 105686, dated June 27, 1995, established a subdivision of the state highway system classified as the Urban Road (UR) system. The order provided that Farm to Market (FM) or Ranch to Market (RM) roadways within urbanized areas with populations of 50,000 or more were eligible for the UR designation and certain FM and RM roads were redesignated as Urban Roads.

The provisions of Minute Order 105686 were never implemented by the Texas Department of Transportation (department). The UR designation was not reflected in any roadway inventory database and no UR signs were erected. Neither the department nor the public adopted the UR designation into common usage. The only system which presently references the UR designation is the department's highway designation files website. Maintaining those UR designations causes confusion because the files reference the cancellation of FM and RM roadway designations which are still active.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the department recommends rescinding Minute Order 105686. The rescission will allow the department to update the highway designation files to ensure accuracy and consistency with current roadway inventory data and to prevent confusion as to the appropriate designation of certain roadways.

The Texas Transportation Commission (commission) finds that this action is necessary for the proper development and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that Minute Order 105686 is hereby rescinded.

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

ITEM 5. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Proposed Adoption

Chapter 2 - Environmental Review of Transportation Projects

Repeal of §§2.301 - 2.308 and New §§2.301-2.308 (Memorandum of Understanding with the Texas Commission on Environmental Quality) (MO)

This item was presented by Environmental Affairs Division Director Carlos Swonke. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 3 - 0.

115372
ENV

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§2.301-2.308 relating to Memorandum of Understanding with the Texas Commission on Environmental Quality and new §§2.301-2.308 relating to Memorandum of Understanding with the Texas Commission on Environmental Quality to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§2.301-2.308 and new §§2.301-2.308 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

b. Final Adoption

Chapter 15 - Financing and Construction of Transportation Projects
Amendments to §15.182, Eligibility, §15.188, Application Procedure, and
§15.192, Payment of Money (County Transportation Infrastructure Fund Grant
Program) (MO)

This item was presented by Local Government Projects Director David Millikan. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115373
TPD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§15.182, 15.188, and 15.192 relating to County Transportation Infrastructure Fund Grant Program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§15.182, 15.188, and 15.192 are adopted and are authorized for filing with the Office of Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

ITEM 6. Toll Projects

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

This item was presented by Toll Operations Division Director Rick Nelson. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115374
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 December 17, 2018.

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

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

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

ITEM 7. Eminent Domain Proceedings

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

This item was presented by Right of Way Division Director Gus Cannon. Commissioner Ryan 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 Austin and the following minute order was approved by Chairman Bugg, Commissioner Austin, and Commissioner Ryan (a vote of 3 - 0).

115375
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 - B. 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 - 27, 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>
Liberty	SH 99	B	3510-09-003	1169
Nueces	US 181	A	0101-06-109	229

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	8	0188-03-020	201
Brazoria	SH 36	18	0188-04-041	7
Brazoria	SH 36	19	0188-04-041	40
Fort Bend	FM 2218	10	2093-01-028	36
Harris	FM 1960	23	1685-01-105	13
Harris	FM 1960	14	1685-03-101	209
Harris	FM 1960	25	1685-03-101	214
Harris	FM 1960	16	1685-03-101	218
Harris	FM 1960	24	1685-03-101	221
Harris	FM 1960	27	1685-03-101	225
Harris	FM 1960	15	1685-03-101	227
Harris	FM 1960	17	1685-03-101	232

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	FM 1960	20	1685-03-101	248
Harris	FM 1960	21	1685-03-101	267
Hunt	SH 276	26	1290-07-002	1,1E
Hunt	SH 276	6	1290-07-002	7
Hunt	SH 276	12	1290-07-002	28,28TE
Hunt	SH 276	7	1290-07-002	30
Liberty	US 59	13	0177-03-100	12
Liberty	US 59	9	0177-03-100	16
Lubbock	FM 1585	3	1502-01-036	216
Lubbock	FM 1585	2	1502-01-036	220
Lubbock	FM 1585	4	1502-01-036	221
Lubbock	FM 1585	1	1502-01-037	284
Montgomery	FM 1488	11	0523-08-010	40
Montgomery	FM 1488	22	0523-08-010	50
Titus	US 271	5	0221-05-094	1

Note: Exhibits A - B and 1 - 27 are on file with the commission chief clerk.

ITEM 8. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Director Bass requested Item 8.b.(7), Williamson County, be deferred to a later commission meeting. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute orders by a vote of 3 - 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)

115376
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 executive director has determined that the donations identified in the attached Exhibit complies 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 Exhibit A.

Donations to the Department - Donor and Donation Description:

2018 Vista Parke Austin LLC - Design and construction of three right turn deceleration lanes, each approximately 450 linear feet and a 1700 linear foot bike lane on North RM 620 Rd in Austin.

720 Airport Partners, LLC - Design and construction of a northbound left turn lane at the intersection of Airport Boulevard and Levander Loop including traffic signal modifications to accommodate the northbound left turn lane in Austin.

AGC of Texas Highway, Heavy Utilities & Industrial Branch - Travel lodging expenses for 10 TxDOT employees to attend and participate as speakers at the Associated General Contractors (AGC) Administrative Conference held in San Antonio, Texas on July 26-28, 2018.

BAM Houston Real Estate Investment, L.P. - Funds sufficient to cover the State's costs associated with preliminary engineering, construction engineering, construction, right-

of-way acquisition, and all other costs directly related to revising the location of a planned future thoroughfare crossing within Parcel 150. This work will be performed under the existing construction contract for the SH 249 extension from Pinehurst in Harris County to SH 105 in Grimes County.

Charter School Solutions - Design and construction for a right turn lane for northbound Eldridge Road (FM 1876) into the Harmony School development in Sugar Land.

HDC Venado Crossing LLC - Design and construction for widening of the existing shoulder and restriping of the roadway to provide for a left turn lane for a new subdivision entrance on FM 78 west of Deer Meadow in Cibolo.

HF Management Development Company, LLC - Design and construction of a traffic signal, a left turn lane, a right turn lane, and a continuous left turn lane from eastbound and westbound FM 830 into the donor's development in Conroe.

Hopper Communities Inc. - Design and construction of a northbound right turn lane on US 183 in Williamson County.

KB HOME Lone Star Inc. - Design and construction of a right turn lane for a new subdivision entrance on SH 46 in New Braunfels.

Keep Brazos Beautiful, Inc. - 130 pounds of wildflower seeds. The seeds will be planted by TxDOT crews in the state right of way at various locations in College Station.

OSR Hwy 6 Stop, LLC - Design and construction of turning lane improvements on State Highway 6 including design and construction of a northbound turn lane and southbound U-turn lane in Robertson County.

SLF III -- Onion Creek, L.P. - Design and construction of a right turn deceleration lane for Avenida Mercado Street which tie into the IH 35 frontage road in Travis County.

The Menninger Clinic - Design and construction of a right turn deceleration lane from eastbound US 90A frontage road into the Menninger Clinic development in Houston.

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

b. Real Estate Dispositions

(1) Austin County - US 90 and Cindy Lane in Sealy - Consider the sale of right of way to the abutting landowner (MO)

115377
ROW

In Sealy, Austin County, on US 90, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 111, Page 400, and Volume 113, Page 16, Deed Records of Austin County, Texas.

A portion of the land, RCSJ 0271-08-017 Tract 1 (Tract), 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 sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Tricia L. Sowa, Independent Executor of the Estate of Cecilia A. Luedecke, Deceased, is the abutting landowner and has requested to purchase the Tract for \$3,000.

The commission finds \$3,000 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 Tricia L. Sowa, Independent Executor of the Estate of Cecilia A. Luedecke, Deceased, for \$3,000; 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 land.

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

(2) Bexar County - I-10 at Woodlake Parkway - Consider the release of a channel easement (MO)

115378
ROW

In San Antonio, Bexar County, on Interstate Highway 10, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instruments recorded in Volume 3993, Page 596 Deed Records of Bexar County, Texas.

A portion of the easement, RCSJ 0025-02-221 Tract 1 (Tract), shown on 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 sale of any interest in real property acquired and no longer needed for a state highway purpose.

MFP Foster Ranch LP, Texas limited partnership, is the owner of the fee in the property and has requested to purchase the Tract for \$12,000.

The commission finds \$12,000 to be a fair and reasonable value for the state's right 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 of the attorney general, that the governor of Texas execute a proper instrument releasing the state's right and interest in the Tract to MFP Foster Ranch LP, for \$12,000.

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

(3) Caldwell County - SH 130, east side, south of SH 21 near Mendoza - Consider the release of a drainage easement (MO)

115379
ROW

Near Mendoza, Caldwell County, on State Highway 130, the state of Texas acquired an easement interest in certain land for highway drainage purposes by instruments recorded in Volume 544, Page 664, Deed Records of Caldwell County, Texas.

A portion of the easement, RCSJ 3583-01-010 Tract 1 (Tract), shown on 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 sale of any interest in real property acquired and no longer needed for a state highway purpose.

Lyndell Ehrlich is the owner of the fee in the property and has requested to purchase the Tract for \$8,265.

The commission finds \$8,265 to be a fair and reasonable value for the state's right 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 of the attorney general, that the governor of Texas execute a proper instrument releasing the state's right and interest in the Tract to Lyndell Ehrlich for \$8,265.

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

(4) Midland County - Loop 250 - Consider a quitclaim to correct an error in a conveyance to the state (MO)

115380
ROW

In the city of Midland, MIDLAND COUNTY, on LOOP 250, the State of Texas acquired certain land from John E. Riggs and Judith P. Riggs, by instrument recorded in Volume 651, Page 264, Deed Records of Midland County, Texas.

The land (Parcels 91 through 98, RCSJ 1188-1-8) described in Exhibit A (the "Property"), was conveyed to the state using the state's standard deed form D-15-14 but with the erroneous inclusion of the signature page of the state's standard easement form D-15-31. This resulted in the fee conveyance instrument erroneously failing to reserve to the Riggs, as was clearly intended, the oil, gas and sulphur beneath the property conveyed to the state.

In accordance with V.T.C.A., Transportation Code Section 202.028, the Texas Transportation Commission (commission) may recommend to the governor the execution and delivery of a quitclaim deed, correction deed or other conveyance instrument necessary to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way and which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose.

The heirs of John E. Riggs & Judith P. Riggs, deceased, have requested the state convey any interest to the oil, gas and sulphur beneath the Property the state may currently hold.

IT IS THEREFORE ORDERED by the commission that Parcels 91 through 98 were acquired with a fee conveyance that erroneously failed to reserve to John E. Riggs & Judith P. Riggs the oil, gas and sulphur beneath the property.

FURTHER, IT IS THEREFORE ORDERED by the commission that, subject to approval by the attorney general, the Governor of Texas execute a quitclaim deed or other instrument to the heirs of John E. Riggs & Judith P. Riggs, to correct the error and the ambiguity in the instrument that conveyed the oil, gas and sulphur beneath the Property to the state, provided that the conveyance of such oil, gas and sulphur shall be made without providing their owner(s) any right of ingress or egress to or from the surface of the Property to explore, develop, drill, or mine the Property.

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

(5) Randall County - I-27 west side north of McCormick Road - Consider the sale of right of way to abutting landowner (MO)

115381
ROW

Near Canyon, Randall County, on Interstate Highway 27, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 6, Page 98, Deed Records of Randall County, Texas.

A portion of the land, RCSJ 0168-09-176 Tract 1 (Tract), 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 sale to abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Ferguson Real Estate, LLC is the abutting landowner and has requested to purchase the Tract for \$80,000.

The commission finds \$80,000 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 Ferguson Real Estate, LLC for \$80,000; 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 land.

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

(6) Wichita County - Loop 473 at 3000 Jacksboro Highway in Wichita Falls - Consider the sale of right of way to the abutting landowner (MO)

115382
ROW

In Wichita Falls, Wichita County, on State Loop 473, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 2, Page 103, Deed Records of Wichita County, Texas.

A portion of the land, RCSJ 0249-11-013 Tract 1 (Tract), 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 sale to

abutting landowners of any interest in real property acquired and no longer needed for a state highway purpose.

Victoria A. Dutton and Mary C. Hill, individually and as trustees of The Miriam S. Cohen Trust created pursuant to the Last Will and Testament of Thomas E. Hill, Jr., are the abutting landowners and have requested to purchase the Tract for \$550.

The commission finds \$550 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 Victoria A. Dutton and Mary C. Hill, individually and as trustees of The Miriam S. Cohen Trust created pursuant to the Last Will and Testament of Thomas E. Hill, Jr; 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 land.

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

(7) Williamson County - SH 183A at Avery Ranch Boulevard NEQ in Austin - Consider the sale of right of way to the successful bidder (MO)

This item was deferred and not considered for vote by the commission.

c. Reports

Compliance Division report

Note: Confidential report to commission.

d. Designation of Access Control

Johnson County - US 67, in the City of Cleburne - Consider the designation of one location on the US 67 eastbound frontage road at which access will be permitted to the abutting property (MO)

115383
DES

In JOHNSON COUNTY, on US 67 eastbound frontage road, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 1550, Pages 689 to 695; Book 3377, Pages 931 to 939; and Book 3438, Pages 279 to 290 of the Deed Records of Johnson County, Texas, with denial of access to the abutting remainder property as described in the instruments.

Cleburne Station Investments, LP, the current owner of the abutting property, has requested designated access to and from US 67 eastbound frontage road 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 US 67 eastbound frontage road.

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.

e. Speed Zones

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

115384
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 Exhibits C are canceled.

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

ITEM 9. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

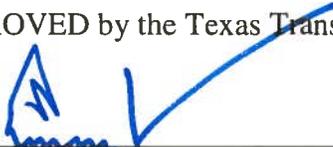
The commission did not meet in executive session.

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

The commission received comments from Adam Greenfield, Vice Chairman of the City of Austin's Pedestrian Advisory Council; John Laycock, a safe streets advocate; and Jay Crossley, Executive Director of Farm and City, and Chairman of the City of Austin's Pedestrian Advisory Council. Mr. Greenfield and Mr. Laycock read the names of 79 pedestrian victims of traffic accidents. Mr. Crossley invited the commission to the World Day of Remembrance 2018 walk to be held November 18, 2018, at Austin City Hall Plaza and walking to the south steps of the Texas Capitol.

Commissioner Ryan motioned adjournment and Commissioner Austin seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 9:51 a.m.

APPROVED by the Texas Transportation Commission on December 13, 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 November 15, 2018, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation