

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 Division

Recommended by:


Executive Director

114858 FEB 23 '17

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1	August Fields L.P.	San Antonio District	Comal	The donor is donating the design and construction of right turn deceleration lane on FM 1101 approximately 1.23 miles Northeast of SH 46 onto a new subdivision street in New Braunfels, Comal County, Texas. All design and construction will be performed by the donor, its consultant or its contractor. The estimated value of the donation is \$50,000, which includes payment for all State direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$50,000	1/24/2017
2	Coastal Bend Bays & Estuaries Program, Inc.	Corpus Christi District	Aransas	The donor is donating the design and construction of replacing two 24 inch culverts with three 6 x 3 foot box culverts across FM 136 in two locations in the Egery Flats area (28°3'57.88"N, 97°13'2.46"W and 28°3'49.96"N, 97°13'4.96"W) approximately 1.6 miles north of SH 88 in Aransas County, Texas. The donor will be using TxDOT approved plans and specifications to ensure quality of work to TxDOT's standards. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$1,204,300.	\$1,204,300	1/31/2017
3	D. I. J. Construction, Inc.	Austin District	Burnet	The donor is donating the design and construction of a continuous two-way left turn lane on SH 29 from CR 252 to RM 243 South in Bertram, Burnet County, Texas. The donation includes environmental at an estimated value of \$35,000, and engineering at an estimated value of \$150,000, both to be performed by the donor, its consultant or its contractor, as well as a fixed sum of \$115,000 for construction. The State is responsible for letting, performing construction, and costs of construction that exceed \$115,000. The donation consists of an estimated value of \$185,000 and a fixed sum of \$115,000 totaling \$300,000.	\$300,000	1/18/2017

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
4	DPS New Braunfels 2000, LLC	San Antonio District	Comal	The donor is donating the design and construction of roadway modifications to convert the Conrads Lane at IH 35 frontage road intersection which is within state ROW from a "jug handle" configuration to a "T" intersection configuration. The work proposed is on Conrads Lane approximately 0.10 mile northwest of IH 35 within the ETJ of the City of New Braunfels, 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 \$89,550.	\$89,550	1/18/2017
5	HEB Grocery Company, LP	Houston District	Harris	The donor is donating the design and construction of a right-turn deceleration lane from northeast bound SH 99 into HEB Champions Forest store in Tomball, Harris 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 \$150,000.	\$150,000	1/31/2017
6	HEB Grocery Company, LP	Houston District	Harris	The donor is donating the design and construction of a traffic signal at FM 1960 and Woodcreek N. Drive into the donor's development in Harris 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 \$350,000.	\$350,000	1/25/2017
7	HEB Grocery Company, LP	Austin District	Burnet	The donor is donating the design and construction of a traffic signal within the right-of-way along RM 1431 in Marble Falls, Burnet County, Texas. The traffic signal will be constructed at the intersection of RM 1431 and Proposed HEB Site Driveway (Sta. 806+50). All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$445,080, which includes payment for all State direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$445,080	1/15/2017