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AGENDA

TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

**THURSDAY
May 27, 2021**

NOTE:

Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print, or Braille are requested to contact Robin Carter at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-305-9500.

10:00 A.M. CONVENE MEETING

1. **Safety Briefing**
Staff will provide general safety instruction.
2. **Consider the approval of the Minutes** of the April 6, 2021, special meeting, the April 28, 2021, special meeting and the April 29, 2021, regular meeting of the Texas Transportation Commission
3. **Acknowledgment of Service**
Recognize by resolution Executive Director James M. Bass, for more than 33 years of service to the department
4. **Contracts**
Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)
These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts. The department may reschedule receipt of bids for those projects where the commission rejects all bids. Those bids accepted by the commission will result in conditional contract awards to the low bidders. Contract award conditions may involve securing funding from other sources, the contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as outlined in the project bid proposal.
 - a. **Highway Improvement and Other Transportation Facilities**
(see attached itemized list) (MO)
 - b. **Routine Maintenance**
(see attached itemized list) (MO)
 - c. **Construction and Rehabilitation of Buildings**
(see attached itemized list) (MO)

5. **Annual Highway Safety Plan**
 Consider approval of funding for the 2022 Highway Safety Plan (MO) (Presentation)
The department develops and implements an annual Highway Safety Plan (HSP). Federal funds are allocated by the National Highway Traffic Safety Administration and are used for traffic safety grants identified in the HSP. The HSP organizes anticipated grants into focus-oriented program areas. This minute order lists the number of grants in each program area and the allocated amounts for FY 2022.

6. **Contested Case**
Austin County - Texas Department of Transportation v. SignAd, Ltd. - Consider action on proposal for decision by administrative law judge concerning the cancellation of an outdoor advertising permit and assessment of administrative penalties, final order (MO)
The Texas Department of Transportation (department) issued an order cancelling Outdoor Advertising Permit No. HBA-13236, and assessing administrative penalties against the same. After an appeal by the permit holder, SignAd, Ltd., the State Office of Administrative Hearings recommends that the department may cancel the Outdoor Advertising Permit, but that no administrative penalties could be assessed.

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 (see attached itemized list) (MO)
Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18, 82nd Legislature, to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list.

8. **Routine Minute Orders and Reports**
 - 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)
State statutes require the commission to acknowledge the acceptance of a gift to the department that is valued at \$500 or more. By the adoption of this minute order, the commission acknowledges the receipt and acceptance of the property specified in the minute order.

 - b. **Real Estate Dispositions**
The commission must approve the sales, transfers, and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept, and acknowledge donations to the state of real property that is valued at \$500 or more.
 - (1) **Harris County** - SH 99 - Consider the designation of one location on an SH 99 westbound entrance ramp at which access will be permitted to the abutting property (MO)
The designation of one 50-foot break in the control-of-access line will allow the abutting landowner to open one commercial driveway for access to and from the SH 99 westbound entrance ramp. The district has determined that access may be permitted at the designated location.

 - (2) **Lubbock County** - SL 289 - Consider the sale of right of way to an abutting landowner (MO)
The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.

8. **Routine Minute Orders and Reports (continued)**

b. **Real Estate Dispositions (continued)**

- (3) **Palo Pinto County - PR 36 - Consider an exchange of easements encumbering real property (MO)**

The district has determined that a certain easement encumbering real property is no longer needed for a state highway purpose. MaBe Lakeview, LLC has entered into an Exchange Agreement with the department whereby it would acquire the unneeded easement encumbering the real property (tract 1) in exchange for an easement encumbering certain real property that is needed for a state highway purpose (parcel 1). MaBe Lakeview, LLC will pay the department the \$50,247 difference in values in cash at closing.

- (4) **Tarrant County - SH 183 - Consider the sale of right of way to an abutting landowner (MO)**

The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.

c. **Reports**

- (1) **Compliance Division Report**

State law requires the commission to establish a compliance program, which must include a Compliance Division to oversee the program. The Compliance Division is responsible for acting to prevent and detect serious breaches of department policy, fraud, waste, and abuse of office, including any acts of criminal conduct within the department. The Compliance Division is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.

- (2) **Central Texas Turnpike System**

Travis and Williamson Counties - FY 2021 Central Texas Turnpike System Annual Inspection Report (Report)

The commission financed a portion of the costs of the Central Texas Turnpike System (System) with obligations issued pursuant to a trust indenture dated July 15, 2002, between the commission and Bank One, National Association, as trustee. In accordance with Section 707 of the trust indenture, the commission has caused the general engineering consultant to make an inspection of the System and submit a report to the commission on or before the 90th day prior to the end of the fiscal year.

- (3) **Quarterly Investment Report**

Quarterly Investment Report for all of the funds invested at the direction of the commission (Report)

This is a presentation of the quarterly investment report for the investment of: (1) funds held by the Bank of New York Mellon, as trustee, under the Indenture of Trust securing the Central Texas Turnpike System toll revenue obligations; (2) funds for the pre-paid TxTag account held by the Bank of New York Mellon, acting as custodian; (3) funds held by Amegy Bank, a Division of ZB, National Association, as trustee, under the Trust Agreement securing the I-35E Managed Lanes Project toll revenue obligations; and (4) funds held by U.S. Bank National Association, as trustee, under the Master Trust Agreement securing the SH 249 System toll revenue obligations.

8. **Routine Minute Orders and Reports (continued)**
 - c. **Reports (continued)**
 - (4) State Highway 249 System
Grimes and Montgomery Counties - Quarterly Construction Progress Report for the State Highway 249 System (Report)
The commission financed a portion of the costs of the system with obligations issued pursuant to a trust agreement dated February 1, 2019, between the commission and U.S. Bank National Association (trustee). In accordance with Section 407 of the trust agreement, the commission has caused the general engineering consultant to prepare a construction progress report at least quarterly and to file the report with the commission. A copy of the report has been filed with the trustee and the Municipal Securities Rulemaking Board through its Electronic Municipal Markets Access System.
 - d. **Highway Designation**
Cameron County - Near the city of Harlingen, consider extending the designation of FM 509 on a new location (MO)
This minute order extends the designation of FM 509 on the state highway system on a new location from FM 508 northward to FM 1599, a distance of approximately 2.4 miles.
 - 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)
This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.
9. **Executive Session** Pursuant to Government Code, Chapter 551
 - a. **Section 551.071** - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.
 - b. **Section 551.074** - Deliberate on the election and compensation of an interim executive director of the Texas Department of Transportation.
 - c. **Section 551.074** - Deliberate on the search for a new executive director of the Texas Department of Transportation.
 - d. **Section 551.074** - Deliberate on the election and compensation of an executive director of the Texas Department of Transportation.
10. **Election of Executive Director**
 Elect the executive director of the Texas Department of Transportation and approve compensation (MO)
11. **Election of Interim Executive Director**
 Elect an interim executive director of the Texas Department of Transportation and approve compensation (MO)

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.

ADJOURN

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NOTE:

Enumerated agenda items are assigned numbers for ease of reference and will not necessarily be considered by the commission in that order. Agenda items with (MO) are those for which the commission is considering an action.