

Due to COVID-19 and the Governor’s Executive Order No. GA-14 relating to COVID-19 preparedness and mitigation, the Texas Transportation Commission meeting on May 28, 2020, was conducted as a telephone/audio only meeting. These are the minutes of the regular meeting of the Texas Transportation Commission held on May 28, 2020. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners on the telephone line:

**Texas Transportation Commission:**

J. Bruce Bugg, Jr.	Chairman
Laura Ryan	Commissioner
Alvin New	Commissioner
Robert C. Vaughn	Commissioner

**Administrative Staff:**

James Bass, Executive Director  
Jeff Graham, General Counsel  
Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:56 p.m. on May 20, 2020, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

**ITEM 1. Meeting Guidelines**

Executive Director James Bass provided guidance and instruction for the telephone conference. Each commissioner called into the telephone conference call line and all commissioners could hear and speak with one another. The public was invited to listen to the meeting by calling a toll free number listed on the agenda and on the Texas Department of Transportation website, www.txdot.gov. Members of the public who wanted to make comments on an agenda item or during the open comment period of the meeting were assisted by operators on the call.

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

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

**ITEM 3. Contracts**

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

**a. Highway Improvement and Other Transportation Facilities (MO)**

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

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on May 7 and 8, 2020, as shown on Exhibit A.

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

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

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

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

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

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

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

#### **b. Routine Maintenance (MO)**

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

115739  
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 May 7 and 8, 2020, as shown on Exhibit A.

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

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

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

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

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

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

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

**c. Construction and Rehabilitation of Buildings (MO)**

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

115740  
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 May 5, 2020, 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 nonconurrence 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. Discussion Item**

**Legislative Appropriations Request (LAR)**

Discussion regarding the development of the Texas Department of Transportation's Fiscal Year 2022-2023 Legislative Appropriations Request (Presentation)

This discussion was led by Financial Management Division Director Stephen Stewart. The commission asked questions and discussed the topic.

**ITEM 5. Annual Highway Safety Plan**

Consider approval of funding for the 2021 Highway Safety Plan (MO)

This item was presented by Traffic Safety Division Director Michael Chacon. The commission heard comments from private citizen Zenobia Joseph. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115741  
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and their related deaths, injuries and property damage.

The Fixing America's Surface Transportation (FAST) Act will appropriate various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the FY 2021 Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director is authorized to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$84,642,155 as shown in Exhibit A.

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

**ITEM 6. Aviation**

Various Counties - Consider the award of federal funding for General Aviation Airports from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (MO)

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

115742  
AVN

On March 27, 2020, President Trump signed into law The Coronavirus Aid, Relief and Economic Security Act (CARES). The act includes \$10 billion in federal funds to be awarded as economic relief to eligible U. S. airports affected by the prevention of, preparation for, and response to the COVID-19 pandemic.

The CARES Act will provide 100% grant funding to all federally eligible general aviation airports in Texas to be used for any purpose for which airport revenues may be lawfully used. Texas is estimated to receive \$6.7 million.

The 182 airports listed in Exhibit A are seeking approval for economic relief funding. The department recommends the award of federal CARES Act grant funds for this relief effort across Texas.

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

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

**ITEM 7. Public Transportation**

**Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds to rural transit districts and intercity bus carriers. The Federal Transit Administration (FTA) apportioned additional §5311 funds based on the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (MO)**

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

115743  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$74,581,554 in Federal Transit Administration (FTA) program funds to support public transportation needs in non-urbanized areas of the state.

The United States Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020, which authorizes funding under the FTA Formula Grants for Rural Areas Program (49 U.S.C. §5311) to prevent, prepare for, and respond to the coronavirus (COVID-19).

This minute order allocates a portion of the available CARES Act funding to allow for the immediate needs of eligible rural transit districts and intercity bus carriers. To address these needs, funding amounts sufficient to support operational expenses for a specified period of time were identified. Recommendations for the remaining CARES apportionment will be brought to the commission at a later date.

Title 43, Texas Administrative Code (TAC), §31.36(g) establishes a formula by which public transportation funds shall be distributed to rural transit districts under the FTA Formula Grants for Rural Areas program. A total of \$61,349,237 is awarded to rural transit districts with allocations derived from the formula in the following combinations: \$20,104,352 based on performance and need calculation in accordance with §31.36(g)(2), \$442,712 based on discretionary calculation in accordance with §31.36(g)(3), and \$40,802,173 based on total vehicle mile calculation in accordance with §31.36(g)(4). Therefore, the award of \$61,349,237 in federal FY 2020 §5311 CARES Act funds is shown in Exhibit A and has been determined in accordance with §31.36(g)(2) and (4) and in consultation with rural transit districts for operational amounts needed.

Title 43, TAC, §31.36(g)(1) establishes a formula by which public transportation funds shall be distributed to intercity bus carriers under the FTA Formula Grants for Rural Areas program. TAC §31.36(i) establishes a process by which intercity bus program proposals shall be evaluated. A total of \$13,232,317 is awarded to intercity bus carriers to provide funding with allocations derived from project proposals previously submitted in response to a Notice of

Call for projects published in the Texas Register on November 17, 2017. Therefore, the award of \$13,232,317 in federal FY 2020 §5311 CARES Act funds is shown in Exhibit B and has been determined in accordance with §31.36(g)(1) and in consultation with intercity bus carriers for operational amounts needed.

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 FY 2020 §5311 CARES Act FTA allocation for the program as described in Exhibits A and B, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

**ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**a. Final Rules Adoption**

**(1) Chapter 3 - Public Information**

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

115744  
GCD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§3.11-3.13, concerning access to official records.

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 §§3.11-3.13 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.

**(2) Chapter 7 - Rail Facilities**

**Amendments to §§7.30, 7.32-7.34, 7.38, and 7.42 (Rail Safety), and §7.105 (Railroad Grade Crossings) (MO)**

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

115745  
RRD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§7.30, 7.32, 7.33, 7.34, 7.38, and 7.42 relating to Rail Safety and §7.105 relating to Railroad Grade Crossings 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, 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 amendments to §§7.30, 7.32, 7.33, 7.34, 7.38, 7.42 and 7.105 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 - C are on file with the commission chief clerk.

**b. Rules Review**

Consider the re-adoption of Title 43 Texas Administrative Code Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27, Toll Projects, in accordance with Government Code, §2001.039 (MO)

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

115746  
GCD

Government Code, §2001.039 requires state agencies to review each of their rules every four years to consider whether the reason for adopting each rule continues to exist. If as the result of the review an agency determines that the reasons for initially adopting the rule continue to exist, the agency may readopt the rule in accordance with §2001.039.

During January and February 2020, the Texas Department of Transportation reviewed Title 43 Texas Administrative Code, Part 1, Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27, Toll Projects. The Notice of Intent to review was published in the Texas Register on January 24, 2020 (45 TexReg 595).

No comments were received regarding this rule review.

The Texas Transportation Commission (commission) finds that the reasons for adopting these rules continue to exist.

IT IS THEREFORE ORDERED by the commission that the reviewed rules are readopted and that the executive director provide for filing with the Office of the Secretary of State, Texas Register Division, a notice readopting these rules.

**ITEM 9. Strategic Plan**

Consider the adoption of the 2021-2025 Strategic Plan for submission to the Legislative Budget Board and the Office of the Governor (MO) (Presentation)

This item was presented by Government Affairs Research Specialist Tonia Norman. The commission heard comments from private citizen Zenobia Joseph. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115747  
GOV

Texas Government Code, Chapter 2056, requires that each state agency prepare a five-year strategic plan every biennium. The Office of the Governor (governor's office) and the Legislative Budget Board require certain items to be covered in the plan.

The strategic plan represents the commitment by the Texas Department of Transportation (department) to fulfill its mission to, through collaboration and leadership, deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the document entitled Agency Strategic Plan for the Fiscal Years 2021-2025 Period (plan), as shown in Exhibit A, is adopted and approved for submission to the governor's office, the Legislative Budget Board, and other required officials.

IT IS FURTHER ORDERED that the executive director or his designee is authorized to approve alterations to the plan as necessary to meet the requirements of the governor's office and the Legislative Budget Board.

IT IS FURTHER ORDERED that the executive director or his designee shall proceed with the publication of the plan on the agency's website, as required by the governor's office and the Legislative Budget Board.

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

**ITEM 10. Design-Build Contract**

**Tarrant County - Consider authorizing the department to issue a request for proposals to design, construct, and maintain the Southeast Connector Project, consisting of non-tolled improvements along I-20 from Forest Hill Drive to Park Springs Boulevard, I-820 from I-20 to Brentwood Stair Road, and US 287 from Bishop Street to Sublett Road, in Tarrant 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 Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115748  
PTN

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 state fiscal biennium, up to six design-build contracts for highway projects with estimated construction costs of \$150 million or more.

On October 31, 2019, by Minute Order 115707, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and maintain the Southeast Connector Project. The project will include non-tolled improvements to I-20 from Forest Hill Drive to Park Springs Boulevard, to I-820 from I-20 to Brentwood Stair Road, and to US 287 from Bishop Street to Sublett Road, in Tarrant County, Texas.

The department issued the RFQ on January 17, 2020. Three (3) 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 design, construct, and maintain 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 Southeast Connector Project and to request detailed proposals from the short-listed teams to design, construct, and maintain the Southeast Connector 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 Southeast Connector Project or other department projects without further payment to the unsuccessful proposer. 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 design, construct, and maintain the Southeast Connector Project in Tarrant 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 Southeast Connector 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 \$3,737,500.

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 Southeast Connector Project procurement documents.

#### **ITEM 11. Financial Assistance for Projects**

**Dallas County** - Consider authorizing the Private Activity Bond Surface Transportation Corporation (corporation) to take all actions necessary for the issuance of one or more series of bonds to refinance a portion of the I-635 Managed Lanes Project and to loan the proceeds to the LBJ Infrastructure Group (developer) to: 1) refund the outstanding corporation bonds issued to finance a portion of the project; 2) refinance the outstanding Transportation Infrastructure Finance and Innovation Act loan of the developer with the United States Department of Transportation, which loan also financed a portion of the project; and 3) pay associated financing costs. The department may share in the gains from the refinancings in accordance with the terms of the comprehensive development agreement between the department and the developer. (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115749  
PFD

On October 30, 2008, by Minute Order 111551, the Texas Transportation Commission (commission), pursuant to Chapter 431, Transportation Code, adopted a resolution authorizing the creation of the Texas Private Activity Bond Surface Transportation Corporation (Corporation) to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems, including the issuance of bonds for comprehensive development agreement projects as approved by the commission.

On February 26, 2009, by Minute Order 111703, the commission awarded the comprehensive development agreement for the I-635 Managed Lanes project (I-635 Project) to LBJ Development Partners, the reserved name of the entity to be formed as the private developer of the I-635 Project, which was subsequently formed as LBJ Infrastructure Group LLC (LBJ Infrastructure).

LBJ Infrastructure and the United States Department of Transportation entered into a loan agreement dated as of June 1, 2010 (2010 TIFIA Loan) to finance a portion of the I-635 Project.

On June 22, 2010, the Corporation issued \$615,000,000 of private activity bonds (2010 PABs) on behalf of LBJ Infrastructure to finance a portion of the I-635 Project in accordance with Minute Order 112160 approved by the commission on February 25, 2010.

LBJ Infrastructure has now proposed the possible issuance by the Corporation of one or more series of bonds to refund the 2010 PABs, refinance the 2010 TIFIA Loan, pay costs of issuance, and/or finance additional costs of the I-635 Project.

Pursuant to Chapter 431, Texas Transportation Code (Act) and rules adopted by the commission, the Corporation may perform the functions specified in the Act and, at the request of the commission, any other functions not specified by the Act necessary to promote and develop the transportation facilities and systems being developed under concession agreements with private developers.

IT IS THEREFORE ORDERED by the commission that, with respect to the issuance of bonds described above by the Corporation, the Corporation is authorized to perform any function authorized by Subchapters A - C of Chapter 431 of the Texas Transportation Code (Chapter 431) and to perform any function not specified by Chapter 431 but necessary to promote, finance, refinance and develop the I-635 Project as requested by LBJ Infrastructure, including the issuance of bonds (including refunding bonds) and the lending of bond proceeds to LBJ Infrastructure as part of the plan of finance, all in accordance with and subject to the terms of the comprehensive development agreement for the I-635 Project, any related agreement regarding the issuance of such bonds, and the Corporation's authorizing resolutions and bond financing documents.

IT IS FURTHER ORDERED that the Executive Director, the Chief Financial Officer, the Director of the Project Finance, Debt and Strategic Contracts Division and the General Counsel of the Texas Department of Transportation, and the board of directors and officers of the Corporation, are authorized to execute and deliver all financing and other documents necessary for the issuance of such bonds by the Corporation, and to take all actions necessary or appropriate to effect the delivery of such bonds in accordance with the terms and conditions of the comprehensive development agreement for the I-635 Project, any related agreement regarding the issuance of such bonds, and the bond refinancing documents.

**ITEM 12. State Infrastructure Bank**

**Brazoria County - City of West Columbia - Consider final approval of a request from the City of West Columbia for a State Infrastructure Bank loan in the amount of up to \$770,000 for a contribution to the department to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project on SH 36 - Segment 10 in Brazoria 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 Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115750  
PFD

The City of West Columbia (City) has submitted an application for financial assistance in the form of a loan of up to \$770,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the City's contribution to the department for funding participation in the costs of utility relocation necessary for a non-tolled state highway improvement project to widen SH 36 – Segment 10 to 4 lanes from the Fort Bend County Line to .355 miles north of SH 35 in Brazoria County, Texas (project).

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

The City has proposed a pledge of 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, contained in the Term Sheet attached hereto as Exhibit A.

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 in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;

4. the project will expand the availability of funding for transportation projects or reduce direct state costs;

5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;

6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and

7. that the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$770,000 to pay the City's contribution to the department for funding participation in the costs of utility relocation necessary for the non-tolled project.

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

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

### **ITEM 13. Prohibition Order**

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

115751  
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 June 13, 2020.

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

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

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

**ITEM 14. Financial Assistance for Port Access Improvement Projects**

**Various Counties** - Consider approval of participation by the state in the form of grants for the payment of a portion of the costs of constructing port access public roadway projects to various local governments (MO)

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

115752  
MRD

In 2019, the Texas Legislature required that, from any available source of revenue and/or balances in the Texas Mobility Fund, an amount not to exceed \$20,000,000 in each fiscal year of the 2020-2021 biennium shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission) to improve connectivity to Texas ports, under the General Appropriations Act (HB 1, 86th Texas Legislature, 2019), Rider 38, page VII-29.

Certain local governments as set forth in Exhibit A have submitted requests to the Texas Department of Transportation (department) for state participation in the form of a grant of funds to pay a portion of the costs of construction of a public transportation project selected by the Port Authority Advisory Committee.

The Port Authority Advisory Committee has approved the projects listed in Exhibit A as proposed by each of the local governments listed. Accordingly, the department recommends

that the commission approve each project listed in Exhibit A and authorize the department to participate in each project in the form of a grant to each local government listed in Exhibit A up to the amount listed for each project from any available source of revenue and/or money from the Texas Mobility Fund other than the proceeds of obligations issued under the enabling act, to be used for construction of each project described in Exhibit A.

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

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

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that each project listed in Exhibit A meets the eligibility requirements for state participation under the constitutional provision, and the commission approves each project and approves state participation in the form of a grant to each local government listed in Exhibit A up to the amount listed for each project from any available source of revenue and/or money in the fund other than the proceeds of obligations issued under the enabling act, to be used for construction of each of the projects listed in Exhibit A, and authorizes and directs the executive director of the department to take all actions necessary to effect the purposes of this minute order.

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

**ITEM 15. Request for Annexation**

**Van Zandt County - Consider granting the department the authority to request the annexation of the department's maintenance facility into the city limits of Canton, Texas (MO)**

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

115753  
SSD

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

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

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached Exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by the 86th Legislature, General Appropriations Bill, HB 1.

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

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

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

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

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

**ITEM 16. Eminent Domain Proceedings**

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

This item was presented by Executive Director James Bass. Commissioner Vaughn recused himself from this vote. Commissioner New made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, and Commissioner New (a vote of 3 - 0).

115754  
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-KKKKK. 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 1-42 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>
Cooke	IH 35	AAA	0195-01-121	N177
Cooke	IH 35	BBB	0195-01-121	N178,N178E
Cooke	IH 35	CCC	0195-01-121	N179
Cooke	IH 35	DDD	0195-01-121	N183
Cooke	IH 35	EEE	0195-01-121	N185
Cooke	IH 35	FFF	0195-01-121	N189A
Cooke	IH 35	GGG	0195-01-121	N189B
Cooke	IH 35	HHH	0195-01-121	N191A
Cooke	IH 35	III	0195-01-121	N191B
Cooke	IH 35	XX	0195-01-121	S170,S170E
Cooke	IH 35	YY	0195-01-121	S171,S171E
Denton	IH 35	JJJ	0195-02-079	1,1E
Denton	IH 35	KKK	0195-02-079	2,2E
Denton	IH 35	Z	0195-02-079	3
Denton	IH 35	AA	0195-02-079	4
Denton	IH 35	LLL	0195-02-079	5,5E
Denton	IH 35	J	0195-02-079	6
Denton	IH 35	MMM	0195-02-079	7,7E
Denton	IH 35	NNN	0195-02-079	8,8E
Denton	IH 35	BB	0195-02-079	9
Denton	IH 35	OOO	0195-02-079	10
Denton	IH 35	PPP	0195-02-079	11,11E



**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35	QQQ	0195-02-079	12
Denton	IH 35	CC	0195-02-079	13
Denton	IH 35	RRR	0195-02-079	15
Denton	IH 35	SSS	0195-02-079	16
Denton	IH 35	DD	0195-02-079	17
Denton	IH 35	M	0195-02-079	18
Denton	IH 35	EE	0195-02-079	20
Denton	IH 35	FF	0195-02-079	21
Denton	IH 35	GG	0195-02-079	22
Denton	IH 35	HH	0195-02-079	23
Denton	IH 35	II	0195-02-079	24
Denton	IH 35	JJ	0195-02-079	25
Denton	IH 35	TTT	0195-02-079	26
Denton	IH 35	UUU	0195-02-079	27
Denton	IH 35	VVV	0195-02-079	28
Denton	IH 35	WWW	0195-02-079	29
Denton	IH 35	XXX	0195-02-079	30
Denton	IH 35	YYY	0195-02-079	31
Denton	IH 35	ZZZ	0195-02-079	32
Denton	IH 35	KK	0195-02-079	34
Denton	IH 35	AAAA	0195-02-079	36
Denton	IH 35	BBBB	0195-02-079	37
Denton	IH 35	CCCC	0195-02-079	38
Denton	IH 35	DDDD	0195-02-079	39
Denton	IH 35	EEEE	0195-02-079	40
Denton	IH 35	LL	0195-02-079	41
Denton	IH 35	L	0195-02-079	43
Denton	IH 35	MM	0195-02-079	44
Denton	IH 35	N	0195-02-079	45
Denton	IH 35	O	0195-02-079	48
Denton	IH 35	P	0195-02-079	51
Denton	IH 35	Q	0195-02-079	52
Denton	IH 35	FFFF	0195-02-079	54
Denton	IH 35	GGGG	0195-02-079	55
Denton	IH 35	JJJJ	0195-02-079	57
Denton	IH 35	NN	0195-02-079	58
Denton	IH 35	HHHH	0195-02-079	59
Denton	IH 35	OOOO	0195-02-079	62
Denton	IH 35	III	0195-02-079	64,64E
Denton	IH 35	KKKK	0195-02-079	65
Denton	IH 35	LLLL	0195-02-079	67
Denton	IH 35	QQQQ	0195-02-079	68
Denton	IH 35	MMMM	0195-02-079	70
Denton	IH 35	OO	0195-02-079	74
Denton	IH 35	NNNN	0195-02-079	75
Denton	IH 35	PPPP	0195-02-079	76

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35	RRRR	0195-02-079	77
Denton	IH 35	S	0195-02-079	N149
Denton	IH 35	WWWW	0195-02-079	N155,N155E
Denton	IH 35	QQ	0195-02-079	N165
Denton	IH 35	U	0195-02-079	N166
Denton	IH 35	RR	0195-02-079	N167,N167E
Denton	IH 35	BBBBB	0195-02-079	N168
Denton	IH 35	CCCCC	0195-02-079	N169
Denton	IH 35	DDDDD	0195-02-079	N170A
Denton	IH 35	GGGGG	0195-02-079	N170B
Denton	IH 35	FFFFF	0195-02-079	N171
Denton	IH 35	HHHHH	0195-02-079	N172
Denton	IH 35	IIIII	0195-02-079	N173,N173E
Denton	IH 35	JJJJJ	0195-02-079	N174,N174E
Denton	IH 35	KKKKK	0195-02-079	N176
Denton	IH 35	R	0195-02-079	S148
Denton	IH 35	SSSS	0195-02-079	S151,S151E
Denton	IH 35	TTTT	0195-02-079	S152
Denton	IH 35	UUUU	0195-02-079	S153
Denton	IH 35	VVVV	0195-02-079	S154
Denton	IH 35	XXXX	0195-02-079	S155,S155E
Denton	IH 35	YYYY	0195-02-079	S157
Denton	IH 35	EEEEE	0195-02-079	S158
Denton	IH 35	ZZZZ	0195-02-079	S159,S159E
Denton	IH 35	V	0195-02-079	S160
Denton	IH 35	T	0195-02-079	S163
Denton	IH 35	PP	0195-02-079	S164,S164E
Denton	IH 35	AAAAA	0195-02-079	S165,S165E
Denton	IH 35	ZZ	0195-03-091	15
Denton	IH 35E	A	0196-02-115	3
Denton	IH 35E	K	0196-02-115	199
Denton	IH 35E	SS	0196-02-115	207
Ellis	IH 35E	TT	0048-04-096	1
Ellis	IH 35E	H	0048-04-096	11
Ellis	IH 35E	VV	0048-04-096	12
Ellis	IH 35E	Y	0048-04-096	13,13E
Ellis	IH 35E	WW	0048-04-096	17
Ellis	IH 35E	UU	0048-04-096	29
Ellis	IH 35E	X	0048-04-096	54A
Ellis	IH 35E	W	0048-04-096	54B
Ellis	IH 35E	F	0048-04-099	8
Galveston	IH 45	C	0500-04-139	524
Galveston	IH 45	B	0500-04-139	529
Guadalupe	IH 10	G	0535-01-076	3
Tarrant	IH 35W	D	0081-12-049	216
Tarrant	IH 35W	E	0081-12-049	255
Tarrant	IH 35W	I	0081-12-049	260

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	SH 71	1	0265-03-046	5
Bastrop	SH 71	12	0265-03-046	7
Bastrop	SH 71	4	0265-03-046	9
Bastrop	SH 71	3	0265-03-046	39
Bastrop	SH 71	5	0265-03-046	44
Brazoria	SH 36	37	0188-03-020	329A
Brazoria	SH 36	38	0188-03-020	329B
Brazoria	SH 36	39	0188-03-020	329C
Brazoria	SH 36	40	0188-03-020	329D
Brazoria	SH 36	8	0188-04-040	101
Brazoria	SH 36	10	0188-04-040	120
Brazoria	SH 36	9	0188-04-040	122
Brazoria	SH 36	7	0188-04-040	129
Brazoria	SH 36	11	0188-04-040	131
Brazoria	SH 36	13	0188-04-041	89
Brazos	FM 158	27	0212-03-064	1
Brazos	FM 158	29	0212-03-064	2
Brazos	FM 158	25	0212-03-064	3
Brazos	FM 158	28	0212-03-064	6
Brazos	FM 158	26	0212-03-064	11
Brazos	FM 158	23	0212-03-064	12
Brazos	FM 158	24	0212-03-064	13
Brazos	FM 158	22	0212-03-064	14
Cherokee	US 175	15	0198-04-034	42
Cherokee	US 175	19	0198-04-034	132
Cherokee	US 175	18	0198-04-034	149
Cherokee	US 175	14	0198-04-034	157
Cherokee	US 175	21	0198-04-034	164
Cherokee	US 175	17	0198-04-034	165
Galveston	SH 146	16	0389-07-036	14
Hidalgo	FM 676	36	1064-01-038	20
Liberty	US 59	41	0177-03-106	31
Lubbock	FM 1585	42	1502-01-037	291
Lubbock	FM 1585	2	1502-01-039	119
Lubbock	FM 1585	20	1502-01-039	145
Rockwall	SH 205	33	0451-01-057	10
Rockwall	SH 205	34	0451-01-057	48
Rockwall	SH 205	35	0451-01-057	94E
San Jacinto	US 59	30	0177-02-105	10
San Jacinto	US 59	31	0177-02-105	15
San Jacinto	US 59	32	0177-02-105	16
Smith	FM 2493	6	0191-03-087	19

Note: Exhibits A - KKKKK and 1 - 42 are on file with the commission chief clerk.

## **ITEM 17. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute 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)**

115755  
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>
Cargill Meat Solutions	LBB	Parmer	Funds towards the state's cost to construct a new grade separated intersection on US 60 and CR 15 in Parmer County.
Forestar (USA) Real Estate Group, Inc.	HOU	Montgomery	Design and construction of a signalized intersection from east westbound SH 242 into the Harrington Trails development in Splendora.
HM Parkside Development, Inc.	AUS	Williamson	Design and construction of left turn and right turn deceleration lanes at RM 2243 and Parkside Parkway and Greenview Drive intersections and a right turn deceleration lane at Springtime Drive entrance in Georgetown.
La Cima San Marcos, LLC	AUS	Hays	Design and construction of intersection improvements at Old Ranch Road 12 and RM 12, and traffic signal at La Cima entrance on RM 12 in Hays County, San Marcos.
LGI Homes – Texas, LLC	HOU	Waller	Design and construction of a left and right lanes from eastbound and westbound FM 529 into the donor's development in Waller County.
Meritage Homes of Texas, LLC	AUS	Travis	Design and construction of a new driveway east of the intersection of FM 1327 and N. Turnersville Road, pavement widening for addition of a left turn lane, 2" mill and overlay within proposed project limits, and modifying pavement markings along FM 1327 in Austin.
Pulte Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of a right turn lane into a new subdivision entrance on SH 46 in Seguin.
Road Ranger, L.L.C.	ODA	Ward	Design, construction and construction engineering inspections of highway improvements to include, but not limited to, the addition of road widening, a right turn lane, a dual left turn lane, paving, striping, and related work along Loop 464 in Ward County.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Sun NG Whitewater RV LLC	SAT	Comal	Design and construction of an extension to an existing two-way left turn lane, a right turn lane, shoulder improvements and relocation of existing roadside flashing beacon on FM 306, approximately 0.30 miles southeast of FM 2673, in Comal County.
VC Holdings QOZ, LP	AUS	Travis	Design and construction of pavement widening for southbound dual left turn lanes, a center median break, drainage structures, pavement markings and installing signals on FM 973 South of the intersection of FM 973 and SH 71 in Austin.
The Salt Lick	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Kidd Roofing	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
El Dorado Chevrolet & Mazda	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Katy Asian Town Retail Condominium Association Inc.	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
KAT Grand West Retail Condominium Association Inc.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Riverway Builders, LLC (dba) Riverway Homes	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**Donations to the Department**

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Tycoon Flats, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

**b. Real Estate Dispositions**

**(1) Harris County - US 59 - Consider the sale of right of way to an abutting landowner (MO)**

115756  
ROW

In Harris County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 6640, at Page 462, Deed Records of Harris County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Golden Shamrock Realty, Inc. is an abutting landowner and has requested to purchase the tract for \$16,147.

The commission finds \$16,147 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 Golden Shamrock Realty, Inc. for \$16,147; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

**(2) Haskell County - US 277 - Consider the sale of right of way to an abutting landowner (MO)**

115757  
ROW

In Haskell County, on US 277, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 519, at Page 912, Official Public Records of Haskell County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Chad Dobbs and Laurie Beth Dobbs are abutting landowners and have requested to purchase the tract for \$4,100.

The commission finds \$4,100 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 authorizes the executive director of the department to execute a proper instrument conveying all of the state's right, title, and interest in the tract to Chad Dobbs and Laurie Beth Dobbs for \$4,100; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

**(3) Hood County - US 377 - Consider an easement release to the underlying fee owner (MO)**

115758  
ROW

In or near Cresson, Hood County, on US 377, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 83, at Page 543, Real Property Records of Hood County, Texas.

All of the easement encumbering the real property, described in Exhibit A (the tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Vaquero Cresson Partners, LP is the owner of the fee interest in the property and has requested to purchase the easement interest for \$1,000.

The commission finds \$1,000 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the department to execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Vaquero Cresson Partners, LP for \$1,000.

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

**(4) Live Oak County - FM 1358 - Consider an exchange of right of way (MO)**

115759  
ROW

In Live Oak County, on FM 1358, the state of Texas acquired certain land for highway purposes by Right of Way Deeds recorded in Volume 145, at Page 53, Volume 145, at Page 85, and Volume 145, at Page 473, of the Deed Records of Live Oak County, Texas and by use of the property.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The State of Texas, acting by and through the Texas Department of Transportation, and Curtis G. Clopton and Laurie A. Clopton (the Cloptons) have entered into an exchange agreement, as amended.

In accordance with the executed exchange agreement, as amended, certain land needed for a state highway purpose, described in Exhibit A (the parcel), has been conveyed to the state by the Cloptons, and certain tracts not needed for a state highway purpose, described in Exhibits B and C (the tracts), will be conveyed and quitclaimed, respectively, to the Cloptons by the state.



It is the opinion of the commission that it is proper and correct that the state conveys and quitclaims the tracts to the Cloptons in exchange for the parcel.

IT IS THEREFORE ORDERED by the commission that the tracts are not needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute proper instruments conveying all of the state's right, title, and interest in the tracts to the Cloptons in exchange and as consideration for the parcel; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the tract described in Exhibit B.

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

**(5) Rockwall County - FM 740 - Consider the sale of right of way to a governmental entity (MO)**

115760  
ROW

In the City of Heath, on FM 740, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 41, at Page 528, in Volume 44, at Page 490, and in Volume 44, at Page 495, Deed Records of Rockwall County, Texas.

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

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

The City of Heath has the authority to condemn the tract and has submitted an offer of \$229,314.

The commission finds \$229,314 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 the City of Heath, Texas for \$229,314; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

**(6) Williamson County - I-35 - Consider the sale of right of way to an abutting landowner (MO)**

115761  
ROW

In Round Rock, Williamson County, on I-35, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 422, at Page 581, Deed Records of Williamson County, Texas and in Cabinet S, Slides 181-182, Plat Records of Williamson County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Broadstone RCS Texas, LLC is an abutting landowner and has requested to purchase the tract for \$180,516.

The commission finds \$180,516 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 Broadstone RCS Texas, LLC for \$180,516; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

**c. Report**

**Compliance Division report**

Note: Confidential report to commission.

**d. Central Texas Turnpike System**

**Travis and Williamson Counties - Consider the acceptance of the annual Inspection Report for the Central Texas Turnpike System (MO)**

115762  
TOD

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 130 has been designated a toll project and a controlled-access state highway from I-35 north of Georgetown to a southern terminus at US 183.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 45N has been designated a toll project and a controlled-access state highway from west of US 183 to SH 130.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY LOOP 1 has been designated a toll project and a controlled-access state highway from Farm to Market 734 (Parmer Lane) in Austin to the intersection of Loop 1 and SH 45N.

In TRAVIS COUNTY, STATE HIGHWAY 45 SOUTHEAST has been designated as a turnpike project and a controlled access state highway from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange.

The Texas Transportation Commission (commission) has issued toll revenue bonds and other obligations to finance a portion of the costs of the 2002 Project of the Central Texas Turnpike System (system), a toll project originally composed of the SH 130, SH 45N, and Loop 1 project elements, and entered into an Indenture of Trust with Bank of New York Mellon Trust Company, National Association, as Trustee, to secure the revenue bonds and other obligations issued for the 2002 Project.

On August 30, 2012, the commission issued a minute order approving the addition of SH 45 Southeast to the system in accordance with the terms of the sixth supplemental indenture.

In Section 707 of the Indenture of Trust, the commission covenants that it shall cause the general engineering consultant to make an inspection of the system at least once in the fiscal year following the substantial completion of the 2002 Project and in each fiscal year thereafter.

Following each inspection and on or before the 90th day prior to the end of each fiscal year, the general engineering consultant shall submit to the commission a report concerning the inspection, setting forth: (a) their findings as to whether the system has been maintained in good repair, working order, and condition; (b) their advice and recommendations as to the proper

maintenance, repair, and operation of the system during the ensuing fiscal year; and (c) an estimate of the amount of money necessary for such purposes, including their recommendations, as to the total amounts and classifications of items and amounts that should be provided for in the annual operating budget, the annual maintenance budget, and annual capital budget for the next ensuing fiscal year.

Section 707 of the Indenture of Trust requires copies of the report to be filed with the U.S. Department of Transportation and the Trustee.

The FY 2020 Central Texas Turnpike System Annual Inspection Report, attached as Exhibit A, has been prepared by Atkins North America, Inc., in accordance with Section 707 of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the general engineering consultant's FY 2020 Central Texas Turnpike System Annual Inspection Report attached as Exhibit A is accepted.

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

**e. State Highway 249 System**

**Grimes and Montgomery Counties - Consider accepting the Quarterly Construction Progress Report for the State Highway 249 System (MO)**

115763  
PFD

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

The commission issued revenue bonds and other obligations to finance a portion of the costs of the SH 249 System (System), comprised of Segment 1 of the SH 249 extension, which is anticipated to be approximately 15 miles of four new toll lanes from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Grimes County near Todd Mission, as an all-electronic, open road toll facility.

Pursuant to Minute Order 115393, dated December 13, 2018, the commission issued toll revenue obligations (obligations) to finance a portion of the costs of the System, pursuant to a master trust agreement and first supplemental agreement (indenture) which prescribe the terms, provisions and covenants related to the issuance of the obligations.

Pursuant to Section 407 of the indenture, the commission has covenanted that by the last day of the second month after each fiscal quarter, it will cause the general engineering consultant to prepare a progress report and provide copies of such report to the trustee and the commission, and a department representative shall file such progress reports with the Municipal Securities Rulemaking Board, through its Electronic Municipal Markets Access System, within thirty (30) days of the commission's receipt of such report.

A progress report has been prepared by General Engineering Consultant Brown & Gay Engineers, Inc. pursuant to Section 407 of the indenture.

IT IS THEREFORE ORDERED by the commission that the SH 249 System Quarterly Construction Progress Report attached as Exhibit A, is accepted.

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

**f. Land Acquisitions for Facilities**

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

115764  
SSD

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

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

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached Exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by the 86th Legislature, General Appropriations Bill, HB 1.

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

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

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

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

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

**g. Designation of Access Control**

**Smith County - I-20, in the City of Lindale - Consider the designation of one location on the I-20 westbound frontage road at which access will be permitted for one proposed city street ("Avenue A") (MO)**

115765  
DES

In SMITH COUNTY, on Interstate Highway 20 (I-20), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instrument recorded in Volume 947, Pages 336 to 339 of the Deed Records of Smith County, Texas, with denial of access to the abutting remainder property as described in the instrument.

QuikTrip Corporation, the current owner of the abutting property, has entered into a Right-of-Way Easement Agreement with the City of Lindale to dedicate right-of-way to the City of Lindale for a proposed street (Avenue A). QuikTrip Corporation has requested designated access at one location along the property line of I-20 for Avenue A to access the I-20 westbound frontage road as described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the I-20 westbound 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.

#### **h. Speed Zones**

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

115766  
TRF

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

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

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

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

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

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

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

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

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

**ITEM 18. 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 State Representative Lina Ortega, El Paso MPO Executive Director Eduardo Calvo, and Sito Negron representing the Sunset Heights Neighborhood Improvement Association, all concerning funding of El Paso projects.

Commissioner Vaughn motioned adjournment and Commissioner New seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:29 a.m.

APPROVED by the Texas Transportation Commission on June 25, 2020:

J. Bruce Bugg, Jr., Chairman  
Texas Transportation Commission

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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 May 28, 2020.



Robin Carter, Commission Chief Clerk  
Texas Department of Transportation