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INTERNET ADDRESS:
<http://www.txdot.gov>

AGENDA

TEXAS TRANSPORTATION COMMISSION
125 East 11th Street
Austin, Texas

THURSDAY
September 26, 2019

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 five 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.

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. **Consider the approval of the Minutes** of the August 29, 2019, regular meeting of the Texas Transportation Commission

3. **Mission Statement**

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

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](#))

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5. Design-Build Contract

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

On April 25, 2019, in Minute Order 115466, the commission authorized the department to issue a request for qualifications to design, develop, construct, and maintain the I-35 Northeast Expansion Project, consisting of non-tolled improvements along I-35 from approximately I-410 South to FM 1103 in Bexar, Comal and Guadalupe Counties. This minute order continues the procurement process by authorizing the issuance of a request for proposals for the project, and approves stipulated amounts for the payment of the work product of responsive, unsuccessful proposers.

6. Direct Connectors - SH 99 and SH 249 Interchange

Harris County - Pursuant to an understanding between the department and Harris County (county) regarding the county's agreement to fund projects selected by the department and the county that enhance regional mobility, consider designating four proposed direct southern connectors at the interchange of State Highway 99 (Grand Parkway) and State Highway 249 (Tomball Tollway) in Harris County (referred to as the SH 249 DCs), connecting two existing toll projects, as toll projects funded and constructed solely by the county on the state highway system; consider designating the two direct connectors on the southeast side of the interchange (the Southeast DCs) as part of the Grand Parkway Project and authorizing the Grand Parkway Transportation Corporation (GPTC) to operate them as part of the Grand Parkway System; consider approving the exercise of primacy for the Southeast DCs by the department to develop, finance, construct and operate them; consider authorizing GPTC to perform any function authorized, including those authorized by Chapter 431 of the Transportation Code, in connection with the Southeast DCs; consider approving the assignment of revenues from the Southeast DCs to GPTC; consider approving financial assistance under the existing toll equity loan agreement between the department and GPTC for the SH 249 DCs, with the requirement that no state funds, including funds from sources commonly known as Proposition 1 or Proposition 7, may be used for the development or construction of the SH 249 DCs (MO)

The department and Harris County have an understanding in which the county, in lieu of transferring the Katy Managed Lanes to TxDOT as provided in a 2014 interlocal agreement between the parties, will partially satisfy the obligations of the county under the interlocal agreement through the Harris County Toll Road Authority's (HCTRA's) funding, design, and construction of the SH 249 DCs. Although the proposed SH 249 DCs will connect two toll facilities, none of these direct connectors have previously been designated as a toll project; the minute order makes that designation. None of the proposed SH 249 DCs will have toll gantries. This minute order authorizes the GPTC to operate the southeast DCs as part of the Grand Parkway System by (1) affirming primacy, (2) authorizing GPTC to have authority or designate authority to develop, finance, construct, and operate them, and (3) assigning the toll revenues from them to GPTC. The two southwest direct connectors are expressly identified in the Market Valuation Waiver Agreement as part of the Grand Parkway Project and further action by the commission is not needed to incorporate them into the Grand Parkway System. In addition, the minute order will incorporate the SH 249 DCs into the existing Grand Parkway toll equity loan agreement. The department and GPTC plan to enter into an agreement with HCTRA pursuant to which HCTRA will design, construct, and finance the SH 249 DCs on behalf of GPTC, and GPTC will operate and maintain the SH 249 DCs.

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7. **Audit Plan**
Consider the approval of the Internal Audit Work Plan for Fiscal Year 2020 and determine whether adequate resources have been dedicated to the Internal Audit Program [\(MO\)](#) (Presentation)
State law requires the internal auditor to create an annual audit plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The Audit Plan must be approved by the commission. In addition, the commission must review the resources dedicated to the Internal Audit Program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are covered in a reasonable timeframe.

8. **Municipal Utility Relocation Reimbursement**
Bastrop County - Consider the approval of a request from the City of Smithville (city) to make the relocation of the city's utility facilities required by the SH 95 highway improvement project an expense of the state under Transportation Code §203.092(a-4) [\(MO\)](#)
Senate Bill 1512, 86th Legislature, made the expense of a relocation of a utility facility required by a state highway project a cost of the state upon the commission's determination that the utility meets the requirements set forth in section 203.092(a-4) of the Transportation Code.

9. **Eminent Domain Proceedings**
Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (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.

10. **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.

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10. Routine Minute Orders and Reports (continued)

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

The district has determined that the segment is no longer needed as part of the state highway system. The City of Mont Belvieu (city) has agreed to assume jurisdiction, control, and maintenance and has requested that the right of way be transferred to the city. The right of way may be transferred to the city without cost to remain in use for public road purposes, and it will revert to the state if it ceases to be used for public road purposes.

- (2) **Hidalgo County** - US 281 - 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. Report

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.

d. Transportation Planning

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

State law requires the commission to annually certify economically disadvantaged counties as soon as possible after the comptroller reports on the relevant economic indicators. This minute order certifies the counties to participate in the Economically Disadvantaged Counties Program for Fiscal Year 2020 and sets forth the local match adjustment for each county and certain cities participating in the program.

e. Designation of Access Control

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

The removal of a 40-foot break in the control of access line and re-designation of one new 40-foot break in the control-of-access line will allow the abutting landowner to open one commercial driveway for access to and from the west side of SH 146. The district has determined that access may be permitted at the designated location.

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](#))

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

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11. **Executive Session** Pursuant to Government Code, Chapter 551
- a. **Section 551.071** - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.
 - b. **Section 551.071** - Consultation with and advice from legal counsel, including attorneys with the Office of the Attorney General, regarding legal matters related to the Open Meetings Act.

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.