

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

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.

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.

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.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

Submitted and reviewed by:


Director, Contract Services Office

Recommended by:


Executive Director

114077 SEP 18 14

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
1	American Legion Post 474	Traffic Operations Division	Gregg & Upshur	The donor is donating an amount sufficient to design, fabricate and install two memorial designation signs on the portion of U.S. Highway 80 designated as the Sergeant Travis E. Watkins Memorial Highway in Gregg and Upshur Counties. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is \$1,229.	\$1,229	8/5/14
2	Friendswood Development Company, LLC	Houston District	Fort Bend	The donor is donating the design and construction of a right-turn deceleration lane from eastbound FM 1093 into the Lakemont Superstore development in Richmond, Fort Bend County, Texas, as well as, the State's direct and indirect costs associated with the review, oversight, and inspection of this work. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$110,000.	\$110,000	8/25/14
3	Geltmore Aldea, LLC	El Paso District	El Paso	The donor is donating the following site improvements at Mesa Park Drive and Executive Center Drive in El Paso, El Paso County, Texas: 1) construction of a drainage culvert extension to existing drainage culvert; 2) construction of a bridge abutment and retaining walls on the east side of the Mesa Park Bridge; 3) construction of retaining walls, and 4) placing of embankment/fill at grade level to accommodate the frontage road to be constructed by the State as part of the I-10 Mesa Park Interchange Project. The donor shall design the drainage culvert and the State, at its cost, will review and approve the plan. The State, at its cost, will provide the donor with a complete set of construction plans for the bridge abutment and retaining wall. The estimated value of the donation is \$4,596,631.56.	\$4,596,631.56	8/26/14

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
4	Generations Subdivision Owners Association, Inc.	San Antonio District	Comal	The donor is donating the design and construction for the addition of a right turn lane at the proposed street intersection with FM 1101 for the Generations Subdivision located in Comal County within the City of New Braunfels approximately 0.42 mile North of Old FM 483. All design and construction work will be provided by the donor, its consultant and its contractor. The estimated value of the donation is \$30,000.	\$30,000	8/22/14
5	HOLT Texas, Ltd. dba HOLT CAT	Fleet Operations Division	N/A	The donor is donating one HOLT ProTech's Electronic Troubleshooting (DE205) course. The fixed value of the donation is \$1,950.	\$1,950	8/19/14
6	International Regional Magazine Association, Inc.	Travel Division	N/A	The donor is donating travel costs, to include airfare, lodging and meals, for Joan Henderson, Publisher of Texas Highways Magazine, to attend a familiarization site visit of San Diego on August 22-25, 2014 in order to determine the location for the 2015 International Regional Magazine Association annual conference. All costs will be directly paid by the donor. The estimated value of the donation is \$1,800.	\$1,800	8/22/14
7	RH of Texas Limited Partnership and Ashton Houston Residential L.L.C.	Houston District	Fort Bend	The donors are donating the design and construction a right-turn deceleration lane and a left-turn deceleration lane along FM 359 at the Creekside Ranch development in Fulshear, Fort Bend County, Texas, as well as, the State's direct and indirect costs associated with the review, oversight, and inspection of this work. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$300,000. The donors agree that each party will be jointly and severally liable for the full amount of the donation.	\$300,000	8/26/14
8	Stripes LLC	Brownwood District	Brown	The donor is donating funds for the construction of a new traffic signal at Crockett Dr. and US 377 in the City of Brownwood, Brown County, Texas to provide safe access to the donor's proposed convenience store.	\$123,749	8/26/14

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
				An estimate was made by TxDOT for the full cost of constructing a new traffic signal. The donor will contribute a fixed amount of \$123,749, which reflects their portion of the cost for TxDOT to construct the new signal.		