

These are the minutes of the regular meeting of the Texas Transportation Commission held on November 14, 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

Commissioner Robert C. Vaughn did not attend the meeting.

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 1:21 p.m. on November 6, 2019, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

This item was presented by Occupational Safety Specialist Randy Clawson.

During opening remarks Commissioner Ryan introduced Jamie and Chris White and their daughter Madison. The family came to the podium and Mrs. White told the story of their deceased three year old daughter Allie. A distracted driver had been talking on her cellphone while driving and ran over young Allie, killing her. The commission thanked the White's for sharing their story and for helping to spread the word to stop distracted driving.

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

Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the October 30, 2019, workshop meeting and the October 31, 2019, regular meeting by a vote of 3 - 0.

ITEM 3. Discussion Item

Presentation and discussion of Texas population growth and impact on Texas transportation planning (Presentation)

This item was presented by Texas Demographer Dr. Lloyd Potter. The commission asked questions and thanked Dr. Potter for his presentation.

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 New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115627
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 November 5 and 6, 2019; as well as Corpus Christi District, San Patricio County, Job Number 3024, Project Number STP 2019(800) TAPS, which was deferred from the October 31, 2019, Texas Transportation Commission meeting, 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 Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115628
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 November 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.

ITEM 5. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Rules Proposals

(1) Chapter 15 - Financing and Construction of Transportation Projects

Amendments to §15.185, Allocation to Counties, §15.188, Application Procedure, and §15.191, Agreement (County Transportation Infrastructure Fund Grant Program) (MO)

This item was presented by Local Projects Section Director John Jameson. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115629
TPD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§15.185, 15.188, and 15.191 relating to County Transportation Infrastructure Fund Grant Program 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 §§15.185, 15.188, and 15.191 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.

(2) Chapter 21 - Right of Way**New §21.25, Selection (Utility Adjustment, Relocation, or Removal) (MO)**

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115630
ROW

The Texas Transportation Commission (commission) finds it necessary to propose new §21.25 relating to Selection for State Participation in the Relocation of Certain Publicly-Owned Utility Facilities 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 §21.25 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.

b. Final Rule Adoptions**(1) Chapter 1 - Management****New §1.90, Advisory Committees for Ports-to-Plains Corridor (Advisory Committees) (MO)**

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

115631
TPP

The Texas Transportation Commission (commission) finds it necessary to adopt 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 adopted 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 adopted and is authorized for filing with the Office of Secretary of State.

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

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

(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 Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115632
TPP

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§15.51 and 15.55 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

(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 Mark Williams. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 3 - 0.

115633
ADM

The Texas Transportation Commission (commission) finds it necessary to adopt 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 adopted amendments, repeal and new section, 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 adopted and are authorized for filing with the Office of Secretary of State.

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

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

c Review of Rules

Consider the re-adoption of Chapter 3, Public Information, Chapter 4, Employment Practices, Chapter 6, State Infrastructure Bank, Chapter 9, Contract and Grant Management, Chapter 12, Public Donation and Participation Program, Chapter 13, Materials Quality, Chapter 22, Use of State Property, Chapter 23, Travel Information, Chapter 25, Traffic Operations, and Chapter 29, Maintenance, in accordance with Government Code, §2001.039 (MO)

This item was presented by General Counsel Jeff Graham. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

115634
GCD

Government Code, §2001.039 requires state agencies to review each of their rules every four years to consider whether the reason for adopting each rule continues to exist. If as the result of the review an agency determines that the reasons for initially adopting the rule continue to exist, the agency may readopt the rule in accordance with §2001.039.

During August and September 2019, the Texas Department of Transportation reviewed Title 43 Texas Administrative Code, Part 1, Chapter 3, Public Information, Chapter 4, Employment Practices, Chapter 6, State Infrastructure Bank, Chapter 9, Contract and Grant Management, Chapter 12, Public Donation and Participation Program, Chapter 13, Materials Quality, Chapter 22, Use of State Property, Chapter 23, Travel Information, Chapter 25, Traffic Operations, and Chapter 29, Maintenance. The Notice of Intent to review was published in the *Texas Register* on August 16, 2019 (44 TexReg 4331).

No comments were received regarding this rule review.

The Texas Transportation Commission (commission) finds that the reasons for adopting these rules continue to exist.

IT IS THEREFORE ORDERED by the commission that the reviewed rules are readopted and that the executive director provide for filing with the Office of the Secretary of State, Texas Register Division, a notice readopting these rules.

ITEM 6. 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 New, and the commission approved the following minute order by a vote of 3 - 0.

115635
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 November 29, 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 7. Eminent Domain Proceedings

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

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner New made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, and Commissioner New (a vote of 3 - 0).

115636
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-YY. 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 1-69 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>
Bastrop	SH 71	LL	0265-03-046	16B
Bexar	IH 35	CC	0016-07-133	13
Bexar	IH 35	DD	0016-07-133	14
Bexar	IH 35	BB	0016-07-133	15
Bexar	IH 35	AA	0016-07-133	16
Bexar	IH 35	Z	0016-07-133	17
Bexar	IH 35	Y	0016-07-133	18
Bexar	IH 35	X	0016-07-133	19
Bexar	IH 35	W	0016-07-133	56
Bexar	IH 35	V	0016-07-133	57
Bexar	IH 35	U	0016-07-133	76
Bexar	IH 35	R	0016-07-133	105
Bexar	IH 35	Q	0016-07-133	115
Bexar	IH 35	FF	0017-10-278	2
Bexar	IH 35	EE	0017-10-278	11
Bexar	IH 35	T	0017-10-278	66
Bexar	IH 35	S	0017-10-278	73
Bexar	IH 410	WW	0521-06-140	33
Chambers	SH 99	SS	3510-10-017	1312
Dallas	IH 35E	L	0196-03-248	30
Denton	IH 35	D	0195-03-074	17
Denton	IH 35	M	0195-03-074	30
Denton	IH 35	N	0195-03-074	11,12,16
Denton	IH 35E	G	0196-02-115	26
Denton	IH 35E	O	0196-02-115	98
Denton	IH 35E	H	0196-02-115	102
Denton	IH 35E	E	0196-02-115	105
Denton	IH 35E	I	0196-02-115	107
Denton	IH 35E	J	0196-02-115	110
Denton	IH 35E	P	0196-02-115	121
Denton	IH 35E	F	0196-02-115	129
Liberty	SH 99	XX	3510-09-003	1174
Liberty	SH 99	JJ	3510-09-003	1184
Liberty	SH 99	YY	3510-09-004	1230E
Polk	US 59	UU	0176-04-074	17
Polk	US 59	VV	0176-04-074	18
Polk	US 59	II	0176-04-074	25
Polk	US 59	KK	0176-05-150	4
Potter	IH 40	K	0275-01-192	8
Walker	IH 45	TT	0675-06-109	21
Walker	IH 45	HH	0675-06-109	24
Walker	IH 45	RR	0675-06-109	26
Walker	IH 45	QQ	0675-06-109	54
Walker	IH 45	MM	0675-07-104	3
Walker	IH 45	GG	0675-07-104	4
Walker	IH 45	NN	0675-07-104	7

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Walker	IH 45	OO	0675-07-104	8
Walker	IH 45	C	0675-07-104	9
Walker	IH 45	PP	0675-07-104	18
Walker	IH 45	B	0675-07-104	32
Walker	IH 45	A	0675-07-104	42

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	40	0176-02-121	33AAQ
Angelina	US 59	39	0176-02-121	61AAQ
Bastrop	SH 71	44	0265-03-046	12
Bastrop	SH 71	47	0265-03-046	17
Bastrop	SH 71	46	0265-03-046	19
Bastrop	SH 71	49	0265-03-046	27
Bowie	FM 989	23	1231-01-072	2
Cherokee	US 175	12	0198-04-034	38
Cherokee	US 175	29	0198-04-034	60
Collin	FM 2514	69	2679-03-017	36
Collin	FM 2514	30	2679-03-018	37
Collin	FM 2514	31	2679-03-018	38
Collin	FM 2514	32	2679-03-018	39
Collin	FM 2514	38	2679-03-018	40
Collin	FM 2514	57	2679-03-018	41
Collin	FM 2514	58	2679-03-018	42
Collin	FM 2514	62	2679-03-018	43
Collin	FM 2514	64	2679-03-018	44
Comal	SH 46	10	0215-07-028	102
Comal	FM 2252	33	1433-02-045	1
Comal	FM 2252	16	1433-02-045	2
Comal	FM 2252	19	1433-02-045	3
Comal	FM 2252	20	1433-02-045	4
Comal	FM 2252	21	1433-02-045	5
Comal	FM 2252	22	1433-02-045	6
Comal	FM 2252	24	1433-02-045	7
Comal	FM 2252	25	1433-02-045	8
Comal	FM 2252	26	1433-02-045	9
Comal	FM 2252	27	1433-02-045	10
Comal	FM 2252	28	1433-02-045	11
Comal	FM 2252	34	1433-02-045	12
Comal	FM 2252	35	1433-02-045	13
Comal	FM 2252	36	1433-02-045	14
Comal	FM 2252	37	1433-02-045	15
Denton	US 377	11	0081-03-062	82
DeWitt	SH 72	8	0270-02-045	8
DeWitt	SH 72	3	0270-02-045	11
DeWitt	SH 72	4	0270-02-045	36
DeWitt	SH 72	9	0270-02-045	52

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Fort Bend	SH 36	50	0188-02-039	99
Fort Bend	SH 36	52	0188-02-039	200
Fort Bend	SH 36	55	0188-02-039	201
Fort Bend	SH 36	56	0188-02-039	202
Fort Bend	SH 36	5	0188-02-039	93B
Fort Bend	FM 1463	1	0188-10-038	219
Fort Bend	FM 1463	2	0188-10-038	235
Fort Bend	FM 1463	67	0188-10-038	244
Fort Bend	FM 1463	66	0188-10-038	268
Kaufman	SH 205	60	0451-02-030	6
Kaufman	SH 205	61	0451-02-030	77
Liberty	US 59	51	0177-03-106	33
Lubbock	FM 1585	14	1502-01-036	212B
Montgomery	FM 1488	54	0523-08-010	37
Montgomery	FM 1488	15	0523-08-010	46A
Montgomery	FM 1488	68	0523-08-010	46B
Montgomery	FM 1488	6	0523-09-017	111A
Montgomery	FM 1488	7	0523-09-017	111B
Polk	US 59	65	0176-04-074	20
Polk	US 59	45	0176-04-074	26
Polk	US 59	59	0176-04-074	27
Polk	US 59	43	0176-04-074	29
Polk	US 59	48	0176-05-150	2
Polk	US 59	41	0176-05-150	10
San Jacinto	US 59	42	0177-02-105	3
San Jacinto	US 59	53	0177-02-105	29
Smith	FM 16	17	0522-04-035	10
Smith	FM 16	13	0522-04-035	11
Smith	FM 16	18	0522-04-035	14
Waller	FM 1774	63	1400-03-008	25

Note: Exhibits A - YY and 1 - 69 are on file with the commission chief clerk.

ITEM 8. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner New, 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)

115637
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>
Aamil Plaza LLC	SAT	Bexar	Design and construction for widening a section of SL 13 (SE Military Drive) approximately 0.6 miles east of IH 37 to accommodate two right and left turn deceleration lanes into the Aamil Plaza development in San Antonio.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Bishop Park, LLC	ATL	Bowie	The removal of trees and tree stumps, stump grinding and landscaping section (approximately 1,000') located between the frontage road (North Bishop Street) and the mainlanes of IH 369 in Bowie County.
Bo Rester	TRF	Titus	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 67 between FM 2348 and the eastern municipal boundary of Mount Pleasant, designated as the Titus County World War II Veterans Memorial Highway within Titus County.
Bo Rester	TRF	Titus	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 271 between Billy Daniel Street and the northern intersection with Business US 271, designated as the Titus County Korean War Veterans Memorial Highway within Titus County.
Cherry Crushed Concrete, Inc.	HOU	Montgomery	Design and construction of a left turn lane, acceleration/deceleration lanes and re-striping from westbound FM 1465 into the donor's development in New Caner.
CityPark IV, LP	HOU	Harris	Design and construction of a right turn deceleration lane from southbound Beltway 8 on the proposed City Park Drive in Missouri City.
Continental Homes of Texas, L.P.	SAT	Bexar	Design and construction for widening of a section of LP 1604 approximately 0.8 miles southwest of US 181 to accommodate a right and left turn deceleration lane into the Hickory Ridge development in San Antonio.
Golden Pass Products LLC	BMT	Jefferson	Design and construction of a northbound acceleration lane at the donor's facility entrance on SH 87 in Port Arthur.
H-E-B, LP	HOU	Fort Bend	Design and construction of a traffic signal on FM 723 at Trinity Woods Crossing in the donor's development in Richmond.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
H-E-B, LP	HOU	Montgomery	Design and construction of 100% of driveway A and B with associated right turn deceleration lanes and storm sewer including 50% of the costs of the Spur 149 improvements and public roadways 1 and 2 with associated deceleration lanes and storm sewer on FM 1488 and spur 149 in Magnolia.
H-E-B, LP	SAT	Kerr	Design and construction of a traffic signal at the intersection of SH 27 and HEB Driveway and the removal of the existing traffic signal at the intersection of SH 27 and Hays Street in Kerrville.
Magnolia East 149, L.L.C.	HOU	Montgomery	Design and construction 100% of Driveway C, D, and E with associated right turn deceleration lanes and 100% of public roadway 3 and 50% of the costs of the Spur 149 improvements and the public roadways 1 and 2 each with associated deceleration lane and storm pipes on FM 1488 and spur 149 in Magnolia.
Meritage Homes of Texas, LLC	AUS	Hays	Design and construction of left turn lane and right turn deceleration lane at Founder's Park Rd on RM 12 in Dripping Springs.
Milestone Community Builders, LLC	AUS	Hays	Design and construction of a roundabout on RM 967 at 0.12 miles north of Haley's Way Drive in Hays County.
Purdue University Indiana - Local Technical Assistance Program	BRG	N/A	Airfare, meals, lodging, ground transportation, and ABIA parking for Graham Bettis, Bridge Division Director, to attend and participate as a speaker at the Indiana County Bridge Conference being hosted at Purdue University in Lafayette, Indiana on October 28-30, 2019.
SAN Partners, LLC	AUS	Bastrop	Design and construction of a center turn lane on SH 21 in Bastrop County.
Spicewood Crushed Stone, LLC	AUS	Burnet	Design and amount sufficient to cover the State's cost to construct 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.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Tex-Mix Partners, Ltd.	AUS	Blanco	Design and construction of a left turn lane and right turn lane onto Triple S Trail on US 290 in Blanco.
TMINE, Inc.	AUS	Travis	Design and construction to: 1) Re-stripe pavement southbound FM 973 to include a bike lane and an additional left turn deceleration lane for access into one (1) new driveway; and 2) Re-stripe and widen pavement northbound FM 973 to allow proper re-alignment of the northbound lanes shifted from the southbound left turn deceleration lane in Austin.
Freedom Solar Power	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Lorenz & Lorenz L.L.P.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
The Salt Lick BBQ at the Diamond	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
The Salt Lick BBQ at the Diamond	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
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.
Hilltop Securities Inc.	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.
Caldwell Banker United dba Jai The Realtor	HOU	Ellis	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Continental Tire the Americas, LLC	SAT	Bexar	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. Report

Compliance Division report

Note: Confidential report to commission.

c. Finance

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

115638
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 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.

d. Lease of Buildings

Travis County - Consider acknowledging the actions of the executive director concerning a lease agreement for the buildings at 2420 and 2500 Ridgeway Drive, Austin, Texas, housing toll operations (MO)

115639
TOD

Transportation Code, Chapter 203, authorizes the Texas Transportation Commission (commission) to acquire an interest in real property or a property right that the commission determines is necessary or convenient, to the operation of a state highway.

Transportation Code, Chapter 228, authorizes the department to enter into an agreement with one or more persons to provide personnel, equipment, systems, facilities, and services necessary to operate a toll project or system, including the operation of customer service centers and the collection of tolls.

The Texas Facilities Commission (TFC) is authorized under Government Code, Chapter 2167, to lease space for a state agency in accordance with such chapter.

The department has determined that providing an office facility to a contracted customer service provider procured pursuant to Transportation Code, Chapter 228, is in the best interest of the Toll Operations Division (TOD) from an operational, financial and customer service perspective.

The department requested a delegation of authority from the TFC to enter into a lease agreement, with an option to purchase (lease), on behalf of TOD. TFC granted the delegated authority to the department in accordance with Government Code, Section 2167.005 pursuant to a letter dated February 28, 2019. In October 2019, the State of Texas, acting by and through the department pursuant to the delegated authority, entered into a lease for the buildings located at 2420 Ridgeway Drive and 2500 Ridgeway Drive in Austin, Texas, to provide facilities needed to house TOD and its operations. The term of the lease ends on June 30, 2025, subject to renewal rights contained therein.

IT IS THEREFORE acknowledged by the commission, by authority of the executive director or the director's designee, that any and all documents related to above described lease have been executed.

e. Speed Zones

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

115640
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 9. 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 recessed to executive session at 10:27 a.m. and returned from executive session at 11:34 a.m.

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 New seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:35 a.m.

APPROVED by the Texas Transportation Commission on December 12, 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 November 14, 2019, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation