

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 24, 2020, in Austin, Texas. Due to COVID-19 and the Governor's Proclamation of March 13, 2020, declaring a state of disaster for all counties in Texas, the meeting was conducted with the commissioners at the dais and the public accessing the meeting via www.txdot.gov and a toll free telephone line. The meeting was called to order at 10:00 a.m. by Chairman Bugg.

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 9:18 a.m. on September 16, 2020, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Meeting Guidelines

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

ITEM 2. Consider the approval of the Minutes of the August 27, 2020, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the August 27, 2020, regular meeting by a vote of 4 - 0.

ITEM 3. Acknowledgment of Service

a. Recognize by resolution Tyler District Engineer Glenn H. Green, P.E., for 34 years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners and Executive Director Bass thanked District Engineer Green and made additional remarks. District Engineer Green thanked his TxDOT family and friends, department administration, and the commission.

b. Recognize by resolution Fort Worth District Engineer Loyl C. Bussell, P.E., for 32 years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners and Executive Director Bass thanked District Engineer Bussell and made additional remarks. District Engineer Bussell thanked his family, the Fort Worth District employees, TxDOT administration, in particular James Bass, Bill Hale, Quincy Allen, Michael Lee, and Brian Barth, as well as Maribel Chavez and the commission.

c. Recognize by resolution San Angelo District Engineer Mark E. Jones, P.E., for 24 years of service to the department.

This resolution was presented by Chief Engineer Bill Hale. The commissioners and Executive Director Bass thanked District Engineer Jones and made additional remarks. District Engineer Jones thanked the commission, Bill Hale, many staff engineers, support staff, and technicians of the districts he served, and his wife Dawn.

ITEM 4. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings

a. Highway Improvement and Other Transportation Facilities (MO)

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

115846
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 September 3 and 4, 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.

115847
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 September 3 and 4, 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 Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115848
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 September 1, 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 nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

ITEM 5. Audit Plan

Consider the approval of the Internal Audit Plan for Fiscal Year 2021 and determine whether adequate resources have been dedicated to the Internal Audit Program (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.

115849
AUD

The Texas Internal Auditing Act, Government Code, Chapter 2102, requires the internal auditor to create an annual Internal Audit Plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The Internal Audit Plan must be approved by the state agency's governing board. In addition, the governing board must periodically review the resources dedicated to the Internal Audit Program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

The Chief Audit and Compliance Officer has developed an Internal Audit Plan for Fiscal Year (FY) 2021, which is set forth in Exhibit A. This Internal Audit Plan includes a list of internal audits aimed at providing assurance and identification for process/program improvement statewide. This Internal Audit Plan identifies the audits to be conducted and the resources available to the Internal Audit Division for FY 2021.

The Chief Audit and Compliance Officer considers the resources for FY 2021 to be adequate to address the risks that warrant audit coverage.

The Internal Audit Plan for FY 2021 is presented to the Texas Transportation Commission (commission) for approval and for a determination that adequate resources exist to ensure that the risks identified are adequately covered.

IT IS THEREFORE ORDERED by the commission that the Internal Audit Plan for FY 2021, as shown in Exhibit A, is hereby approved.

FURTHER, the commission finds that adequate resources have been dedicated to the Internal Audit Program to ensure that the risks identified in the annual risk assessment, including fraud risks, are covered within a reasonable time.

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

ITEM 6. Public Transportation

a. Various Counties - Consider the award of federal §5311(f) Formula Grants for Rural Areas Program funds to intercity bus carriers (MO)

This item was presented by Deputy Executive Director Marc Williams. 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.

115850
PTN

The Texas Transportation Commission (commission) desires to award a total of \$8,247,766 in Federal Transit Administration (FTA) Formula Grants for Rural Areas program (49 U.S.C. §5311) funds to support intercity bus 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 §5311 program to prevent, prepare for, and respond to the coronavirus (COVID-19).

This minute order allocates a portion of the available CARES Act funding to eligible intercity bus carriers. Title 43, Texas Administrative Code, §31.36(g)(1) establishes a process for allocating funds for intercity bus services under the §5311 program. An award of \$8,247,766 of federal §5311(f) funds is shown in Exhibit A and has been determined in accordance with §31.36(g)(1).

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 in Exhibit A, submit the necessary state applications to the FTA, and enter into the necessary contracts.

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

b. Brazoria and Galveston Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds to Gulf Coast Transit District (MO)

This item was presented by Deputy Executive Director Marc Williams. 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.

115851
PTN

The Texas Transportation Commission (commission) desires to award a total of \$89,325 in Federal Transit Administration (FTA) Formula Grants for Rural Areas program

(49 U.S.C. §5311) funds to Gulf Coast Transit District (GCTD) to support non-urbanized public transportation needs.

On May 4, 2020 and May 12, 2020, Galveston County Commissioners Court and Brazoria County Commissioners Court, respectively, approved the creation of a new transit district, GCTD, and the transfer of responsibility for public transportation from Gulf Coast Center (GCC) to GCTD. Funds previously awarded to GCC under prior action of the commission in minute order 115771, Exhibit D Coordinated Call for Projects, in the amount of \$89,325, are awarded to GCTD to assist in the transition.

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 award as described, submit the necessary state applications to the FTA, and enter into the necessary contracts.

ITEM 7. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Rule Proposals

(1) Chapter 11 - Design

Amendments to §§11.403 - 11.406 and 11.411 (Transportation Alternatives Set-Aside Program) (MO)

This item was presented by Deputy Executive Director Marc Williams. 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.

115852
PTN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§11.403-11.406, and §11.411 relating to Transportation Alternatives Set-Aside Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed 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 §§11.403-11.406, and §11.411 are proposed for adoption and are authorized for publication in the Texas Register for the purpose of receiving public comments.

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

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

(2) Chapter 27 - Toll Projects

New §27.86, Veteran Discount Program (Operation of Department Toll Projects) (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.

115853
PTN

The Texas Transportation Commission (commission) finds it necessary to propose new §27.86 relating to Veteran Discount Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed new section, 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 new §27.86 is proposed for adoption and is authorized for publication in the Texas Register for the purpose of receiving public comments.

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

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

b. Final Rule Adoption

Chapter 1 - Management

Amendments to §1.84, Statutory Advisory Committees (Advisory Committees) (MO)

This item was presented by Deputy Executive Director Marc Williams. 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.

115854
MRD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.84 relating to Statutory Advisory Committees to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §1.84 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 8. Maritime

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

This item was presented by Deputy Executive Director Marc Williams. 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.

115855
MRD

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

Transportation Code, §51.007 requires the Texas Transportation Commission (commission) to continually evaluate the impact of the GIWW on the state. The evaluation shall include:

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

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

The Texas Department of Transportation has completed the evaluation and developed the report for the period of fiscal years 2019-2020.

IT IS THEREFORE ORDERED by the commission that the Gulf Intracoastal Waterway Report, as shown in Exhibit A, is approved by the commission and should be published and presented to the members of the 87th Texas Legislature, the governor, the lieutenant governor, and the speaker of the house of representatives.

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

ITEM 9. State Infrastructure Bank

a. Collin County - Bear Creek Special Utility District - Consider final approval of a request from Bear Creek Special Utility District for a State Infrastructure Bank loan in the amount of up to \$3,000,000 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project on SH 205 in Collin County, 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.

115856
PFD

The Bear Creek Special Utility District (SUD) has submitted an application for financial assistance in the form of a loan of up to \$3,000,000 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 SIB Rules, including passage by the SUD 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 SUD intends to use the financial assistance to pay the costs of utility relocation necessary for a non-tolled state highway improvement project to widen State Highway 205 in Collin County, Texas (project).

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

The SUD has proposed a pledge of contract revenues under a utility agreement between the SUD and the department, as well as operating 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 Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the SUD'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 SUD 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 SUD 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 SUD's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$3,000,000 to pay 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 SUD 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.

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

This item was presented by Executive Director James Bass. The commission heard comments from Eduardo Calvo, Executive Director of the El Paso Metropolitan Planning Organization. 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.

115857
PFD

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

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

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

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

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

In Minute Order No. 115823, dated August 27, 2020, the commission granted preliminary approval of the County's application and, in accordance with the SIB Rules, found that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is in a Clean Air Act moderate non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the County is likely to have sufficient revenues to assure repayment of the financial assistance.

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 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 County's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that 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 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 County for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules, and in accordance with those provisions, the commission grants final approval of the County's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$4,600,000 to pay the County's costs of construction necessary for the non-tolled, off-system 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 County 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 10. Eminent Domain Proceedings

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

This item was presented by Executive Director James Bass. Commissioner Vaughn made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115858
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-T. 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 1-107 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Bexar | IH 410 | L | 0521-06-140 | 13 |
| Bexar | IH 410 | Q | 0521-06-140 | 54A |
| Denton | IH 35 | T | 0195-02-080 | 137 |
| Denton | IH 35E | P | 0196-01-100 | 39 |
| Denton | IH 35E | D | 0196-02-109 | 105 |
| Denton | IH 35E | O | 0196-02-115 | 1 |
| Ellis | IH 35E | C | 0048-04-096 | 8,8E,8TE |
| Ellis | IH 35E | B | 0048-04-096 | 31 |
| Ellis | IH 35E | E | 0442-03-046 | 8 |
| Ellis | IH 35E | K | 0442-03-046 | 17 |
| Ellis | IH 35E | F | 0442-03-046 | 27 |
| Ellis | IH 35E | G | 0442-03-046 | 61 |
| Galveston | IH 45 | M | 0500-04-139 | 507 |
| Madison | US 190 | S | 0117-10-002 | 527 |
| Nueces | US 181 | N | 0101-06-109 | 301AC |
| Tarrant | IH 35W | A | 0081-12-049 | 213 |
| Tarrant | IH 35W | J | 0081-12-049 | 216 |
| Tarrant | IH 35W | I | 0081-12-049 | 231 |
| Tarrant | IH 35W | H | 0081-12-049 | 250 |
| Tarrant | IH 35W | R | 0081-12-049 | 277 |

NON-CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Brazoria | SH 36 | 106 | 0188-03-020 | 223X |
| Brazoria | SH 36 | 55 | 0188-05-031 | 309A |
| Brazoria | SH 36 | 56 | 0188-05-031 | 309B |
| Brazoria | SH 36 | 97 | 0188-05-031 | 313 |
| Brazoria | SH 36 | 94 | 0188-05-031 | 315 |
| Collin | SH 5 | 4 | 0047-04-026 | 201 |
| Collin | FM 2551 | 14 | 2056-01-043 | 11 |
| Harris | US 90U | 92 | 0028-01-093 | 114 |
| Harris | US 90U | 99 | 0028-01-093 | 204 |
| Harris | FM 2100 | 104 | 1062-04-059 | 323A |
| Harris | FM 1960 | 100 | 1685-03-097 | 168B |
| Hidalgo | US 281 | 9 | 0255-07-142 | 24 |
| Hidalgo | US 281 | 8 | 0255-07-142 | 25 |

NON-CONTROLLED ACCESS (continued)

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Hidalgo | US 281 | 5 | 0255-07-142 | 26 |
| Hidalgo | FM 676 | 3 | 1064-01-038 | 14 |
| Kaufman | SH 205 | 18 | 0451-02-030 | 4 |
| Kaufman | SH 205 | 19 | 0451-02-030 | 8 |
| Kaufman | SH 205 | 20 | 0451-02-030 | 9 |
| Kaufman | SH 205 | 57 | 0451-02-030 | 10 |
| Kaufman | SH 205 | 21 | 0451-02-030 | 11 |
| Kaufman | SH 205 | 22 | 0451-02-030 | 13 |
| Kaufman | SH 205 | 23 | 0451-02-030 | 23 |
| Kaufman | SH 205 | 24 | 0451-02-030 | 24 |
| Kaufman | SH 205 | 58 | 0451-02-030 | 25 |
| Kaufman | SH 205 | 59 | 0451-02-030 | 26 |
| Kaufman | SH 205 | 25 | 0451-02-030 | 27 |
| Kaufman | SH 205 | 26 | 0451-02-030 | 28 |
| Kaufman | SH 205 | 60 | 0451-02-030 | 29,29E |
| Kaufman | SH 205 | 27 | 0451-02-030 | 30 |
| Kaufman | SH 205 | 28 | 0451-02-030 | 31 |
| Kaufman | SH 205 | 29 | 0451-02-030 | 32 |
| Kaufman | SH 205 | 30 | 0451-02-030 | 33 |
| Kaufman | SH 205 | 61 | 0451-02-030 | 34 |
| Kaufman | SH 205 | 62 | 0451-02-030 | 35 |
| Kaufman | SH 205 | 31 | 0451-02-030 | 38 |
| Kaufman | SH 205 | 32 | 0451-02-030 | 39 |
| Kaufman | SH 205 | 33 | 0451-02-030 | 41 |
| Kaufman | SH 205 | 34 | 0451-02-030 | 42,42E |
| Kaufman | SH 205 | 63 | 0451-02-030 | 43 |
| Kaufman | SH 205 | 35 | 0451-02-030 | 44,44E |
| Kaufman | SH 205 | 64 | 0451-02-030 | 45 |
| Kaufman | SH 205 | 65 | 0451-02-030 | 46 |
| Kaufman | SH 205 | 36 | 0451-02-030 | 47 |
| Kaufman | SH 205 | 66 | 0451-02-030 | 48 |
| Kaufman | SH 205 | 67 | 0451-02-030 | 52 |
| Kaufman | SH 205 | 68 | 0451-02-030 | 53 |
| Kaufman | SH 205 | 37 | 0451-02-030 | 55 |
| Kaufman | SH 205 | 38 | 0451-02-030 | 56 |
| Kaufman | SH 205 | 69 | 0451-02-030 | 57 |
| Kaufman | SH 205 | 70 | 0451-02-030 | 58 |
| Kaufman | SH 205 | 39 | 0451-02-030 | 59 |
| Kaufman | SH 205 | 71 | 0451-02-030 | 60 |
| Kaufman | SH 205 | 72 | 0451-02-030 | 61 |
| Kaufman | SH 205 | 73 | 0451-02-030 | 62 |
| Kaufman | SH 205 | 74 | 0451-02-030 | 64 |
| Kaufman | SH 205 | 47 | 0451-02-030 | 65 |
| Kaufman | SH 205 | 75 | 0451-02-030 | 66,66E |
| Kaufman | SH 205 | 77 | 0451-02-030 | 68,68E |
| Kaufman | SH 205 | 76 | 0451-02-030 | 69 |

NON-CONTROLLED ACCESS (continued)

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Kaufman | SH 205 | 79 | 0451-02-030 | 70,70E |
| Kaufman | SH 205 | 78 | 0451-02-030 | 71 |
| Kaufman | SH 205 | 80 | 0451-02-030 | 72 |
| Kaufman | SH 205 | 81 | 0451-02-030 | 73 |
| Kaufman | SH 205 | 82 | 0451-02-030 | 74 |
| Kaufman | SH 205 | 83 | 0451-02-030 | 75 |
| Kaufman | SH 205 | 48 | 0451-02-030 | 76 |
| Kaufman | SH 205 | 40 | 0451-02-030 | 78 |
| Kaufman | SH 205 | 49 | 0451-02-030 | 79 |
| Kaufman | SH 205 | 84 | 0451-02-030 | 80 |
| Kaufman | SH 205 | 87 | 0451-02-030 | 81 |
| Kaufman | SH 205 | 86 | 0451-02-030 | 82 |
| Kaufman | SH 205 | 85 | 0451-02-030 | 84 |
| Kaufman | SH 205 | 88 | 0451-02-030 | 85 |
| Kaufman | SH 205 | 89 | 0451-02-030 | 87 |
| Kaufman | SH 205 | 90 | 0451-02-030 | 88 |
| Kaufman | SH 205 | 43 | 0451-02-030 | 89 |
| Kaufman | SH 205 | 91 | 0451-02-030 | 91 |
| Kaufman | SH 205 | 41 | 0451-02-030 | 95 |
| Kaufman | SH 205 | 42 | 0451-02-030 | 96 |
| Kaufman | SH 205 | 45 | 0451-02-030 | 98EA |
| Kaufman | SH 205 | 44 | 0451-02-030 | 98EB |
| Kaufman | SH 205 | 46 | 0451-02-030 | 99 |
| Kaufman | SH 205 | 93 | 0451-02-030 | 100 |
| Madison | US 190 | 102 | 0117-03-034 | 54 |
| Madison | US 190 | 103 | 0117-04-044 | 653 |
| Madison | US 190 | 95 | 0117-04-044 | 721 |
| Matagorda | FM 2031 | 52 | 0604-01-041 | 7 |
| Matagorda | FM 521 | 98 | 0847-01-011 | 2 |
| Montgomery | SH 105 | 96 | 0338-04-072 | 19 |
| Montgomery | SH 105 | 7 | 0338-04-072 | 55 |
| Montgomery | SH 105 | 2 | 0338-04-072 | 59 |
| Montgomery | SH 105 | 1 | 0338-04-072 | 60 |
| Montgomery | SH 105 | 6 | 0338-04-073 | 202 |
| Montgomery | SH 105 | 105 | 0338-04-073 | 239 |
| Montgomery | SH 105 | 12 | 0338-04-073 | 240 |
| Montgomery | SH 105 | 13 | 0338-04-073 | 247 |
| Montgomery | SH 105 | 101 | 0338-04-073 | 258 |
| Presidio | FM 170 | 107 | 0957-09-020 | 1TCE |
| Smith | FM 2493 | 17 | 0191-03-087 | 8 |
| Smith | FM 2493 | 51 | 0191-03-087 | 63 |
| Smith | FM 16 | 15 | 0522-04-035 | 42 |
| Smith | FM 16 | 16 | 0522-04-035 | 49 |
| Smith | FM 16 | 11 | 0522-04-035 | 55 |
| Smith | FM 16 | 54 | 0522-04-035 | 56 |
| Smith | FM 16 | 53 | 0522-04-035 | 73 |

NON-CONTROLLED ACCESS (continued)

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Smith | FM 16 | 50 | 0522-04-035 | 77 |
| Starr | US 83 | 10 | 0038-06-049 | 15 |

Note: Exhibits A - T and 1 - 107 are on file with the commission chief clerk.

ITEM 11. Routine Minute Orders and Reports

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 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)

115859
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> |
|---------------------------------------|-----------------|---------------|--|
| Bear Pump Riverfront Properties, LLC | WAC | McLennan | Design and construction of the public road and utility improvements on Martin Luther King Jr Blvd. The proposed road will extend Martin Luther King Jr. Blvd, connecting US Business 77 and Loop 484 in Waco. |
| Bridgeland Development, LP | HOU | Harris | Design and construction of a right turn lane at the intersection of SH 99 at Bridgeland Creek Parkway from the northbound exit ramp of SH 99 into the donor's development in Harris County. |
| Broadmoor Austin Associates | AUS | Travis | Design and construction of pavement widening, northbound right turn lane, and signal upgrades/modifications on Burnet Road (FM 1325) in Austin. |
| BTS Capital, Inc. | HOU | Fort Bend | Design and construction of a right turn deceleration lane and traffic signal modification from westbound FM 1093 (at Grand Mission Boulevard) in Fort Bend County. |
| Dlugosch III, LLC | CRP | Karnes | Design and funds towards the state's cost of construction of a dedicated left turn lane on northbound US 181, a dedicated right turn lane on southbound US 181, and a fourth leg of US 181/BU 123 intersection in Karnes County. |
| Dublin Ventures LLC | ABL | Callahan | Funds towards the state's cost to construct a 2" pavement overlay at FM 1707 and I-20 south frontage road in Clyde. |
| Forestar (USA) Real Estate Group Inc. | AUS | Travis | Design and construction of a new traffic signal at the intersection of Decker Lane/FM 3177 and City Top Blvd in Austin. |

Donations to the Department

| <u>Donor</u> | <u>District</u> | <u>County</u> | <u>Donation Description</u> |
|--|-----------------|---------------|--|
| Fulshear Lakes, Ltd. | HOU | Fort Bend | Design and construction of a traffic signal for a proposed driveway at FM 1093 and Weston Drive, a left turn lane eastbound on FM 1093, and one right turn lane westbound on FM 1093 in Fulshear. |
| Greenview Development 973, L.P. | AUS | Travis | Funds towards the state's cost to design and construct roadway improvements at the intersections of FM 973 at US 290, FM 973 at Ring Rd, and FM 973 at Old Hwy 20/Loop 212 in Manor. |
| H-E-B, LP | SAT | Bexar | Design and construction of two deceleration right turn lanes along FM 1957, restriping of FM 1957, two left turn lanes and two straight away lanes at the intersection of FM 1957 and SH 211, traffic signal modifications at SH 211, and removing a section of the median to provide a left turn lane in San Antonio. |
| HF Management Development Company, LLC | HOU | Montgomery | Design and construction of a traffic signal, a left turn lane, a right turn lane, and a continuous left turn lane from eastbound and westbound FM 830 into the donor's development in Conroe. |
| HK Hannah Heights, LLC | SAT | Guadalupe | Design and construction of a right turn lane on FM 20 at Love Trail Place, which is a new public street in Seguin. |
| IDEA Public Schools | SAT | Guadalupe | Design and construction of a left turn lane on FM 725 at Conway Castle in New Braunfels. |
| K Marcos LLC | AUS | Hays | Design and construction of a left turn and deceleration lane on SH 21 at Hollis Court in San Marcos. |
| Larkspur at Shadow Creek Venture, LLC | HOU | Brazoria | Design and construction of a left turn lane from westbound Shadow Creek Pkwy (FM 2234) into the Drever Larkspur Pearland development in Pearland. |
| Marcelo's L.P. | AUS | Travis | Design and construction of a deceleration and acceleration lane at 5283 SH 71 W, to include pavement widening, drainage, striping, and signage improvements in Del Valle. |

Donations to the Department

| <u>Donor</u> | <u>District</u> | <u>County</u> | <u>Donation Description</u> |
|---------------------------------------|-----------------|---------------|---|
| Mustang Developer LLC | AUS | Caldwell | Design and construction of road widening on SH 21 to include; 1) right turn deceleration lanes for two driveways; and 2) to extend and restripe an existing left turn deceleration lane into a two-way center turn lane on Mustang Ridge from 0.4 miles east of SH 130 to 0.75 miles east of SH 130 in Caldwell County. |
| Oaks at San Gabriel, LLC | AUS | Williamson | Design and construction of a traffic signal modification at the intersection of SH 29 at Vista Heights Drive in Georgetown. |
| ROP Retail 1, LLC | SAT | Bexar | Design and reconstruction of a portion of the existing concrete median and installation of left turn lanes on FM 1957 (Potranco Rd) at Stevens Parkway in San Antonio. |
| RSZZ, LLC | TYL | Smith | Design and construction of lengthening the left turn lane by 250 feet into the donor's development on US 69 in Tyler. |
| VIA Real Estate, LLC | WAC | Coryell | Design and construction of sidewalk, curb and gutter, and driveway on 1807 East US 190 in Copperas Cove. |
| Wild Boar Ranch, LP | AUS | Gillespie | Funds to cover the state's cost to construct a deceleration lane on US 290 East for access to Altstadt Brewery in Fredericksburg. |
| Smurfit Kappa North America LLC. | DAL | Kaufman | Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program. |
| V.T. Nguyen, D.D.S PA (dba) Ecodental | HOU | Fort Bend | Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program. |
| Travis Bryan Law Group, PLLC | HOU | Harris | 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) Collin County - US 75 - Consider the sale of right of way to an abutting landowner (MO)**

115860
ROW

In the City of Anna, Collin County, on US 75, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 655, at Page 446, Deed Records of Collin County, Texas.

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

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

One Anna Two, Ltd., a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$652,023.

The commission finds \$652,023 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 One Anna Two, Ltd., a Texas limited partnership, for \$652,023; 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.

(2) Harris County - I-45 - Consider the sale of right of way to an abutting landowner (MO)

115861
ROW

In the City of Webster, Harris County, on I-45, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 6298, at Page 270, Deed Records of Harris County, Texas.

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

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

Weingarten Realty Investors, a Texas real estate investment trust, is an abutting landowner and has requested to purchase the tract for \$2,961,200.

The commission finds \$2,961,200 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 Weingarten Realty Investors, a Texas real estate investment trust, for \$2,961,200; 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) Kaufman County - SH 34 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Kaufman, Texas (MO)

115862
ROW

In the City of Kaufman, Kaufman County, on SH 34, the State of Texas acquired certain land for highway purposes.

A portion of the land, which portion is described as the right of way of SH 34 between and including the two tracts described in Exhibit A (the right of way tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the right of way tract is no longer used for public road purposes, the right of way tract shall immediately and automatically revert to the State of Texas.

The City of Kaufman, Texas (the City) is assuming or has assumed jurisdiction, control, and maintenance and has requested that the right of way tract be transferred to the City.

IT IS THEREFORE ORDERED by the commission that the right of way tract, described as the right of way of SH 34 between and including the two tracts described in Exhibit A, is removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the right of way 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 right of way tract to the City of Kaufman, Texas; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

IT IS FURTHER ORDERED that, if the right of way tract ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

(4) Kaufman County - FM 1388 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Kaufman, Texas (MO)

115863
ROW

In the City of Kaufman, Kaufman County, on FM 1388, the State of Texas acquired certain land for highway purposes.

A portion of the land, which portion is described as the right of way of FM 1388 between and including Tracts 1 and 2 and between and including Tracts 3 and 4 described in Exhibit A (the right of way tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the right of way tract is no longer used for public road purposes, the right of way tract shall immediately and automatically revert to the State of Texas.

The City of Kaufman, Texas (the City) is assuming or has assumed jurisdiction, control, and maintenance and has requested that the right of way tract be transferred to the City.

IT IS THEREFORE ORDERED by the commission that the right of way tract, described as the right of way of FM 1388 between and including Tracts 1 and 2 and between and including Tracts 3 and 4 described in Exhibit A, is removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the right of way 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 right of way tract to the City of Kaufman, Texas; SAVE

AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

IT IS FURTHER ORDERED that, if the right of way tract ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

(5) Tarrant County - SH 360 - Consider an easement release to the underlying fee owner (MO)

115864
ROW

In the City of Fort Worth, Tarrant County, on SH 360, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 5530, at Page 227, Deed Records of Tarrant County, Texas.

A portion of the easement, which portion is 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 encumbered property.

The Dallas-Fort Worth International Airport Board is the owner of the fee interest in the encumbered property and has requested to purchase the easement interest for \$126,358.

The commission finds \$126,358 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 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 easement interest to the Dallas-Fort Worth International Airport Board for \$126,358.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Dallas and Denton Counties - Annual Inspection Report for the I-35E Managed Lanes Project (Report)

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

d. Highway Designation

Bell County - Near the city of Rogers, consider designating a segment of FM 437 on a new location and redesignating a segment of FM 437 as FM Spur 437 (MO)

115865
TPP

In Bell County, the Waco District has requested the following actions: (1) designation of a segment of FM 437 along a new location from 0.79 mile south of New Colony Road to 1.14 miles south of New Colony Road, a distance of approximately 0.4 mile; and (2) redesignation of a segment of FM 437 as FM Spur 437 from 0.8 mile south of New Colony Road to 1.17 miles south of New Colony Road, a distance of approximately 0.6 mile.

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 a segment of FM 437 is designated along a new location from 0.79 mile south of New Colony Road to 1.14 miles south of New Colony Road, a distance of approximately 0.4 mile, and a segment of FM 437 is redesignated as FM Spur 437 from 0.8 mile south of New Colony Road to 1.17 miles south of New Colony Road, a distance of approximately 0.6 mile, as shown on Exhibit A.

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

e. Land Acquisitions for Facilities

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

115866
SSD

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

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

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

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

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

IT IS 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.

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)**115867
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.

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

The commission received comments from private citizen Oscar Slotboom concerning toll roads in Houston.

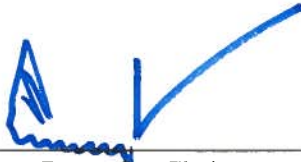
ITEM 12. Executive Session Pursuant to Government Code, Chapter 551

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 recessed to executive session at 11:55 a.m. and returned from executive session at 12:51 p.m.

Commissioner Ryan motioned adjournment and Commissioner New seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:51 p.m.

APPROVED by the Texas Transportation Commission on October 29, 2020:



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on September 24, 2020, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

