

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 13, 2018, in Austin, Texas. The meeting was called to order at 9:01 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 10:48 a.m. on December 5, 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 November 15, 2018, regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the November 15, 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. Highway Improvements and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Gina Gallegos. 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.

115386
 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 December 5 and 6, 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. Routine Maintenance (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 4 - 0.

115387
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 December 5 and 6, 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.

115388
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 December 4, 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. The commission also heard remarks from Michael Ross, Assistant City Manager, City of Granbury. 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.

115389
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds, federal apportionment grant funds, and state grant funds for the improvements.

On November 16, 2018, and December 3, 2018, public hearings were 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 Exhibit A.

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

ITEM 5. Public Transportation

a. Various Counties - Consider the award of federal §5339 and §5311 funds to various rural transit districts for fleet replacement (MO)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

115390
PTN

The Texas Transportation Commission (commission) desires to award \$20,093,210 of Federal Transit Administration (FTA) grant program funds for the purposes of fleet replacement to the selected rural transit providers listed in Exhibit A. The commission further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that grant funds are distributed fairly and equitably within the state.

The department submitted a project application and was awarded \$7,000,000 in federal funds through the United States Department of Transportation's (USDOT) competitive Bus and Bus Facilities Infrastructure Investment Program (49 U.S.C. §5339). Additional funds necessary for the project include funds flexed from the Surface Transportation Block Grant Program to the Formula Grants for Rural Areas program (49 U.S.C. §5311) in the amount of \$12,216,259 and funds from the Formula Grants for Rural Areas program (49 U.S.C. §5311) in the amount of \$876,951.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards identified in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

b. Various Counties - Consider the award of federal §5311(b)(3) Rural Transit Assistance Program funds to Southwest Area Regional Transit District (MO)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

115391
PTN

The Texas Transportation Commission (commission) desires to award \$3,000 in Federal §5311(b)(3) Rural Transportation Assistance Program (RTAP) funds to Southwest Area Regional Transit District (SWART) to host the 2019 Southwest Regional Rodeo.

Title 43, TAC, §31.37 establishes the process by which eligible proposals are selected to receive RTAP funds for training and technical assistance needs.

Transportation Code, Chapter 455, assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456, authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the directors designee is directed to proceed with the award as described, and enter into the necessary contract in accordance with the priorities established in this minute order.

ITEM 6. Design-Build Contract

Travis County - Consider authorizing the department to issue a request for proposals to develop, design, and construct the Oak Hill Parkway Project, consisting of non-tolled improvements along US 290 from approximately the east end of Circle Drive to Loop 1, and non-tolled improvements along SH 71 from US 290 to Silvermine Drive, including the reconstruction of the US 290 and SH 71 interchange, and the addition of frontage roads and grade separations at major intersections, in Austin and southwest Travis County; and consider approving stipulated amounts as payment for the work product of unsuccessful proposers (MO) (Presentation)

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

115392
PFD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project. Transportation Code, § 223.242 authorizes the department to enter into, in each fiscal year, up to three design-build contracts for highway projects with estimated construction costs of \$150 million or more.

On September 27, 2018, by Minute Order 115335, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential maintenance of the Oak Hill Parkway Project (Project) in Travis County. The Project consists of non-tolled improvements along US 290 from approximately the east end of Circle Drive to Loop 1, and non-tolled improvements along SH 71 from US 290 to Silvermine Drive, which improvements include the addition of frontage roads and grade separations at major intersections. As part of the Project, the US 290 and SH 71 interchange will be reconstructed with the US 290 mainlanes going underneath SH 71, and with direct connectors at the intersection. The Project will improve the existing four-lane divided roadway with signalized intersections along US 290 to a six-lane controlled access facility with grade separations and frontage roads. Additionally, the existing controlled access portion from Loop 1 to near Joe Tanner Lane will have minor widening for operational improvements near entrance and exit ramps.

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

Transportation Code § 223.246 and 43 TAC § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. The department intends to issue an RFP for the Project and to request detailed proposals from the short-listed teams to develop, design and construct the Project.

Transportation Code § 223.249(a) and 43 TAC § 9.153(f) require the department to pay an unsuccessful private entity that submits a detailed proposal that is responsive to the requirements of the RFP a stipulated amount in exchange for the work product contained in the proposal. The stipend must be a minimum of twenty-five hundredths of one percent of the contract amount, the stipulated amount must be stated in the RFP, and it may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions. Payment for this work product would allow the department to use the work product for the benefit of the Project or other department projects without further payment to the unsuccessful proposer(s). Transportation Code § 223.249(b) and 43 TAC § 9.153(f) require the department to pay a partial stipend in the event that a procurement is terminated before the execution of a design-build contract.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue an RFP to develop, design and construct the Oak Hill Parkway Project in Travis County.

IT IS FURTHER ORDERED that, after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer that submits a responsive, but unsuccessful, proposal for the Project an amount based upon the value of the work product provided in the proposal that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the design-build contract.

IT IS FURTHER ORDERED that in the event the procurement is terminated prior to the execution of the design-build contract, and after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer a partial stipend based upon the value of the work product that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$584,000.

IT IS FURTHER ORDERED that payment for work product may only be paid to the extent that the work product submitted meets the minimum criteria and the proposer satisfies the conditions for payment identified by the department in the Project procurement documents.

ITEM 7. Financial Assistance for Projects

Pursuant to Minute Order 114960, approved by the Texas Transportation Commission on June 29, 2017, and a Design-Build Agreement executed October 3, 2017, and in consideration of the contractor's reliance on the contract and continuous progress on the Texas Department of Transportation's project to extend SH 249 from FM 1774 in Pinehurst, Texas in Montgomery County to FM 1774 in Todd Mission, Texas in Grimes

County (Segment 1), and from FM 1774 in Todd Mission, Texas to SH 105 near Navasota, Texas in Grimes County (Segment 2), consider approving a Master Trust Agreement and Supplemental Agreements authorizing the issuance of one or more series of SH 249 System Toll Revenue Bonds to finance a portion of the cost of Segment 1 of the project, including design, right-of-way, construction, and financing costs, approving the documents relating to such bonds and designating department officials to take all actions necessary to deliver the bonds; and consider adopting investment strategies for funds to be held under the trust indenture for the bonds; and consider establishing initial toll rates and approving a toll rate escalation policy for the SH 249 System, which will be comprised of Segment 1 of the project (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. The commission also heard remarks from engineer and private citizen Don Dixon. 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.

115393
PFD

Planning and development of the extension of State Highway 249 (SH 249) in Harris, Montgomery and Grimes Counties (counties) has been underway since 2012. The Texas Department of Transportation (department) and the three counties in which the extension of SH 249 will be located have been proceeding regarding the development of SH 249 facilities and improvements to be operated and maintained by the various counties and the department on both a tolled and non-tolled basis.

Pursuant to Minute Order 114204, dated February 25, 2015, the department and Montgomery County Toll Road Authority (Montgomery County) entered into a toll project agreement (SH 249 agreement) authorized under Transportation Code §373.006 that identifies the responsibilities of each party for toll project-related activities and provides an alternative to the primacy determination process under Subchapter B of Chapter 373, Transportation Code. The SH 249 agreement provides for the department to finance, design, construct, operate and maintain the approximately 15-mile Segment 1 of the SH 249 extension, which is anticipated to be a new four-lane divided highway between FM 1774 in Pinehurst in Montgomery County and FM 1774 in Grimes County near Todd Mission, with an all-electronic, open road toll facility with a closed ramp system of toll collection and with intermittent two-lane, non-tolled, one-way frontage roads in each direction (SH 249 System).

By Minute Order 114959, dated June 29, 2017, the Texas Transportation Commission (commission) designated the SH 249 System as a toll facility on the state highway system. Segment 2 of the SH 249 extension will be a non-tolled two-lane to four-lane divided highway between FM 1774 in Pinehurst and SH 105 near Navasota in Grimes County.

Title 43, Texas Administrative Code, §27.82(d) provides that the 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 a traffic and revenue report; (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 department desires to establish initial toll rates and a toll rate escalation policy for the SH 249 System at each tolling point as set forth in Exhibits A and B, respectively.

The department has entered into a design-build agreement with WBCCI, LLC, as authorized by the commission by Minute Order 114960, dated June 29, 2017, for the construction of both the SH 249 System (Segment 1) as well as Segment 2, extending from FM 1774 in Pinehurst in Montgomery County to SH 105 near Navasota in Grimes County.

The commission finds it to be in the best interest of the state to issue toll revenue obligations (obligations) pursuant to Subchapter C, Chapter 228, Transportation Code and Chapter 1371, Government Code to finance a portion of the costs of Segment 1, comprising the SH 249 System, and, potentially, other future improvements to the SH 249 System, and to secure SH 249 System obligations issued for the SH 249 System by entering into the master trust agreement and the first supplemental agreement, both in substantially the form provided to the commission, with such changes approved by the chief financial officer of the department or the director of the project finance, debt and strategic contracts division (each of whom is a "department representative" for purposes of this minute order) acting on behalf of the commission with such approval to be conclusively evidenced by execution of such agreements.

The obligations will be secured by the revenues from the operation of the tolled facilities of the SH 249 System and the master trust agreement will provide for the use of lawfully available funds of the commission to pay operating and maintenance expenses to the extent the SH 249 System revenues are insufficient or unavailable and to pay major maintenance expenditures and capital costs to the extent set forth in each budget for the SH 249 System.

Pursuant to the master trust agreement, the commission, subject to appropriation of lawfully available funds, authorizes payment of the costs of Segment 1, including costs of right-of-way, to the extent proceeds of the initial obligations and other available funds are insufficient.

Funds from sources commonly known as Proposition 1 and Proposition 7 are not lawfully available to secure and pay the obligations or to pay the costs of constructing, operating or maintaining the SH 249 System.

In addition, Montgomery County will make a cash contribution for additional improvements to Segment 1.

The master trust agreement, together with the first supplemental agreement, prescribes the terms, provisions, and covenants related to the obligations to finance a portion of Segment 1.

Government Code §1231.041 provides that a state agency may not issue a state security unless the issuance is approved by the Texas Bond Review Board (board) or exempted under law, including by board rule, from review by the board.

Under the first supplemental agreement, a department representative, acting on behalf of the commission, is authorized to determine the method of sale for each series of obligations as well as the price, lien status and other terms of each series as prescribed in each award certificate.

The commission understands that the underwriters in connection with the issuance of one or more series of obligations pursuant to the first supplemental agreement intend to distribute a preliminary official statement (POS) and final official statement (Official Statement) in substantially the form provided to the commission with such changes as approved by a department representative, on behalf of the commission, in connection with the public offering and sale of one or more series of such obligations.

Under the first supplemental agreement, a department representative is authorized to price one or more series of the obligations with various interest rate and other structures including capital appreciation bonds, variable rate bonds, put bonds, index bonds and others, which may require the use of liquidity provider(s), tender agents, remarketing agents and other entities performing various functions in connection with any such interest rate structures.

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the 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.

Pursuant to Minute Order 115317 adopted by the commission on August 30, 2018, the commission's investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller were approved in accordance with Government Code §2256.005(e) and Section 20.0 of the investment policy.

The commission understands that any funds held for the SH 249 System must be invested in accordance with the investment policy and investment strategies.

IT IS THEREFORE ORDERED by the commission that the chairman of the commission and the executive director of the department are authorized and directed to execute and deliver each series of the obligations and such other documents and certificates to carry out the intent of this order and a department representative, on behalf of the commission, is authorized and directed to execute and deliver the master trust agreement, the first supplemental agreement, each bond purchase agreement, as applicable, continuing covenant agreement, as applicable, paying agent agreement, trust and security agreement, if necessary, for the deposit of Montgomery County funds, award certificates and similar agreements necessary for any series of the obligations (collectively, program documents), in the forms approved by a department representative with such changes as a department representative, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of the program documents.

IT IS FURTHER ORDERED that the commission agrees, subject to appropriation of lawfully available funds, to pay (i) the costs of Segment 1, including all necessary right-of way to the extent proceeds of the initial obligations and other available funds are insufficient and (ii) all operating and maintenance expenses to the extent SH 249 System revenues are insufficient or unavailable for such purposes as well as major maintenance and capital expenditures.

IT IS FURTHER ORDERED by the commission that a department representative, on behalf of the commission, is authorized and directed to execute and deliver any remarketing agreement, liquidity agreement, tender agent agreement and other agreements necessary for any variable rate obligations (collectively, variable rate documents), and the variable rate documents and similar agreements in connection with any variable rate bonds are authorized in such form approved by a department representative executing the same may approve, such approval to be conclusively evidenced by execution of the variable rate documents.

IT IS FURTHER ORDERED by the commission that any necessary ancillary documents in connection with the issuance of each series of the obligations, the program documents, and the variable rate documents, if any, are hereby approved, and a department representative, on behalf of the commission, is authorized and directed to execute and deliver such documents.

IT IS FURTHER ORDERED by the commission that each POS and Official Statement is approved for distribution in substantially the forms provided to the commission with such changes as a department representative, on behalf of the commission, executing the same may approve, such approval to be conclusively evidenced by execution of such POS and Official Statement, and a department representative, on behalf of the commission, is authorized to deem any POS and Official Statement final for purposes of Rule 15c2-12 of the Securities and Exchange Commission (rule) with such omissions as permitted by the rule.

IT IS FURTHER ORDERED by the commission that a department representative, on behalf of the commission, is authorized and directed to file with the board an application for approval or exemption, as applicable, in connection with the issuance of each series of obligations.

IT IS FURTHER ORDERED by the commission that each member of the commission, each department representative, and the executive director and general counsel of the department are authorized and directed to perform all such acts and execute such documents and notices, including execution of certifications to any underwriters or purchasers, the Attorney General, the Comptroller of Public Accounts, the board and other parties, as may be necessary to carry out the intent of this order and other orders of the commission relating to the SH 249 System, the program documents and the variable rate documents.

IT IS FURTHER ORDERED by the commission that the department is authorized to charge tolls on Segment 1 based on a fixed pricing schedule, in the amounts stated in Exhibit A, beginning in Summer 2021, or at such time thereafter when all toll systems have been tested and are functioning.

IT IS FURTHER ORDERED that the executive director is authorized to annually escalate toll rates on Segment 1 in accordance with established indices and the toll rate escalation policy as shown in Exhibits A and B.

IT IS FURTHER ORDERED by the commission that the investment strategy for the SH 249 System attached hereto as Exhibit C is hereby approved and authorized to be included as part of the commission's investment policy.

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

ITEM 8. State Infrastructure Bank

Eastland County - City of Rising Star - Consider final approval of a request from the City of Rising Star (city) for a State Infrastructure Bank loan in the amount of up to \$252,388 to pay the city's contribution to the department for funding participation in the costs of acquiring right of way and relocating or adjusting utilities necessary for a non-tolled state highway improvement project on US 183 within the city limits of the City of Rising Star in Eastland County, Texas (MO)

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

115394
PFD

The City of Rising Star (city) has submitted an application for financial assistance in the form of a loan of up to \$252,388 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the city of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The city intends to use the financial assistance to pay the city's contribution to the department for funding participation in the costs of acquiring right of way and relocating or adjusting utilities necessary for a state highway improvement project on US 183 within the city limits (project).

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

The city has proposed a pledge of utility revenues as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB.

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

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the

necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the city's application for financial assistance from the SIB.

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

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in a Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the city is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the city for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the city's application for a SIB loan in an amount not to exceed \$252,388 to pay the city's contribution to the department for funding participation in the costs of acquiring right of way and relocating or adjusting utilities costs associated with utility relocation necessary for the project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the city which complies with the SIB Rules and which contains the following terms:

1. The loan will be repaid over a period of no more than 16 years at 4.13 percent interest per annum.
2. The city will pledge utility revenues as security for repayment of the loan.
3. The loan must be fully disbursed within three years of the date of this minute order.
4. As a requirement for closing the loan and for disbursement of SIB funds, the city shall provide a certificate warranting that the proposed security is eligible to be used to repay the loan and that the financial assistance will not violate any of the borrowing or bond commitments the city has in place.
5. Repayment of the loan may be deferred up to the third anniversary of the date of the initial disbursement of the loan.

ITEM 9. 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 Austin and the following minute order was approved by Chairman Bugg, Commissioner Austin, Commissioner Ryan, and Commissioner New (a vote of 4 - 0).

115395
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 - O. 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 - 156, 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>
Angelina	US 59	N	0176-03-116	3C
Dallas	IH 635	C	2374-02-115	70
Grimes	SH 249	H	3635-02-003	336A
Grimes	SH 249	I	3635-02-003	336B
Grimes	SH 249	J	3635-02-003	336C
Grimes	SH 249	K	3635-02-003	337A
Grimes	SH 249	L	3635-02-003	337B
Grimes	SH 249	M	3635-02-003	337C
Harris	IH 610	E	0271-14-225	329X
Liberty	SH 99	B	3510-09-003	1166
Liberty	SH 99	O	3510-09-004	1219
Lubbock	FM 1585	D	1502-01-035	243
Lubbock	FM 1585	A	1502-01-037	349
Montgomery	SH 99	F	3510-07-008	805
Nueces	US 181	G	0101-06-109	305,305AC

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Anderson	US 175	98	0198-03-031	55
Brazoria	SH 36	102	0188-03-020	114
Brazoria	SH 36	103	0188-03-020	126
Brazoria	SH 36	126	0188-04-041	20
Camp	SL 255	32	3403-01-002	12
Denton	US 380	104	0135-10-059	1
Denton	US 380	59	0135-10-059	2
Denton	US 380	106	0135-10-059	3

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	US 380	60	0135-10-059	4
Denton	US 380	61	0135-10-059	5
Denton	US 380	105	0135-10-059	6
Denton	US 380	62	0135-10-059	8
Denton	US 380	107	0135-10-059	11
Denton	US 380	18	0135-10-059	12
Denton	US 380	110	0135-10-059	13
Denton	US 380	108	0135-10-059	14
Denton	US 380	111	0135-10-059	15
Denton	US 380	112	0135-10-059	16
Denton	US 380	13	0135-10-059	17
Denton	US 380	109	0135-10-059	18
Denton	US 380	113	0135-10-059	19
Denton	US 380	147	0135-10-059	20
Denton	US 380	15	0135-10-059	21
Denton	US 380	114	0135-10-059	23
Denton	US 380	115	0135-10-059	24
Denton	US 380	116	0135-10-059	25
Denton	US 380	117	0135-10-059	26
Denton	US 380	118	0135-10-059	28
Denton	US 380	119	0135-10-059	29
Denton	US 380	120	0135-10-059	30
Denton	US 380	33	0135-10-059	33
Denton	US 380	56	0135-10-059	34
Denton	US 380	34	0135-10-059	35
Denton	US 380	35	0135-10-059	36
Denton	US 380	123	0135-10-059	37
Denton	US 380	36	0135-10-059	39
Denton	US 380	148	0135-10-059	40
Denton	US 380	20	0135-10-059	41
Denton	US 380	37	0135-10-059	42
Denton	US 380	48	0135-10-059	43
Denton	US 380	14	0135-10-059	44
Denton	US 380	64	0135-10-059	45
Denton	US 380	21	0135-10-059	46
Denton	US 380	22	0135-10-059	47

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	US 380	23	0135-10-059	48
Denton	US 380	72	0135-10-059	49
Denton	US 380	73	0135-10-059	50
Denton	US 380	74	0135-10-059	51
Denton	US 380	78	0135-10-059	52
Denton	US 380	82	0135-10-059	53
Denton	US 380	16	0135-10-059	54
Denton	US 380	83	0135-10-059	55
Denton	US 380	84	0135-10-059	56
Denton	US 380	87	0135-10-059	57
Denton	US 380	88	0135-10-059	58
Denton	US 380	89	0135-10-059	59
Denton	US 380	49	0135-10-059	60
Denton	US 380	50	0135-10-059	61
Denton	US 380	122	0135-10-059	62
Denton	US 380	101	0135-10-059	63
Denton	US 380	90	0135-10-059	64
Denton	US 380	91	0135-10-059	65
Denton	US 380	92	0135-10-059	66
Denton	US 380	52	0135-10-059	67
Denton	US 380	47	0135-10-059	68
Denton	US 380	46	0135-10-059	70
Denton	US 380	17	0135-10-059	71
Denton	US 380	77	0135-10-059	72
Denton	US 380	75	0135-10-059	73
Denton	US 380	76	0135-10-059	74
Denton	US 380	44	0135-10-059	75
Denton	US 380	53	0135-10-059	76
Denton	US 380	149	0135-10-059	79
Denton	US 380	19	0135-10-059	80
Denton	US 380	54	0135-10-059	81
Denton	US 380	150	0135-10-059	84,84E
Denton	US 380	57	0135-10-059	86
Denton	US 380	55	0135-10-059	87
Denton	US 380	121	0135-10-059	88
Denton	US 380	71	0135-10-059	89

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	US 380	45	0135-10-059	94
Denton	US 380	38	0135-10-059	96
Denton	US 380	39	0135-10-059	97
Denton	US 380	40	0135-10-059	98
Denton	US 380	43	0135-10-059	99
Denton	US 377	24	0135-10-060	2
Denton	US 377	25	0135-10-060	3
Denton	US 377	26	0135-10-060	4
Denton	US 377	27	0135-10-060	5
Denton	US 377	70	0135-10-060	7
Denton	US 377	79	0135-10-060	10
Denton	US 377	58	0135-10-060	12
Denton	US 377	80	0135-10-060	13
Denton	US 377	81	0135-10-060	14
Denton	US 377	67	0135-10-060	15
Denton	US 377	68	0135-10-060	16
Denton	US 377	28	0135-10-060	17
Denton	US 377	29	0135-10-060	18
Denton	US 377	51	0135-10-060	19
Denton	US 377	41	0135-10-060	20
Denton	US 377	42	0135-10-060	21
Denton	US 377	69	0135-10-060	22
Denton	US 377	30	0135-10-060	23
Denton	US 377	31	0135-10-060	24
Fort Bend	SH 36	138	0188-02-038	108,108E
Fort Bend	SH 36	139	0188-02-038	109
Fort Bend	FM 2218	135	2093-01-028	22
Fort Bend	FM 2218	134	2093-01-028	25
Fort Bend	FM 2218	10	2093-01-028	29
Fort Bend	FM 2218	127	2093-01-028	33
Fort Bend	FM 2218	95	2093-01-028	54
Fort Bend	FM 2218	124	2093-01-028	56
Fort Bend	FM 2218	143	2093-01-028	70
Fort Bend	FM 2218	131	2093-01-028	81
Gonzales	FM 108	144	0715-01-023	1
Gonzales	FM 108	145	0715-01-023	2

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	FM 1960	140	1685-03-097	109
Harris	FM 1960	142	1685-03-097	112
Harris	FM 1960	136	1685-03-097	119
Harris	FM 1960	125	1685-03-097	130
Harris	FM 1960	141	1685-03-097	134
Harris	FM 1960	66	1685-03-097	178
Harris	FM 1960	65	1685-03-101	210
Harris	FM 1960	94	1685-03-101	212
Harris	FM 1960	96	1685-03-101	217
Harris	FM 1960	132	1685-03-101	219
Harris	FM 1960	146	1685-03-101	231
Harris	FM 1960	97	1685-03-101	234
Harris	FM 1960	99	1685-03-101	243
Harris	FM 1960	93	1685-03-101	247
Harris	FM 1960	133	1685-03-101	251
Hidalgo	FM 494	137	0864-01-073	15
Hidalgo	FM 1926	151	1804-01-073	6
Hidalgo	FM 1926	152	1804-01-075	3
Hidalgo	FM 1926	153	1804-01-075	4
Hidalgo	FM 1926	154	1804-01-075	5
Hidalgo	FM 1926	155	1804-01-076	1
Hidalgo	FM 1926	156	1804-01-076	2
Hunt	SH 276	128	1290-07-002	21
Hunt	SH 276	129	1290-07-002	27
Hunt	SH 276	63	1290-07-002	29,29TE
Johnson	US 377	4	0080-12-002	7TE
Johnson	US 377	3	0080-12-002	8TE
Lubbock	FM 1585	2	1502-01-035	252A
Lubbock	FM 1585	12	1502-01-036	217
Lubbock	FM 1585	11	1502-01-036	219
Lubbock	FM 1585	1	1502-01-037	298
Lubbock	FM 1585	100	1502-01-037	299
Lubbock	FM 1585	5	1502-01-037	302
Lubbock	FM 1585	86	1502-01-037	342
Lubbock	FM 1585	85	1502-01-037	348
Montgomery	FM 1488	6	0523-09-017	110
Montgomery	FM 1488	8	0523-09-017	122

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Montgomery	FM 1488	7	0523-09-017	127
Montgomery	FM 1488	9	0523-09-017	130
Montgomery	SH 99	130	3510-07-008	832

Note: Exhibits A - O and 1 - 156 are on file with the commission chief clerk.

ITEM 10. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. The commission also heard remarks from Harrison County Judge Hugh Taylor regarding agenda item 10.f., Speed Zones. 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)

115396
CSD

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

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

provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

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

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

The executive director has determined that the donations identified in the attached Exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
59 Fuel Inc	HOU	Montgomery	Design and construction of a flashing signal from westbound US 59/Interstate 69 frontage road into the donor's development in Splendora.
Community Health 1st Realty, LLC	HOU	Harris	Design and construction of a left turn lane from southbound East Blvd. into the Hospitality First ER development in Deer Park.
D.R. Horton – Texas, Ltd.	HOU	Fort Bend	Design and construction of a left turn lane from southbound FM 2977 into the Sunset Crossing development in Rosenberg.
HRS Operating, LLC	ODA	Winkler	Design, construction, and construction engineering inspections 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 115 in Winkler County.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
QuikTrip Corporation	AUS	Williamson	Design and construction of a storm water conveyance pipes for storm drainage improvements on US 183 at US 183A in Leander.
SDI 59 Porter, LLC	HOU	Montgomery	Design and construction of a hooded left turn lane with concrete median modifications from eastbound and westbound FM 1314 into the Shoppe's at Porter development in Porter.
Southwestern Bell Telephone Company dba AT&T Texas	HOU	Harris	Funds sufficient to cover the State's cost to adjust manholes and ground boxes during construction of SH 6, from Clay Road to FM 529, under CSJ 1685-05-110 in Harris County.
Southwestern Service Company	LBB	Hale	Fixed amount of funds for rental on a Public loader and material cost for the State to repair pavement on FM 37, FM 400, and FM 789 southeast of IH 27 in Hale County.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Iron Cactus	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Bab's Thirty-Four LLC Dbasatellite... Eat.Drink.Orbit.	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
The Salt Lick	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Open Road Auto Motive & Tire	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Precision Heating & Air, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Sames Red Barn Motors	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
6th Street Cow LLC, Dbas Jake's Burgers	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Mathur Law Offices, P.C.	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Twisted Root Burger Company	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Iron Cactus	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Weatherford CE LLC Chicken Express	FTW	Parker	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Law Firm of Roger "Rocky" Walton, P.C.	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
6th Street Cow LLC, Db a Jake's Burgers	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
First Choice ER	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
LandPark Commercial, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Iron Cactus	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
PAX Financial Group	SAT	Comal	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Harris County - 12110 FM 1960 in Huffman - Consider the sale of right of way to the abutting landowner (MO)

115397
ROW

In Huffman, Harris County, on FM 1960, the state of Texas acquired certain land for highway purposes by instrument recorded in File Number E013144 with the Harris County Clerk.

A portion of the land, RCSJ 1685-03-103 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 of any interest in real property acquired and no longer needed for a state highway purpose to abutting landowners.

Just Passing Through BBQ, LLC is the abutting landowner and has requested to purchase the Tract for \$18,000.

The commission finds \$18,000 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 Just Passing Through BBQ, LLC for \$18,000; 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) Jefferson County - I-10 at Major Drive in Beaumont - Consider the sale of right of way to the abutting landowner (MO)

115398
ROW

In Beaumont, Jefferson County, on Interstate Highway 10, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1201, Page 3, Deed Records of Jefferson County, Texas.

A portion of the land, RCSJ 0739-02-166 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 of any interest in real property acquired and no longer needed for a state highway purpose to abutting landowners.

ARNBE Property Management LTD is the abutting landowner and has requested to purchase the Tract for \$435,000.

The commission finds \$435,000 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 ARNBE Property Management LTD for \$435,000; 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.

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Report on Environmental Review of Projects (Report)

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

d. Highway Designation

Cameron County - In the city of Brownville, consider removing a segment of FM 803 from the state highway system and designating a segment of FM 803 on a new location (MO)

115399
TPP

The Pharr District has requested the following actions: (1) removal of a segment of FM 803 from the state highway system from Olmito North Road southward to FM 511/SH 550, a distance of approximately 2.3 miles; and (2) designation of FM 803 on a new location from the former location of FM 803 (Olmito North Road) southwestward to I-69-E, a distance of approximately 2.0 miles.

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

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

IT IS THEREFORE ORDERED by the commission that: (1) a segment of FM 803 is removed from the state highway system from Olmito North Road southward to FM 511/SH 550, a distance of approximately 2.3 miles; and (2) FM 803 is designated on a new location from the former location of FM 803 (Olmito North Road) southwestward to I-69-E, a distance of approximately 2.0 miles, as shown in Exhibit A.

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

e. Designation of Access Control

(1) Fort Bend County - I-69, in the City of Rosenberg - Consider the designation of six locations on the I-69 southbound frontage road at which access will be permitted to the abutting property (MO)

115400
DES

In FORT BEND COUNTY, on Interstate Highway 69 (I-69) southbound frontage road, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded under File No. 2016138751, dated November 15, 2016 (Parcel 202) and under File No. 2017033602, dated

February 13, 2017 (Parcel 206) of the Deed Records of Fort Bend County, Texas, with denial of access to the abutting remainder property as described in the instruments.

Farouk Alattar, Rima Alattar, and Khaled Alattar, the current owners of the abutting property, have requested designated access to and from the I-69 southbound frontage road for a proposed access at six locations 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 points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points described in Exhibit A as locations where ingress and egress are permitted to and from I-69 southbound 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.

(2) Harris County - SH 288, in the City of Houston - Consider the designation of one location on the SH 288 southbound entrance ramp at West Orem Drive at which access will be permitted to the abutting property (MO)

115401
DES

In HARRIS COUNTY, on State Highway 288 (SH 288) west frontage road, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Vol. 7881, Pages 283 - 289 (Parcel 87) of the Deed Records of Harris County, Texas, with denial of access to the abutting remainder property as described in the instrument.

RK City Park I, LLC, the current owner of the abutting property, has requested designated access to and from the SH 288 west frontage road for proposed access at one location along the property line described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from SH 288 west 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.

f. Speed Zones

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

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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 limit on the segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section 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 is canceled.

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

ITEM 11. Executive Session Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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

The commission received no further comments.

Commissioner Ryan motioned adjournment and Commissioner Austin seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:24 a.m.

APPROVED by the Texas Transportation Commission on January 31, 2019:



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 December 13, 2018, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation