

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 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 2:25 p.m. on March 19, 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 Becky King.

Chairman Bugg recognized state representative and House Transportation Committee Vice Chairman, Brooks Landgraff. Representative Landgraff spoke briefly to the commission offering support as needed during the current legislative session.

ITEM 2. Consider the approval of the Minutes of the February 28, 2019, regular meeting of the Texas Transportation Commission

Commissioner Austin made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the February 28, 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 Austin made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115443
 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 March 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 New made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115444
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 March 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115445
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 March 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.

ITEM 4. Discussion Items

a. System Safety (Presentation)

This discussion was led by Engineering and Safety Operations Director Michael Lee. The commission asked questions and discussed the topic.

b. Development of the 2020 Unified Transportation Program (UTP) candidate projects list (Presentation)

This discussion was led by Transportation Planning and Programming Division Director Peter Smith. Engineering and Safety Operations Director Michael Lee, Deputy Executive Director Marc Williams, and District Operations Director Randy Hopmann joined Director Smith in answer to various questions from the commission. The commission asked questions and discussed the topic. The commission also heard comments from private citizen and engineer Mr. Don Dixon.

ITEM 5. Public Transportation

Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds for FY 2019 (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Austin made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115446
PTN

The Texas Transportation Commission (commission) desires to award up to \$20,104,352 in federal funds under the Federal Transit Administration (FTA) Formula Grants for Rural Areas Program (49 U.S.C. §5311) to Texas rural transit districts and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that these grant funds are distributed fairly and equitably within the state.

The United States Congress has passed the Fixing America's Surface Transportation (FAST) Act, authorizing funding for federal fiscal years (FY) 2016–2020. The awards in this minute order are anticipated to be a combination of available prior year funds and funds contingent upon the availability of the FY 2019 apportionments to be published in the Federal Register. Awards to rural transit districts are calculated in accordance with the formula in Title 43, Texas Administrative Code, §31.36(g)(2). The distribution of awards for FY 2019 is shown in Exhibit A.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the FY 2019 §5311 FTA allocation for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts for the FY 2019 program of projects.

IT IS FUTHER ORDERED that the full awards of the FY 2019 §5311 FTA allocation are contingent upon FTA apportionment.

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

ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Proposed Adoption

Chapter 15 - Financing and Construction of Transportation Projects

§§15.50 - 15.53, and §15.55 relating to Federal, State, and Local Participation (MO)

This item was presented by Local Government Projects Director David Millikan. Chief Audit and Compliance Officer Benito Ybarra also came forward to answer questions from the commission. 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.

115447
TPD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§15.50-15.53, and 15.55 relating to Federal, State, and Local Participation 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 §§15.50-15.53, and 15.55 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.

The commission took a short recess from 11:13 a.m. to 11:23 p.m.

ITEM 7. Purchase of Right of Way

a. Dallas County - SL 12 from Singleton Blvd to Union Bower Rd, and SH 114 from east of International Parkway to SP 348 - Consider authorizing the negotiation and acquisition by purchase of right of way for highway expansion while ensuring no funds from sources commonly known as Proposition 1 and Proposition 7 will be used (MO)

This item was presented by Right of Way Division Deputy Director Kyle Madsen. 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.

115448
ROW

Transportation Code, §201.103 requires the commission to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads. Transportation Code, §§203.051 and 203.052 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to a state highway project, including property necessary or convenient to protect a state highway project or to accomplish any other purpose related to the project location, construction, improvement, maintenance, beautification, preservation, or operation.

The Texas Transportation Commission (commission) finds and determines that the acquisition of property on the below listed-projects is necessary or convenient for possible use

in, or in connection with, a transportation facility to be constructed, reconstructed, maintained, widened, straightened, or extended.

IT IS THEREFORE ORDERED by the commission that the department is authorized to negotiate the purchase of property, in fee simple title or such lesser property interest, of a size and a location as is reasonably related to the design and alignment of the transportation facilities described in this minute order and to expend funds for surveys, title examinations, appraisals, purchase, and other expenses reasonably necessary for the acquisition of those properties.

COUNTY	HIGHWAY	CSJ	LIMITS
Dallas	SL 12	0581-02-077	Singleton Blvd. to Union Bower Rd.
Dallas	SH 114	0353-04-056	East of International Parkway to SP 348

b. Travis County - I-35 - Consider authorizing the negotiation and advance acquisition by purchase of right of way for possible use in, or in connection with, a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property or environmental clearance has been issued for the transportation facility by the appropriate federal or state authority while ensuring no funds from sources commonly known as Proposition 1 and Proposition 7 will be used (MO)

This item was presented by Right of Way Division Deputy Director Kyle Madsen. 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.

115449
ROW

Transportation Code, §201.103 requires the commission to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads. Transportation Code, §§203.051 and 203.052 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to a state highway project, including property necessary or convenient to protect a state highway project or to accomplish any other purpose related to the project location, construction, improvement, maintenance, beautification, preservation, or operation.

Transportation Code, §202.112 authorizes the commission to acquire real property or an interest in real property for possible use in, or in connection with, a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property or environmental clearance has been issued for the transportation facility by the appropriate federal or state authority.

The Texas Transportation Commission (commission) finds and determines that the acquisition of each of the parcels of land listed below, and more particularly described in the attached Exhibits (parcels) is necessary or convenient for possible use in, or in connection with, a transportation facility to be constructed, reconstructed, maintained, widened, straightened, or extended.

The commission is prohibited from using the authority provided by §202.112 to acquire property by condemnation.

IT IS THEREFORE ORDERED by the commission that the department is authorized to negotiate the purchase of fee simple title in the parcels or such lesser property interests as set forth in the attached Exhibits, and to expend funds for surveys, title examinations, appraisals, purchase, and other expenses reasonably necessary for the acquisition of those properties.

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>
Travis	IH 35	1
Travis	IH 35	2
Travis	IH 35	3
Travis	IH 35	4

Note: Exhibits 1 - 4 are on file with the commission chief clerk.

ITEM 8. 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).

115450
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 - W. 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 - 180, 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:

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	135	2553-01-118	6
Angelina	US 59	133	2553-01-118	9
Angelina	US 59	132	2553-01-118	10
Angelina	US 59	131	2553-01-118	11
Angelina	US 59	134	2553-01-118	12
Brazoria	SH 36	109	0188-03-020	361A
Brazoria	SH 36	30	0188-04-041	53
Collin	SH 5	40	0047-04-026	10
Collin	SH 5	15	0047-04-026	143
Collin	SH 5	3	0047-04-026	153
Collin	SH 5	27	0047-04-026	160
Collin	SH 5	29	0047-04-026	169
Collin	SH 5	41	0047-04-026	171
Collin	SH 5	26	0047-04-026	172E
Collin	SH 5	119	0047-04-026	242
Collin	SH 5	32	0047-04-026	245
Collin	SH 5	42	0047-04-026	247
Collin	SH 5	36	0047-04-026	249
Collin	SH 5	35	0047-04-026	250
Collin	SH 5	18	0047-04-026	252
Collin	SH 5	37	0047-04-026	254
Collin	SH 5	39	0047-04-026	256,256E
Collin	SH 5	114	0047-04-026	257
Collin	SH 5	19	0047-04-026	259
Collin	SH 5	115	0047-04-026	261
Collin	SH 5	34	0047-04-026	262
Collin	SH 5	8	0047-04-026	263
Collin	SH 5	116	0047-04-026	264
Collin	SH 5	120	0047-04-026	267
Collin	SH 5	121	0047-04-026	268

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	SH 5	4	0047-04-026	269
Collin	SH 5	5	0047-04-026	270
Collin	SH 5	6	0047-04-026	271
Collin	SH 5	7	0047-04-026	272
Collin	SH 5	108	0047-04-026	274
Collin	SH 5	38	0047-04-026	282
Collin	SH 5	117	0047-04-026	283
Collin	SH 5	118	0047-04-026	285
Collin	SH 5	28	0047-04-026	292
Collin	SH 5	20	0047-04-026	296E
Collin	SH 5	9	0047-04-026	300
Collin	SH 5	10	0047-04-026	301
Collin	SH 5	21	0047-04-026	302
Collin	SH 5	11	0047-04-026	308
Collin	SH 5	22	0047-04-026	309E
Collin	SH 5	12	0047-04-026	310
Collin	SH 5	23	0047-04-026	311
Collin	SH 205	103	0451-03-015	2,2E
Collin	SH 205	100	0451-03-015	3
Collin	SH 205	102	0451-03-015	4E
Collin	SH 205	101	0451-03-015	5E
Collin	SH 205	99	0451-03-015	6
Collin	SH 205	98	0451-03-015	7
Collin	SH 205	97	0451-03-015	8
Collin	SH 205	96	0451-03-015	9
Collin	SH 205	95	0451-03-015	10
Collin	SH 205	94	0451-03-015	11
Collin	SH 205	93	0451-03-015	12
Collin	SH 205	92	0451-03-015	13
Collin	SH 205	91	0451-03-015	14
Collin	SH 205	90	0451-03-015	15
Collin	SH 205	89	0451-03-015	16
Collin	SH 205	88	0451-03-015	17
Collin	SH 205	87	0451-03-015	19
Collin	SH 205	86	0451-03-015	20
Collin	SH 205	85	0451-03-015	21
Collin	SH 205	84	0451-03-015	22
Collin	SH 205	83	0451-03-015	23
Collin	SH 205	82	0451-03-015	24
Collin	SH 205	81	0451-03-015	25
Collin	SH 205	80	0451-03-015	26

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	SH 205	79	0451-03-015	27
Collin	SH 205	78	0451-03-015	28
Collin	SH 205	77	0451-03-015	29
Collin	SH 205	76	0451-03-015	30
Collin	SH 205	75	0451-03-015	31E
Collin	SH 205	74	0451-03-015	32
Collin	SH 205	72	0451-03-015	33E
Collin	SH 205	73	0451-03-015	34
Collin	SH 205	71	0451-03-015	35
Collin	SH 205	70	0451-03-015	36
Collin	SH 205	69	0451-03-015	37,37E
Collin	SH 205	68	0451-03-015	38
Collin	SH 205	67	0451-03-015	39
Collin	SH 205	66	0451-03-015	40
Collin	SH 205	65	0451-03-015	41
Collin	SH 205	64	0451-03-015	42
Collin	SH 205	63	0451-03-015	43E
Collin	SH 205	62	0451-03-015	44
Collin	SH 205	61	0451-03-015	45E
Collin	SH 205	60	0451-03-015	46
Collin	SH 205	59	0451-03-015	47
Collin	SH 205	58	0451-03-015	48
Collin	SH 205	57	0451-03-015	49
Collin	SH 205	56	0451-03-015	50
Collin	SH 205	55	0451-03-015	51
Collin	SH 205	54	0451-03-015	52
Collin	SH 205	53	0451-03-015	53
Collin	SH 205	51	0451-03-015	54
Collin	SH 205	52	0451-03-015	55
Collin	SH 205	43	0451-03-015	56
Collin	SH 205	44	0451-03-015	57
Collin	SH 205	45	0451-03-015	59
Collin	SH 205	46	0451-03-015	60
Collin	SH 205	49	0451-03-015	61
Collin	SH 205	47	0451-03-015	62
Collin	SH 205	48	0451-03-015	63
Collin	SH 205	50	0451-03-015	65
Collin	FM 2478	138	2351-01-022	5
Denton	US 380	31	0135-10-059	10
Denton	US 377	16	0135-10-060	6

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	US 377	17	0135-10-060	8
Denton	FM 455	122	0816-02-081	110,110E
Fisher	US 180	13	0296-03-039	1
Fort Bend	SH 36	139	0188-02-038	108,108E
Fort Bend	SH 36	107	0188-02-039	42B
Fort Bend	FM 2218	130	2093-01-028	3
Fort Bend	FM 2218	25	2093-01-028	62
Harris	FM 1960	24	1685-01-104	2
Harris	FM 1960	125	1685-01-104	6
Harris	FM 1960	124	1685-01-104	7
Harris	FM 1960	126	1685-01-104	9
Harris	FM 1960	106	1685-01-104	16
Harris	FM 1960	128	1685-03-097	135
Harris	FM 1960	33	1685-03-097	146
Harris	FM 1960	110	1685-03-097	147
Harris	FM 1960	127	1685-03-097	151
Harris	FM 1960	129	1685-03-101	261
Hunt	SH 276	1	1290-07-002	12
Hunt	SH 276	123	1290-07-002	33
Lubbock	FM 1585	105	1502-01-036	234
Lubbock	FM 1585	104	1502-01-036	237
Lubbock	FM 1585	2	1502-01-037	300
Lubbock	FM 1585	14	1502-01-037	356
Montgomery	SH 99	113	3510-07-008	809
Montgomery	SH 99	137	3510-07-008	817
Montgomery	SH 99	136	3510-07-008	856
Montgomery	SH 99	111	3510-07-008	878
Montgomery	SH 99	112	3510-07-008	884
Travis	US 290	141	0113-08-089	1
Travis	US 290	172	0113-08-089	2
Travis	US 290	173	0113-08-089	3
Travis	US 290	154	0113-08-089	4
Travis	US 290	142	0113-08-089	5
Travis	US 290	149	0113-08-089	6
Travis	US 290	148	0113-08-089	7
Travis	US 290	155	0113-08-089	8
Travis	US 290	146	0113-08-089	12
Travis	US 290	156	0113-08-089	13
Travis	US 290	150	0113-08-089	15
Travis	US 290	145	0113-08-089	16
Travis	US 290	157	0113-08-089	19

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Travis	US 290	158	0113-08-089	25
Travis	US 290	144	0113-08-089	30
Travis	US 290	153	0113-08-089	31
Travis	US 290	159	0113-08-089	32
Travis	US 290	152	0113-08-089	33
Travis	US 290	161	0113-08-089	43
Travis	US 290	162	0113-08-089	45
Travis	US 290	163	0113-08-089	46
Travis	US 290	164	0113-08-089	71
Travis	US 290	165	0113-08-089	79
Travis	US 290	166	0113-08-089	80
Travis	US 290	160	0113-08-089	81
Travis	US 290	167	0113-08-089	82
Travis	US 290	168	0113-08-089	83
Travis	US 290	169	0113-08-089	84
Travis	US 290	170	0113-08-089	85
Travis	US 290	171	0113-08-089	86
Travis	US 290	151	0113-08-089	87
Travis	SH 71	177	0700-03-101	29
Travis	SH 71	180	0700-03-101	47
Travis	SH 71	140	0700-03-101	51
Travis	SH 71	174	0700-03-101	52
Travis	SH 71	179	0700-03-101	53
Travis	SH 71	175	0700-03-101	63
Travis	SH 71	176	0700-03-101	64
Travis	SH 71	178	0700-03-101	72
Travis	SH 71	147	0700-03-101	74E
Travis	SH 71	143	0700-03-101	77E

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 410	D	0521-06-140	7
Bexar	IH 410	A	0521-06-140	12
Bexar	IH 410	C	0521-06-140	16
Bexar	IH 410	B	0521-06-140	30
Bexar	IH 410	I	0521-06-140	66
Denton	IH 35E	E	0196-01-100	76
Denton	IH 35E	F	0196-01-100	77
Denton	IH 35E	L	0196-01-100	78
Denton	IH 35E	G	0196-01-100	87

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35E	J	0196-01-100	91
Denton	IH 35E	H	0196-01-100	114
Galveston	IH 45	N	0500-04-137	411
Galveston	IH 45	M	0500-04-137	436
Liberty	SH 99	P	3510-09-003	1119
Liberty	SH 99	R	3510-09-003	1124
Liberty	SH 99	S	3510-09-003	1159
Liberty	SH 99	Q	3510-09-003	1183
Montgomery	SH 99	O	3510-07-008	814
Montgomery	SH 99	T	3510-07-008	893
Potter	IH 40	K	0275-01-192	14
Travis	US 290	V	0113-08-089	9
Travis	US 290	U	0113-08-089	17
Travis	US 290	W	0113-08-089	36

Note: Exhibits A - W and 1 - 180 are on file with the commission chief clerk.

ITEM 9. Routine Minute Orders and Reports

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

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

115451
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>DDO</u>	<u>County</u>	<u>Donation Description</u>
290 East Bush, Inc.	AUS	Hays	Design and construction of a right turn deceleration lane for the Ledgestone Commercial development on US 290 at Four Star Blvd. in Austin.
American Transportation Research Institute	TPP	N/A	Full travel costs, to include airfare, lodging, meals, and parking for Caroline A. Mays, Freight and International Trade Section Director to attend the 2019 American Transportation Research Institute (ATRI) Research Advisory Committee meeting on March 4-6, 2019 in Phoenix, Arizona.
Berry Creek (Georgetown) ASLI IX, LLC	AUS	Williamson	Design and an amount sufficient to cover the State's cost to construct a median cross over, right turn deceleration lane and dual left turn lanes on SH 195 in Georgetown.
Betsy Leifeste Irrevocable Trust	SAT	Wilson	Design and construction of a right turn lane and shoulder improvements at the subdivision main entrance on FM 2579 in Wilson County, Texas.

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
CenterPoint Energy Houston Electric, LLC	HOU	Brazoria	Design and construction of a left turn lane, flashing traffic caution signal and associated storm sewer improvement from eastbound FM 1462 into the donor's development in Rosharon.
DD Cinco IV, LLC	HOU	Fort Bend	Design and construction of a right turn deceleration lane from westbound FM 1093 frontage lane into the donor's development in Katy.
GHMR Operations, L.L.C.	ODA	Ward	Design, construction and construction engineering and inspections of highway improvements to include, but not limited to the addition of acceleration lanes, deceleration lanes, improvements to surface drainage and installation of small roadside warning signs along Loop 464 near the intersection of Loop 464 and I-20 in Ward County.
Golden Pass Products LLC	BMT	Jefferson	Design and construction of a northbound acceleration lane and an extension of the existing southbound left turn lane at the donor's facility entrance on SH 87 in Port Arthur.
Houston First Corporation	TRV	N/A	In-kind donation consisting of food, beverages, and admission and transportation to area attractions, solicited from various sponsors, to the department as part of its hosting the 64th Annual Texas Travel Counselors Conference in Houston, Texas on April 1-4, 2019.
My Real Life	AUS	Hays	Design and construction of the widening of FM 1826 to provide a westbound left turn lane at the intersection of FM 1826 and the proposed site driveway in Hays County.
Old McDade LLC	AUS	Bastrop	The restriping of a right turn deceleration lanes on US 290 from Roy Davis Road to 0.52 miles east of Roy Davis Road in Elgin.
Precast/Prestressed Concrete Institute	TRV BRG	N/A	Airfare, meals, lodging, ground transportation, car mileage, and ABIA parking for Jamie Farris, P.E., Deputy Bridge Director and Jason Tucker, P.E., Structural Materials Section Director to attend the 2019 PCI Convention and National Bridge Conference Meeting and AASHTO Technical Committee for Concrete Design (T-10) Meeting on February 26-March 2, 2019, in Louisville, Kentucky.

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
Presidential Meadows Limited Partnership	AUS	Travis	Design and construction for the installation of a new signal head, signing, and pavement markings at the intersection of US290 and George Bush St., in Manor.
Rahim Maknojia	HOU	Waller	Design and construction of a right turn deceleration lane from east bound SH 6 into the donor's development in Hempstead.
Southerland Canyon Creek, LLC	SAT	Medina	Design and construction for shoulder widening of a section of PR 37 approximately 0.75 miles of SH 16 to accommodate traffic to and from the Canyon Creek Preserve, Phase 4 subdivision in Medina County.
South Springs Baptist Church	TYL	Smith	730 feet of additional right turn deceleration lane from southbound US 69 into South Springs Baptist Church in Tyler.
SRE/MRE Oak Hill, Ltd.	AUS	Travis	Design and construction of lengthening the existing eastbound left turn lane at the intersection of US 290 and Old Bee Caves Road in Austin.
WRIA 2017-7, L.P.	AUS	Travis	Design and construction of a right turn deceleration lane on IH 35 frontage road into the donor's development in Austin.
Lewis Family Medicine Urgent Care, PLLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Luxury Auto Works	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Smokey Mo's Bar-B-Q, LLC	AUS	Williamson	Revenue generation through the Sponsor a Highway Program.
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.
Total Men's Primary Care	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Free Play, Incorporated	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Choice Home & Commercial Services	HOU	Harris	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>
Remedy Roof, Inc.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
The University of Texas Medical Branch at Galveston- UTMB Health	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) Zeyslending.com	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bexar County - SS 53 - Consider the transfer of the tract and transfer of control, jurisdiction, and maintenance to the City of San Antonio and rescind Minute Order 114171 (MO)

115452
ROW

In San Antonio, Bexar County, on SS 53, the state of Texas acquired certain land for highway purposes.

A portion of the land (tract), described in Exhibits A and B, 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 transfer of highway right of way to a governmental entity that has assumed jurisdiction, control, and maintenance of the right of way for public road purposes.

The City of San Antonio (city) has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to 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; 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. Also SAVE AND EXCEPT all of the state's right, title, and interest in an approximately 0.7287 acre tract located at the north quadrant of UTEX Blvd and UTSA Blvd intersection as described in Exhibit C.

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

FURTHER, IT IS THEREFORE ORDERED by the commission that Minute Order 114171 dated December 18, 2014, is rescinded and replaced by this order.

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

(2) Denton County - SL 288 - Consider the release of easement to Denton County (MO)

115453
ROW

In Denton County, on SL 288, the state of Texas acquired an easement interest in certain land by instrument recorded in Volume 400 Page 431, Deed Records of Denton County, Texas.

All or a portion of the easement (tract), RCSJ 2250-01-027, 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 release an easement interest no longer needed for a state highway purpose to the owner of the fee interest in the property.

Denton County is the owner of the fee interest in the property and has requested that the state release the tract for \$27,500.

The commission finds \$27,500 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 Denton County for \$27,500; 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.

(3) Harris County - FM 1960 - Consider the sale of right of way to an abutting landowner and rescind Minute Order 115397 (MO)

115454
ROW

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

A portion of the land (tract), RCSJ 1685-03-103, described in Exhibit A, is no longer needed for a state highway purpose.

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

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

The commission finds \$18,000 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Just Passing Thru BBQ, LLC for \$18,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

FURTHER, IT IS THEREFORE ORDERED by the commission that Minute Order 115397 dated December 13, 2018, is rescinded and replaced by this order.

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

(4) Montgomery County - FM 830 - Consider the transfer of the tract to Montgomery County (MO)

115455
ROW

In Montgomery County on FM 830, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 728, Page 192, Volume 717 Page 244, Deed Records of Montgomery County, Texas.

A portion of the land (tract), RCSJ 2897-01-015, as shown on Exhibit A, is no longer needed for highway use.

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 estimated cost of future maintenance on the property exceeds the fair value of the property.

The county will assume control, jurisdiction, and maintenance of the tract and has requested the transfer of the tract to the county.

The appraised value of the tract is \$760,000. The estimated future maintenance cost of the tract is \$815,627.

IT IS THEREFORE ORDERED by the commission that the tract is removed from the state highway system and control, jurisdiction, and maintenance are transferred to Montgomery County.

FURTHER, IT IS THEREFORE ORDERED by the commission that the tract 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 the tract to the county and that payment be waived; 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.

(5) Nacogdoches County - US 59 at CR 525 - Consider the sale of right of way to an abutting landowner (MO)

115456
ROW

In Nacogdoches County, on US 59 at CR 525, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 389, Page 699, Deed Records of Nacogdoches County, Texas.

A portion of the land (tract), RCSJ 0176-01-113, described in Exhibit A, is no longer needed for a state highway purpose.

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

Winston Land & Cattle I, LTD is the abutting landowner and has requested to purchase the tract for \$25,000.

The commission finds \$25,000 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Winston Land & Cattle I, LTD for \$25,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and

interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(6) Rockwall County - SH 205 - Consider the sale of right of way to an abutting landowner (MO)

115457
ROW

In Rockwall, Rockwall County, on SH 205, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 5112, Page 161, Deed Records of Rockwall County, Texas.

A portion of the land (tract), RCSJ 0451-01-058, described in Exhibit A, is no longer needed for a state highway purpose.

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

Siren Rock Brewing Company, LLC is the abutting landowner and has requested to purchase the tract for \$47,000.

The commission finds \$47,000 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Siren Rock Brewing Company, LLC for \$47,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(7) Victoria County - US 59 and Hill Road - Consider the sale of right of way to an abutting landowner (MO)

115458
ROW

In Victoria, Victoria County, on US 59, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 574, Page 56, Deed Records of Victoria County, Texas.

A portion of the land (tract), RCSJ 0088-05-102, described in Exhibit A, is no longer needed for a state highway purpose.

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

Victoria Rentals, LLC is the abutting landowner and has requested to purchase the tract for \$11,000.

The commission finds \$11,000 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Victoria Rentals, LLC for \$11,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and

interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(8) Williamson County - US 183A - Consider the sale of the tract to the successful bidder (MO)

115459
ROW

In Austin, Williamson County, on US 183A, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 1723, Page 855, Deed Records of Williamson County, Texas.

A portion of the land (tract), RCSJ 0151-05-110, described in Exhibit A, is no longer needed for a state highway purpose.

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

The tract was advertised for sale, and Trinsic Acquisition Company, LLC, submitted a bid of \$6,311,000, which was the highest valid bid.

The commission finds \$6,311,000 to be a fair and reasonable value of the state’s right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to Trinsic Acquisition Company, LLC for \$6,311,000; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

Compliance Division report

Note: Confidential report to commission.

d. Transportation Planning

Various Counties - Consider the approval of the Fiscal Year 2018 Annual Report on the Economically Disadvantaged Counties Program (MO)

115460
TPP

Section 222.053(a), Transportation Code, defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Section 222.053(c) directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement.

Section 222.053(e) further directs the commission to report annually to the governor, the lieutenant governor, and the speaker of the house of representatives on the use of matching funds and local incentives and the ability of the commission to ensure that political subdivisions

located in economically disadvantaged counties have equal ability to compete for highway funding with political subdivisions in counties that are not economically disadvantaged.

The Texas Department of Transportation has completed the Fiscal Year 2018 Annual Report on the Economically Disadvantaged Counties Program, which is attached as Exhibit A.

IT IS THEREFORE ORDERED that the Fiscal Year 2018 Annual Report on the Economically Disadvantaged Counties Program, as shown in Exhibit A, is approved by the commission and shall be presented to the governor, the lieutenant governor, and the speaker of the house of representatives as required by Section 222.053(e), Transportation Code.

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

e. Designation of Access Control

Titus County - US 67 and FM 2348, near Mt Pleasant - Consider the removal of access denial at one location on the south side of US 67, and the removal of access denial for the entire length of the abutting property along the west side of FM 2348 (MO)

115461
DES

In TITUS COUNTY, on US 67 and FM 2348, both designated controlled-access highways, the State of Texas acquired certain land for highway purposes pursuant to the Agreed Final Judgement filed at DIV 201200001981 of the Deed Records of Titus County, Texas with denial of access to the abutting remainder property as described in the instruments.

Best Fender Products, Inc., the current owner of the abutting property, has requested the removal of access denial at one location along the property line for US 67 and the removal of access denial along the entire property line for FM 2348 both described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the removal of access denial will not compromise the mobility, safety or operation of the existing state highway facilities, and designates the removal of access denial described in Exhibit A as locations where ingress and egress may be permitted to and from US 67 and FM 2348.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

f. Speed Zones

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

115462
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 private citizen and engineer Don Dixon, speaking on behalf of Mike Fossum concerning Pelican Island bridge. James Beauchamp, President, Midland-Odessa Transportation Alliance signed up to speak on Permian Basin activity and roadway needs, but was not present at the time of the open comment period. The following homeowners all spoke in opposition to the proposed U.S. 380 bypass near McKinney: Mary Hammack, who read the impact statement from former Frisco Mayor Kathy Ciack; Shannon Blake; Karin Kerby; Landon Blake; Jason Blake; Stephanie Weyenberg; Kevin Voigt; Cindy Cavener-Sumner; Leah Griffin; and Nancy Stogsdill, who read the impact statement from Maria Mercer of McKinney.

ITEM 10. 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 to executive session at 12:07 p.m. and returned to the regular meeting at 2:00 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 2:01 p.m.

APPROVED by the Texas Transportation Commission on April 25, 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 March 28, 2019, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation