

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 12, 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 1:50 p.m. on December 4, 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.

Chairman Bugg also recognized Representative Brooks Landgraf who provided remarks to the commission.

ITEM 2. Consider the approval of the Minutes of the November 14, 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 November 14, 2019, regular meeting by a vote of 4 - 0.

ITEM 3. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

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

115642
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 December 3 and 4, 2019, as shown on Exhibit A.

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

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

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

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

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

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

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

b. Routine Maintenance (MO)

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

115643
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 December 3 and 4, 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115644
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 December 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 4. Aviation

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

This item was presented by Aviation Division Director Dan Harmon. 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.

115645
AVN

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

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

On November 15, 2019, a public hearing was held. No comments were received.

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

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

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

Rules Proposal

Chapter 7 - Rail Facilities

Amendments to §§7.30, 7.32-7.34, 7.38, and 7.42 (Rail Safety), and §7.105 (Railroad Grade Crossings) (MO)

This item was presented by Rail Division Director Peter Espy. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115646
RRD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§7.30, 7.32, 7.33, 7.34, 7.38, and 7.42 relating to Rail Safety and §7.105 relating to Railroad Grade Crossings 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, B, and 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 §§7.30, 7.32, 7.33, 7.34, 7.38, 7.42 and 7.105 are proposed for adoption and are authorized for publication in the Texas Register for the purpose of receiving public comments.

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

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

ITEM 6. 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 Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115647
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-UU. 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 1-101 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings

in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	SH 71	49	0265-03-046	1
Bastrop	SH 71	26	0265-03-046	3
Bastrop	SH 71	50	0265-03-046	8
Bastrop	SH 71	51	0265-03-046	10
Bastrop	SH 71	30	0265-03-046	11
Bastrop	SH 71	27	0265-03-046	13
Bastrop	SH 71	69	0265-03-046	18
Bastrop	SH 71	70	0265-03-046	20
Bastrop	SH 71	71	0265-03-046	22
Bastrop	SH 71	29	0265-03-046	23
Bastrop	SH 71	73	0265-03-046	24
Bastrop	SH 71	98	0265-03-046	28
Bastrop	SH 71	99	0265-03-046	29
Bastrop	SH 71	31	0265-03-046	31
Bastrop	SH 71	100	0265-03-046	33
Bastrop	SH 71	72	0265-03-046	43
Bastrop	SH 71	28	0265-03-046	45
Bexar	FM 471	85	0849-01-058	2
Bexar	FM 471	84	0849-01-058	5
Bexar	FM 471	74	0849-01-058	11
Bexar	FM 471	75	0849-01-058	12
Bexar	FM 471	83	0849-01-058	21
Bexar	FM 471	76	0849-01-058	22
Bexar	FM 471	77	0849-01-058	23
Bexar	FM 471	78	0849-01-058	24
Bexar	FM 471	80	0849-01-058	25
Bexar	FM 471	79	0849-01-058	26
Bexar	FM 471	81	0849-01-058	27
Bexar	FM 471	82	0849-01-058	28
Bexar	SL 1604	87	2452-02-121	5
Bexar	SL 1604	88	2452-02-121	15
Cherokee	US 175	68	0198-04-034	62
Collin	SH 5	63	0047-04-026	126
Collin	FM 2514	90	2679-03-018	45
Collin	FM 2514	91	2679-03-018	46
Collin	FM 2514	92	2679-03-018	47,47E
Collin	FM 2514	93	2679-03-018	48
Collin	FM 2514	94	2679-03-018	49
Collin	FM 2514	95	2679-03-018	50
Collin	FM 2514	96	2679-03-018	51
Collin	FM 2514	89	2679-03-018	55
Collin	FM 2514	61	2679-03-018	56

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 2514	44	2679-03-018	57
Collin	FM 2514	19	2679-03-018	58,58E
Collin	FM 2514	47	2679-03-018	59,59E
Collin	FM 2514	20	2679-03-018	61
Collin	FM 2514	21	2679-03-018	62
Collin	FM 2514	45	2679-03-018	63
Collin	FM 2514	22	2679-03-018	64
Collin	FM 2514	58	2679-03-018	67
Collin	FM 2514	59	2679-03-018	69
Collin	FM 2514	43	2679-03-018	70
Collin	FM 2514	23	2679-03-018	71
Collin	FM 2514	48	2679-03-018	73
Collin	FM 2514	42	2679-03-018	74
Collin	FM 2514	62	2679-03-018	76
Collin	FM 2514	46	2679-03-018	77
Collin	FM 2514	25	2679-03-018	79
Collin	FM 2514	24	2679-03-018	82
Collin	FM 2514	60	2679-03-018	127
DeWitt	US 87	52	0143-08-094	1
DeWitt	SH 72	11	0270-02-045	22
DeWitt	SH 72	12	0270-02-045	27
DeWitt	SH 72	15	0270-02-045	29
DeWitt	SH 72	13	0270-02-045	30
DeWitt	SH 72	14	0270-02-045	34
DeWitt	SH 72	16	0270-02-045	35
DeWitt	SH 72	17	0270-02-045	37
Fayette	BS 71-E	18	0265-14-013	1
Fort Bend	SH 36	65	0188-02-039	43A
Fort Bend	SH 36	66	0188-02-039	43B
Fort Bend	FM 1463	67	0188-10-038	259
Harris	FM 1960	86	1685-03-097	158
Hunt	SH 276	101	1290-07-002	13
Kaufman	SH 205	5	0451-02-030	10
Kaufman	SH 205	4	0451-02-030	14
Kaufman	SH 205	3	0451-02-030	15
Kaufman	SH 205	10	0451-02-030	18
Kaufman	SH 205	34	0451-02-030	34
Kaufman	SH 205	37	0451-02-030	35
Kaufman	SH 205	35	0451-02-030	40
Kaufman	SH 205	8	0451-02-030	53
Kaufman	SH 205	6	0451-02-030	54
Kaufman	SH 205	32	0451-02-030	71
Kaufman	SH 205	9	0451-02-030	72
Kaufman	SH 205	7	0451-02-030	81
Kaufman	SH 205	33	0451-02-030	82
Kaufman	SH 205	36	0451-02-030	83

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Kaufman	SH 205	38	0451-02-030	84
Kaufman	SH 205	39	0451-02-030	85
Kaufman	SH 205	41	0451-02-030	87
Kaufman	SH 205	53	0451-02-030	88
Kaufman	SH 205	54	0451-02-030	91
Kaufman	SH 205	55	0451-02-030	92
Kaufman	SH 205	56	0451-02-030	93
Kaufman	SH 205	57	0451-02-030	94
Kaufman	SH 205	40	0451-02-030	100
Montgomery	SH 99	97	3510-07-008	892
San Jacinto	US 59	1	0177-02-105	5
San Jacinto	US 59	2	0177-02-105	6
San Jacinto	US 59	64	0177-02-105	18

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bastrop	SH 71	UU	0265-03-046	16A
Bastrop	SH 71	RR	0265-03-046	37
Bastrop	SH 71	SS	0265-03-046	38
Bexar	IH 35	E	0016-06-114	119
Bexar	IH 35	C	0016-06-114	123
Bexar	IH 35	TT	0016-07-133	77
Bexar	IH 35	J	0016-07-133	86
Bexar	IH 35	H	0016-07-133	87
Bexar	IH 35	I	0016-07-133	99
Bexar	IH 35	K	0016-07-133	104
Bexar	IH 35	G	0016-07-133	117
Bexar	IH 35	L	0017-10-278	74
Comal	IH 35	B	0016-05-116	43
Denton	IH 35	PP	0195-03-074	27
Denton	IH 35E	W	0196-01-099	6
Denton	IH 35E	X	0196-01-099	11
Denton	IH 35E	O	0196-01-100	83
Denton	IH 35E	CC	0196-01-100	85
Denton	IH 35E	QQ	0196-01-100	97
Denton	IH 35E	Y	0196-01-100	99,99E
Denton	IH 35E	AA	0196-01-100	105
Denton	IH 35E	Z	0196-01-100	106
Denton	IH 35E	BB	0196-01-100	107
Denton	IH 35E	N	0196-01-100	115
Denton	IH 35E	M	0196-01-100	119
Denton	IH 35E	Q	0196-02-115	15
Denton	IH 35E	FF	0196-02-115	18
Denton	IH 35E	DD	0196-02-115	20
Denton	IH 35E	HH	0196-02-115	22
Denton	IH 35E	GG	0196-02-115	32

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35E	EE	0196-02-115	33
Denton	IH 35E	P	0196-02-115	38
Denton	IH 35E	T	0196-02-115	42
Denton	IH 35E	U	0196-02-115	45,45AC
Denton	IH 35E	LL	0196-02-115	64
Denton	IH 35E	KK	0196-02-115	65
Denton	IH 35E	S	0196-02-115	99
Denton	IH 35E	II	0196-02-115	108
Denton	IH 35E	JJ	0196-02-115	120
Denton	IH 35E	R	0196-02-115	205
El Paso	US 62	A	0374-02-103	15
Ellis	IH 35E	V	0048-04-098	17
Ellis	IH 35E	MM	0048-04-098	18,18E
Ellis	IH 35E	NN	0048-04-098	21,21E
Ellis	IH 35E	OO	0048-04-098	23
Guadalupe	IH 35	F	0016-06-114	36
Guadalupe	IH 35	D	0016-06-114	118

Note: Exhibits A - UU and 1 - 101 are on file with the commission chief clerk.

ITEM 7. Routine Minute Orders and Reports

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

a. Donations to the Department

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

115648
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>
725 and 46 Land Development Partners, Ltd	SAT	Guadalupe	Design and construction of a right turn lane for a new subdivision entrance on SH 46 in Seguin.
Ashton Houston Residential L.L.C.	HOU	Fort Bend	Design and construction of a traffic signal at SH 6 at Watts Plantation Drive and a street tie-in at Shipman's Cove Blvd south of State Highway 6 into the Shipman's Cove development in Missouri City.
Bridgeland Development, LP	HOU	Harris	Design and construction of freeway signs, pavement markings with limits from 1/2 mile south and north of Tuckerton on SH 99, and a traffic signal located at the intersection of SH99 and Tuckerton in Harris County.
CRGFB Properties, LLC	HOU	Fort Bend	Design and construction of a deceleration lane and regrading of a roadside ditch including installation of driveway culverts from northbound Interstate 69 just south of Reading Road into the donor's development in Rosenberg.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Dilworth SWD, LLC	YKM	Gonzales	Funds to cover the state's cost for the installation of two flashing edge lit signs near the donor's driveway on US 90A West of Shiner, Gonzales County.
Dixar Realty Inc	HOU	Harris	Design and construction of a traffic signal modification consisting of three traffic signal heads, two traffic signs, a video camera and signal wire from northbound Highway 6 into the donor's development in Houston.
Florida International University	AUS	N/A	Airfare, hotels, and meals, for Hilina Shibeshi, Transportation Engineer Austin District Bridge Section, to attend the 2019 International Accelerated Bridge Construction Conference in Miami, Florida on December 11-13, 2019.
Fluvanna Wind Energy 2, LLC	ABL	Borden	Funds to cover the state's cost to repair roadway damage and maintain roads in passable condition on FM 612 in Borden County.
Forestar (USA) Real Estate Group Inc.	HOU	Montgomery	Design and construction of a right turn lane from northbound FM 2854 at driveway 2 and two left turn lanes from southbound FM 2854 at driveway 1 and 2 into the donor's development in Conroe.
Jackson-Shaw Company	HOU	Harris	Design and construction of a hooded left turn lane from northbound FM 1960 and traffic signal modifications at intersection of FM 1960 and Bobcat Road into the donor's development in Cypress.
Jessica H. Powell	TRF	Travis	Funds to design, fabricate and install two memorial highway designation signs on the portion of FM 734 between Metric Blvd and Lamar Blvd, designated as the Master Sergeant Jonathan J. Dunbar Memorial Parkway within Travis County.
Scott S. Monroe	HOU	Galveston	Design and construction of a deceleration lane and drainage improvements from northbound I-45 frontage road into the donor's development in League City.
Shell Exploration & Production Company	ODA	Winkler	Funds towards the state's cost to design, let and construct highway improvements to improve access at SH 302 and intersection SH 115 in Winkler County.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
SHFC DL Land LLC	AUS	Travis	Design and construction of a southbound, 645-foot right turn deceleration lane for a new drive access into the Decker Lofts development along FM 3177 in Austin.
Wedgewood Forest, Ltd.	HOU	Montgomery	Design and construction of a traffic signal on SH 105 at Wedgewood Park into the Wedgewood Forest development in Conroe.
Mandola's Italian Market	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
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.
Hilltop Securities Inc.	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Law Firm of Roger "Rocky" Walton, P.C.	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Law Firm of Roger "Rocky" Walton, P.C.	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Texas Western Warehouse	SAT	Atascosa	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) Baylor County - US 277 - Consider the conveyance of tracts to the City of Seymour (MO)**

115649
ROW

In Seymour, Baylor County, on US 277, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 330, at Page 646, Volume 330, at Page 652, and Volume 332, at Page 90, Deed Records of Baylor County, Texas. All of the land, as shown on Exhibit A (the tracts), 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property exceeds the fair value of the property.

The appraised value of the tracts is \$25,000. The estimated future maintenance cost of the tracts is \$36,000.

IT IS THEREFORE ORDERED by the commission that the tracts, as shown on Exhibit A, are removed from the state highway system.

IT IS FURTHER ORDERED that the tracts are no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring the state's right, title, and interest in the tracts to the City of Seymour and that payment be waived; 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.

(2) Brazos County - FM 60 - Consider the sale of right of way to an abutting landowner (MO)

115650
ROW

In College Station, Brazos County, on FM 60, the State of Texas acquired certain land for highway purposes by eminent domain per Court Docket No. 155-A of the Court Records of Brazos County, Texas, by instruments recorded in Volume 6, at Pages 587, 591, and 617, and Volume 243, at Page 501, Deed Records of Brazos County, Texas, and by platting of Block 8 of the W.C. Boyett Estate Partition (Plat, 100/440) formerly owned by Norma Sue Boyett Hendler.

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. Radakor, LLC is an abutting landowner and has requested to purchase the tract for \$190,000.

The commission finds \$190,000 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 Radakor, LLC for \$190,000; 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.

(3) Harris County - I-69 - Consider an exchange of real property as part of a right of way acquisition needed for the North Houston Highway Improvement Project with the United Mexican States (MO)

115651
ROW

In Houston, Harris County, on I-69, the state of Texas acquired certain land by an instrument recorded at Instrument Number RP-2019-508304 of the Official Public Records of Harris County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The State of Texas, acting by and through the Texas Department of Transportation, and the Government of the United Mexican States, Consulate General of Mexico (the Mexican Government), have entered into an exchange agreement.

In accordance with the executed exchange agreement, certain land needed for a state highway purpose, described in Exhibit A (the parcel), will be conveyed to the state by the Mexican Government; and a certain tract not needed for a state highway purpose, described in Exhibit B (the tract), will be conveyed to the Mexican Government by the state. If the transaction contemplated by the exchange agreement is not completed in full, the tract shall immediately and automatically revert to the State of Texas.

It is the opinion of the commission that it is proper and correct that the state conveys the tract to the Mexican Government in exchange for the parcel.

IT IS THEREFORE ORDERED by the commission that the tract is not needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the Mexican Government in exchange and as consideration for the parcel; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the tract.

IT IS FURTHER ORDERED, if the transaction contemplated by the exchange agreement is not completed in full, the tract shall immediately and automatically revert to the state.

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

(4) Tarrant County - SH 360 - Consider the sale of right of way to an abutting landowner (MO)

115652
ROW

In or near Grand Prairie, Tarrant County, on SH 360, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 12097, at Page 1950, Deed Records of Tarrant County, Texas.

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

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

Webb Sand, Inc. is an abutting landowner and has requested to purchase the tract for \$55,000.

The commission finds \$55,000 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 Webb Sand, Inc. for \$55,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(5) Williamson County - FM 487 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Jarrell (MO)

115653
ROW

In Jarrell, Williamson County, on FM 487, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 401, at Pages 259, 263, 267, 272, and 276, Volume 402, at Page 440, Volume 452, at Page 147, and Volume 454, at Page 89, Deed Records of Williamson County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

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

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

IT IS FURTHER ORDERED that, 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.

(6) Williamson County - I-35 - Consider the sale of right of way to the City of Jarrell (MO)

115654
ROW

In Jarrell, Williamson County, on I-35, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 452, at Page 694, Deed Records of Williamson County, Texas.

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

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

The City of Jarrell is a governmental entity with the authority to condemn the tract and has requested to purchase the tract for \$2,320.

The commission finds \$2,320 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 authorizes the executive director of the department to execute a proper instrument conveying all of the state's right, title, and interest in the tract to the City of Jarrell for \$2,320; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Report on Environmental Review of Projects (Report)

Note: The Report is on file with the commission chief clerk.

d. Rail Clearance Deviations

Consider the approval of rail clearance deviations (MO)

115655
RRD

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may, by order, permit a railroad company or other corporation, firm, partnership, or individual or county or municipality to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Capital Metro Transportation Authority (CMTA) requesting a clearance deviation at their Temporary Downtown Station located in Austin, Texas. The department has conducted an investigation to determine whether good cause could be shown and whether the deviation could be operated in a reasonable and safe manner.

In determining whether the facility has demonstrated good cause for the requested clearance deviations, the department considered:

- (1) federal or state requirements on the facility such as the Americans with Disabilities Act (ADA);
- (2) the safety of passengers entering and exiting rail vehicles;
- (3) the safety of railroad employees near railroad tracks;
- (4) limitations of existing equipment and structures near railroad tracks.

In determining whether the requested clearance deviations are reasonable and safe, the department conducted investigations as to whether the facility plans include:

- (1) sufficient warning signs, pavement markings, lighting and other control devices have been installed identify limited clearances locations; and

(2) safety rules, speed restrictions, operations requirements have been enacted for the limited clearance locations.

Based on the investigations, the department has determined that the clearance deviations as listed in Exhibit A meet the requirements of Transportation Code §191.005. The Attorney General of Texas has been notified as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation application as described in Exhibit A is approved.

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

e. Designation of Access Control

(1) Brazoria County - SH 288, west of Manvel - Consider the designation of one location on the west side of SH 288 along the southbound frontage road at which access will be permitted to the abutting property (MO)

115656
DES

In BRAZORIA COUNTY, on the SH 288 southbound frontage road, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes described in the instrument recorded in Volume 1041, Page 445 of the Brazoria County Deed Records, executed July 16, 1969, with denial of access to the abutting remainder property as described in the instrument.

Manvel Town Center, Ltd., the current owner of the abutting property, has requested the removal of access denial at one location along the west side of SH 288 southbound frontage road described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the removal of access denial will not compromise the mobility, safety or operation of the existing state highway facilities, and designates the removal of access denial described in Exhibit A as a location where ingress and egress may be permitted to and from the SH 288 southbound frontage road.

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

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

(2) Fort Bend County - I-10, Katy - Consider the designation of one location on the south side of I-10 at Pin Oak Road along the eastbound entrance ramp at which access will be permitted to the abutting property (MO)

115657
DES

In FORT BEND COUNTY, on I-10, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes described in the Judgement, dated November 12, 1964 recorded under Volume 459, Page 245 of the Deed Records of Fort Bend County, Texas, with denial of access to the abutting remainder property as described in the instrument.

25550 Kingsland Boulevard - Katy, LLC, the current owner of the abutting property, has requested designated access to and from the I-10 eastbound access road for proposed access at one new location along the property line 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 designates the new access point described in Exhibit A as a location where ingress and egress may be permitted to and from the I-10 eastbound access road.

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

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

(3) Harris County - US 90 at Uvalde Road, east of Houston - Consider the designation of three locations on the east side of Uvalde Road at which access will be permitted to the abutting property (MO)

115658
DES

In HARRIS COUNTY, on Uvalde Road, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes described in the deeds recorded under Harris County Clerk's File Nos. E336656 and E336657, Harris County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Uvalde Realty Partners, LLC, the current owner of the abutting property, has requested the removal of access denial at three locations along the east side of Uvalde Road described in Exhibit A.

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

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

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

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

designates the removal of access denial described in Exhibit A as locations where ingress and egress may be permitted to and from Uvalde Road.

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

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

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)

115659
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.

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.

ITEM 8. Executive Session Pursuant to Government Code, Chapter 551

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

The commission did not meet in executive session.

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

The commission received comments from engineer and private citizen Don Dixon.

Commissioner New motioned adjournment and Commissioner Ryan seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:13 a.m.

APPROVED by the Texas Transportation Commission on January 30, 2020:

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 December 12, 2019, in Austin, Texas.

Robin Carter, Commission Chief Clerk
Texas Department of Transportation

