TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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:

James M Bass

Executive Director

114479 JAN 28 16

Minute Number | Date Passed

EXHIBIT A
DONATIONS

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1	American Fallen Warriors Memorial Foundation	Amarillo District	Potter & Randall	The donor is donating funds sufficient to design, fabricate, and install two memorial highway designation signs on the portion of Loop 335 designated as the Veterans Highway within the corporate limits of the City of Amarillo located in Potter and Randall Counties. The design, fabrication, and installation of the signs will be performed by the State. The estimated value of the donation is $8,892.	$8,892	1/4/16
2	American Traffic Safety Services Association	Traffic Operations Division	N/A	The donor is donating two 4-day complimentary registrations valued at $1,150 each and two scholarships for Michael Chacon, Traffic Engineering Section Director, and Doug Skowronek, Policy and Standards Branch Manager, to attend the 46th Annual Convention and Traffic Expo in New Orleans, Louisiana (January 29 - February 2, 2016). Each scholarship covers travel expenses up to $1,500 to include coach airfare, hotel charges, meals, and other incidentals. Reimbursement of travel expenses will be paid to TxDOT. The estimated value of the donation is $5,300.	$5,300	1/4/16
3	Association of Local Government Auditors	Audit Division	N/A	The donor is donating a complimentary registration for Benito Ybarra, Chief Audit and Compliance Officer, to represent TxDOT by attending and serving as the general session speaker for the 2016 ALGA (Association of Local Government Auditors) Annual Conference to be held in Austin, TX on May 23-24, 2016. The value of the donation is $600.	$600	12/11/15
4	BNP LLC	Houston District	Harris	The donor is donating an amount sufficient to cover the State's cost to construct signals and a right turn lane at Kermier Road and US 290 and a right turn lane at Kickapoo Road and US 290 in Harris County to provide safe access to the donor's manufacturing facility. All design, construction work, and construction management will be provided by the State. The State will include the construction work as part of the widening project on US 290. The estimated value of the donation is $527,597.	$527,597	12/11/15

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
5	HEB Grocery Company, LP	San Antonio District	Comal	The donor is donating the design and construction of: A) a channelized left turn entry lane on FM 306; B) a right turn lane to Longhorn Industrial Drive; C) a traffic signal at Longhorn Industrial Drive; D) two right turn lanes to two new commercial driveways on FM 306; and E) two right turn lanes to two new commercial driveways on the IH 35 frontage road in New Braunfels, Comal County. All design and construction work will be provided by the donor, its consultant and its contractor. The estimated value of the donation is $711,500. (*Replaces previously acknowledged donation of $550,000 due to increase in value*.)	$711,500	11/6/15
6	Howard Integrity, Ltd.	Austin District	Hays	The donor is donating the design and construction of a left turn lane on FM 150 at Oak Springs Drive in Driftwood, Hays County for a new residential development, Howard Ranch Section 4. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is $147,055, which includes the State's direct and indirect costs related to reviewing, monitoring, and inspecting the work that is on the state right of way.	$147,055	1/4/15
7	Mathom Ltd.	San Antonio District	Guadalupe	The donor is donating the design and construction of a left turn lane on FM 725 approximately 2.75 miles east of I-35 to access the proposed Samuels Court Subdivision in New Braunfels, Guadalupe County. All design and construction work will be performed by the donor, its consultant or its contractor. The estimated value of the donation is $100,000. (*Replaces previously acknowledged donation from NB46 Holdings LLC due to change in donor*.)	$100,000	12/3/15
8	The District at Parkway Lakes, Ltd.	Houston District	Fort Bend	The donor is donating the design and construction of a right turn lane from eastbound FM 1093 into the District West at Parkway Lakes development in Richmond, Fort Bend County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is $116,980.	$116,980	1/4/16

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
9	Two Seventy Seven Limited	San Antonio District	Comal	The donor is donating the design and construction for the addition of left and right turn lanes and the installation of a flasher traffic signal at the proposed street and intersection of SH 46, approximately .75 miles east of Blanco Road, to improve access to and from the donor's Park Village development in Bulverde, Comal County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is $821,200. *(Replaces previously acknowledged donation of $496,000 due to increase in value.)*	$821,200	1/4/16
10	Wal-Mart Real Estate Business Trust	Waco District	McLennan	The donor is donating the design and construction of the radius widening at the intersection of Alliance Parkway and IH-35 frontage road in Hewitt, McLennan County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is $14,330, which includes the State's direct and indirect costs associated with the review, oversight, and inspection of the work that is on the state right of way.	$14,330	1/4/16