

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 26, 2019, in Austin, Texas. The meeting was called to order at 9:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 5:00 p.m. on September 18, 2019, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Sidney Maloy.

Chairman Bugg and the other commissioners honored former Commissioner Jeff Austin, III. A video highlighting former Commissioner Austin was shown on the screen, recognitions were presented, and photographs were taken. The commissioners joked good naturedly and thanked former Commissioner Austin for his service and work on behalf of all Texans. Former Commissioner Austin spoke and recounted his involvement with various department programs and initiatives. He thanked his family, the commission, former Texas Governor Rick Perry, and various other elected officials for the support and opportunity to serve.

After honoring former Commissioner Austin, Chairman Bugg recognized Representative Lina Ortega, Representative Cesar Blanco, and Representative Brooks Landgraf. The representatives did not offer any comments.

ITEM 2. Consider the approval of the Minutes of the August 29, 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 August 29, 2019, regular meeting by a vote of 4 - 0.

ITEM 3. Mission Statement

Consider the adoption of a new mission statement for the Texas Department of Transportation (MO)

This item was presented by Communications Division Director Beth Hallmark. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute orders by a vote of 4 - 0.

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CMD

The Texas Department of Transportation (department) has developed a new mission statement, attached to this minute order as Exhibit A, as part of the primary strategic direction statements for the department.

The new statement presents the department's mission in simpler and more direct terms to encourage broader adoption by employees and partners, and to clarify the department's purpose for the public.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the statement set forth in Exhibit A is adopted as the department's mission statement.

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 Deputy Director Duane Milligan. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115584
CST

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

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

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

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

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

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

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or

concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

b. Routine Maintenance (MO)

This item was presented by Construction Division Deputy Director Duane Milligan. 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.

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MNT

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

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

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SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on September 3, 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. Design-Build Contract

Bexar, Comal, and Guadalupe Counties - Consider authorizing the department to issue a request for proposals to design, construct, and maintain the I-35 Northeast Expansion Project, consisting of non-tolled improvements along I-35 from approximately I-410 South to FM 1103 in Bexar, Comal, and Guadalupe Counties; and consider approving stipulated amounts as payment for the work product of unsuccessful proposers (MO) (Presentation)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Comments were received from engineer and private citizen Don Dixon. 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.

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PFD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project. Transportation Code, § 223.242 authorizes the department to enter into, in each state fiscal biennium, up to six design-build contracts for highway projects with estimated construction costs of \$150 million or more.

On April 25, 2019, by Minute Order 115466, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, develop, construct, and maintain the I-35 Northeast Expansion Project (Project). The project

will include non-tolled improvements along I-35 from approximately I-410 South to FM 1103 in Bexar, Comal and Guadalupe Counties, Texas, which improvements include:

- I-410 South to I-410 North – the construction of: additional elevated mainlanes comprised of two General Purpose (GP) lanes and one High Occupancy Vehicle (HOV) lane in each direction; four additional direct connectors at the I-410 South interchange to connect to the I-35 elevated lanes; and two additional direct connectors at the I-410 North interchange to connect to the I-35 South elevated lanes.
- I-410 North to FM 3009 – the construction of: additional elevated mainlanes comprised of two GP lanes and one HOV lane in each direction from I-410 North to FM 3009; two additional direct connectors at the I-410 North interchange to connect to the I-35 North elevated lanes; and four direct connectors for the State Loop (SL) 1604 western connections to the I-35 elevated lanes at the I-35/SL1604 interchange.
- FM 3009 to FM 1103 – reconstruction to provide at-grade additional mainlanes from FM 3009 to FM 1103 comprised of one GP lane and one HOV lane in each direction.

The department issued the RFQ on May 20, 2019. Four proposer teams responded to the RFQ. Following the department's evaluation of the qualifications statements, the best qualified teams will be short-listed and requested to submit detailed proposals to design, construct, and maintain the project.

Transportation Code § 223.246 and 43 TAC § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. The department intends to issue an RFP for the I-35 Northeast Expansion Project and to request detailed proposals from the short-listed teams to design, construct, and maintain the I-35 Northeast Expansion Project.

Transportation Code § 223.249(a) and 43 TAC § 9.153(f) requires the department to pay an unsuccessful private entity that submits a detailed proposal that is responsive to the requirements of the RFP a stipulated amount in exchange for the work product contained in the proposal. The stipend must be a minimum of twenty-five hundredths of one percent of the contract amount and the stipulated amount must be stated in the RFP. The payment for work product may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions. Payment for this work product would allow the department to use the work product for the benefit of the I-35 Northeast Expansion Project or other department projects without further payment to the unsuccessful proposer. Transportation Code § 223.249(b) and 43 TAC § 9.153(f) require the department to pay a partial stipend in the event that a procurement is terminated before the execution of a design-build contract.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue an RFP to design, construct, and maintain the I-35 Northeast Expansion Project in Bexar, Comal and Guadalupe Counties.

IT IS FURTHER ORDERED that, after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer that submits a responsive, but unsuccessful, proposal for the I-35 Northeast Expansion Project an amount based upon the value of the work product provided in the proposal that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the design-build contract.

IT IS FURTHER ORDERED that in the event the procurement is terminated prior to the execution of the design-build contract, and after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer a partial stipend based upon the

value of the work product that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$4,867,500.

IT IS FURTHER ORDERED that payment for work product may only be paid to the extent that the work product submitted meets the minimum criteria and the proposer satisfies the conditions for payment identified by the department in the I-35 Northeast Expansion Project procurement documents.

ITEM 8. Municipal Utility Relocation Reimbursement

Bastrop County - Consider the approval of a request from the City of Smithville (city) to make the relocation of the city's utility facilities required by the SH 95 highway improvement project an expense of the state under Transportation Code §203.092(a-4) (MO)

After Item 5, Chairman Bugg brought up this item. Item 8 was presented by Right of Way Division Director Kyle Madsen. Comments were received from Bastrop County Judge Paul Pape and Smithville City Manager Robert Tamble. 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.

The Texas Department of Transportation (department) has a state highway project in Bastrop County, on State Highway 95, that requires the relocation of utility facilities. The City of Smithville owns certain of these utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly-owned utilities are eligible for utility facility relocation at the expense of the state. The City of Smithville has requested that the commission determine that the relocation of their utility facilities be at the expense of the state.

The commission finds and determines that the City of Smithville meets the eligibility standards contained in that statute and that the department's expenditures under Transportation Code, §203.092(a-4), including the request by the City of Smithville, will not exceed the fiscal year limitation contained in Transportation Code §203.092(e).

IT IS THEREFORE ORDERED by the commission that the relocation of the City of Smithville's utility facility required by the improvement of the state highway system is an expense of the state to be paid by the department.

ITEM 6. Design Bid Build Contract - Direct Connectors SH 99 and SH 249 Interchange

Harris County - Pursuant to an understanding between the department and Harris County (county) regarding the county's agreement to fund projects selected by the department and the county that enhance regional mobility, consider designating four proposed direct southern connectors at the interchange of State Highway 99 (Grand Parkway) and State Highway 249 (Tomball Tollway) in Harris County (referred to as the SH 249 DCs), connecting two existing toll projects, as toll projects funded and constructed solely by the county on the state highway system; consider designating the two direct connectors on the southeast side of the interchange (the Southeast DCs) as part of the Grand Parkway Project and authorizing the Grand Parkway Transportation Corporation (GPTC) to operate them as part of the Grand Parkway System; consider approving the exercise of primacy for the Southeast DCs by the department to develop, finance, construct and operate them; consider authorizing GPTC to perform any function authorized, including those authorized by Chapter 431 of the Transportation Code, in connection with the Southeast DCs; consider approving the assignment of revenues from the Southeast DCs to GPTC; consider approving financial assistance under the existing toll equity loan agreement between the department and GPTC for the SH 249 DCs,

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ROW

with the requirement that no state funds, including funds from sources commonly known as Proposition 1 or Proposition 7, may be used for the development or construction of the SH 249 DCs (MO)

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

115589
PFD

The Texas Department of Transportation (department) and the seven counties in the Houston area in which SH 99 (Grand Parkway) is located have been proceeding with the development, construction, and operation of a toll project within the SH 99 corridor from SH 146 in Galveston County to SH 146 in Harris County (the Grand Parkway Project).

In accordance with the requirements of former Transportation Code § 228.0111 and the policies included in Minute Order 111410, the department and the seven counties entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway Project, agreed to waive the development of a market valuation of the Grand Parkway Project, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway Project, including terms for establishing baseline toll rates and toll escalation policies applicable to the Grand Parkway Project.

In Minute Order 113046, dated March 29, 2012, the Texas Transportation Commission (commission) adopted a resolution creating the Grand Parkway Transportation Corporation (GPTC) pursuant to Transportation Code, Chapter 431 (chapter 431), and Title 43, Texas Administrative Code, § 15.95, approving its certificate of formation and bylaws and appointing the initial directors. GPTC is authorized to assist and act on behalf of the commission in the development, financing, design, construction, reconstruction, expansion, operation and/or maintenance of certain segments of the Grand Parkway Project (those segments being referred to as the Grand Parkway System), in fulfillment of the purposes of chapter 431, including promoting and developing public transportation facilities and systems by new and alternative means, reducing burdens and demands on the limited funds available to the commission, and increasing the effectiveness and efficiency of the commission.

By Minute Order 113279, dated September 27, 2012, the commission requested GPTC to perform the functions authorized by chapter 431 and any other functions not specified by chapter 431 as necessary in the promotion and development of public transportation facilities and systems of the department by developing, financing, designing, constructing, expanding, operating, or maintaining some or all of the segments of the Grand Parkway that are to be developed by the department, initially a portion of Segment D located in Harris County and Segments E, F-1, F-2, and G located in Harris and Montgomery Counties (the initial system).

In a Memorandum of Understanding between the department and Harris County, Texas, effective as of March 23, 2012, Harris County agreed, among other things, to provide \$400 million towards the development of a managed lane facility along US 290 from IH 610 to SH 99. In an Interlocal Agreement between the department and Harris County, executed in 2014, it was agreed that Harris County's contribution to the US 290 managed lane facility would be \$200 million rather than \$400 million, and in satisfaction of the remainder of its obligation, Harris County agreed, among other things, to transfer ownership and/or all responsibility for the Katy Managed Lane (KML) facility to the department. That interlocal agreement was thereafter amended to provide that Harris County would provide \$155 million to US 290 managed lane facility and \$45 million to the SH 249 project. This total of \$200 million has

since been paid to the department. Subsequent to that agreement, it was determined that the transfer of the KML facility would not be feasible because of outstanding debt secured by revenues from that facility. In lieu of transferring the KML facility, Harris County proposed designing and constructing, at its expense, four direct connectors at the interchange of SH 99 and the Tomball Tollway, in Harris County, and five direct connectors at the interchange of Sam Houston Tollway East and SH 225. In a June 28, 2019 letter from the department to Harris County, the department agreed that the design and construction of those facilities by Harris County at its expense would satisfy the county's remaining obligations.

In furtherance of the above agreements, the commission, GPTC, and Harris County, acting through the Harris County Toll Road Authority (HCTRA), have been negotiating an agreement pursuant to which HCTRA would fund, develop, design, and construct, and GPTC would operate, and maintain the four direct connectors at the interchange of SH 99 and Tomball Tollway, two on the southeast side of that interchange (the Southeast DCs), and two on the southwest side of that interchange (the Southwest DCs). The Southwest DCs are expressly provided for in the Market Valuation Waiver Agreement as part of the ultimate scope of Segment F-1; the Southeast DCs are not expressly provided for in the Market Valuation Waiver Agreement, but are necessary or useful to the efficient operation and maintenance of SH 99, and thus are permitted as enhancements to Segment F-2.

All of the parties to the Market Valuation Waiver Agreement have agreed and consented to the development, design, and construction of the Southeast DCs and the Southwest DCs before the substantial completion of the entire minimum scope of the Grand Parkway Project.

In Minute Order 112558, dated January 27, 2011, the commission approved the department's determination to exercise its option to develop, finance, construct and operate the portion of the Grand Parkway Project in Harris County, which included Segment F-1 and the Southwest DCs as part of Segment F-1.

Pursuant to Texas Transportation Code § 373.006 and § 373.055, the department and HCTRA are permitted to enter into a toll project agreement which provides an alternative to the primacy determination process under chapter 373 in order to establish primacy terms applicable to the Southeast DCs.

Transportation Code § 228.051 provides that the commission, by order, may designate one or more lanes of a segment of the state highway system as a toll project or system. Neither the Southwest DCs nor the Southeast DCs have previously been designated as a toll project or system.

Authorization by the commission to include the Southeast DCs within its delegation of responsibility to GPTC is subject to a determination by the board of directors of GPTC to accept the delegation. Upon such acceptance by the GPTC board of directors, the Southeast DCs will be part of Segment F-2 and will be made subject to the terms of the Toll Rate Agreement between the commission and GPTC, dated as of August 1, 2013, including any amendments thereto, and also subject to the terms of the Amended and Restated Project Agreement between the department and GPTC, dated as of May 1, 2018, including any amendments thereto.

In Minute Order 113279, dated September 27, 2012, the commission granted final approval of a toll equity loan from the department to GPTC, under certain conditions, in an aggregate amount in nominal dollars not to exceed \$9,600,000,000, and authorized the executive director of the department to enter into a toll equity loan agreement with GPTC for the facilities costs associated with the initial system, and the maintenance, operation and major maintenance costs of the initial system.

GPTC and the commission, acting by and through the department, previously entered into that Toll Equity Loan Agreement, dated as of July 17, 2013, as amended and restated as of May 16, 2018, including any amendments thereto (the TELA), in connection with the issuance of certain of GPTC's toll revenue bonds. To the extent toll revenue, money in certain reserve funds and accounts, and other revenue derived from the system are insufficient, GPTC is authorized to borrow amounts each year pursuant to the TELA which amounts may not exceed certain annual limits, including the maximum available annual amount set forth in a schedule to the TELA and the maximum permitted amount defined in the TELA. The borrowed funds may be used by GPTC for debt service payments on the TELA supported bonds and for certain budgeted operations and maintenance expenses and certain major maintenance costs in accordance with the TELA.

GPTC has requested that the commission approve financial assistance to GPTC under the TELA for the facilities costs associated with the Southeast DCs and the Southwest DCs incurred or reasonably expected to be incurred, and the maintenance, operation and major maintenance costs of the Southeast DCs and the Southwest DCs incurred or reasonably expected to be incurred and that the commission authorize the department to enter into any amendments to the TELA necessary to provide for such financial assistance. The maximum aggregate amount of the toll equity loans that may be made by the department to GPTC under the TELA will not change as a consequence of the requested approval and any related amendments.

By Minute Order 113279, dated September 27, 2012, the commission assigned all revenue from Grand Parkway Segments D (Harris County), E, F-1 (including the Southwest DCs), F-2, and G to GPTC to enable GPTC to establish the Grand Parkway System as a toll revenue system that would support GPTC's project debt.

NOW, THEREFORE, IT IS ORDERED by the commission that each of the Southwest DCs and the Southeast DCs are designated as a toll project on the state highway system.

IT IS FURTHER ORDERED that the department's determination to enter into a toll project agreement with HCTRA (toll project agreement) which will provide to the department primacy to develop, finance, construct and operate the Southeast DCs, pursuant to chapter 373 of the Transportation Code, is approved, and the executive director is authorized to include such other terms and conditions relating to primacy in that toll project agreement as he may determine to be necessary or desirable.

IT IS FURTHER ORDERED that, concurrent with the execution and delivery of the toll project agreement, the Southeast DCs are designated as a part of Segment F-2 of the Grand Parkway Project to be developed, financed, refinanced, designed, constructed, reconstructed, expanded, tolled, operated and/or maintained as part of the Grand Parkway System.

IT IS FURTHER ORDERED that to the extent not previously designated, concurrent with the execution and delivery of the toll project agreement, the Southwest DCs are designated as a part of Segment F-1 of the Grand Parkway Project to be developed, financed, refinanced, designed, constructed, reconstructed, expanded, tolled, operated and/or maintained as part of the Grand Parkway System.

IT IS FURTHER ORDERED by the commission that GPTC has all authority and powers with regard to (i) the Southeast DCs, and (ii) to the extent not previously granted or delegated, the Southwest DCs, as have been previously granted or delegated by the commission to GPTC with regard to the Grand Parkway System, subject to a determination by the board of directors of GPTC to accept the delegation and the execution and delivery of the toll project agreement.

IT IS FURTHER ORDERED that the revenues of (i) the Southeast DCs, and (ii) to the extent not previously assigned, the Southwest DCs, are assigned to GPTC upon the opening of the Southeast DCs and the Southwest DCs to tolled traffic.

IT IS FURTHER ORDERED that the financial assistance provided to GPTC under the TELA includes financial assistance for the facilities costs associated with the Southeast DCs and the Southwest DCs incurred or reasonably expected to be incurred, and the maintenance, operation and major maintenance costs of the Southeast DCs and the Southwest DCs incurred or reasonably expected to be incurred as described above and that the executive director of the department or his designee is authorized to enter into any amendments to the TELA necessary to provide for such financial assistance in a form approved by the executive director or his designee as consistent with the purposes of this minute order.

IT IS FURTHER ORDERED that no state funds, including funds from sources commonly known as Proposition 1 or Proposition 7, may be used for the development or construction of the Southeast DCs or the Southwest DCs.

IT IS FURTHER ORDERED that the executive director of the department or his designee is authorized and directed to execute all ancillary agreements, instruments and certificates necessary to effect the purposes of this order.

ITEM 7. Audit Plan

Consider the approval of the Internal Audit Work Plan for Fiscal Year 2020 and determine whether adequate resources have been dedicated to the Internal Audit Program (MO) (Presentation)

This item was presented by Internal Audit Division Director Craig Otto. 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.

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AUD

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

The Chief Audit and Compliance Officer has developed an Audit Plan for Fiscal Year (FY) 2020, which is set forth in Exhibit A. This Audit Plan includes a list of internal audits aimed at providing assurance and identification for process/program improvement statewide. This Audit Plan identifies the audits to be conducted and the resources available to the Internal Audit Division for FY 2020.

The Chief Audit and Compliance Officer considers the resources for FY 2020 to be adequate to address the risks that warrant audit coverage.

The Audit Plan for FY 2020 is presented to the Texas Transportation Commission (commission) for approval and for a determination that adequate resources exist to ensure that the risks identified are adequately covered.

IT IS THEREFORE ORDERED by the commission that the Audit Plan for FY 2020, as shown in Exhibit A, is hereby approved.

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

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

ITEM 9. Eminent Domain Proceedings

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

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

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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-U. 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 1-142 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this

request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 410	B	0521-06-140	15
Chambers	SH 99	J	3510-10-017	1319
Denton	IH 35E	S	0196-02-109	60
Denton	IH 35E	T	0196-02-109	71
Denton	IH 35E	R	0196-02-115	195
Harris	SH 99	N	3510-08-003	1003
Liberty	SH 99	M	3510-09-003	1112
Liberty	SH 99	A	3510-09-004	1222
Polk	US 59	K	0176-04-074	16
Polk	US 59	L	0176-05-150	7
Rockwall	IH 30	U	0009-12-222	6
Rockwall	IH 30	P	0009-12-222	51
Rockwall	IH 30	Q	0009-12-222	52
Rockwall	IH 30	F	0009-12-222	65
Rockwall	IH 30	E	0009-12-222	66
Rockwall	IH 30	O	0009-12-222	67
Travis	SH 71	C	0265-03-044	1
Walker	IH 45	H	0675-06-109	50
Walker	IH 45	I	0675-06-109	53
Walker	IH 45	G	0675-07-104	6
Williamson	IH 35	D	0015-08-150	10

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	SH 71	49	0265-03-044	15
Bexar	FM 1518	50	0465-02-028	24
Bexar	FM 1518	52	0465-02-028	39
Bexar	FM 1518	10	0465-02-028	49
Bexar	FM 1518	51	0465-02-028	50
Bexar	FM 1516	84	1477-01-044	10
Bexar	FM 1516	86	1477-01-044	43
Bexar	FM 1516	85	1477-01-044	28B
Bowie	FM 989	21	1231-01-072	1
Chambers	SH 99	83	3510-10-017	1316
Cherokee	US 175	55	0198-04-034	31
Cherokee	US 175	13	0198-04-034	35
Cherokee	US 175	22	0198-04-034	41
Cherokee	US 175	18	0198-04-034	46
Cherokee	US 175	14	0198-04-034	49
Cherokee	US 175	19	0198-04-034	52

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cherokee	US 175	12	0198-04-034	54
Cherokee	US 175	20	0198-04-034	57
Cherokee	US 175	23	0198-04-034	58
Collin	SH 205	3	0451-03-015	39,39E
Collin	SH 205	1	0451-03-015	46
Collin	SH 205	2	0451-03-015	49
Collin	FM 2514	113	2679-03-017	4
Collin	FM 2514	100	2679-03-017	5
Collin	FM 2514	103	2679-03-017	6,6E
Collin	FM 2514	105	2679-03-017	7
Collin	FM 2514	104	2679-03-017	8
Collin	FM 2514	112	2679-03-017	9,9E
Collin	FM 2514	102	2679-03-017	10A
Collin	FM 2514	108	2679-03-017	10B,10BE
Collin	FM 2514	109	2679-03-017	11
Collin	FM 2514	119	2679-03-017	12
Collin	FM 2514	107	2679-03-017	13
Collin	FM 2514	110	2679-03-017	14
Collin	FM 2514	120	2679-03-017	15
Collin	FM 2514	101	2679-03-017	16
Collin	FM 2514	53	2679-03-017	17
Collin	FM 2514	106	2679-03-017	18
Collin	FM 2514	54	2679-03-017	20
Collin	FM 2514	71	2679-03-017	22
Collin	FM 2514	82	2679-03-017	24
Comal	SH 46	45	0215-01-045	64
Comal	SH 46	44	0215-01-045	65
Comal	SH 46	46	0215-01-045	112
Comal	SH 46	24	0215-01-052	72
Comal	SH 46	25	0215-01-052	73
Comal	SH 46	26	0215-01-052	75
Comal	SH 46	27	0215-01-052	81
Comal	SH 46	28	0215-01-052	82
Comal	SH 46	30	0215-01-052	83
Comal	SH 46	29	0215-01-052	88
Comal	SH 46	35	0215-01-052	90
Comal	SH 46	38	0215-01-052	92
Comal	SH 46	39	0215-01-052	94
Comal	SH 46	40	0215-01-052	98
Comal	SH 46	41	0215-01-052	103
Comal	SH 46	42	0215-01-052	105
Comal	SH 46	43	0215-01-052	113
Comal	SH 46	47	0215-07-028	45
Comal	SH 46	48	0215-07-028	52
Dallas	SL 9	33	2964-10-010	213
Dallas	SL 9	31	2964-10-011	158,158E

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
DeWitt	SH 72	118	0270-02-045	1
DeWitt	SH 72	88	0270-02-045	4
DeWitt	SH 72	64	0270-02-045	5
DeWitt	SH 72	95	0270-02-045	10
DeWitt	SH 72	92	0270-02-045	12
DeWitt	SH 72	73	0270-02-045	16
DeWitt	SH 72	115	0270-02-045	18
DeWitt	SH 72	114	0270-02-045	19
DeWitt	SH 72	117	0270-02-045	20
DeWitt	SH 72	75	0270-02-045	21
DeWitt	SH 72	76	0270-02-045	23
DeWitt	SH 72	111	0270-02-045	26
DeWitt	SH 72	79	0270-02-045	28
DeWitt	SH 72	90	0270-02-045	31
DeWitt	SH 72	80	0270-02-045	32
DeWitt	SH 72	94	0270-02-045	33
DeWitt	SH 72	81	0270-02-045	39
DeWitt	SH 72	91	0270-02-045	43
DeWitt	SH 72	89	0270-02-045	48
DeWitt	SH 72	93	0270-02-045	51
Ellis	FM 66	133	0596-02-053	1
Ellis	FM 66	135	0596-02-053	2
Ellis	FM 66	136	0596-02-053	3
Ellis	FM 66	138	0596-02-053	4
Ellis	FM 308	129	1393-01-018	1
Ellis	FM 308	131	1393-01-018	2
Ellis	SL 9	32	2964-12-003	208
Fort Bend	SH 36	128	0188-02-039	78
Fort Bend	FM 1463	134	0188-10-038	207
Fort Bend	FM 1463	122	0188-10-038	220
Fort Bend	FM 1463	130	0188-10-038	236
Fort Bend	FM 1463	132	0188-10-038	238
Fort Bend	FM 1463	70	0188-10-038	243
Fort Bend	FM 1463	142	0188-10-038	245
Fort Bend	FM 1463	141	0188-10-038	246
Fort Bend	FM 1463	68	0188-10-038	254
Harris	FM 1960	11	1685-01-104	11
Harris	FM 1960	139	1685-03-097	100
Harris	FM 1960	34	1685-03-097	103
Harris	FM 1960	36	1685-03-097	104
Harris	FM 1960	37	1685-03-097	105
Harris	FM 1960	67	1685-03-097	114
Harris	FM 1960	65	1685-03-097	126
Harris	FM 1960	66	1685-03-097	156
Harris	FM 1960	116	1685-03-097	174
Harris	FM 1960	63	1685-03-101	226

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	FM 1960	78	1685-03-101	231
Harris	SH 99	69	3187-01-013	1404
Hidalgo	FM 676	6	1064-01-037	3
Hidalgo	FM 676	60	1064-01-037	4
Hidalgo	FM 676	126	1064-01-037	7
Hidalgo	FM 676	124	1064-01-037	21
Hidalgo	FM 676	7	1064-01-037	27
Hidalgo	FM 676	121	1064-01-037	29
Hidalgo	FM 676	8	1064-01-037	30
Hidalgo	FM 676	127	1064-01-037	31
Kaufman	FM 148	72	0751-05-002	1,1E
Kaufman	FM 148	74	0751-05-002	2,2E
Kaufman	FM 148	77	0751-05-002	6
Kaufman	FM 148	97	0751-05-002	7
Kaufman	FM 148	98	0751-05-002	8
Kaufman	FM 148	99	0751-05-002	11
Lubbock	FM 1585	16	1502-01-035	238A
Lubbock	FM 1585	123	1502-01-035	238C
Lubbock	FM 1585	4	1502-01-035	238D
Lubbock	FM 1585	17	1502-01-036	208C
Lubbock	FM 1585	96	1502-01-036	208G
Lubbock	FM 1585	15	1502-01-038	161
Montgomery	SH 99	137	3510-07-008	855
Nueces	US 181	87	0101-06-109	302
Parker	FM 51	9	0313-02-061	13
Taylor	FM 89	5	0699-01-059	15
Travis	US 290	56	0113-08-089	12
Travis	US 290	125	0113-08-089	23
Travis	US 290	59	0113-08-089	105
Travis	US 290	61	0113-08-089	106
Travis	US 290	62	0113-08-089	115
Travis	SH 71	57	0700-03-101	98
Travis	SH 71	58	0700-03-101	100
Waller	FM 1774	140	1400-03-008	24

Note: Exhibits A - U and 1 - 142 are on file with the commission chief clerk.

ITEM 10. Routine Minute Orders and Reports

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

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or

for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

115592
CSD

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

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

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

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

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

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

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
BTX LLC	SAT	Kendall	Design and construction of a left turn and right turn lanes on Brandt Road and SH 46 in Boerne.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Chevron U.S.A. Inc.	ODA	Reeves	Funds to design, construct, and let highway improvements to improve access from US 285 to Carpenter Lead Road in Reeves County.
CHCA Woman's Hospital LP	HOU	Harris	Design and construction of a hooded left turn lane from westbound US Highway 90 A into the donor's development in Houston.
DGOGNewbadentx-011619, LLC	BRY	Robertson	Design and construction of a left turn lane on US 79 into the donor's property located in New Baden.
ExxonMobil Pipeline Company	ODA	Winkler	Design, construction and construction engineering inspections of highway improvements to include the addition of acceleration lanes, deceleration lanes, improvements to surface drainage and installation of small roadside warning signs along FM 1232 in Winkler County.
Fred Weber, Inc.	AUS	Hays	Design and an amount sufficient to cover the State's cost to construct a deceleration lane for a driveway on SH 21 approximately 1 mile south of the intersection of SH 21 and FM 150 in Kyle.
Fredericksburg Development, Inc.	AUS	Gillespie	Design and construction of a right turn deceleration lane, acceleration lane, a section of 15' wide right of way along the proposed right turn deceleration lane, and future traffic signal at the intersection of US87 and a proposed intersection located approximately 867ft south of US 87/Equestrian Drive into the new access to the Frieden Development in Fredericksburg.
Greater Austin Crime Commission	TRF	Williamson	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 79, designated as the Sgt. Chris Kelley Memorial Highway in Hutto.
GR – M1, Ltd.	HOU	Brazoria	Design and construction of a four-leg traffic signal and an eastbound right turn deceleration at the intersection of SH 6 at McCoy Road into the donor's development in Manvel.
GT Operating Company, Incorporated	HOU	Montgomery	Design and construction of a permanent traffic signal from east and westbound State Highway 242 into the donor's development in New Caney.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
H-E-B, LP	HOU	Montgomery	Design and construction of a right turn lane and corresponding traffic signal modification from southbound Tamina Road/HEB driveway to FM 1488 out of the HEB development in Montgomery County.
Jose Salinas, Jr.	TRF	Montgomery	Funds to design, fabricate, and install two memorial highway designation signs on the portion of FM 716 between SH 339 and FM 1329, designated as the Pete Salinas Trail within Duval County.
Lennar Homes of Texas Land and Construction, LTD.	SAT	Bexar	Design and construction for widening of a section of FM 1518 approximately 0.5 miles south of IH 10 to accommodate right and left turn deceleration lanes into the Sage Meadows development in San Antonio.
LGI Homes-Texas, LLC	HOU	Waller	Design and construction of a left turn lane from southbound FM 1489 into the donor's development in Waller County.
Mark Griffin	TRF	Lubbock	Funds to design, fabricate, and install two memorial highway designation signs on the portion of FM 41 within Lubbock County.
Meritage Homes of Texas, LLC	AUS	Hays	Design and construction of left turn lane and right turn deceleration lane at Founder's Park Road on RM 12 in Dripping Springs.
Mid-America Regional Council	LBB	N/A	Registration fees and travel expenses to include airfare, meals and lodging for Kylan Francis to present for a Kansas Association of Metropolitan Planning Organizations (KAMPO) meeting in Kansas City, KA on August 22, 2019.
Nash FM 529, LLC	HOU	Harris County	Design and construction of a westbound deceleration right turn lane, a westbound deceleration left turn lane, two eastbound right turn deceleration lanes, and a traffic signal on FM 529 into the Elyson development in Harris County.
RCR Hempstead Rail, L.P.	HOU	Waller	Design and construction of an acceleration/deceleration lane, left turn lane extension, and the widening of a median crossing from southbound and northbound SH 6 into the donor's development in Hempstead.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
River Pointe Grande Parkway, LP	HOU	Fort Bend	Design and construction of two right turn deceleration lanes from southbound IH 69 into the donor's development in Richmond.
SA Dove Creek Highlands, Ltd.	SAT	Bexar	Design and construction of a traffic signal on FM 1957 at Empresario Drive in Bexar County.
Spicewood Crushed Stone, LLC	AUS	Burnet	Design and construction of the widening of SH 71 to provide a westbound right turn lane at the proposed driveway, and a continuous two-way left turn lane, shoulders, and transitions in Spicewood.
Stillwater Capital Investments, LLC	AUS	Travis	Design and construction of widening FM 1626 from Farrah Lane to east of South First Street to provide a three-lane section (center turn lane) and a signal at Old San Antonio Road in Travis County.
The Turner Company	AUS	Caldwell	Design and construction of a center turn lane on SH 142 in Caldwell County.
Velma Development, LLC	SAT	Bexar	Design and construction of the conversion of flashing beacon assembly into full traffic signal at Loop 1604 and Graytown Road in Bexar County.
Waypoint Business Park, LLC	HOU	Harris	Design and construction of two eastbound right turn lanes at the east and west driveways on Beltway 8 eastbound frontage road into the Beltway Crossing development in Houston.
WBW Single Development Group, LLC - Series 101, a Texas Series Limited Liability Company	BRY	Brazos	Design and construction of a left turn lane and associated widening on FM 2818 into the proposed Pleasant Hill subdivision located in Bryan.
Woodcreek Main Street, LLC	HOU	Fort Bend	Design and construction of a right turn deceleration lane from eastbound I-10 frontage road into the donor's development in Katy.
Sport Clips, Inc.	AUS	Bastrop	Revenue generation through the Sponsor a Highway Program.
Sport Clips, Inc.	AUS	Hays	Revenue generation through the Sponsor a Highway Program.
Sport Clips, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
The Salt Lick	AUS	Travis	Revenue generation through the Sponsor a Highway Program.
Sport Clips, Inc.	AUS	Williamson	Revenue generation through the Sponsor a Highway Program.
Frisco Tint, Inc.	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elite MMA Baytown, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	HOU	Harris	Litter pick-up throughout a corridor on the 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.

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

b. Real Estate Dispositions

(1) Chambers County - SL 207 - Consider the removal from the system and transfer of jurisdiction, control, and maintenance of right of way to the City of Mont Belvieu (MO)

115593
ROW

In Mont Belvieu, Chambers County, on SL 207, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 112 at Page 614 and Volume 114 at Page 57, Deed Records of Chambers County, and Volume I at Page 15, Commissioners Court Minutes of Chambers 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.

Mont Belvieu will assume or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to Mont Belvieu.

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 Mont Belvieu; 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.

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

(2) Hidalgo County - US 281 - Consider the sale of right of way to an abutting landowner (MO

115594
ROW

In Pharr, Hidalgo County, on US 281, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 1336 at Page 151, Volume 1343 at Page 366, and Volume 1367 at Page 532, Deed Records of Hidalgo 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.

Vaquero Cage Partners, LP, a Texas Limited Partnership, is an abutting landowner and has requested to purchase the tract for \$185,000.

The commission finds \$185,000 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 Vaquero Cage Partners, LP, a Texas Limited Partnership, for \$185,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Report

Compliance Division report

Note: Confidential report to commission.

d. Transportation Planning

Various Counties - Consider the certification of eligible counties for the 2020 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

115595
TPP

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

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

Transportation Code, §222.053(f), requires the commission to certify a county as economically disadvantaged on an annual basis as soon as possible after the Comptroller of Public Accounts (comptroller) provides reports on the economic indicators listed above.

Title 43 TAC §15.55(b)(2) provides that, in determining the adjustment to the local matching funds requirement, and the local government's efforts and ability to meet the requirement, the commission will consider a local government's: (A) population level; (B) bonded indebtedness; (C) tax base; (D) tax rate; (E) extent of in-kind resources available; and (F) economic development sales tax.

Senate Bill 2168, 86th Legislature, Regular Session, amended Transportation Code §222.053 to expand the criteria used to determine a county's eligibility to be classified as economically disadvantaged. The bill was signed on June 10, 2019 and effective immediately. Transportation Code, §222.053(a-1), provides that, notwithstanding Transportation Code §222.053(a), a county is considered to be an "economically disadvantaged county" if it meets the criteria as laid out in subsection (a) within the past six years and has been included in no less than five federally declared disasters within the same time period. Transportation Code, §222.053(a-2), provides that the adjustment to the local matching funds requirement shall be equivalent to the highest adjustment rate set in the last year the county was considered to meet the criteria.

The comptroller has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for FY 2020. The commission has considered the counties' efforts and ability to provide a local match using the criteria set forth in 43 TAC §15.55. In addition, the department has reviewed disaster declarations issued by the Federal Emergency Management Agency through the month of August 2019 in order to comply with the requirements of Senate Bill 2168. Exhibit A lists the eligible counties and the respective recommended local match adjustments. Exhibit B establishes additional local match adjustments for cities within these counties participating in the program.

IT IS THEREFORE ORDERED by the commission that the list of counties eligible for the FY 2020 Economically Disadvantaged Counties Program is certified and the local match adjustment for each county is established, as shown in Exhibit A, as well as additional adjustments for cities participating in the program, as shown in Exhibit B.

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

e. Designation of Access Control

Liberty County - SH 146, in Dayton - Consider the removal of a 40-foot break in the control of access line and re-designation of one location on the west side of SH 146 at which access will be permitted to the abutting property (MO)

115596
DES

In LIBERTY COUNTY, on SH 146, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the deed of conveyance recorded at Clerk's File No. 2010006879 of the Official Public Records of Liberty County, Texas with denial of access to the abutting remainder property as described in the instrument.

Hilmor Industries, LLC, the current owner of the abutting property, has requested a re-designation of control of access along its property line. The current designated access to and from SH 146 will become controlled whereby access is denied and be re-designated immediately south and adjacent to its current designated access for a new permitted access point at one location along the property line, as described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and authorizes re-designation of permitted access from its original permitted access point to the new access point described in Exhibit A as a location where ingress and egress may be permitted to and from SH 146.

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

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

f. Speed Zones

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

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

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

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

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

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

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

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

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

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

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

The commission received comments from private citizen Irby Foster concerning underpass lighting in the Dallas District.

ITEM 11. Executive Session Pursuant to Government Code, Chapter 551

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

b. Section 551.071 - Consultation with and advice from legal counsel, including attorneys with the Office of the Attorney General, regarding legal matters related to the Open Meetings Act.

The commission recessed to executive session at 11:28 a.m. and returned from executive session at 12:10 p.m.

Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:11 p.m.

APPROVED by the Texas Transportation Commission on October 31, 2019:



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on September 26, 2019, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation