

These are the minutes of the regular meeting of the Texas Transportation Commission held on August 29, 2019, in Austin, Texas. The meeting was called to order at 9:02 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

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

Commissioner New left the meeting at 12:22 p.m.

**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 8:23 a.m. on August 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 Becky King.

Prior to opening remarks by the commission, Chairman Bugg recognized Secretary of State Ruth Hughes who made brief introductory remarks concerning the Border Trade Advisory Committee. The chairman recognized many elected officials to speak on the Unified Transportation Program (UTP), agenda item 6, including Senator Kirk Watson, Senator Juan "Chuy" Hinojosa, Transportation Committee Chairman and Representative Terry Canales, Representative Brooks Landgraf, Representative Rick Miller, Representative Mayes Middleton, Representative Phil Stephenson, Representative Ed Thompson, Austin Mayor Steve Adler, Pharr Mayor Ambrosio Hernandez, Laredo Mayor Pete Saenz, and League City Mayor Pat Hallisey.

**ITEM 2. Consider the approval of the Minutes of the July 24, 2019, workshop meeting and the July 25, 2019, regular meeting of the Texas Transportation Commission**

Commissioner Ryan made a motion, which was seconded by Commissioner New and the commission approved the minutes of the July 24, 2019, workshop meeting and the July 25, 2019, regular meeting by a vote of 4 - 0.

**ITEM 3. Acknowledgment of Service**

**Recognize by resolution Director of District Operations Randy Hopmann, P.E., for 35 years of service to the department**

This resolution was presented by Chief Engineer Bill Hale. Chief Engineer Hale thanked Director Hopmann for his service and remarked on his long career with the department. The commission thanked Director Hopmann. Director Hopmann provided remarks on his

career and thanked his wife, various department mentors and friends, and the commission. Photographs were taken.

**ITEM 6. Unified Transportation Program**

**Consider the approval of the 2020 Unified Transportation Program (MO)**

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Before calling commenters to the podium to offer remarks, the commission recessed for a five minute break from 11:02-11:07. The meeting resumed and Chairman Bugg called the following to the podium to provide comments: Webb County Judge Tano Tijerina, Reeves County Judge Leo Hung, Galveston County Commissioner and Chair of H-GAC Transportation Policy Council Ken Clark, Brazoria County Commissioner Stacy Adams, Cameron County Commissioner David Garza, Bexar County Commissioner and representing Alamo Area MPO Kevin Wolff, Midland County Commissioner Robin Donnelly, Midland-Odessa Transportation Alliance President James Beauchamp, Permian Strategic Partnership Chairman and former U.S. Secretary of Commerce Don Evans, El Paso MPO Executive Director Eduardo Calvo, El Paso Chamber of Commerce member Steve Ortega, Farm and City Executive Director Jay Blazek Crossley, Permian Road Safety Coalition Executive Director Scott Scheffler, Alvin-Manvel Chamber of Commerce Board member Robina Spruill, TAG-Houston Executive Director Andrea French, and Austin Chamber of Commerce Chairman Brian Cassidy. Chairman Bugg mentioned that Hidalgo County RMA Chairman David Deanda and Central Texas RMA Chairman Bobby Jenkins had been present but had to leave. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115550  
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects. Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a public hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions. The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects, which include guidance regarding public involvement related to the project selection process and the development of the UTP. These rules also require the commission to review both the transportation allocation funding formulas and criteria for allocation of funds at least as frequently as every four years and adopt the UTP not later than August 31 of each year.

The commission has reviewed the formulas and criteria set out in the rules and determined that both continue to be appropriate.

The department conducted a public meeting across the state via WebEx on July 11, 2019, and a public hearing on August 6, 2019, to receive comments and testimony concerning the development of the 2020 UTP and the project selection process.

The 2020 UTP, which is attached as Exhibit A, authorizes funding for each of the twelve funding categories established by the rules and outlines the various project selection methods. The 2020 UTP lists the connectivity and new capacity roadway projects that the department intends to develop and potentially let during the 10-year period and references for each listed project the funding category to which it is assigned. Projects listed that have been authorized by previous legislative action or prior actions of the commission are still approved

and their inclusion in the UTP in no way modifies that prior approval. The remaining funding levels and projects listed for aviation, public transportation, rail, and state waterways and coastal waters are authorized by separate minute orders and this UTP does not supersede those prior actions.

IT IS THEREFORE ORDERED by the commission that the 2020 UTP, including the project selection process, as shown in Exhibit A, is hereby approved and supersedes the previously-approved 2019 UTP for fiscal years 2020-2028.

IT IS FURTHER ORDERED that the executive director is hereby authorized to develop the projects listed in the UTP to the level of authority indicated to include any necessary agreements, right of way acquisitions, utility adjustments, and relocation assistance, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property.

IT IS FURTHER ORDERED that pursuant to Transportation Code, §222.052, the commission may accept financial contributions from political subdivisions of the state for development of projects in the 2020 UTP.

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

**ITEM 4. Contracts**

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

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

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

115551  
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 August 6 and 7, 2019, as shown on Exhibit A.

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

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

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

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

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director’s designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and

deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

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

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

**b. Routine Maintenance (MO)**

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

115552  
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 August 6 and 7, 2019, as shown on Exhibit A.

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

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

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

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

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

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

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

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

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

115553  
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 August 6, 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 5. Financial Management**

**Consider the adoption of the Fiscal Year 2020 Texas Department of Transportation Budget (MO) (Presentation)**

This item was presented by Financial Management Division Director Stephen Stewart. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115554  
FIN

The General Appropriations Act of the 86th Legislature, Regular Session, has appropriated funds for the operations of the Texas Department of Transportation (department) for Fiscal Year 2020.

The funds appropriated are necessary to effectively operate the activities of the department in accordance with the guidelines set forth in the General Appropriations Act.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that a cash operating budget of \$15,759,368,546 be authorized for the operations of the department for Fiscal Year 2020; and the executive director or designee is hereby ordered to administer this cash operating budget in the most feasible and economical manner within the guidelines prescribed by the 86th Legislature, Regular Session.

IT IS FURTHER ORDERED that the executive director or designee is hereby authorized to make necessary adjustments to spending levels in accordance with the General Appropriations Act or other legislation as may be necessary in the operations of the department.

**ITEM 7. Regional Mobility Authority**

**Various Counties - Consider authorizing Camp and Cass Counties to become part of the North East Texas Regional Mobility Authority (MO)**

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115555  
TPP

Pursuant to Chapter 370 of the Transportation Code, and Title 43, Texas Administrative Code, Chapter 26 (RMA rules), Gregg and Smith counties petitioned the Texas Transportation Commission (commission) for authorization to form a regional mobility authority (RMA). The petition was filed on June 23, 2004.

By Minute Order 109829, dated October 28, 2004, the commission authorized the creation of the North East Texas Regional Mobility Authority (NET RMA). The minute order established an initial board of directors composed of seven members, with six members appointed by the commissioner's courts of Gregg and Smith counties, and the presiding officer appointed by the governor.

Section 26.21 of the RMA rules provides that one or more counties may request commission approval to become part of an existing RMA.

By Minute Order 110569, dated June 29, 2006, the commission authorized the expansion of the NET RMA by the addition of Cherokee, Harrison, Rusk, and Upshur counties. By Minute Order 110996, dated July 26, 2007, the commission authorized further expansion of the NET RMA by the addition of Bowie, Cass, Panola, Titus, Van Zandt, and Wood counties. By Minute Order 113763, dated November 21, 2013, the commission, pursuant to Section 26.22 of the RMA rules, authorized the withdrawal of Cass County from the NET RMA. By Minute Order 113764, dated November 21, 2013, the commission authorized the expansion of the NET RMA by the addition of Kaufman County.

The commission has received a petition from Camp and Cass counties requesting approval to become part of the NET RMA, and has received resolutions from the commissioner's courts of Camp and Cass counties indicating support for the relevant county's request to join the NET RMA. The board of directors of the NET RMA unanimously adopted a resolution agreeing to the addition of Camp and Cass counties to the NET RMA and finding that the addition of Camp and Cass counties would benefit the mobility of the region and would facilitate regional planning and the development of critical transportation infrastructure.

As provided in the petition, the board of directors of the NET RMA shall be composed of 21 members, with three board members each appointed by Gregg and Smith counties; two board members each appointed by Bowie and Harrison counties; and one board member each appointed by Camp, Cass, Cherokee, Kaufman, Panola, Rusk, Titus, Upshur, Van Zandt, and Wood counties. The presiding officer is appointed by the governor.

The commissioner's courts of Bowie, Cherokee, Gregg, Harrison, Kaufman, Panola, Rusk, Smith, Titus, Upshur, Van Zandt, and Wood counties have all submitted resolutions indicating support for Camp and Cass counties' request to join the NET RMA.

The commission finds that expansion of the NET 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. Expansion of the NET RMA will benefit the state by constructing needed roadway projects, such as the projects identified in the original NET RMA petition. The expanded NET RMA will benefit local governments by increasing local control over transportation planning and through additional transportation projects that may be funded through the NET RMA. The traveling public will also benefit through improved mobility and traffic safety throughout the region encompassed by the expanded NET RMA.

The commission finds that the affected political subdivisions in Camp and Cass counties will be adequately represented on the NET RMA Board of Directors.

IT IS THEREFORE ORDERED that the commission approves the expansion of the NET RMA by the addition of Camp and Cass counties.

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

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

**Proposed Adoption**

**(1) Chapter 1 - Management**

**New §1.90, Advisory Committee for Ports-to-Plains Corridor (MO)**

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115556  
TPP

The Texas Transportation Commission (commission) finds it necessary to propose new §1.90 relating to Advisory Committees for the Ports-to-Plains Corridor to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the new section §1.90 is proposed for adoption and is authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**(2) Chapter 15 - Financing and Construction of Transportation Projects**

**Amendments to §15.51, Definitions, and §15.55 Construction Cost Participation (Federal, State, and Local Participation) (MO)**

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115557  
TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§15.51 and 15.55 relating to Federal, State, and Local Participation to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§15.51 and 15.55 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**(3) Chapter 1 - Management**

**Amendments to §1.82 and §§1.85 - 1.87; Repeal of §1.88 and New §1.88 (Advisory Committees) (MO)**

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

115558  
ADM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§1.82, 1.85-1.87, the repeal of §1.88, and new §1.88, all relating to Advisory Committees, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§1.82, 1.85-1.87, the repeal of §1.88, and new §1.88 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

Note: Exhibits A - C are 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 Project Delivery Director Lora Gunter. 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. Commissioner Vaughn abstained from this vote. The following minute order was approved by Chairman Bugg, Commissioner Ryan, and Commissioner New (a vote of 3 - 0 with 1 abstention).

115559  
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-WWW. 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 1-102 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	FM 1518	VVV	0465-02-028	127
Chambers	SH 99	JJ	3510-10-017	1311
Chambers	SH 99	II	3510-10-017	1325
Dallas	IH 35E	OOO	0196-03-248	15
Dallas	IH 35E	PPP	0196-03-248	25
Dallas	IH 35E	QQQ	0196-03-248	26
Dallas	IH 35E	RRR	0196-03-248	27
Dallas	IH 35E	SSS	0196-03-248	38
Dallas	IH 35E	TTT	0196-03-248	40,40E
Denton	IH 35E	AAA	0196-01-100	68
Denton	IH 35E	F	0196-01-100	70
Denton	IH 35E	YY	0196-01-100	72
Denton	IH 35E	E	0196-01-100	94
Galveston	IH 45	KK	0500-04-137	412
Harris	FM 1960	UUU	1685-03-101	236
Kaufman	US 175	A	0197-03-065	2
Liberty	SH 99	C	3510-09-003	1177
Liberty	SH 99	GG	3510-09-003	1188
Liberty	SH 99	MMM	3510-09-003	1189
Liberty	SH 99	D	3510-09-004	1227
Liberty	SH 99	G	3510-09-004	1235
Montgomery	SH 99	B	3510-07-008	806
Montgomery	SH 99	HH	3510-07-008	900
Nueces	US 181	EE	0101-06-109	329AC
Potter	IH 40	FF	0275-01-192	10
Rockwall	IH 30	JJJ	0009-12-222	1
Rockwall	IH 30	L	0009-12-222	2E
Rockwall	IH 30	MM	0009-12-222	3
Rockwall	IH 30	H	0009-12-222	4
Rockwall	IH 30	LLL	0009-12-222	5,5E
Rockwall	IH 30	KKK	0009-12-222	7,7E
Rockwall	IH 30	NN	0009-12-222	8
Rockwall	IH 30	I	0009-12-222	9
Rockwall	IH 30	OO	0009-12-222	13
Rockwall	IH 30	PP	0009-12-222	14
Rockwall	IH 30	QQ	0009-12-222	15
Rockwall	IH 30	RR	0009-12-222	16
Rockwall	IH 30	SS	0009-12-222	17
Rockwall	IH 30	TT	0009-12-222	18
Rockwall	IH 30	UU	0009-12-222	19
Rockwall	IH 30	VV	0009-12-222	20
Rockwall	IH 30	V	0009-12-222	21
Rockwall	IH 30	WW	0009-12-222	22E
Rockwall	IH 30	J	0009-12-222	23E
Rockwall	IH 30	XX	0009-12-222	24
Rockwall	IH 30	ZZ	0009-12-222	25

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Rockwall	IH 30	U	0009-12-222	26
Rockwall	IH 30	BBB	0009-12-222	27
Rockwall	IH 30	CCC	0009-12-222	28E
Rockwall	IH 30	DDD	0009-12-222	29
Rockwall	IH 30	K	0009-12-222	30E
Rockwall	IH 30	EEE	0009-12-222	34
Rockwall	IH 30	FFF	0009-12-222	35E
Rockwall	IH 30	O	0009-12-222	36E
Rockwall	IH 30	M	0009-12-222	37E
Rockwall	IH 30	N	0009-12-222	38E
Rockwall	IH 30	GGG	0009-12-222	39E
Rockwall	IH 30	HHH	0009-12-222	43
Rockwall	IH 30	III	0009-12-222	44
Rockwall	IH 30	X	0009-12-222	45
Rockwall	IH 30	W	0009-12-222	46
Rockwall	IH 30	Y	0009-12-222	47
Rockwall	IH 30	LL	0009-12-222	48
Rockwall	IH 30	BB	0009-12-222	50
Rockwall	IH 30	P	0009-12-222	53
Rockwall	IH 30	Z	0009-12-222	54
Rockwall	IH 30	Q	0009-12-222	55
Rockwall	IH 30	AA	0009-12-222	57
Rockwall	IH 30	CC	0009-12-222	58,58E
Rockwall	IH 30	S	0009-12-222	59
Rockwall	IH 30	T	0009-12-222	62
Rockwall	IH 30	DD	0009-12-222	63E
Rockwall	IH 30	R	0009-12-222	64,49E
Travis	US 290	WWW	0113-08-089	26
Travis	SH71	NNN	0265-03-044	14

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	FM 1518	32	0465-02-028	1
Bexar	FM 1518	33	0465-02-028	2
Bexar	FM 1518	34	0465-02-028	4
Bexar	FM 1518	35	0465-02-028	17
Bexar	FM 1518	36	0465-02-028	18
Bexar	FM 1518	37	0465-02-028	25
Bexar	FM 1518	38	0465-02-028	27
Bexar	FM 1518	39	0465-02-028	29
Bexar	FM 1518	70	0465-02-028	31
Bexar	FM 1518	40	0465-02-028	44
Bexar	FM 1518	41	0465-02-028	45
Bexar	FM 1518	42	0465-02-028	47
Bexar	FM 1518	65	0465-02-028	70
Bexar	FM 1518	75	0465-02-028	71

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	FM 1518	67	0465-02-028	109
Bexar	FM 1518	68	0465-02-028	116
Bexar	FM 1518	43	0465-02-028	120
Bexar	FM 1518	76	0465-02-028	128
Bexar	FM 1518	71	0465-02-028	134
Bexar	FM 1518	72	0465-02-028	135
Bexar	FM 1518	74	0465-02-028	141
Bexar	FM 1518	69	0465-02-028	142
Bexar	FM 1518	44	0465-02-028	143
Bexar	FM 1518	73	0465-02-028	145
Brazoria	SH 36	82	0188-03-020	330
Brazoria	SH 36	80	0188-03-020	331
Brazoria	SH 36	81	0188-03-020	340
Brazoria	SH 36	13	0188-03-020	408
Cherokee	US 175	25	0198-04-034	12
Cherokee	US 175	23	0198-04-034	17
Cherokee	US 175	28	0198-04-034	33
Cherokee	US 175	16	0198-04-034	36
Cherokee	US 175	24	0198-04-034	40
Cherokee	US 175	27	0198-04-034	44
Cherokee	US 175	17	0198-04-034	47
Cherokee	US 175	18	0198-04-034	53
Cherokee	US 175	21	0198-04-034	59
Cherokee	US 175	9	0198-04-044	1
Dallas	SL 9	50	2964-10-010	119E
Dallas	SL 9	51	2964-10-010	212
Denton	US 377	2	0081-03-062	91
Denton	US 377	1	0081-03-062	92
Denton	US 377	91	0081-03-062	97
Denton	US 377	92	0081-03-062	98
Denton	US 377	94	0081-03-062	99
Denton	US 377	95	0081-03-062	100
Denton	US 377	96	0081-03-062	101
Denton	US 377	97	0081-03-062	102
Denton	US 377	98	0081-03-062	103
Denton	US 377	99	0081-03-062	104
DeWitt	SH 72	66	0270-02-045	9
DeWitt	SH 72	63	0270-02-045	13
DeWitt	SH 72	90	0270-02-045	42
DeWitt	SH 72	62	0270-02-045	44
Ellis	SL 9	53	2964-12-003	3
Ellis	SL 9	54	2964-12-003	5
Ellis	SL 9	55	2964-12-003	206
Ellis	SL 9	45	2964-12-003	207
Ellis	SL 9	46	2964-12-003	209
Ellis	SL 9	47	2964-12-003	210

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	SL 9	49	2964-12-004	157,157E
Fort Bend	FM 1463	78	0188-10-037	158
Fort Bend	FM 1463	79	0188-10-038	255
Fort Bend	FM 1463	77	0188-10-038	257
Harris	FM 2100	12	1062-04-059	313
Harris	FM 1960	19	1685-01-105	15
Harris	FM 1960	61	1685-03-097	111
Harris	FM 1960	100	1685-03-097	123
Harris	FM 1960	93	1685-03-097	128
Harris	FM 1960	20	1685-03-097	171
Hidalgo	FM 676	11	1064-01-037	5
Hidalgo	FM 676	52	1064-01-037	20
Liberty	SH 99	14	3510-09-003	1110
Lubbock	FM 1585	8	1502-01-037	289
Lubbock	FM 1585	3	1502-01-037	290
Lubbock	FM 1585	6	1502-01-037	316
Lubbock	FM 1585	10	1502-01-037	345
Lubbock	FM 1585	7	1502-01-037	352
Lubbock	FM 1585	5	1502-01-037	362
Lubbock	FM 1585	29	1502-01-038	160
Lubbock	FM 1585	57	1502-01-038	164
Lubbock	FM 1585	31	1502-01-038	165
Lubbock	FM 1585	26	1502-01-038	166
Lubbock	FM 1585	22	1502-01-038	188
Lubbock	FM 1585	15	1502-01-038	189
McLennan	SH 6	30	0258-09-144	2
Montgomery	SH 99	58	3510-07-008	833
San Saba	FM 45	4	0480-08-029	57
Travis	US 290	59	0113-08-089	93
Travis	US 290	48	0113-08-089	94
Travis	US 290	60	0113-08-089	95
Travis	US 290	102	0113-08-089	96
Travis	US 290	89	0113-08-089	97
Travis	US 290	87	0113-08-089	107
Travis	US 290	88	0113-08-089	108
Travis	US 290	56	0113-08-089	109
Travis	US 290	101	0113-08-089	110
Travis	SH 71	64	0700-03-101	99
Travis	SH 71	83	0700-03-101	101
Travis	SH 71	85	0700-03-101	102
Travis	SH 71	84	0700-03-101	103
Travis	SH 71	86	0700-03-101	104

Note: Exhibits A - WWW and 1 - 102 are on file with the commission chief clerk.

Following agenda item 12 Commissioner New left the meeting at 12:22 p.m.

**ITEM 9. Aviation****a. Routine Airport Maintenance Program****Consider the approval of the Routine Airport Maintenance Program (MO)**

This item was presented by Interim Aviation Division Director Dan Harmon. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115560  
AVN

The Texas Department of Transportation (department) is authorized under Texas Transportation Code, Chapter 21 and Chapter 22, to assist in the development and maintenance of airports in the state.

The Routine Airport Maintenance Program (RAMP) provides financial assistance for publicly owned or operated general aviation, reliever and non-hub commercial service airports included in the Texas Airport System Plan.

Due to the success of this program, the department requests continuation of the program by providing funds for airport maintenance and small capital improvements on a 50-50 basis up to a maximum of \$50,000 in state funds for Fiscal Year 2020.

A public hearing regarding the funding of RAMP was held on August 1, 2019, and no comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the airports listed in Exhibit A be awarded grants in accordance with RAMP and that the executive director, or the director's designee, is authorized to enter into any necessary grant agreements with the appropriate local government agencies necessary to carry out the directives of this minute order.

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

**b. Aviation Capital Improvement Program****Consider the approval of the Aviation Capital Improvement Program (MO)**

This item was presented by Interim Aviation Division Director Dan Harmon. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115561  
AVN

Pursuant to Transportation Code, §§21.108 and 21.109, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation prepares and updates a multiyear Aviation Capital Improvement Program (CIP). The CIP is a plan for general aviation airport development in Texas. It is a detailed listing of potential projects based on the anticipated funding levels of the Federal Aviation Administration Airport Improvement Program and the Texas Aviation Facilities Development Program.

In August 2019, the draft FY 2020-22 Aviation CIP was submitted to the sponsors of airports included in the Texas airport system for review. Comments received have been evaluated and, when appropriate, have been addressed in the CIP. The Texas Aviation Advisory Committee recommended approval of the FY 2020-22 CIP at its August 2019 meeting.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the FY 2020-22 Aviation Capital Improvement Program, as shown in Exhibit A, is hereby adopted and the executive director is authorized to proceed with the development of the airport facilities included in the program.

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

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

This item was presented by Interim Aviation Division Director Dan Harmon. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115562  
AVN

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

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

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

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

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

**ITEM 10. Advisory Committee Appointments**

a. Consider the appointment of members to the Aviation Advisory Committee (MO)

This item was presented by Interim Aviation Division Director Dan Harmon. New appointee to the Aviation Advisory Committee, President and CEO of Mission Park Funeral Chapel and Cemeteries Robert Dixon Tips, made brief remarks to the commission. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115563  
AVN

Transportation Code §21.003(a) provides that the Aviation Advisory Committee (committee) consists of members appointed by the Texas Transportation Commission (commission) to advise the commission and the Texas Department of Transportation on aviation matters. The commission by rule shall determine the number of members of the committee. Transportation Code §21.003(b) provides that a majority of the members of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or a fixed-base operator. Transportation Code §21.003(c) provides that a committee member serves at the pleasure of the commission.

Title 43, Texas Administrative Code, §1.84(a)(2) provides that the commission will appoint nine members to staggered terms of three years with three members’ terms expiring August 31 of each year. Title 43, Texas Administrative Code, §1.82(c)(4) provides that a committee member may be removed at any time without cause by the person or entity that appointed the member.

The commission charges the committee with the following priorities: 1) provide input for assessment of general aviation airports statewide to help identify benefits of the system,

along with deficiencies, and long term needs for funding to maintain the system; and 2) provide advice on the development of the aviation capital improvement program and aviation facilities program.

Four individuals are being reappointed to the committee, one with a term to expire on August 31, 2020, and three with terms to expire on August 31, 2021. In addition, it is necessary for the commission to appoint three new members in order to comply with Title 43, Texas Administrative Code, §1.84(a)(2), those terms will expire on August 31, 2022.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve on the committee for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee’s efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service. Terms of less than three years have been established for some members in order to stagger terms.

<u>Name</u>	<u>Location</u>	<u>Term Expiration</u>
Peter Huff	McKinney, TX	August 31, 2020
Michael Schnell	Spearman, TX	August 31, 2021
Jim Schwertner	Austin, TX	August 31, 2021
Fred Underwood	Lubbock, TX	August 31, 2021
Bob McCreery	McAllen, TX	August 31, 2022
Justine Ruff	Midland, TX	August 31, 2022
Robert Dixon Tips	San Antonio, TX	August 31, 2022

IT IS THEREFORE ORDERED by the commission that the individuals identified above are appointed to serve as members of the Aviation Advisory Committee for the term specified.

b. Consider the appointment of members to the Port Authority Advisory Committee (MO)

This item was presented by Maritime Division Director Dan Harmon. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115564  
MRD

Transportation Code, §55.006(a), requires the Texas Transportation Commission (commission) to appoint seven (7) members to the Port Authority Advisory Committee (committee). The purpose of the committee is to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports. Transportation Code, §55.006(b) provides that a committee member serves at the pleasure of the commission.

The commission charges the committee with the following priorities: 1) assist with development of the Port Mission Plan, and update of other reports as required; and 2) assess the impacts of Texas’ growing energy export market on Texas ports.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members appointed by the commission serve staggered three-year terms unless removed sooner at the discretion of the commission.

Two (2) individuals are being re-appointed to the committee and two (2) individuals are new appointments. All terms will expire on August 31, 2022.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee’s efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

- Roger Guenther, Executive Director, Port Houston – Port Houston
- David C. Fisher, Port Director & CEO, Port of Beaumont – Upper Coast
- Sean Strawbridge, CEO, Port of Corpus Christi – Lower Coast
- Walker Smith, Port Director, Port of Harlingen – Lower Coast

IT IS THEREFORE ORDERED by the commission these individuals be appointed as members of the Port Authority Advisory Committee for the term specified.

c. Consider the appointment of members to the Bicycle Advisory Committee (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115565  
PTN

The Bicycle Advisory Committee (committee) makes recommendations to the Texas Transportation Commission (commission) on the development of bicycle tourism trails in this state, provides recommendations on the selection of projects relating to the Safe Routes to School Program, and reviews and makes recommendations on items of mutual concern between the Texas Department of Transportation (department) and the bicycling community. The committee functions under Title 43, Texas Administrative Code, §1.85 concerning department advisory committees.

The commission charges the committee with the following priorities: 1) review and make recommendations on expanding the charge of the committee to address a wider range of related transportation service options, including pedestrian options and personal mobility devices; and 2) review and make recommendations on enhancements to safety and efficiency in the design of bicycle facilities.

One (1) individual is being re-appointed to the committee with a term to expire on August 31, 2021, and five (5) individuals are new appointments to the committee with one term to expire on August 31, 2021 and four terms to expire on August 31, 2022.

The commission has determined that the individuals listed below shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee’s efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

The commission desires to make the following six committee appointments:

<u>Name</u>	<u>Location</u>	<u>Term Expiration</u>
Robert Gonzales	El Paso, TX	August 31, 2021
Trent Brookshire	Tyler, TX	August 31, 2021
Eva Lizette Garcia	Brownsville, TX	August 31, 2022

Clint McManus	Houston, TX	August 31, 2022
Rick Ogan	San Angelo, TX	August 31, 2022
Mike Schofield	Austin, TX	August 31, 2022

IT IS THEREFORE ORDERED by the commission that the six individuals identified above are appointed as members of the department’s Bicycle Advisory Committee for the terms specified.

d. Consider the appointment of members to the Border Trade Advisory Committee (MO)

This item was presented by Freight and International Trade Section Director Caroline Mays. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115566  
TPP

Transportation Code, §201.114, requires the Texas Transportation Commission (commission) to appoint members to the Border Trade Advisory Committee (committee) to assist the commission in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges.

Transportation Code, §201.114, also provides that the committee must include, to the extent practicable: (1) the presiding officers, or persons designated by the presiding officers, of the policy boards of metropolitan planning organizations wholly or partly in the Texas Department of Transportation's (department’s) Pharr, Laredo, Odessa, or El Paso transportation districts; (2) the person serving, or a person designated by the person serving, in the capacity of executive director of each entity governing a port of entry in this state; (3) a representative each from at least two institutes or centers operated by a university in this state that conduct continuing research on transportation or trade issues; and (4) the port director of the Port of Brownsville or the port director's designee.

Title 43, Texas Administrative Code, §1.84(d), provides that committee members serve staggered three-year terms expiring on August 31 of each year.

Ten (10) individuals are being re-appointed to the committee with terms to expire on August 31, 2022, three (3) individuals are new appointments to the committee with terms to expire on August 31, 2022, and one (1) individual is a new appointment to fill a vacancy on the committee with a term to expire on August 31, 2021.

The commission has determined that the individuals or positions listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee’s efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Re-appointments with Terms Expiring on August 31, 2022:

- Jon Barela, Borderplex Alliance
- Luis Bazan, Pharr-Reynosa International Bridge on the Rise
- Dante Galeazzi, Texas International Produce Association
- Josue Garcia, Cameron County International Bridge System
- Cynthia Garza Reyes, Pharr Economic Development Corporation
- Jake Giesbrecht, Presidio International Port Authority
- Brenda Mainwaring, Union Pacific Railroad
- Tommy Taylor, Faskens Oil and Ranch

Sam Vale, Starr-Camargo Bridge Company  
Rigo Villarreal, McAllen-Anzalduas International Bridge

New Appointments with Terms Expiring on August 31, 2022:  
Commissioner Jayne Harkins, U.S. Section, International Boundary and  
Water Commission  
Marga Lopez, Progreso International Bridge  
David Coronado, El Paso International Bridge System

New Appointment with Term Expiring on August 31, 2021:  
Eduardo Calvo, El Paso Metropolitan Planning Organization

IT IS THEREFORE ORDERED by the commission that the individuals or positions named above are appointed to the Border Trade Advisory Committee for the terms specified.

e. Consider the appointment of members to the Ports-to-Plains Advisory Committee (MO)

This item was presented by Transportation Planning and Programming Division Director Peter Smith. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115567  
TPP

House Bill 1079, Acts of the 86th Legislature, Regular Session, 2019 (HB 1079), requires the Texas Department of Transportation (department) to establish a Ports-to-Plains Advisory Committee to assist the department in conducting a comprehensive study of the Ports-to-Plains Corridor in accordance with that Act.

HB 1079 establishes the composition, purpose, and tasks of the advisory committee and provides requirements for the meetings and the manner in which the advisory committee will report to the department.

The Ports-to-Plains Advisory Committee will provide the department advice and recommendations on the planning and development of the Ports-to-Plains Corridor, as designated under Texas Transportation Code, §225.069. The committee's advice and recommendations will provide the department with a better understanding of public, business, and private concerns about the corridor, which will help communications and project development objectives and will result in more cooperation between the department and parties affected by or interested in future transportation improvements, including the affected communities and governmental entities.

The advisory committee will be composed of the local officials identified in Exhibit A, as prescribed by HB 1079. After the establishment of the Ports-to-Plains Advisory Committee, HB 1079 requires the department, in conjunction with the advisory committee, to establish segment committees for each geographic segment along the Ports-to-Plains Corridor as determined by the department. HB 1079 establishes the purpose and tasks of the segment committees and provides guidelines for the composition and meetings of the segment committees and the manner in which each segment committee will report to the advisory committee and the department.

Government Code, §2110.005, requires a state agency that establishes an advisory committee, by rule, to state the purpose and tasks of the committee and describe the manner in which the committee will report to the agency. To satisfy those requirements, the Texas Transportation Commission (commission) finds it necessary contemporaneously to propose by

separate minute order new §1.90, relating to Advisory Committees for Ports-to-Plains Corridor, to be codified under Title 43, Texas Administrative Code, Part 1.

IT IS THEREFORE ORDERED by the commission that the Ports-to-Plains Advisory Committee is created and that the local officials listed in Exhibit A, or their designees, are appointed to the advisory committee.

IT IS FURTHER ORDERED by the commission that the department shall designate geographic segments along the Ports-to-Plains Corridor and, in conjunction with the Ports-to-Plains Advisory Committee, shall establish segment committees for each of those segments. The executive director of the department, or the executive director’s designee, shall select the members of the segment committees in accordance with HB 1079.

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 HB 1079, Acts of the 86th Legislature, Regular Session, 2019.

**ITEM 11. Prohibition Order**

**Various Counties - Consider issuing an order prohibiting the operation of certain motor vehicles on Texas Department of Transportation toll projects (MO)**

This item was presented by Toll Operations Division Director Rick Nelson. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

115568  
TOD

Transportation Code, Chapter 372, Subchapter C, authorizes toll project entities, including the Texas Department of Transportation (department), to exercise various remedies against certain motorists with unpaid toll violations.

Transportation Code §372.106 provides that a “habitual violator” is a registered owner of a vehicle who a toll project entity determines:

- (1) was issued at least two written notices of nonpayment that contained:
  - (A) in the aggregate, 100 or more events of nonpayment within a period of one year, not including events of nonpayment for which: (i) the registered owner has provided to the toll project entity information establishing that the vehicle was subject to a lease at the time of nonpayment, as provided by applicable toll project entity law; or (ii) a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law; and
  - (B) a warning that the failure to pay the amounts specified in the notices may result in the toll project entity’s exercise of habitual violator remedies; and
- (2) has not paid in full the total amount due for tolls and administrative fees under those notices.

The department previously determined that the individuals listed in Exhibit A are habitual violators. These determinations are now considered final in accordance with Subchapter C.

Transportation Code §372.109 provides that a final determination that a person is a habitual violator remains in effect until:

- (1) the total amount due for the person’s tolls and administrative fees is paid; or

- (2) the toll project entity, in its sole discretion, determines that the amount has been otherwise addressed.

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

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

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

IT IS THEREFORE ORDERED by the commission that the motor vehicles listed in Exhibit A are prohibited from operation on the toll projects described above, effective September 13, 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 13. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute orders by a vote of 3 - 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)**

115569  
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department’s acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

**Donations to the Department**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
100 Club of Wharton County, Inc.	TRF	Wharton	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 71 between the Matagorda County line and FM 2765, designated as the Game Warden Justin Hurst Memorial Highway within Wharton County.
1st Cavalry Division Association	TRF	Bell	Funds to design, fabricate, and install two memorial highway designation signs on the portion of IH 14 within Bell County designated as the 1st Cavalry Division Veterans Highway.
281/Overlook Partners, LP	SAT	Bexar	Funds sufficient to cover the State’s cost for regrading a section of US 281 at Overlook Parkway to better accommodate access to Overlook Town Center development in San Antonio.

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Avery Centre Devco, Inc.	AUS	Williamson	Design and construction of modifications to a traffic lane from 1695 feet south of CR 112 to 1853 feet south of CR 112 on FM 1460 to decrease the length of raised center median and striping in Round Rock.
Belton Lake Road Real Estate, LLC	WAC	Bell	Design and construction of traffic signal modifications at the intersection of FM 439 and N Loop 121 to provide protected left turns in Belton.
Benito Lopez	SAT	Bexar	A Hoist Core Workout, Weight Rack, Marcy Weight Bench and Everlast Punching Bagdo to the San Antonio District Bexar Metro fitness space in San Antonio.
Camillo Properties Ltd.	HOU	Montgomery	Design and construction of a left turn lane from northbound SH 75 into the North Meadows development and a new connection from Old Highway 75 to SH 75 in Willis.
David Mayes Middleton II	TRF	Chambers	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 99 between IH 10 and the Harris/Chambers County line, designated as the Deputy Sheriff Shane Detwiler Memorial Highway within Chambers County.
Driftwood Historical Conservation Society	TRF	Hays	Funds to design, fabricate, and install two memorial highway designation signs on the portion of RM 150 between RM 12 and RM 3237 designated as the William B Travis Heritage Trail within Hays County.
El Campo Wind, LLC	CHS	Foard	Funds to cover the State's cost to repair roadway damage and maintain roads in a safe and passable condition on FM 1756 in Foard County.
Fikes Wholesale, Inc.	WAC	Bell	Design and construction of deceleration lane into the CEFCO convenience store at the southeast corner of Hwy 36 and Research Blvd. in Bell County.
Hawthorne at La Porte, LLC	HOU	Harris	Design and construction of a deceleration lane from northbound access road of Highway 146 into the Hawthorne at Bay Forest development in La Porte.
Hogey Ventures LP	AUS	Bastrop	Design and construction of a center turn lane on SH 95 in Bastrop County.

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
JYKM Union, Inc.	WAC	Bell	Design and construction of three driveways each with a right turn deceleration lane and reconstruction of two driveways into the donor's establishment on IH 35 between Hill Road and CR 304 in Salado.
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Travis	Design and construction of traffic signal infrastructure to accommodate the addition of the 4th approach to the intersection (southbound approach) on US 290 at Red Elm Parkway in Elgin.
Morris Corners Collection, Ltd.	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.
Nine Flags Museum	TRF	Nacogdoches	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 7 within Nacogdoches County designated as the Bataan and Corregidor Veterans Memorial Highway.
Seton Lake Logistics Center, LLC	HOU	Harris	Design and construction of a left turn lane striping modification and signal modification/addition from north bound TX 249 and south bound Seton Lake Drive into the donor's development in Houston.
The Institute of Internal Auditors	AUD	N/A	Registration fees and one night hotel fees for Benito Ybarra, Chief Audit and Compliance Officer to attend and participate as a speaker at the 2019 Institute of Internal Auditors International Conference in Anaheim, CA on July 7-10, 2019.
Uvalde Realty Partners, LLC	HOU	Harris	Design and construction of eight right turn deceleration lanes from eastbound US 90 frontage road into the New Forest Town Center development in Houston.
The Salt Lick	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Kidd Roofing	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Cushman & Wakefield	AUS	Travis	Revenue generation through the Sponsor a Highway Program.

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Elephant Insurance Services, LLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Red Oak Family Dentistry, PLLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Hotels.com LP	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Baylor Scott & White Medical Center - Waxahachie	DAL	Ellis	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Free Play, Incorporated	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
The Emergency Center, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Energy Capital Credit Union	HOU	Harris	Litter pick-up throughout a corridor on State's right of way through the Sponsor a Highway Program.
The Hadi Law Firm	HOU	Harris	Litter pick-up throughout a corridor on State's right of way through the Sponsor a Highway Program
The Emergency Center, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Kidd Roofing	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Iron Cactus Credit, Inc.	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Mike Mahar Painting	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

**b. Real Estate Dispositions**

**(1) Collin County - SH 289 - Consider an easement release to the underlying fee owner Celina Preston 2016 Partners LLC (MO)**

115570  
ROW

In Celina, Collin County, on SH 289, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 687, at Page 556, Deed Records of Collin 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.

Celina Preston 2016 Partners LLC is the owner of the fee interest in the property and has requested to purchase the easement interest for \$120,000.

The commission finds \$120,000 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission 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 Celina Preston 2016 Partners LLC for \$120,000.

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

**(2) Denton County - US 377 - Consider the exchange of right of way as part of the settlement of eminent domain litigation in the matter of State of Texas v. Peterson/Coleman Family Partnership, a Texas Limited Partnership, et al., Cause No. PR-2016-00515 (MO)**

115571  
ROW

In Roanoke, Denton County, on US 377, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 279, at Page 222, Deed Records of Denton County, Texas.

All or a portion of the land, as 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 that the governor execute a deed exchanging an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The State of Texas and ROANWCCP 2, LP have entered into a settlement agreement in the matter of State of Texas v. Peterson/Coleman Family Partnership, a Texas Limited Partnership, et al., Cause No. PR-2016-00515. As part of the settlement, the State of Texas and ROANWCCP 2, LP are exchanging deeds for the tract and for a parcel needed for a state highway purpose, respectively.

The tract has been appraised at \$314,940.

The commission finds \$314,940 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 ROANWCCP 2, LP in accordance with the terms of the settlement agreement; 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) Randall County - SL 48 - Consider the removal from the system, transfer of ownership, jurisdiction, control, and maintenance, and the transfer of right of way to the City of Canyon (MO)

115572  
ROW

In the City of Canyon, Randall County, on SL 48, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 295, at Pages 507, 510, 513, 516, and 519, Deed Records of Randall County, Texas.

All 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 transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

The City of Canyon is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the city.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to the City of Canyon; 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.

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

IT IS FURTHER ORDERED by the commission that Minute Order 115523, dated June 27, 2019, is rescinded and replaced by this order.

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

(4) Tarrant County - SH 121 - Consider the sale of right of way to an abutting landowner (MO)

115573  
ROW

In Fort Worth, Tarrant County, on SH 121, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 3636, at Page 511, Deed Records of Tarrant County, Texas.

All or 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.

Fort Worth Interest, LLC, is an abutting landowner and has requested to purchase the tract for \$30,000.

The commission finds \$30,000 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 Fort Worth Interest, LLC for \$30,000; 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.

(5) Winkler County - SH 18/SH 302 - Consider an easement release to the underlying fee owner Pizza Properties, LLC, a Delaware Limited Liability Company doing business in Texas as Louisiana Pizza Properties, LLC (MO)

115574  
ROW

In Winkler County, on SH 18 and SH 302, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 206, at Page 600, Deed Records of Winkler 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.

Pizza Properties, LLC, a Delaware Limited Liability Company, doing business in Texas as Louisiana Pizza Properties, LLC, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$15,737.

The commission finds \$15,737 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 Pizza Properties, LLC, a Delaware Limited Liability Company doing business in Texas as Louisiana Pizza Properties, LLC, for \$15,737.

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

c. Report  
Compliance Division report

Note: Confidential report to commission.

**d. Finance**

(1) Annual review and approval of the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller; consider adopting investment strategies for funds to be held under the trust agreement securing a loan from the United States Department of Transportation pursuant to the Transportation Infrastructure Finance and Innovation Act of 1998 to pay a portion of the eligible project costs of the SH 183 Managed Lanes Project (Midtown Express) in Dallas and Tarrant counties (MO)

115575  
PFD

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments that are in compliance with investment policies approved by the commission.

Government Code §2256.005 requires the commission to adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds.

In Minute Order 108970, dated July 25, 2002, the commission approved and adopted a written investment policy applicable to funds of the commission relating to the Central Texas Turnpike System held by Bank One, N.A., (in such capacity with its successors, currently Bank of New York Mellon), as Trustee under the Indenture of Trust dated July 15, 2002, between the commission and the trustee.

In Minute Order 114360, dated August 27, 2015, the commission approved and adopted a written investment policy that included an investment strategy applicable to funds in the prepaid TxTag custodial account under the Master Lockbox and Custodial Account Agreement dated as of September 2, 2012, as amended, by and between the Bank of New York Mellon Trust Company, N.A., as custodian, and the department.

In Minute Order 114706, dated August 25, 2016, the commission approved and adopted a written investment policy that included an investment strategy applicable to funds related to obligations issued for the IH-35E Managed Lanes Project under a Trust Agreement by and between the commission and Amegy Bank, a Division of ZB, National Association, as trustee.

In Minute Order 115393, dated December 13, 2018, the commission approved and adopted a written investment strategy, included as part of the commission's investment policy, applicable to funds related to obligations issued for the SH 249 System under a Master Trust Agreement by and between the commission and U.S. Bank National Association, as trustee.

Government Code §2256.005(e) and Section 20.0 of the investment policy require the commission to review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategy. The investment policy and investment strategies of the commission have been reviewed and revised annually by minute order since 2003, to update the investment policy and strategies and to make them applicable to all funds under the control of the commission and not otherwise required to be invested by the Comptroller of Public Accounts (comptroller).

The attached investment policy, including the investment strategies and delegation memorandum attached to the policy as Exhibit A.1 - A.8, includes revisions necessary to conform to the requirements of HB 2706 passed by the 86th Texas Legislature 2019, and includes a new investment strategy applicable to funds related to obligations that the commission expects to issue for the Midtown Express Project under a Trust Agreement by and between the commission and US Bank National Association, as trustee.

IT IS THEREFORE ORDERED by the commission that the investment policy applicable to all funds of the commission not otherwise required to be invested by the comptroller, including the investment strategies and delegation memorandum attached to the

policy as Exhibits A.1 - A.8, have been reviewed and are hereby approved in accordance with Government Code §2256.005(e) and Section 20.0 of the investment policy.

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

(2) Consider the annual review of debt management policy and derivative management policy for financing programs of the commission (MO)

115576  
PFD

Pursuant to various provisions of Texas law, the Texas Transportation Commission (commission) is authorized to issue and incur obligations for transportation and other projects.

To ensure that all financings undertaken by the commission and/or the Texas Department of Transportation (department) are effected in accordance with the highest standards of industry, law, and government practice, and to confirm the intent of the commission and the department to adhere to sound financial management practices, the commission initially adopted a Debt Management Policy in Minute Order 110656 on August 24, 2006. The policy requires an annual review and, if necessary, amendment. The Debt Management Policy attached hereto as Exhibit A has been reviewed and presented to the commission for consideration.

The Debt Management Policy establishes parameters within which to administer the commission's financing programs, and such parameters focus on acceptable levels of risk, minimizing interest costs, optimizing future flexibility, and achieving and maintaining the best possible credit ratings.

Pursuant to Chapter 1371, Texas Government Code, and other applicable Texas law, the commission is authorized to execute credit agreements including interest rate swap and other similar agreements.

To establish responsibilities, objectives, and guidelines for the use of interest rate swap and other similar products, and in order to efficiently and prudently manage the commission's asset/liability profile for each financing program, the commission initially adopted a Derivative Management Policy as a subsidiary component of the Debt Management Policy, also in Minute Order 110656, on August 24, 2006. The Derivative Management Policy also requires annual review and, if necessary, amendment. The Derivative Management Policy attached hereto as Exhibit B has been reviewed and presented to the commission for consideration.

IT IS THEREFORE ORDERED by the commission that the Debt Management Policy attached hereto as Exhibit A and Derivative Management Policy attached hereto as Exhibit B have been reviewed and are hereby approved.

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

(3) Dallas and Denton Counties - Consider the approval of the I-35E Managed Lanes Project annual budget of revenues, operating and maintenance expenses, capital expenditures, and acceptance of the annual inspection report (MO)

115577  
PFD

Transportation Code, Chapter 228 and other applicable law, including Government Code, Chapter 1371, authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, notes, and other obligations to finance toll projects or systems on the state highway system, and to enter into trust agreements governing matters relating to the issuance of such obligations.

In Minute Order 113350 dated November 15, 2012, the commission designated the I-35E Managed Lanes Project (Project), from I-635 to US 380 in Dallas and Denton counties, including all managed lane connections, as a toll project on the state highway system.

Pursuant to Minute Order 114424 dated November 19, 2015 and the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), the commission entered into a TIFIA Loan Agreement, dated November 3, 2016, with the United States Department of Transportation, for a loan in the amount of \$285,000,000 to pay a portion of the eligible project costs of the Project (Loan Agreement), and executed a Trust Agreement dated November 1, 2016 securing the I-35E Managed Lanes Project Toll Revenue Obligations (Trust Agreement) and a First Supplemental Agreement dated November 1, 2016 securing the Loan Agreement and the Texas Transportation Commission Toll Revenue Converting Tier Note (I-35E Managed Lanes Project), Series 2016.

Section 504 of the Trust Agreement states that the commission will cause the general engineering consultant to make an inspection of the Project on or before the 90th day prior to the end of each fiscal year and to submit to the commission a report setting forth (a) their findings whether the Project has been maintained in good repair, working order and condition and (b) their advice and recommendations as to the proper maintenance, repair, and operation of the Project during the ensuing fiscal year and an estimate of the amount of money necessary for such purposes.

The commission has engaged Jacobs Engineering Group Inc. (Jacobs) to serve as the general engineering consultant in accordance with the Trust Agreement. The I-35E Managed Lanes Project Annual Inspection Report, attached as Exhibit A, has been prepared by Jacobs in accordance with Section 504 of the Trust Agreement.

Pursuant to Section 505 of the Trust Agreement, the commission has covenanted that on or before the business day preceding the first day of each fiscal year, it will adopt an annual budget of revenues, operating and maintenance expenses, and capital expenditures for the Project and deliver copies of the budget to the trustee and the general engineering consultant.

The department has completed the annual budget which is attached as Exhibit B. In accordance with Section 505 of the Trust Agreement, the annual budget was provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the general engineering consultant's I-35E Managed Lanes Project Annual Inspection Report attached as Exhibit A is accepted.

IT IS FURTHER ORDERED that the commission adopts the annual budget for the I-35E Managed Lanes Project for fiscal year 2020 attached hereto as Exhibit B.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the Trust Agreement as may be necessary in the operation of the Project.

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

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

115578  
PFD

Pursuant to Minute Order 114204, dated February 25, 2015, the department and Montgomery County Toll Road Authority (Montgomery County) entered into a toll project agreement (SH 249 agreement) authorized under Transportation Code §373.006 that identifies the responsibilities of each party for toll project-related activities and provides an alternative to the primacy determination process under Subchapter B of Chapter 373, Transportation Code. The SH 249 agreement provides for the department to finance, design, construct, operate and maintain the approximately 15-mile Segment 1 of the SH 249 extension, which is anticipated to be a new four-lane divided highway between FM 1774 in Pinehurst in Montgomery County and

FM 1774 in Grimes County near Todd Mission, with an all-electronic, open road toll facility (SH 249 System).

By Minute Order 114959, dated June 29, 2017, the Texas Transportation Commission (commission) designated the SH 249 System as a toll facility on the state highway system. Segment 2 of the SH 249 extension will be a non-tolled two-lane to four-lane divided highway between FM 1774 in Pinehurst and SH 105 near Navasota in Grimes County.

In February 2019, the commission issued toll revenue obligations (obligations) pursuant to Subchapter C, Chapter 228, Transportation Code and Chapter 1371, Government Code to finance a portion of the costs of Segment 1, comprising the SH 249 System, pursuant to a master trust agreement and first supplemental agreement (indenture) which prescribes the terms, provisions and covenants related to the issuance of the obligations.

Pursuant to Section 407 of the indenture, the commission has covenanted that by the last day of the second month after each fiscal quarter, commencing with the first full fiscal quarter after delivery of the obligations, it will cause the General Engineering Consultant to prepare a progress report and provide copies of such report to the Trustee and the commission, and a Department Representative shall file such progress reports with the Municipal Securities Rulemaking Board, through its Electronic Municipal Markets Access System, within thirty (30) days of the commission's receipt of such reports.

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

IT IS THEREFORE ORDERED by the commission that the progress report attached as Exhibit A is accepted.

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

**(5) Travis and Williamson Counties - Consider the approval of the Central Texas Turnpike System annual operating, maintenance, and capital budgets (MO)**

115579  
PFD

Transportation Code Section 228.051 provides that the Texas Transportation Commission (commission) by order may designate one or more lanes of a segment of the state highway system as a toll project or system.

By Minute Order 108873, dated April 25, 2002, SH 130 was designated as a toll project and a controlled access state highway from I-35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast (SH 130) as part of the Central Texas Turnpike System (system).

By Minute Order 108896, dated May 30, 2002, SH 45 N was designated as a toll project and a controlled access state highway from west of US 183 to SH 130/SH 45 North interchange (SH 45 N) as part of the system.

By Minute Order 108896, dated May 30, 2002, Loop 1 was designated as a toll project and a controlled access state highway from the existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange (Loop 1) as part of the system.

By Minute Order 109729 dated July 29, 2004 SH 45 Southeast was designated as a toll project and a controlled access state highway from I-35 at FM 1327 South of Austin to the SH 310/US 182 interchange (SH 45 SE) and by Minute Order 113243 dated August 30, 2012 SH 45 SE was designated as part of the system.

The commission has outstanding approximately \$2.4 billion in aggregate principal amount of system bonds issued to finance or refinance a portion of the costs of the system, composed of the SH 130, SH 45 N, Loop 1 and SH 45 SE project elements, described above, pursuant to an Indenture of Trust (indenture) and eight supplemental indentures. Any terms not otherwise defined in this order have the meaning given in the indenture.

Pursuant to Section 702 of the indenture, the commission has covenanted that on or before August 31 in each year, it will adopt annual operating, maintenance and capital budgets for the system for the ensuing fiscal year. The annual budgets have been completed and are attached as Exhibit A. In accordance with the indenture the annual budgets were provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED that the commission adopts the annual budgets for the Central Texas Turnpike System for fiscal year 2020 attached hereto as Exhibit A.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

**e. Transportation Planning**

**Gregg County - In the city of Longview, consider extending the designation of FM 2087 (MO)**

115580  
TPP

The Tyler District and Gregg County have requested to extend the designation of FM 2087 in the city of Longview from SL 281 eastward along Toledo Circle, then southwestward along Sabine Street to SL 281, a distance of approximately 0.5 mile.

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

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

IT IS THEREFORE ORDERED by the commission that FM 2087 is extended in the city of Longview from SL 281 eastward along Toledo Circle, then southwestward along Sabine Street to SL 281, a distance of approximately 0.5 mile, as shown on Exhibit A.

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

**f. Access Control**

**Travis County - US 290, just east of Austin - Consider the designation of one location on the eastbound frontage road of US 290 at which access will be permitted to the abutting property (MO)**

115581  
DES

In TRAVIS COUNTY, on US 290, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to a Special Warranty Deed to the State of Texas executed July 7, 2010 recorded in Document No. 2010109819 of the Official Public Records of Travis County, Texas with denial of access to the abutting remainder property as described in the instrument.

Brookwood Oakes Ltd., the current owner of the abutting property, has requested the removal of access denial at one location along the eastbound frontage road of US 290 described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the removal of access denial will not compromise the mobility, safety or operation of the existing state highway facilities, and designates the removal of access denial described in Exhibit A as a location where ingress and egress may be permitted to and from the eastbound frontage road of US 290.

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)**

115582  
TRF

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

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

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

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

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

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

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

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

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

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

**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 Vaughn seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:40 p.m.

APPROVED by the Texas Transportation Commission on September 26, 2019:



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

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on August 29, 2019, in Austin, Texas.



Robin Carter, Commission Chief Clerk  
Texas Department of Transportation