

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 28, 2019, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
Jeff Austin, III	Commissioner
Laura Ryan	Commissioner
Alvin New	Commissioner

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 9:40 a.m. on February 20, 2019, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Sidney Maloy.

Chairman Bugg announced that agenda item 4 would be considered prior to the other agenda items.

ITEM 4. Financial Assistance for Projects

Tarrant and Denton Counties - Consider authorizing the Private Activity Bond Surface Transportation Corporation to take all actions necessary for the issuance of private activity bonds as part of the plan of finance for Segment 3C of the North Tarrant Express managed lanes project (MO) (Presentation)

This item was presented by Project Planning and Development Director Brian Barth. Project Finance, Debt & Strategic Contracts Division Director Ben Asher also answered questions from the commission. Chairman Bugg called the following to the podium to speak: Mr. Don Dixon, engineer, who spoke against agenda item 4; State Representative Charlie Geren, Fort Worth Mayor Betsy Price, North Central Texas Council of Governments' Regional Transportation Council Chairman Gary Fickes, and Hillwood Development Corporation Executive Vice President Russell Laughlin, all of whom spoke in favor of agenda item 4. In addition, Chairman Bugg noted that State Senator Kelly Hancock had planned to attend in favor of item 4, but was called away to a press conference. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115422
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 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.

Pursuant to Minute Order 113159, dated June 28, 2012, the Texas Department of Transportation (department) entered into a Facility Agreement with NTE Mobility Partners Segments 3 LLC (Developer), an affiliate of NTE Mobility Partners (NTEMP), dated as of March 1, 2013 (Facility Agreement), to develop, design, construct, finance, maintain and operate the North Tarrant Express (NTE) Segments 3A and 3B Managed Lanes Project, a controlled access facility along I-35W from north of I-30 to US 81/287. The Facility Agreement was amended effective as of September 19, 2013.

The department and the Developer have negotiated a Change Order Agreement that provides for the department, in accordance with the terms and conditions of the Facility Agreement, and subject to the timely satisfaction of the conditions precedent specified in the Change Order Agreement, to issue a change order and amend and restate the Facility Agreement to add the design, construction, financing, operation and maintenance of the Segment 3C facility, extending along I-35W from north of US 81/287 to Eagle Parkway in Tarrant and Denton Counties, along with certain other Segment 3 projects (Segment 3C Facility Segment) to the Facility and the scope of work under, and as defined in, the Facility Agreement.

Section 14 of the Facility Agreement provides that the department shall have the right at any time, at its option, to issue a change order for Developer to undertake Upgrades, including a Facility Extension. Segment 3C would be added to the scope of work under the Facility Agreement as a Facility Extension.

Pursuant to the Facility Agreement, the Corporation will be obligated to issue private activity bonds (PABs) on behalf of the commission subject to certain conditions precedent, and if PABs are issued, the Corporation will loan the bond proceeds to the Developer as part of the plan of finance for the Segment 3C Facility Segment.

IT IS THEREFORE ORDERED by the commission that, with respect to the financing of projects under the Facility Agreement, including the Segment 3C Facility Segment, 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, and develop the project as requested by the Developer, including the issuance of PABs and the lending of PAB proceeds to the Developer as part of the plan of finance, all in accordance with and subject to the terms of the Facility Agreement as amended, any related agreement regarding the issuance of such PABs, 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 department, 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 PABs by the Corporation, and to take all actions necessary or appropriate to effect the delivery of such PABs in accordance with the terms and conditions of the Facility Agreement, any related agreement regarding the issuance of such PABs, and the bond financing documents.

Following the persons speaking on agenda item 4, the chairman called State Senator Brooks Landgraff, who spoke about his desire to work with the commission and the department to accomplish transportation goals. Next, State Representative Ed Thompson came to the podium with Brazoria County Judge Matt Sebesta, and Galveston County Commissioner Ken Clark. Representative Thompson talked about Pearland Days at the capital and his support of transportation. Judge Sebesta and Commissioner Clark both spoke of the need for development of Grand Parkway Segment B.

ITEM 2. Consider the approval of the Minutes of the January 30, 2019, workshop meeting and the January 31, 2019, regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the January 30, 2019, workshop meeting and the January 31, 2019, 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 Construction Division Director Gina Gallegos. 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.

115423
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 February 5 and 6, 2019; as shown on Exhibit A.

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

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

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

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

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

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

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

b. Routine Maintenance (MO)

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

115424
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on February 5 and 6, 2019; as shown on Exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

115425
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 February 5, 2019, 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.

The commission took a short recess from 10:38 a.m. to 10:45 a.m.

ITEM 5. Discussion Item

State Infrastructure Bank update (Presentation)

This discussion was led by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. The commission asked questions and discussed the topic.

ITEM 6. State Infrastructure Bank

Ellis County - South Ellis County Water Supply Corporation - Consider final approval of a request from South Ellis County Water Supply Corporation for a State Infrastructure Bank loan in the amount of up to \$70,000 to pay the costs of utility relocation necessary for a non-tolled state highway improvement project to replace a bridge 1.5 miles north of I-35E on FM 308 in Ellis County, Texas (MO)

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

115426
PFD

The South Ellis County Water Supply Corporation (WSC) has submitted an application for financial assistance in the form of a loan of up to \$70,000 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 WSC 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 WSC intends to use the financial assistance to pay the costs of utility relocation necessary for a non-tolled state highway improvement project to replace a bridge 1.5 miles north of I-35E on FM 308 in Ellis County, Texas (project).

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

The WSC has proposed a pledge of contract revenues under a utility agreement between the WSC and the department, as well as revenues of the water system 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 WSC'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 WSC 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 WSC 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 WSC's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$70,000 to pay the costs associated with the 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 WSC 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 7. Aviation

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

This item was presented by Aviation Division Airport Planning and Programming Section Director Greg Miller. 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.

115427
AVN

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

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

On February 1, 2019, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A.

Note: Exhibit A is 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. Proposed Adoption**Chapter 7 - Rail Facilities**

Amendments to §§7.30, 7.32-7.34, 7.38, and 7.42 (Rail Safety), and §7.105 (Spur Tracks Crossing Existing Highways) (MO)

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

b. Final Adoption**Chapter 2 - Environmental Review of Transportation Projects**

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

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

115428
ENV

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

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§2.301-2.308 and new §§2.301-2.308 are 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.

ITEM 9. 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 Toll Operations Division Director Rick Nelson. Private citizen and engineer Don Dixon spoke against adoption of this minute order. Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115429
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 March 15, 2019.

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 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 Right of Way Division Deputy Director Kyle Madsen. Commissioner New made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of

eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Ryan and the following minute order was approved by Chairman Bugg, Commissioner Austin, Commissioner Ryan, and Commissioner New (a vote of 4 - 0).

115430
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 - J. 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 - 54, 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	I	0521-06-140	2
Bexar	IH 410	E	0521-06-140	6
Bexar	IH 410	B	0521-06-140	27
Bexar	IH 410	F	0521-06-140	38
Bexar	IH 410	A	0521-06-140	50
El Paso	IH 110	G	0167-01-119	3,3TCE
Liberty	SH 99	J	3510-09-003	1155
Liberty	SH 99	D	3510-09-003	1176
Liberty	SH 99	H	3510-09-003	1181
Nueces	US 181	C	0101-06-109	306

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	48	0188-03-020	205
Brazoria	SH 36	49	0188-03-020	364
Brazoria	SH 36	50	0188-03-020	370
Brazoria	SH 36	52	0188-03-020	401
Brazoria	SH 36	46	0188-03-020	402
Brazoria	SH 36	51	0188-03-020	403
Brazoria	SH 36	54	0188-03-020	411
Brazoria	SH 36	53	0188-03-020	429
Brazoria	SH 36	39	0188-04-041	37
Camp	SL 255	45	3403-01-002	16
Collin	SH 5	4	0047-04-026	2
Collin	SH 5	2	0047-04-026	20
Collin	SH 5	3	0047-04-026	26
Collin	SH 5	17	0047-04-026	28
Collin	SH 5	18	0047-04-026	29
Collin	SH 5	5	0047-04-026	33
Collin	SH 5	12	0047-04-026	37
Collin	SH 5	6	0047-04-026	69
Collin	SH 5	7	0047-04-026	76
Collin	SH 5	11	0047-04-026	81
Collin	SH 5	8	0047-04-026	90,90E
Collin	SH 5	30	0047-04-026	91
Collin	SH 5	31	0047-04-026	92
Collin	SH 5	13	0047-04-026	95

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	SH 5	9	0047-04-026	99
Collin	SH 5	10	0047-04-026	101
Collin	SH 5	21	0047-04-026	102
Collin	SH 5	14	0047-04-026	103
Collin	SH 5	29	0047-04-026	104
Collin	SH 5	19	0047-04-026	120
Collin	SH 5	22	0047-04-026	122
Collin	SH 5	32	0047-04-026	128
Collin	SH 5	33	0047-04-026	129
Collin	SH 5	34	0047-04-026	130
Collin	SH 5	23	0047-04-026	133
Collin	SH 5	28	0047-04-026	136,136E
Collin	SH 5	24	0047-04-026	137
Collin	SH 5	25	0047-04-026	141
Collin	SH 5	26	0047-04-026	152
Fort Bend	SH 36	38	0188-02-039	23A
Fort Bend	SH 36	15	0188-02-039	60A
Fort Bend	FM 2218	44	2093-01-028	24
Fort Bend	FM 2218	43	2093-01-028	26
Fort Bend	FM 2218	37	2093-01-028	76
Harris	FM 1960	36	1685-03-097	108
Harris	FM 1960	16	1685-03-097	110
Harris	FM 1960	40	1685-03-101	202
Harris	FM 1960	42	1685-03-101	208
Harris	FM 1960	41	1685-03-101	230
Lubbock	FM 1585	1	1502-01-036	236
Lubbock	FM 1585	20	1502-01-037	263
Lubbock	FM 1585	27	1502-01-037	315
Montgomery	FM 1488	35	0523-09-017	100
Montgomery	SH 99	47	3510-07-008	841

Note: Exhibits A - J and 1 - 54 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 Austin 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)

115431
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 department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

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 C 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, B, and C.

Donations to the Department

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
All Stor Champion Ltd.	AUS	Williamson	Fixed amount towards the installation of an additional mast arm and signal head at the NE leg to serve the donor's property entrance located on RM 2222 in Austin.
American Traffic Safety Services Association	TRF	N/A	Two 4-day complimentary registration passes and two scholarships for Heather Lott, Traffic Engineering Section Director and Doug Skowronek, Policy and Standards Branch Manager, to attend the American Traffic Safety Services Association 49th Annual Convention and Traffic Expo in Tampa, Florida (February 8-12, 2019).
Anadarko E&P Onshore LLC	ODA	Reeves	Fixed amount of funds towards the State's cost to design, let, and construct highway improvements to improve the intersection of US 285 and County Road 452 in Reeves County.
Golden Pass Products LLC	BMT	Jefferson	Design and construction of a northbound deceleration and acceleration lanes and an extension of the existing southbound left turn lane at the donor's facility entrance on SH 87 in Port Arthur.
Jarrell Property, LLC	AUS	Williamson	Design and construction of a right turn lane and auxiliary lane along IH 35 south bound service road at County Road 327 from 525 linear feet north of CR -372 to 242 linear feet south of CR-372 in Williamson County.
Lieven J. Van Riet, Trustee	HOU	Fort Bend	Design and construction of a right turn lane and hooded left turn lane from west and east bound SH 6 into the donor's development in Missouri City.
National Association of Purchasing Card Professionals (NAPCP)	CMP	N/A	Registration fee for Anthony Thomas, Investigations Section Director, to present at the NAPCP's Annual Commercial Card and Payment Conference in Miami FL, on April 15-18, 2019.

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
OPOC, LLC	AUS	Williamson	Design and construction of an east bound right turn lane and acceleration lane, and west bound left turn lane from .94 mi southwest of FM 2843 to 1.22 mi southwest of FM 2843, on FM 487 in Williamson County.
Pilot Travel Centers LLC	ODA	Ector	Design, construction and construction engineering inspections of highway improvements to include, but not limited to the addition of turn lanes, associated drainage improvements, and installation of traffic signals along SH 302 in Ector County.
Rankin Road Property Inc.	HOU	Harris	Design and construction of a right turn lane median curb cut from westbound Rankin Road into the donor's development in Houston.
City of Port Aransas, A Texas Home Rule Municipality	CRP	Nueces	Donation of 2.179 acres of land at Ferry Landings in Port Aransas. The property being donated will be utilized in the implementation of a ferry vehicle stacking system.
Township Media, LLC	AUS	Hays	Revenue generation through the Sponsor a Highway Program.
Redpoint Insurance Group, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Township Media, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Lorenz & Lorenz L.L.P.	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Belfour Restoration	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Acme Brick Company	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Adventure Forest LLC Db a Go Ape	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Belfour Property Restoration – DFW	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
State Fair of Texas	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
Total Men’s Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
6 th Street Cow LLC dba Jakes Burgers & Beer	DAL	Dallas	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Loung Law Firm, PLLC	DAL	Dallas	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Total Men’s Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Total Men’s Primary Care	FTW	Denton	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Best Western Plus Lake Worth Inn & Suites	FTW	Tarrant	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Dale Computer Services Dbas Nerds To GO	FTW	Tarrant	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Total Men’s Primary Care	FTW	Tarrant	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bexar County - Brooklyn Ave. at I-37 in the city of San Antonio - Consider the removal from the system, transfer of control, jurisdiction, and maintenance, and transfer of right of way to the City of San Antonio (MO)

115432
ROW

In the city of San Antonio, Bexar County, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 5299 page 20, Volume 6029 page 523, Volume 5837 page 38, Volume 5305 page 776, Volume 5923 page 94, Deed Records of Bexar County, Texas.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director has recommended, as shown on Exhibit A, that right of way along Brooklyn Ave at I-37 (Tract 1) can be removed from the state highway system, a distance of 369.90 feet, and that control, jurisdiction, and maintenance be transferred to the city of San Antonio (City).

Tract 1 is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the governmental entity assumes jurisdiction, control, and maintenance of the right of way for public road purposes.

The City will assume control, jurisdiction, and maintenance of Tract 1 and has requested the transfer of Tract 1 to the city. If Tract 1 ceases to be used for public road purposes, Tract 1 shall immediately and automatically revert to the state.

IT IS THEREFORE ORDERED by the commission that Tract 1 is removed from the state highway system and control, jurisdiction and maintenance are transferred to the city of San Antonio.

FURTHER, IT IS THEREFORE ORDERED by the commission that Tract 1 is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring the state's right and interest in Tract 1 to the City; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Hidalgo County - US Highway 281 - Consider the quitclaim of the state's interest including mineral rights to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state. Hidalgo County Irrigation District No. 2 has requested that the tract be quitclaimed to honor the reversionary clause. This minute order rescinds and replaces Minute Order 115313 which incorrectly excluded mineral rights (MO)

115433
ROW

In the city of Hidalgo, Hidalgo County, on US 281, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 405, Page 423, Deed Records of Hidalgo County, Texas.

The land (Tract), RCSJ 0255-09-099, described in Exhibit A, is no longer needed for a state highway purpose.

The instrument conveying the Tract to the state contained a clause to the effect that if the state abandons the use of the premises as a park, the property shall revert to the grantor.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim of the state's interest to comply with a reversionary clause contained in the instrument that originally conveyed the interest to the state.

Hidalgo County Irrigation District No. 2, formerly known as Hidalgo County Water Control & Improvement District No.2, has requested that the Tract be quitclaimed to honor the reversionary clause.

The commission finds that it is proper and correct that the state quitclaim its right, title, and interest in the Tract to comply with the reversionary clause contained in the instrument of conveyance to the state.

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 quitclaiming the state's right, title, and interest in the Tract to Hidalgo County Irrigation District No. 2.

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

(3) Lubbock County - US Highway 82 at Boston Avenue - Consider the sale of right of way to an abutting landowner (MO)

115434
ROW

In the city of Lubbock, Lubbock County, on US 82, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 5567, Page 232, Deed Records of Lubbock County, Texas.

A portion of the land (Tract), RCSJ 0380-01-091, described in Exhibit A, is no longer needed for a state highway purpose.

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

MVP Raider Park Garage, LLC is the abutting landowner and has requested to purchase the Tract for \$40,900.

The commission finds \$40,900 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 MVP Raider Park Garage, LLC for \$40,900; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Rockwall County - FM 551 in the city of Fate - Consider an exchange of right of way (MO)

115435
ROW

In the city of Fate (city), Rockwall County, on FM 551, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 6, Page 373, and Volume 43, Page 315, 362, 366, 707, 465, 470, Deed Records of Rockwall County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (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.

A portion of the acquired land (tract), RCSJ 1016-01-030, described in Exhibit A, is no longer needed for a state highway purpose. The value of the tract is \$695,520.

Land needed for a state highway purpose (parcel), described in Exhibit B, will be conveyed to the state by the city. The value of the parcel is \$1,018,710.

The city has requested that the Tract be conveyed to the city in exchange for the parcel and the city will donate the \$323,190 difference in value between the tract and the parcel to the state, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state convey the tract to the city as consideration for the parcel and accept the donation of \$323,190 value difference from the city.

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, in exchange for and as consideration for the parcel and also accept the donation of \$323,190 in value difference to the state; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interest, if any, in and to all of the oil, gas, sulphur and other minerals, of every kind and character, in, on, under and that may be produced from the land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Grand Parkway Transportation Corporation

Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)

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

d. Finance

(1) Consider the acceptance of the annual continuing disclosure report for the State Highway Fund revenue bond program (MO)

115436
PFD

Pursuant to Article III, Section 49-n of the Texas Constitution, the Legislature authorized the Texas Transportation Commission (commission) to issue bonds and other public securities to: (i) finance state highway improvement projects that are eligible for funding with revenues dedicated or appropriated to the State Highway Fund (Fund); and (ii) pay the costs of issuing the bonds. The bonds are payable from and secured by a prior lien on certain revenues deposited to the credit of the Fund held in the treasury of the State of Texas.

Pursuant to Minute Order 110472, dated March 30, 2006, the commission approved the Master Resolution Establishing a Financing Program for Bonds, Other

Public Securities and Credit Agreements Secured by and Payable from Revenue Deposited to the Credit of the State Highway Fund, as amended and restated by the Second Amended and Restated Master Resolution dated April 23, 2010, to establish a revenue financing program, pursuant to which the commission may issue bonds, notes and other public securities and execute credit agreements secured by and payable from a pledge of and lien on revenues deposited to the credit of the Fund. The commission has approved nine supplemental resolutions for the issuance of bonds under Transportation Code, Section 222.003 and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within 180 days after the end of each fiscal year, financial information and operating data with respect to the Fund of the general type in the attached State Highway Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for fiscal year ended August 31, 2018, attached as the State Highway Fund Annual Continuing Disclosure Report, is accepted.

Note: State Highway Fund Annual Continuing Disclosure Report is on file with the commission chief clerk.

(2) Consider the acceptance of the annual continuing disclosure report for the Texas Mobility Fund bond program (MO)

115437
PFD

Article III, Section 49-k of the Texas Constitution created the Texas Mobility Fund (Mobility Fund) within the treasury of the State of Texas (state) to be administered by the Texas Transportation Commission (commission) as a revolving fund to: (i) provide a method of financing the construction, reconstruction, acquisition and expansion of state highways, including costs of any necessary design and costs of acquisition of rights-of-way, as determined by the commission in accordance with standards and procedures established by law; and (ii) 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 limitation established by law.

Pursuant to a Master Resolution approved on May 4, 2005, and as amended, the commission has approved thirteen supplemental resolutions for the issuance of bonds under Transportation Code, Chapter 201, Subchapter M and other applicable law.

Under provisions of the resolutions, the commission has covenanted to provide annually, within six months after the end of each fiscal year, financial and operating data with respect to the Mobility Fund of the general type in the attached Texas Mobility Fund Annual Continuing Disclosure Report.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2018, attached as the Texas Mobility Fund Annual Continuing Disclosure Report, is accepted.

Note: Texas Mobility Fund Annual Continuing Disclosure Report is on file with the commission chief clerk.

(3) Travis and Williamson Counties - Consider the acceptance of the annual continuing disclosure report for the Central Texas Turnpike System (MO)

115438
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 Central Texas Turnpike System (System), a turnpike project composed of the State Highway 130 (Segments 1 through 4), State Highway 45 North, State Highway 45 SE and Loop 1 project elements. The commission has also authorized the execution of an indenture of trust and eight supplemental indentures to secure revenue bonds and other obligations issued for the System. The Indenture of Trust dated July 15, 2002, as supplemented by the Amended and Restated Seventh Supplemental Indenture of Trust, dated as of January 1, 2015 (Indenture), prescribes the terms, provisions and covenants related to the issuance of revenue bonds and obligations to finance a portion of the costs of the System.

Section 716 of the Indenture requires the commission to provide annually, within six months after the end of each fiscal year, updated financial information and operating data with respect to the commission and the System of the general type included in specified sections of the final official statements relating to the obligations issued for the System.

IT IS THEREFORE ORDERED by the commission that the annual report of financial information and operating data for the fiscal year ended August 31, 2018 with respect to the commission and the System, attached as the Central Texas Turnpike System Annual Continuing Disclosure Report, is accepted.

Note: Central Texas Turnpike System Annual Continuing Disclosure Report is on file with the commission chief clerk.

e. Highway Designation

(1) Collin County - In the city of Frisco, consider removing State Spur 33 from the state highway system (MO)

115439
TPP

The Dallas District has requested that State Spur 33 along Gary Burns Drive in the City of Frisco be removed from the state highway system from Main Street eastward to SH 289, a distance of approximately 0.3 miles. Control, maintenance and jurisdiction of the roadway will rest with the city.

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

The Texas Transportation Commission (commission) finds that this segment is not needed for the proper operation and development of the system.

IT IS THEREFORE ORDERED by the commission that: (1) State Spur 33 along Gary Burns Drive in the City of Frisco is removed from the state highway system from Main Street eastward to SH 289, a distance of approximately 0.3 miles, as shown

on Exhibit A; and (2) control, maintenance and jurisdiction of the roadway will rest with the city.

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

(2) Collin County - In the city of Murphy, consider removing a segment of FM 2551 from the state highway system (MO)

115440
TPP

The Dallas District has requested that FM 2551 along Murphy Road in the City of Murphy be removed from the state highway system from the Murphy city limits southward to FM 544, a distance of approximately 2.0 miles. Control, maintenance and jurisdiction of the roadway will rest with the city.

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

The Texas Transportation Commission (commission) finds that this segment is not needed for the proper operation and development of the system.

IT IS THEREFORE ORDERED by the commission that: (1) FM 2551 along Murphy Road in the City of Murphy is removed from the state highway system from the Murphy city limits southward to FM 544, a distance of approximately 2.0 miles, as shown on Exhibit A; and (2) control, maintenance and jurisdiction of the roadway will rest with the city.

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

(3) Collin County - In the city of Princeton, consider removing a segment of FM 75 from the state highway system (MO)

115441
TPP

The Dallas District has requested that a segment of FM 75 in the City of Princeton be removed from the state highway system from Monte Carlo Boulevard southward along Longneck Road, then eastward along West College Avenue, then southward along N. 2nd Street, then eastward along McKinney Avenue, then southward along N. 3rd Street, then eastward along Main Street, then southward along N. 4th Street to US 380, a distance of approximately 1.5 miles. Control, maintenance and jurisdiction of the roadway will rest with the city.

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

The Texas Transportation Commission (commission) finds that this segment is not needed for the proper operation and development of the system.

IT IS THEREFORE ORDERED by the commission that: (1) a segment of FM 75 in the City of Princeton is removed from the state highway system from Monte Carlo Boulevard southward along Longneck Road, then eastward along West College Avenue, then southward along N. 2nd Street, then eastward along McKinney Avenue, then southward along N. 3rd Street, then eastward along Main Street, then southward along N. 4th Street to US 380, a distance of approximately 1.5 miles, as shown on Exhibit A; and (2) control, maintenance and jurisdiction of the roadway will rest with the city.

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)**

115442
TRF

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

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

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

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

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

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

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

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

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

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

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 Kathy Sokolic of Central Texas Families for Safe Streets, Farm & City Executive Director Jay Blazek Crossley, and private citizen Lance Hamm, all of whom spoke of the need for reduction of deaths on Texas roads.

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

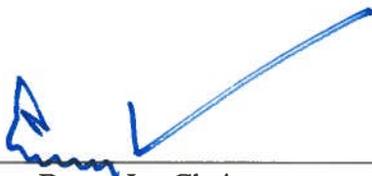
a. Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda

b. Section 551.074 - Discussion regarding the evaluation of the performance of the Executive Director.

The commission recessed for executive session at 11:20 a.m. and returned from executive session at 11:44 a.m.

Commissioner Ryan motioned adjournment and Commissioner Austin seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:45 p.m.

APPROVED by the Texas Transportation Commission on March 28, 2019:



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on February 28, 2019, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation