

These are the minutes of the regular meeting of the Texas Transportation Commission held on May 30, 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 3:04 p.m. on May 21, 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 Randy Clawson.

ITEM 2. Consider the approval of the Minutes of the April 25, 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 April 25, 2019, regular meeting by a vote of 4 - 0.

ITEM 3. Acknowledgment of Service

Recognize by resolution Terry G. McCoy, P.E., Austin District Engineer, for 31 years of service to the department

This item was presented by Chief Engineer Bill Hale. Chief Engineer Hale presented District Engineer McCoy with several resolutions and thanked him for his service and leadership. District Engineer McCoy thanked the commission, his family, and various mentors. The commission thanked District Engineer McCoy for his work and wished him well. Photographs were taken.

ITEM 4. Road to Zero

All Counties - Consider establishing the Road to Zero traffic safety goal to reduce the number of deaths on Texas roadways to zero by 2050 (MO) (Presentation)

This item was presented by Engineering and Safety Operations Director Michael Lee. Comments were received from private citizen Anna Bauereis, Executive Director of Farm and City Jay Crossley, private citizen Mona Mehdy, and private citizen Zenobia C. Joseph. Commissioner Ryan made a motion, which was seconded by Commissioner Austin, and the commission approved the following minute order by a vote of 4 - 0.

115481
TRF

The Texas Transportation Commission (commission) directs the Texas Department of Transportation (department) to work toward the goal of reducing the number of deaths on Texas roadways by half by the year 2035 and to zero by the year 2050. The commission acknowledges a majority of motor vehicle crashes can be prevented, thereby reducing fatalities.

IT IS FURTHER ORDERED that the divisions and districts of the department shall develop and implement strategies required to reduce the number of deaths on Texas roadways by half by the year 2035 and to zero by the year 2050.

The commission took a short recess from 10:46 a.m. to 10:52 a.m.

ITEM 5. Contracts

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

a. Fannin County - Consider concurring with the award of Oklahoma highway improvement project contract on SH 78 at the Texas/Oklahoma border (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.

115482
CST

Pursuant to an agreement signed by the State of Texas and the State of Oklahoma on September 22, 2014 and August 7, 2014 respectively, the Oklahoma Department of Transportation solicited and received sealed competitive bid proposals on project SH 78 at Red River in Bryan County, Oklahoma and project BR 1902(096) in Fannin County, Texas, for replacement of bridge and approaches in Texas.

The Texas Transportation Commission, by the authority of the Governor, is statutorily authorized under Transportation Code §201.110, to contract with an adjoining State to provide for the improvement of a public road or highway that crosses the states' boundary and to establish respective responsibilities for the improvement.

Article 9 of the Agreement between the States, requires that the award of the contract by the Oklahoma Transportation Commission be subject to the concurrence of the Texas Transportation Commission.

The department has reviewed the results of the letting and recommends that the Texas Transportation Commission respectively concur in the award of the contract to the lowest bidder, as indicated on Exhibit A attached to this order.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that concurrence in the award of the contract described in Exhibit A be and is hereby respectively granted.

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

b. 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 Austin, and the commission approved the following minute order by a vote of 4 - 0.

115483
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 May 7 and 8, 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.

c. Routine Maintenance (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.

115484
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on May 7 and 8, 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.

d. 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.

115485
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on May 7, 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 6. Design-Build Contracts

a. Dallas County - Consider approving the selection of the proposer who submitted the best value proposal to design, develop, construct, and potentially maintain the I-635 LBJ East Project, which is comprised of improvements to the I-635 corridor from US 75 to I-30 in Dallas County, and which includes the full reconstruction of the facility with the addition of one general purpose lane in each direction, authorization to “grandfather” and permit the reconstruction of the existing one tolled managed lane in each direction, construction of continuous frontage roads, and improvements to the I-635/I-30 interchange. Furthermore, consider authorizing the executive director of the department to negotiate and execute a design-build contract and associated capital maintenance agreement with the selected proposer, subject to funding availability in excess of estimated costs. The project will not include funding from sources commonly known as Proposition 1 or Proposition 7. (MO) (Presentation)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Comments were received from Dallas City Councilmember and Chair of Public Safety Adam McGough and NCTCOG Director of Transportation Michael Morris. 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.

115486
PFD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract (DBC) with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On May 24, 2018, by Minute Order 115220, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the design, development, construction, and potential maintenance of Interstate Highway 635 from US 75 to I-30 in Dallas County (I-635 LBJ East Project). The department has agreed to “grandfather” and permit the reconstruction of the existing one tolled managed lane in each direction as part of the project scope. The project will include the full reconstruction and widening of the facility from eight to ten general purpose lanes and the full reconstruction of the two existing tolled managed lanes, for a total of 12 general purpose and tolled managed lanes, construction of continuous frontage roads, and improvements to the I-635/I-30 interchange.

The department issued the RFQ on June 8, 2018, and subsequently determined that three of the four teams submitting qualification statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to design, develop, construct, and potentially maintain the project.

Texas Transportation Code § 223.246 and Title 43 Texas Administrative Code (TAC) § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. On July 26, 2018, by Minute Order 115259, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams for the design, development, construction, and potential maintenance of the I-635 LBJ East Project, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer’s price for all work under the DBC. On November 9, 2018, the department issued the RFP.

On March 14, 2019, technical proposals were received from LBJ Constructors, Pegasus Link Constructors, and Trinity East Construction. On April 15, 2019, financial and price proposals were received from LBJ Constructors, Pegasus Link Constructors, and Trinity East Construction. From March 18, 2019 until May 17, 2019, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP, and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: Pegasus Link Constructors; Trinity East Construction; LBJ Constructors. The proposal submitted by Pegasus Link Constructors was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Pegasus Link Constructors provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Pegasus Link Constructors necessary to finalize the DBC and the associated capital maintenance agreement (CMA) to design, develop, construct, and potentially maintain the I-635 LBJ East Project in Dallas County, and to modify the DBC and CMA as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the associated CMA are awarded to Pegasus Link Constructors subject to, and effective upon the occurrence of, all of the following:

(1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer;

(2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC and CMA by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that the execution of the DBC and the associated CMA by the executive director of the department is subject to the availability of funding if the contract price is in excess of the department's cost estimate.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Pegasus Link Constructors cannot be successfully completed, and that therefore the proposal submitted by Pegasus Link Constructors will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Trinity East Construction, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

b. Hidalgo County - Consider approving the selection of the proposer who submitted the best value proposal for the design, development, construction, and maintenance of the I-2/I-69C Interchange Project as a non-tolled project, which provides for improvements to the I-2/I-69C interchange and operational improvements to I-2 and I-69C in McAllen, Pharr, and San Juan; and consider authorizing the executive director of the department to negotiate and execute a design-build contract and associated capital maintenance contract with the selected proposer, subject to funding availability in excess of estimated costs. (MO) (Presentation)

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

115487
PFD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On May 24, 2018, by Minute Order 115221, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the design, development, construction, and potential maintenance of the non-tolled I-2/I-69C Interchange Project in Hidalgo County. The project provides for full reconstruction of the I-2/I-69C interchange to include two-lane direct connectors in all four directions. The I-2 general purpose lanes will be reconstructed and/or widened from six to eight non-tolled general purpose lanes (four in each direction) from 2nd Street to the I-2/I-69C interchange, while operational improvements include the reconfiguration of main lane ramps on I-2 from 2nd Street to FM 2557 (S. Stewart Road) and improvements to the approaches and departures to and from the direct connectors along I-69C from Nolana Loop to I-2 in McAllen, Pharr, and San Juan, in Hidalgo County, Texas.

The department issued the RFQ on June 8, 2018, and subsequently determined that all three teams submitting qualification statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to design, develop, construct, and potentially maintain the project.

Transportation Code § 223.246 and Title 43 Texas Administrative Code (TAC) § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. On August 30, 2018, by Minute Order 115304, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to design, develop, construct, and potentially maintain the I-2/I-69C Interchange, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the DBC. On November 7, 2018, the department issued the RFP.

On April 10, 2019, proposals were received from Austin|Sundt JV, Dragados-Pulice JV, and I-2 Connector LLC. From April 15, 2019 until May 20, 2019, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP, and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included performance evaluations

prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: Dragados-Pulice JV; Austin | Sundt JV; I-2 Connector, LLC. The proposal submitted by Dragados-Pulice JV was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Dragados-Pulice JV provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Dragados-Pulice JV necessary to finalize the DBC and the associated capital maintenance contract (CMC) to design, develop, construct, and maintain the I-2/I-69C Interchange Project in Hidalgo County, and to modify the DBC and CMC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the associated CMC are awarded to Dragados-Pulice JV subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC and CMC by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that the execution of the DBC and the associated CMC by the executive director of the department is subject to the availability of funding if the contract price is in excess of the department's cost estimate.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Dragados-Pulice JV cannot be successfully completed, and that therefore the proposal submitted by Dragados-Pulice JV will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Austin | Sundt JV, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

c. Jefferson County - Consider authorizing the department to issue a request for qualifications to design and construct the I-10 Interchanges Project, consisting of non-tolled improvements along I-10 from approximately Walden Road (CR 131) to 7th Street, including the reconstruction of the Cardinal Drive and Eastex Freeway interchanges that includes constructing two lane direct connectors and widening the roadway approaches to the interchanges on I-10 and US 69, in the city of Beaumont. (MO) (Presentation)

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

private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

Transportation Code §§ 223.245-223.250 prescribe requirements for a design-build contract procurement. Pursuant to those provisions, the department must issue a request for qualifications that includes, among other things, the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received. The department is also required to publish a notice advertising the issuance of the request for qualifications in the Texas Register and on the department's website.

The proposed I-10 Interchanges Project (the project) includes reconstructing and expanding I-10 and US 69 where they converge in the city of Beaumont, Jefferson County, Texas. The project would widen the existing I-10 from Walden Road (County Road 131) to 7th Street. Between the Cardinal Drive and Eastex Freeway interchanges, the roadway would be widened in each direction from four lanes to five lanes. The roadway approaches to the Cardinal Drive and Eastex Freeway interchanges on I-10 and US 69 would be widened in each direction from two lanes to three lanes. The project also includes new frontage roads for continuity throughout the limits, relocating I-10 ramps, and constructing two-lane direct connectors in each direction where I-10 and US 69 converge within the project limits. These changes will upgrade the existing facility to alleviate congestion, enhance connectivity and mobility, and address safety concerns. Final award of the design-build contract for the project is subject to public involvement and an update to the Unified Transportation Program revising the project limits.

I-10 is one of the longest, most strategic interstate highways in Texas. The Beaumont District is in the process of widening I-10 from Houston to the Louisiana state line. This project will complete the final two interchanges that currently restrict the free flow of traffic and freight through this region of Texas. The freight corridors within the project are of national significance and are critical for hurricane evacuation. The project is a crucial element to providing operational efficiency and long-term congestion management, as well as improving safety and mobility in the area.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue a request for qualifications to design and construct the I-10 Interchanges Project in Jefferson County, and to publish in the Texas Register and on the department's website a notice advertising the issuance of the request for qualifications.

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

Final Adoption

Chapter 9 - Contract and Grant Management

Amendments to §9.34, Comprehensive Process (MO)

This item was presented by Professional Engineering Procurement Division Director Martin Rodin. General Counsel Jeff Graham answered questions from the commission. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Austin abstained from this vote.

115489
PEPS

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.34 relating to Comprehensive Process to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.34 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 8. 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 Deputy Director Linda Sexton. 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.

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.

115490
TOD

Transportation Code §372.110 provides that a toll project entity, by order of its governing body, may prohibit the operation of a motor vehicle on a toll project of the entity if:

- (1) the registered owner of the vehicle has been finally determined to be a habitual violator; and
- (2) the toll project entity has provided notice of the prohibition order to the registered owner.

The department recommends that the Texas Transportation Commission (commission) prohibit the operation of the motor vehicles listed in Exhibit A on the Central Texas Turnpike System and certain segments of the SH 99 Grand Parkway System as described: (1) SH 130 (Segments 1-6); (2) SH 45 North; (3) SH 45 Southeast; (4) Loop 1, from existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange; (5) SH 99 Grand Parkway, Segment D in Harris County and Segments E, F-1, F-2, and G in Harris and Montgomery counties; and (6) SH 99 Grand Parkway, from I-10 to Fisher Road.

IT IS THEREFORE ORDERED by the commission that the motor vehicles listed in Exhibit A are prohibited from operation on the toll projects described above, effective June 14, 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 9. Regional Mobility Authority

Brazos County - Consider authorizing Brazos County to create the Brazos County Regional Mobility Authority (MO)

This item was presented by Project Planning and Development Director Brian Barth. The commission received comments from Brazos County Judge Duane Peters and Brazos County Commissioner Nancy Berry. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Austin abstained from this vote.

115491
TPP

Pursuant to Chapter 370 of the Transportation Code, and 43 TAC Chapter 26 (RMA rules), Brazos County (county) petitioned the Texas Transportation Commission (commission) for authorization to form a regional mobility authority (RMA) in Brazos County. The petition was filed on November 1, 2018.

By email dated April 3, 2019, the Texas Department of Transportation (department) notified Brazos County that the petition met the requirements of §26.11 of the RMA rules.

The petition identifies the upgrade of an approximately 1.2-mile section of University Drive (FM 60), from Wellborn Road (FM 2154) to Texas Avenue (SH 6 Business), as the initial project for development by the RMA (FM 60/University Drive Project). The FM60/University Drive Project will provide for multi-modal improvements to address significant safety and mobility issues. A 0.6-mile section of University Drive from Boyett Street to College Avenue will be recessed in a cut and cover scenario, making at-grade right-of-way space available to accommodate active transportation options and public gathering spaces, and create numerous economic development opportunities.

The board of directors of the RMA, as set forth in the petition, will be composed of five members, with four directors appointed by the Brazos County Commissioners Court, and the fifth member, the presiding officer, appointed by the Governor. The Brazos County Commissioners Court will appoint at least one resident of the City of Bryan as a director, and at least one resident of the City of College Station as a director.

On May 7, 2019, the department conducted a public hearing in Brazos County, pursuant to §26.12 of the RMA rules, to receive public comment on the proposed formation of the RMA. Notice of the public hearing was published in the Texas Register and in a newspaper of general circulation in the county.

At the public hearing, four local elected officials spoke in favor of creation of the RMA. In addition, eight individuals expressed unqualified support for creation of the RMA. One individual opined that traffic congestion should be addressed at the state level and expressed concern about the possibility of tolls. He also submitted written comments opposing creation of the RMA. One other individual submitted written comments opposing the conceptual plan for the initial project described in the RMA petition. Another individual submitted a series of questions regarding funding mechanisms to which the district staff provided written answers.

The commission finds that the creation of the RMA has sufficient public support. The commission bases this finding on (1) the resolution of support from the Commissioners Court of Brazos County; and (2) the support indicated at the public hearing.

The commission finds that creation of the RMA will result in direct benefits to the state, local governments, and the traveling public, and will improve the efficiency of the state's transportation systems. The RMA will benefit the state by constructing needed roadway projects, such as the projects identified in the county's petition, as the county's initial project and other potential candidate projects. The RMA will benefit local governments by increasing local control over transportation planning and through additional transportation projects that may be funded through surplus revenue earned by the RMA. The traveling public will also benefit through improved mobility and traffic safety throughout the region encompassed by the RMA. The RMA will improve the efficiency of the state's transportation system through the construction of the initial project and other potential candidate projects, which will enhance mobility and safety within these segments of the state highway system, and through the development and financing of additional projects in the future.

The commission finds that the RMA's potential candidate projects are consistent with the approved Texas Transportation Plan, and included in the approved plan of the Bryan-College Station Metropolitan Planning Organization. Subject to commission approval of the project under §26.31 of the RMA rules, the commission also finds that the projects will benefit the traveling public.

The commission finds that the composition of the board of directors of the RMA as described in the petition will adequately represent affected political subdivisions.

IT IS THEREFORE ORDERED that the commission authorizes the creation of the Brazos County Regional Mobility Authority.

IT IS FURTHER ORDERED that the initial project that may be developed, maintained, and operated by the RMA shall be the FM60/University Drive Project identified above. This order does not constitute final commission approval of the initial project or other potential candidate projects, which must be obtained pursuant to Chapter 370 of the Transportation Code and the applicable provisions of the RMA rules.

IT IS FURTHER ORDERED that the initial board of directors shall be composed of five members, with four directors appointed by the Brazos County Commissioners Court and the presiding officer appointed by the Governor.

Commissioner Austin left the dais from 12:32 p.m. to 12:35 p.m.

ITEM 10. Acquisition of Parcel

Brazos County - Consider the approval of the acquisition of a parcel of land along the Gulf Intracoastal Waterway for dredge material placement area 88 (MO)

This item was presented by Maritime Division Director Dan Harmon. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Austin was not present on the dais at the time of this vote.

115492
MRD

Pursuant to the Texas Coastal Waterway Act, Transportation Code, Chapter 51, the Texas Transportation Commission (commission) is authorized to administer the state's responsibilities as the nonfederal sponsor of the Gulf Intracoastal Waterway (GIWW). Under Transportation Code, §51.005, the commission is authorized to acquire by gift, purchase, or condemnation property or an interest in property that the commission considers necessary to enable it to meet its responsibilities under Chapter 51, including easements and rights of way for dredged material disposal sites.

The Secretary of the Army, through the Galveston District of the Corps of Engineers (Corps), has requested, after determining and documenting the immediate disposal needs along the GIWW, that the commission acquire property currently being used as a dredged material disposal site on the seaward side of the GIWW between FM 1495 and the Brazos River in Brazoria County.

The proposed disposal site, as described in Exhibit A, has been determined to meet the immediate disposal needs identified by the Corps and has become critical during the development of the long term dredged material placement plan for this portion of the GIWW. The site has been used for the placement of dredge material since 1984, and thus would be less costly to develop and use, and will result in a reduced impact on the environment and natural resources than would be the case with the placement of dredged material on a new site.

Title 43, Texas Administrative Code, §2.132 requires the Texas Department of Transportation (department) to investigate disposal alternatives, to coordinate a proposal for a disposal plan with appropriate state and federal agencies, and to involve the public in the decision making process relating to a proposed disposal plan. Pursuant to Transportation Code, §51.004, the department has subsequently coordinated actions that may have a significant environmental impact on coastal public lands, coastal marshes, wildlife, and fisheries with appropriate federal and state agencies that have environmental, wildlife, and fisheries responsibilities.

Transportation Code, §51.006 requires the commission to hold a public hearing to receive evidence and testimony concerning the desirability of a proposed disposal site and to make specified determinations prior to approving or implementing a plan or project to acquire property or an interest in property for a dredged material disposal site. In accordance with §51.006, the commission held a public hearing on December 11, 2018, after the required notification of the planned acquisition. Testimony was heard from the department and the public was provided an opportunity to comment on the proposed acquisition. There was no testimony or written comments from the public regarding the proposed acquisition.

NOW, THEREFORE, IT IS DETERMINED by the commission after due consideration of the evidence, testimony, and environmental documentation of the area, that the proposed site identified in Exhibit A represents the most reasonable, prudent and economical alternative, and that the acquisition of the proposed site can be accomplished without an unjustifiable waste of

publicly or privately owned nature resources or a permanent and substantial adverse impact on the environment, wildlife, or fisheries.

IT IS THEREFORE ORDERED by the commission that the acquisition of the dredged material disposal site identified in Exhibit A is approved, and the executive director is directed to take any and all actions necessary to implement such plan for acquiring the identified property or interest in property necessary to carry out the state's responsibilities as the nonfederal sponsor of the GIWW, in the manner authorized by Transportation Code, Chapter 51.

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

ITEM 11. Deed Restriction for Mitigation

Fannin County - US 82 from SH 121 to SH 56 - Consider authorizing the executive director to execute a deed restriction as required by the United States Army Corps of Engineer's permit (MO)

This item was presented by Environmental Affairs Division Director Carlos Swonke. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0. Commissioner Austin was not present on the dais at the time of this vote.

115493
ENV

In FANNIN COUNTY, on U.S. HIGHWAY 82, the Texas Department of Transportation (department) proposes to construct improvements along U.S. 82 between SH 121 and SH 56 (project). The project will require a permit from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act for the placement of dredged or fill material in wetland areas of an unnamed tributary to Spring Branch, Spring Branch and Ward Creek.

In order to mitigate the adverse environmental impact resulting from the project, the department submitted to the USACE a final mitigation plan dated April 9, 2018 that included the dedication as an aquatic ecosystem preserve of an off-site tract of land owned by the department, located along US 82 at Caney Creek in Fannin County. The tract of land is approximately 0.9305 acres and is described in Exhibit A (mitigation property). There are no highway structures located on the mitigation property. The USACE approved the final mitigation plan and issued a Nationwide Permit for Linear Transportation Projects dated April 23, 2018 that is conditioned on the department imposing restrictions on the mitigation property to prohibit activities inconsistent with an aquatic ecosystem preserve including grazing of livestock, haying, cropping, commercial timber harvesting, land clearing, filling or draining, and other vegetation and soil disturbing activities (restrictions). The USACE would be the beneficiary of the restrictions with the authority to enforce compliance.

V.T.C.A., Transportation Code, Chapter 201, Section 201.617, authorizes the department to transfer any interest in real property to an appropriate public agency or private entity, with or without monetary consideration, to mitigate an adverse environmental impact that is a direct result of the construction, improvement, or maintenance of a state highway, if the transfer is authorized by the regulatory authority that requires the mitigation.

The Texas Transportation Commission (commission) finds that it is necessary and proper for the state to transfer by restrictive covenants a limitation on the department's use of the mitigation property and the right of the USACE to enforce the restrictions, in consideration for issuance of the Nationwide Permit and authorization to construct the project.

IT IS THEREFORE ORDERED by the commission, in consideration of the foregoing premises and in accordance with V.T.C.A., Transportation Code, Chapter 201, Section 201.617,

that the executive director is authorized to execute a proper instrument imposing the restrictions on use of the mitigation property.

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

ITEM 12. Eminent Domain Proceedings

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

This item was presented by Right of Way Division Director 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 Ryan, and Commissioner New (a vote of 3 - 0). Commissioner Austin was not present on the dais at the time of this vote.

115494
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-000. 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 1-59 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>
ANDERSON	US 175	55	0198-03-031	53
BASTROP	SH 71	50	0265-03-044	18
BASTROP	SH 71	59	0265-03-044	26
BELL	SL 121	44	2502-01-018	13
BELL	SL 121	34	2502-01-018	18
BELL	SL 121	43	2502-01-018	23
BELL	SL 121	33	2502-01-018	26
BELL	SL 121	41	2502-01-018	27
BELL	SL 121	47	2502-01-018	61,61E
BELL	SL 121	48	2502-01-018	63
BELL	SL 121	42	2502-01-018	73
BELL	SL 121	35	2502-01-018	77
BELL	SL 121	36	2502-01-018	78
BEXAR	PA 1502	58	7774-01-002	4
BRAZORIA	SH 36	57	0188-03-020	359
BRAZORIA	SH 36	56	0188-03-020	405
BRAZORIA	SH 36	49	0188-04-041	21
CHEROKEE	US 175	46	0198-04-034	4
CHEROKEE	US 175	5	0198-04-034	6
CHEROKEE	US 175	2	0198-04-034	7
COLLIN	SH 5	26	0047-04-026	21
COLLIN	SH 5	25	0047-04-026	98
COLLIN	SH 5	23	0047-04-026	106
COLLIN	SH 5	24	0047-04-026	124
COLLIN	SH 5	39	0047-04-026	127
COLLIN	SH 5	19	0047-04-026	148
COLLIN	SH 5	3	0047-04-026	244
COLLIN	SH 5	4	0047-04-026	251
COLLIN	SH 5	28	0047-04-026	280
COLLIN	SH 5	21	0047-04-026	286
DEAF SMITH	US 60	51	0168-07-046	6
DEAF SMITH	US 60	22	0168-07-046	7
DENTON	US 380	16	0135-10-059	38
DENTON	FM 407	6	1310-01-046	1
DENTON	FM 407	7	1310-01-046	2
DENTON	FM 407	8	1310-01-046	3

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
FORT BEND	SH 36	20	0188-02-038	120
FORT BEND	FM 1463	14	0188-10-037	115
FORT BEND	FM 1463	15	0188-10-037	116
FORT BEND	FM 1463	11	0188-10-037	137
GRAYSON	SH 289	1	0091-01-051	1
HARRIS	SH 146	53	0389-05-095	223
HARRIS	FM 1960	13	1685-03-097	163
HARRIS	FM 1960	54	1685-03-097	170
HARRIS	FM 1960	17	1685-03-101	213
HARRIS	FM 1960	18	1685-03-101	224
HARRIS	SH 99	37	3187-01-012	15E
HARRIS	SH 99	38	3187-01-012	18E
HIDALGO	FM 676	45	1064-01-037	10
KAUFMAN	US 175	29	0197-03-065	1
KAUFMAN	US 175	30	0197-03-065	3
KAUFMAN	US 175	31	0197-03-065	6
KAUFMAN	US 175	32	0197-03-065	7,7E
LIBERTY	US 59	12	0177-03-100	9
LUBBOCK	FM 1585	9	1502-01-036	235
LUBBOCK	FM 1585	10	1502-01-037	303
MONTGOMERY	SH 99	52	3510-07-008	867
RANDALL	SL 335	40	0904-11-060	11E,11EA
UPSHUR	SH 155	27	0520-05-046	10

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
BASTROP	SH 71	NNN	0265-03-044	22
BASTROP	SH 71	LLL	0265-03-044	23
BEXAR	IH 35	Z	0016-07-133	23
BEXAR	IH 35	AA	0016-07-133	24
BEXAR	IH 35	BB	0016-07-133	25
BEXAR	IH 35	CC	0017-10-278	6
BEXAR	IH 410	DD	0521-06-140	1
BEXAR	IH 410	G	0521-06-140	4
BEXAR	IH 410	P	0521-06-140	8
BEXAR	IH 410	K	0521-06-140	18
BEXAR	IH 410	L	0521-06-140	19
BEXAR	IH 410	M	0521-06-140	21
BEXAR	IH 410	N	0521-06-140	24
BEXAR	IH 410	Q	0521-06-140	39
BEXAR	IH 410	H	0521-06-140	43
BEXAR	IH 410	O	0521-06-140	45
BEXAR	IH 410	SS	0521-06-140	46
BEXAR	IH 410	UU	0521-06-140	47
BEXAR	IH 410	GG	0521-06-140	48
BEXAR	IH 410	II	0521-06-140	59
BEXAR	IH 410	LL	0521-06-140	65

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
BEXAR	IH 410	HH	0521-06-140	67
BEXAR	IH 410	KK	0521-06-140	71
BEXAR	IH 410	VV	0521-06-140	73
BEXAR	IH 410	WW	0521-06-140	75
BEXAR	IH 410	MM	0521-06-140	77
BEXAR	IH 410	RR	0521-06-140	81
BEXAR	IH 410	NN	0521-06-140	83
BEXAR	IH 410	TT	0521-06-140	87
CHAMBERS	SH 99	MMM	3510-10-017	1309
CHAMBERS	SH 99	JJ	3510-10-017	1313
CHAMBERS	SH 99	III	3510-10-017	1320
CHAMBERS	SH 99	JJJ	3510-10-017	1324
COMAL	IH 35	S	0016-05-116	40
COMAL	IH 35	T	0016-05-116	49
COMAL	IH 35	U	0016-05-116	50
COMAL	IH 35	CCC	0016-05-117	25
COMAL	IH 35	A	0016-05-117	26
DENTON	IH 35E	J	0196-01-100	73
DENTON	IH 35E	C	0196-01-100	74
DENTON	IH 35E	I	0196-01-100	93
DENTON	IH 35E	B	0196-01-100	113
EL PASO	US 62	KKK	0374-02-103	15
EL PASO	SL 375	EE	2552-04-041	72
GALVESTON	SH 146	OOO	0389-06-096	302
GALVESTON	IH 45	FF	0500-04-137	414
GALVESTON	IH 45	D	0500-04-137	416
GALVESTON	IH 45	E	0500-04-137	422AC
GALVESTON	IH 45	F	0500-04-137	435
GALVESTON	IH 45	OO	0500-04-137	439AC
GUADALUPE	IH 35	Y	0016-06-114	26
GUADALUPE	IH 35	V	0016-06-114	27
GUADALUPE	IH 35	W	0016-06-114	29
GUADALUPE	IH 35	X	0016-06-114	30,300AS
KAUFMAN	US 175	XX	0197-03-065	8
KAUFMAN	US 175	YY	0197-03-065	9
LIBERTY	SH 99	HHH	3510-09-003	1105
LIBERTY	SH 99	EEE	3510-09-003	1182
LIBERTY	SH 99	BBB	3510-09-003	1191
LIBERTY	SH 99	DDD	3510-09-004	1204
MONTGOMERY	SH 99	GGG	3510-07-008	813
MONTGOMERY	SH 99	AAA	3510-07-008	862
TRAVIS	SH 71	FFF	0265-03-044	10
WILLIAMSON	IH 35	PP	0015-08-150	5
WILLIAMSON	IH 35	QQ	0015-08-150	6
WILLIAMSON	IH 35	ZZ	0015-08-150	10
WILLIAMSON	IH 35	R	0015-08-150	11

Note: Exhibits A - OOO and 1 - 59 are on file with the commission chief clerk.

ITEM 13. 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)

115495
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>
BK John Martin, Ltd.	HOU	Harris	Design and construction of two right turn deceleration lanes from westbound I 10 east frontage road into the donor's the development in Baytown.
Citypark IV, LLC	HOU	Harris	Design and construction of a right turn deceleration lane from southbound Beltway 8 onto the proposed City Park Drive in Missouri City.
Fentress G2K Development LLC	AUS	Caldwell	Restriping of roadway to extend an existing two-way left turn lane to accommodate safe access into a proposed commercial development on SH 80 from 0.28 miles west of FM 20 to 0.15 miles west of FM 20 in Fentress.
Kerrville Crossing Aspen, LP	SAT	Kerr	Design and construction of modifications to the intersection of SH 27 and Knapp Road due to the realignment of Knapp Road and a proposed commercial development in Kerrville.
Manvel Town Center, Ltd.	HOU	Brazoria	Design and funds sufficient to cover the State's costs to construct a frontage road on SH 288 from Rodeo Palms Parkway to SH 6 in Manvel.
Morris Venture Partners IV, LLC	AUS	Williamson	Design and an amount sufficient to cover the State's cost to construct a right turn lane/deceleration lane and traffic signal on SH 29, from .107 mi. west of Wolf Ranch Road to .181 mi. west of Wolf Ranch Road in Georgetown.
Nova SVS, LLC	SAT	Guadalupe	Design and construction of modifications to the existing traffic signal, roadway striping and safety lighting on FM 78 at FM 1103 in Cibolo.

Donations to the Department

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
National Precast Concrete Association	MTD	N/A	Travel costs to include airfare, lodging for one day, and ground transportation to and from the airport for Jason Tucker, P.E., Section Director, to attend the 2019 National Precast Concrete Association (NPCA), Quality Assurance Committee Meetings on June 24-26, 2019 in Indianapolis, IN.
Rankin 45 Industrial, LLC	HOU	Harris	Design and construction of a through lane and left turn lane extension from westbound Rankin Road at the intersection of the North Freeway northbound and southbound frontage road in Houston.
Vulcan Construction Materials, LLC	SAT	Kendall	Design and construction of widening SH 46 to accommodate a westbound left turn lane and an eastbound right turn lane for a new driveway into the Vulcan property in Boerne.
Wal-Mart Real Estate Business Trust	AUS	Williamson	Design and construction of a 300 feet right turn deceleration lane along SH 45 frontage road at Louis Henna Blvd from 1,400 feet to 1,100 feet west of IH 35 in Round Rock.
City of Rosenberg	HOU	Fort Bend	Donation of 0.6168 acres of land from SH 36 to US 59. The property being donated will be utilized in the construction of a sidewalk and a right turn lane along Seabourne Creek Park as part of the FM 2218 expansion project.
City of Sealy	YKM	Austin	Donation of 0.2975 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.7940 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.8382 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.

Donations to the Department

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
City of Sealy	YKM	Austin	Donation of 0.1310 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.0863 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.6218 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.8053 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.0131 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.0310 acres of land from 0.85 miles west of FM 3538 to SH 36. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.3926 acres of land from East of Kersten Road to Manak Road. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
City of Sealy	YKM	Austin	Donation of 0.2656 acres of land from East of Kersten Road to Manak Road. The property being donated will be utilized in the construction of frontage roads for the IH 10 expansion project.
Air Werks	AUS	Travis	Revenue generation through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>DDO</u>	<u>County</u>	<u>Donation Description</u>
GJ Chavez & Associates, PC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Hoa Lan LLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Moody National Bank	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) ZeusLending.com	HOU	Galveston	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) Brown County - US 67 - Consider the release of an easement to the underlying fee owner, Leeco Energy & Investments, Inc., a Texas Corporation (MO)

115496
ROW

In Brownwood, Brown County, on US 67, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 368, at Page 399, Deed Records of Brown County, Texas.

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

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

Leeco Energy & Investments, Inc. is the owner of the fee interest in the property and has requested to purchase the easement interest for \$10,468.

The commission finds \$10,468 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Leeco Energy & Investments, Inc. for \$10,468.

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

(2) Fort Bend County - US 59 - Consider the sale of right of way to an abutting landowner (MO)

115497
ROW

In Fort Bend County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 479, at Page 246, Deed Records of Fort Bend County, Texas.

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

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

River Pointe Community Church is an abutting landowner and has requested to purchase the tract for \$26,340.

The commission finds \$26,340 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 River Pointe Community Church for \$26,340; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Fort Bend County - US 59 - (EAST) - Consider the sale of right of way to a governmental entity (MO)

115498
ROW

In Fort Bend County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 513, at Page 730, Deed Records of Fort Bend County, Texas.

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

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

Fort Bend County is a governmental entity with the authority to condemn the tract and has requested to purchase the tract for \$18,939.

The commission finds \$18,939 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 Fort Bend County for \$18,939; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Fort Bend County - US 59 - (WEST) - Consider the sale of right of way to a governmental entity (MO)

115499
ROW

In Fort Bend County, on US 59, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 501, at Pages 76 and 284, and in Volume 513, at Page 724, Deed Records of Fort Bend County, Texas.

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

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

Fort Bend County is a governmental entity with the authority to condemn the tract and has requested to purchase the tract for \$10,376.

The commission finds \$10,376 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 Fort Bend County for \$10,376; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

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

115500
ROW

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

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

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

The tract was advertised for sale, and JCI Residential, LLC submitted a bid of \$18,201,000, which was the highest valid bid.

The commission finds \$18,201,000 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 JCI Residential, LLC for \$18,201,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports**Compliance Division report**

Note: Confidential report to commission.

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

115501
TOD

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

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

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

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

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

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

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

Following each inspection and on or before the 90th day prior to the end of each fiscal year, the general engineering consultant shall submit to the commission a report concerning the inspection, setting forth: (a) their findings as to whether the system has been maintained in good repair, working order, and condition; (b) their advice and recommendations as to the proper maintenance, repair, and operation of the system during the ensuing fiscal year; and (c) an estimate of the amount of money necessary for such purposes, including their recommendations, as to the total amounts and classifications of items and amounts that should be provided for in the annual operating budget, the annual maintenance budget, and annual capital budget for the next ensuing fiscal year.

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

The FY 2019 Central Texas Turnpike System Annual Inspection Report, attached as Exhibit A, has been prepared by Atkins North America, Inc., in accordance with Section 707 of the Indenture of Trust.

IT IS THEREFORE ORDERED by the commission that the general engineering consultant's FY 2019 Central Texas Turnpike System Annual Inspection Report attached as Exhibit A is accepted.

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

e. Highway Designation

Montgomery County - In the City of Magnolia, consider designating FM 1488 on a new location, designating FM 1488 concurrent with proposed SH 249 and redesignating FM 1488 as BF 1488-P (MO)

115502
TPP

The Houston District, Montgomery County and the City of Magnolia have requested the designation and redesignation of FM 1488 as follows:

1. Designate FM 1488 on a new location on the state highway system from approximately 1.8 miles west of Magnolia, northward and eastward to the intersection of proposed SH 249, a distance of approximately 4.2 miles.
2. Designate FM 1488 concurrent with proposed SH 249 on the state highway system from the intersection of proposed FM 1488 and proposed SH 249 southward to the intersection of existing FM 1488, a distance of approximately 0.9 mile.
3. Redesignate existing FM 1488 as Business FM 1488-P on the state highway system from approximately 1.8 miles west of Magnolia eastward to the intersection of proposed SH 249, a distance of approximately 3.4 miles

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

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

IT IS THEREFORE ORDERED by the commission that:

1. FM 1488 is designated on a new location on the state highway system from approximately 1.8 miles west of Magnolia, northward and eastward to the intersection of proposed SH 249, a distance of approximately 4.2 miles, as shown on Exhibit A.
2. FM 1488 is designated concurrent with proposed SH 249 on the state highway system from the intersection of proposed FM 1488 and proposed SH 249 southward to the intersection of existing FM 1488, a distance of approximately 0.9 mile, as shown on Exhibit A.
3. The existing FM 1488 is redesignated as Business FM 1488-P on the state highway system from approximately 1.8 miles west of Magnolia eastward to the intersection of proposed SH 249, a distance of approximately 3.4 miles, as shown on Exhibit A.

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

f. Designation of Access Control

(1) Harris County - SH 99, just east of the city of Katy - Consider the designation of one location on the SH 99 southbound frontage road at which access will be permitted to the abutting property (MO)

115503
DES

In HARRIS COUNTY, on SH 99, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes as recorded in Harris County Clerk’s File

Nos. M125085 and M125086 in the H.T. & B. B. R. R. Co. Survey, Section 9, Abstract No. 421, Harris County, Texas with denial of access to the abutting remainder property as described in the instrument.

Westside Ventures, Ltd., the current owner of the abutting property, has requested the removal of access denial at one location along the property line for SH 99 as described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the removal of access denial will not compromise the mobility, safety or operation of the existing state highway facility, and designates the removal of access denial described in Exhibit A as a location where ingress and egress may be permitted to and from the SH 99 southbound frontage road.

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

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

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

115504
DES

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

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

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

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

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

NOW, THEREFORE, the commission finds that the removal of access denial will not compromise the mobility, safety or operation of the existing state highway facility, and

designates the removal of access denial described in Exhibit A as a location where ingress and egress may be permitted to and from the I-20 westbound frontage road.

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

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

(3) **Smith County** - I-20, in the city of Tyler - Consider the designation of two locations on the I-20 eastbound frontage road at which access will be permitted for two proposed city streets (“Military Drive” and “Declaration Ridge”) (MO)

115505
DES

In SMITH COUNTY, on Interstate Highway 20 (I-20), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 947, Pages 336 to 339 and Volume 949, Pages 408 to 411 of the Deed Records of Smith County, Texas with denial of access to the abutting remainder property as described in the instruments.

RSZZ, LLC., the current owner of the abutting property, has requested the removal of access denial at two locations along the property line of I-20 for two proposed city streets (to be owned and maintained by the City of Tyler) to access the I-20 eastbound frontage road as described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the removal of access denial will not compromise the mobility, safety or operation of the existing state highway facility, and designates the removal of access denial described in Exhibit A as locations where ingress and egress may be permitted to and from the I-20 eastbound frontage road.

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

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

g. **Speed Zones**

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

115506
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 limit on the segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section of the highway.

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

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

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

ITEM 14. Executive Session Pursuant to Government Code, Chapter 551

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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

The commission received no further comments.

Commissioner Ryan motioned adjournment and Commissioner Austin seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:37 p.m.

APPROVED by the Texas Transportation Commission on June 27, 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 May 30, 2019, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation