

These are the minutes of the regular meeting of the Texas Transportation Commission held on January 28, 2021, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
Laura Ryan	Commissioner
Alvin New	Commissioner
Robert C. Vaughn	Commissioner

Administrative Staff:

James Bass, Executive Director
 Jeff Graham, General Counsel
 Robin Carter, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 1:20 p.m. on January 20, 2021, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Meeting Guidelines

Executive Director James Bass provided guidance and instruction for the meeting. The public was invited to watch and listen to the meeting through the Texas Department of Transportation website, www.txdot.gov. In addition, for those members of the public who wanted to make a comment on an agenda item or comment during the open comment period of the meeting a toll free number was provided on the agenda and the callers were assisted by operators on the call.

Chairman Bugg received a call on the dais from U.S. Senator John Cornyn. The chairman and the other commissioners thanked Senator Cornyn, as well as staff member Jacob Smith, for his work on transportation funding within the COVID-19 relief package.

ITEM 2. Consider the approval of the Minutes of the December 10, 2020, regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the minutes of the December 10, 2020, regular meeting by a vote of 4 - 0.

After the approval of the minutes, Executive Director James Bass recognized and thanked outgoing Chief Financial Officer Brian Ragland for more than 28 years of service to the State of Texas, with over 14 of those years at the Texas Department of Transportation.

ITEM 3. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Executive Director James Bass. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115926
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on January 7 and 8, 2021, as shown on Exhibit A.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted or rejected, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be and are hereby respectively awarded to the lowest bidder or rejected or deferred as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director's designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A is on file with the commission chief clerk.

b. Routine Maintenance (MO)

This item was presented by Executive Director James Bass. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115927
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on January 7 and 8, 2021, as shown on Exhibit A.

Pursuant to cited code provisions highway maintenance contract bids on a project may be accepted or rejected, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway maintenance and department building construction contracts, identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A be and are hereby respectively awarded to the lowest bidder or rejected or deferred, as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director’s designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A is on file with the commission chief clerk.

c. Construction and Rehabilitation of Buildings (MO)

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115928
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on January 5, 2021, as shown on Exhibit A.

Pursuant to cited code provisions highway improvement contract bids on a project may be accepted, rejected or deferred, but if accepted must be awarded to the lowest bidder.

An award is conditional in the event it is subject to Federal Highway Administration concurrence, third party funding or concurrence, and other conditions listed in the contract or an Exhibit to this order.

The department recommends that the Texas Transportation Commission (commission) respectively award to the lowest bidder, reject or defer, as indicated, those highway improvement and department building construction contracts identified on attached Exhibit A to this order.

IT IS THEREFORE ORDERED by the commission that the contracts described in Exhibit A, be awarded to the lowest bidder or rejected as indicated therein.

If a contractual requirement of award is not satisfied within the prescribed time limit, including any extension of time allowed by the executive director or the director’s designee, by reason of the action or inaction of the successful low bidder on any contract, including, but not limited to, disadvantaged business/historically underutilized business participation, the contract

is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to re-advertise that project for competitive bids at the earliest practical subsequent date.

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

Note: Exhibit A is on file with the commission chief clerk.

ITEM 4. Discussion Item

Unified Transportation Program (UTP)

Development of 2022 UTP planning targets (Presentation)

This discussion was led by Transportation Planning and Programming Division Director Jessica Butler with assistance from Financial Management Division Director Stephen Stewart. The commission asked questions and discussed the topic. The commission also heard comments from Jay Blazek Crossley representing Farm and City and Vision Zero Texas; State Representative Celia Israel; Senior Policy Advisor Sito Negron for El Paso County Commissioner David Stout; private citizen Bob Storch of the Sunset Heights Neighborhood Association in El Paso; and private citizen Bennett Finesilver of San Antonio.

Following Item 4 the commission took a short break from 12:14 - 12:24 p.m.

ITEM 5. Public Transportation

Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds to rural transit districts. The Federal Transit Administration (FTA) apportioned additional §5311 funds based on the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (MO)

This item was presented by Deputy Executive Director Marc Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115929
PTN

The Texas Transportation Commission (commission) desires to award a total of \$60,371,233 in Federal Transit Administration (FTA) program funds to support public transportation needs in non-urbanized areas of the state.

The United States Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, on March 27, 2020, authorizing funding under the FTA Formula Grants for Rural Areas Program (49 U.S.C. §5311) to prevent, prepare for, and respond to the coronavirus (COVID-19).

The commission awarded a portion of the CARES Act funding to rural transit districts in Minute Order 115743, dated May 28, 2020. This minute order allocates the remaining CARES apportionment to rural transit districts to address ongoing operational challenges associated with increased expenditures and reduced non-federal program revenues. It strongly encourages resilience investments designed to reduce the potential impacts of similar, subsequent events and efforts to ensure that transit-dependent individuals in rural areas have access to COVID-19 vaccination locations.

Title 43, Texas Administrative Code (TAC), §31.36(g) establishes a formula by which public transportation funds shall be distributed to rural transit districts under the 49 U.S.C.

§5311. A total of \$60,371,233 is awarded to rural transit districts with allocations derived from the formula in the following combinations: \$11,729,335 based on discretionary calculations in accordance with §31.36(g)(3), and \$48,641,898 based on total vehicle mile calculations in accordance with §31.36(g)(4). Therefore, the award of \$60,371,233 in federal FY 2020 §5311 CARES Act funds is shown in Exhibit A and has been determined in accordance with §31.36(g)(3) and (4).

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the FY 2020 §5311 CARES Act FTA allocation for the program as described in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

Note: Exhibit A is on file with the commission chief clerk.

ITEM 6. State Infrastructure Bank

a. El Paso County - Camino Real Regional Mobility Authority - Consider preliminary approval of a request from Camino Real Regional Mobility Authority for a State Infrastructure Bank loan in the amount of up to \$30,000,000 for a contribution to the department to pay for the costs of construction necessary for a non-tolled state highway improvement project to widen I-10 and reconstruct frontage roads in El Paso County, Texas (MO) (Map)

This item was presented by Deputy Executive Director Marc Williams. The commission also heard remarks from Executive Director of the El Paso Metropolitan Planning Organization Eduardo Calvo. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115930
PFD

Camino Real Regional Mobility Authority (CRRMA) has submitted an application for financial assistance in the form of a loan of up to \$30,000,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by CRRMA of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. CRRMA intends to use the financial assistance to pay for CRRMA's contribution to the department for funding participation in the costs of construction necessary for a non-tolled, on-system project to widen Interstate 10 and reconstruct frontage roads in El Paso County, Texas (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project.

The SIB loan will be secured by a pledge of Transportation Reinvestment Zone tax revenue provided by the City of El Paso (City) and the City's contractual agreement to pay the CRRMA's SIB loan obligation from the City's general fund if other monies are not available or sufficient.

The SIB Rules provide for both preliminary and final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of more than

\$10 million or in which the department does not have primary responsibility, unless the commission waives the preliminary approval requirement for that application.

The executive director or his designee implemented actions authorized and required by the SIB Rules for preliminary approval. The executive director recommends that the commission grant preliminary approval of CRRMA’s application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a moderate non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state’s transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs; and
5. the application shows that CRRMA is likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by CRRMA for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants preliminary approval of CRRMA’s application for a SIB loan in an amount not to exceed \$30,000,000 to pay CRRMA’s contribution to the department for funding participation in the costs of construction necessary for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to commence negotiations and other actions with CRRMA authorized and required by its rules.

Note: The map is on file with the commission chief clerk.

b. Angelina County - City of Diboll - Consider final approval of a request from the City of Diboll for a State Infrastructure Bank loan in the amount of up to \$225,000 for a contribution to the department to pay for the costs of construction necessary for a non-tolled state highway improvement project to construct a four lane freeway at Diboll (future I-69) in Angelina County, Texas (MO) (Map)

This item was presented by Deputy Executive Director Marc Williams. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115931
PFD

The City of Diboll (City) has submitted an application for financial assistance in the form of a loan of up to \$225,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the City’s contribution to the department for funding participation in the costs of construction necessary for a non-tolled state highway

improvement project to construct a four-lane freeway at Diboll (future I-69) in Angelina County, Texas (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project.

The City has proposed a pledge of ad-valorem taxes as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$225,000 to pay the City's contribution to the department for funding participation in the costs of construction necessary for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

Note: Exhibit A and the map are on file with the commission chief clerk.

c. Wharton County - City of Wharton - Consider final approval of a request from the City of Wharton for a State Infrastructure Bank loan in the amount of up to \$15,000,000 to pay for the costs of right of way acquisition, engineering and construction necessary for a non-tolled project to extend FM 1301 at SH 60 to US 59 in Wharton County, Texas (MO) (Map)

This item was presented by Deputy Executive Director Marc Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115932
PFD

The City of Wharton (City) has submitted an application for financial assistance in the form of a loan of up to \$15,000,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay for the costs of right of way acquisition, engineering, and construction necessary for a non-tolled project to extend FM 1301 at SH 60 to US 59 in Wharton County, Texas (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project.

The City has proposed a pledge of ad valorem taxes and limited net revenues as security for repayment of the loan.

The SIB Rules provide for both preliminary and final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of more than \$10 million or in which the department does not have primary responsibility, unless the commission waives the preliminary approval requirement for that application.

In Minute Order No. 115873, dated October 29, 2020, the commission granted preliminary approval of the City's application and, in accordance with the SIB Rules, found that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is in a Clean Air Act moderate non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that providing financial assistance will protect the public's safety and prudently provide for the protection of public

funds, while furthering the purposes of the SIB, and the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules, and in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$15,000,000 to pay the City's costs of right of way acquisition, engineering, and construction necessary for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

Note: Exhibit A and the map are on file with the commission chief clerk.

ITEM 7. Contested Case

Brazoria County - Texas Department of Transportation v. B.V.S. Construction, Inc., Ricky J. Palasota, et al. - Consider action on proposal for decision by administrative law judge concerning the department's decision to revoke Aggregate Quarry and Pit Safety Certificate 1044 held by B.V.S. Construction, Inc. and Ricky Palasota, final order (MO)

This item was introduced by General Counsel Jeff Graham and presented by Associate General Counsel James Kirk. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115933
GCD

On January 28, 2021, the Texas Transportation Commission (commission) considered the staff's proposed revocation of Aggregate Quarry and Pit Safety Certificate 1044 (SC 1044) for the operation of aggregate pit 1756 (Pit 1756) in Brazos County, Texas. Pit 1756's proximity to a public roadway is insufficient without proper barriers in violation of the Texas Aggregate Quarry and Pit Safety Act. The Texas Department of Transportation (department) filed a contested case hearing with the State Office of Administrative Hearings for the revocation of SC 1044. The Administrative Law Judge conducted a hearing on the matter and concluded in the proposal for decision that the department may revoke SC 1044. Under the Administrative Procedure Act and the commission's rules, the matter is now appropriate for entry of a final order by the commission.

IT IS THEREFORE ORDERED by the commission that the commission issue the attached order in the case of Texas Department of Transportation v. B.V.S. Construction, Inc.; Ricky J. Palasota; Elaine Palasota a/k/a Sharon Elain Palasota; Ricky J. Palasota, Jr.; and Emily Palasota, Docket No. 601-20-4156 to be signed by the chairman of the commission on behalf of the commission, and directs the executive director to take the necessary steps to implement this order.

Note: Attached Order is on file with the commission chief clerk.

ITEM 8. 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 (MO)

This item was presented by Executive Director James Bass. Commissioner Vaughn made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner New and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115934
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening, constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of the parcels of land listed below, and more particularly described in the attached Exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to acquire fee simple title in the parcels or such lesser property interests as set forth in the attached Exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits A-OO. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1-245 in accordance with Transportation Code, Sections 203.002 and 203.003.

The commission finds and determines that condemnation of the parcels is required.

IT IS THEREFORE ORDERED that the initiation of condemnation proceedings for the parcels is adopted and authorized by a single order for the parcels, and this first vote by the commission applies to all of the parcels.

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 59	S	0176-02-121	62
Bell	SL 121	Y	2502-01-018	26AC
Bell	SL 121	X	2502-01-018	80AC
Bexar	IH 35	A	0017-10-278	68
Bexar	IH 410	W	0521-06-140	37
Bexar	IH 410	K	0521-06-140	44A
Bexar	IH 410	L	0521-06-140	44B
Dallas	IH 20	AA	0095-13-047	125
Dallas	IH 20	BB	0095-13-047	126
Dallas	IH 20	CC	0095-13-047	128
Dallas	IH 20	DD	0095-13-047	129
Dallas	IH 20	EE	0095-13-047	130
Dallas	IH 20	FF	0095-13-047	131
Dallas	IH 20	HH	0095-13-047	132
Dallas	IH 20	GG	0095-13-047	133
Dallas	IH 35E	B	0442-02-164	1
Dallas	IH 35E	C	0442-02-164	2
Dallas	IH 35E	D	0442-02-164	3
Dallas	IH 35E	E	0442-02-164	4
Denton	IH 35	R	0195-02-079	5,5E
Denton	IH 35	M	0195-02-079	N166
Denton	IH 35	T	0195-03-074	5
Denton	IH 35	U	0195-03-074	6
Denton	IH 35	Z	0195-03-091	15A
Denton	IH 35	V	0195-03-091	15B
Denton	IH 35E	F	0196-01-100	84
Denton	IH 35E	G	0196-01-100	88,88E
Denton	IH 35E	I	0196-01-100	118,118E
Denton	IH 35E	H	0196-02-115	130
Denton	IH 35E	N	0196-02-115	191
Madison	US 190	Q	0117-10-002	105
Madison	US 190	O	0117-10-002	106
Madison	US 190	P	0117-10-002	150
Nolan	IH 20	NN	0006-02-123	8
Nolan	IH 20	OO	0006-02-123	10
Rockwall	IH 30	J	0009-12-222	52
Tarrant	IH 20	MM	0008-13-241	30
Tarrant	IH 20	LL	0008-13-241	31
Tarrant	IH 20	KK	0008-13-241	820
Tarrant	IH 820	II	0008-13-242	538
Tarrant	IH 820	JJ	0008-13-242	779

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cherokee	US 69	91	0191-02-067	104
Cherokee	FM 2493	44	0191-04-009	95
Cherokee	US 175	131	0198-04-034	150

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	US 75	225	0047-06-169	4
Collin	US 75	244	0047-06-169	6,6E
Collin	US 75	224	0047-06-169	7
Collin	FM 544	139	0619-03-063	1
Collin	FM 544	140	0619-03-063	2
Collin	FM 544	136	0619-03-063	3
Collin	FM 544	137	0619-03-063	4
Collin	FM 544	138	0619-03-063	5
Collin	FM 1378	45	1392-01-049	1
Collin	FM 1378	46	1392-01-049	2
Collin	FM 1378	47	1392-01-049	3
Collin	FM 1378	48	1392-01-049	4
Collin	FM 1378	64	1392-01-049	5
Collin	FM 1378	65	1392-01-049	6
Collin	FM 1378	66	1392-01-049	7
Collin	FM 1378	67	1392-01-049	8
Collin	FM 1378	68	1392-01-049	9
Collin	FM 1378	69	1392-01-049	10
Collin	FM 1378	70	1392-01-049	11
Collin	FM 1461	83	1392-03-015	1
Collin	FM 1461	101	1392-03-015	2
Collin	FM 1461	102	1392-03-015	3
Collin	FM 1461	103	1392-03-015	4
Collin	FM 1461	104	1392-03-015	5
Collin	FM 1461	105	1392-03-015	6
Collin	FM 1461	82	1392-03-015	8
Collin	FM 1461	81	1392-03-015	9
Collin	FM 1461	80	1392-03-015	10
Collin	FM 1461	79	1392-03-015	11
Collin	FM 1461	106	1392-03-015	12
Collin	FM 1461	107	1392-03-015	13
Collin	FM 1461	108	1392-03-015	14
Collin	FM 1461	109	1392-03-015	15
Collin	FM 1461	110	1392-03-015	16
Collin	FM 1461	111	1392-03-015	17
Collin	FM 1461	112	1392-03-015	18
Collin	FM 1461	113	1392-03-015	19
Collin	FM 1461	31	1973-01-018	1
Collin	FM 1461	32	1973-01-018	2
Collin	FM 1461	33	1973-01-018	3
Collin	FM 1461	34	1973-01-018	4
Collin	FM 1461	35	1973-01-018	6
Collin	FM 1461	36	1973-01-018	7
Collin	FM 1461	37	1973-01-018	8
Collin	FM 1461	38	1973-01-018	9
Collin	FM 1461	39	1973-01-018	10
Collin	FM 1461	40	1973-01-018	11

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 1461	41	1973-01-018	13
Collin	FM 1461	42	1973-01-018	15
Collin	FM 1461	49	1973-01-018	16
Collin	FM 1461	50	1973-01-018	17
Collin	FM 1461	54	1973-01-018	18
Collin	FM 1461	51	1973-01-018	19
Collin	FM 1461	52	1973-01-018	21
Collin	FM 1461	53	1973-01-018	22
Collin	FM 1461	55	1973-01-018	23
Collin	FM 1461	57	1973-01-018	24
Collin	FM 1461	56	1973-01-018	25
Collin	FM 1461	122	1973-01-018	26
Collin	FM 1461	118	1973-01-018	27
Collin	FM 1461	58	1973-01-018	28
Collin	FM 1461	119	1973-01-018	29
Collin	FM 1461	59	1973-01-018	30
Collin	FM 1461	154	1973-01-018	31
Collin	FM 1461	71	1973-01-018	32,32E
Collin	FM 1461	115	1973-01-018	33
Collin	FM 1461	116	1973-01-018	34
Collin	FM 1461	150	1973-01-018	37
Collin	FM 1461	117	1973-01-018	38
Collin	FM 1461	72	1973-01-018	43
Collin	FM 1461	120	1973-01-018	45
Collin	FM 1461	151	1973-01-018	46
Collin	FM 1461	121	1973-01-018	47
Collin	FM 1461	73	1973-01-018	48
Collin	FM 1461	123	1973-01-018	50
Collin	FM 1461	124	1973-01-018	51
Collin	FM 1461	125	1973-01-018	52
Collin	FM 1461	152	1973-01-018	53
Collin	FM 1461	126	1973-01-018	54
Collin	FM 1461	127	1973-01-018	67
Collin	FM 1461	128	1973-01-018	68
Collin	FM 1461	129	1973-01-018	69
Collin	FM 1461	74	1973-01-018	70
Collin	FM 1461	92	1973-01-018	71
Collin	FM 1461	93	1973-01-018	72
Collin	FM 1461	94	1973-01-018	73
Collin	FM 1461	153	1973-01-018	74
Collin	FM 1461	61	1973-01-018	76
Collin	FM 1461	143	1973-01-018	77
Collin	FM 1461	60	1973-01-018	78
Collin	FM 1461	62	1973-01-018	79
Collin	FM 1461	63	1973-01-018	80
Collin	FM 1461	163	1973-01-018	81
Collin	FM 1461	132	1973-01-018	82

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 1461	133	1973-01-018	83
Collin	FM 1461	134	1973-01-018	84
Collin	FM 1461	164	1973-01-018	85
Collin	FM 1461	135	1973-01-018	86
Collin	FM 1461	144	1973-01-018	88
Collin	FM 1461	145	1973-01-018	89
Collin	FM 1461	146	1973-01-018	90
Collin	FM 1461	89	1973-01-018	91
Collin	FM 1461	88	1973-01-018	92
Collin	FM 1461	141	1973-01-018	93
Collin	FM 1461	142	1973-01-018	94
Collin	FM 1461	155	1973-01-018	95
Collin	FM 1461	85	1973-01-018	96
Collin	FM 1461	156	1973-01-018	97
Collin	FM 1461	86	1973-01-018	98
Collin	FM 1461	87	1973-01-018	99
Collin	FM 1461	157	1973-01-018	100E
Collin	FM 2514	29	2679-03-018	68
Dallas	US 80	228	0095-02-123	6
Dallas	US 80	229	0095-02-123	27
Dallas	US 80	5	0095-10-056	2
Dallas	US 80	7	0095-10-056	4
Dallas	US 80	6	0095-10-056	5
Dallas	US 80	9	0095-10-056	6
Dallas	US 80	11	0095-10-056	8
Dallas	US 80	8	0095-10-056	9
Dallas	US 80	12	0095-10-056	10E
Dallas	US 80	10	0095-10-056	11E
Dallas	US 80	13	0095-10-056	12E
DeWitt	SH 72	2	0270-10-015	101
DeWitt	SH 72	3	0270-10-015	102
DeWitt	SH 72	4	0270-10-015	104
DeWitt	SH 72	18	0270-10-015	105
Ellis	FM 664	237	1051-01-054	35,35E
Ellis	FM 664	211	1051-01-054	40
Ellis	FM 664	43	1051-01-054	64
Ellis	FM 664	216	1051-01-054	145,145E
Ellis	FM 664	177	1051-01-054	165
Ellis	FM 664	178	1051-01-054	167
Ellis	FM 664	179	1051-01-054	168
Ellis	FM 664	180	1051-01-054	169
Ellis	FM 664	181	1051-01-054	170
Ellis	FM 664	182	1051-01-054	171
Ellis	FM 664	183	1051-01-054	173
Ellis	FM 664	184	1051-01-054	174
Ellis	FM 664	185	1051-01-054	175
Ellis	FM 664	186	1051-01-054	176

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	FM 664	187	1051-01-054	177
Ellis	FM 664	188	1051-01-054	178
Ellis	FM 664	189	1051-01-054	179
Ellis	FM 664	190	1051-01-054	180
Ellis	FM 664	191	1051-01-054	181
Ellis	FM 664	192	1051-01-054	183,183E
Ellis	FM 664	193	1051-01-054	184,184E
Ellis	FM 664	194	1051-01-054	185,185E
Ellis	FM 664	212	1051-01-054	186,186E
Ellis	FM 664	213	1051-01-054	187
Ellis	FM 664	214	1051-01-054	188
Ellis	FM 664	215	1051-01-054	189
Ellis	FM 664	217	1051-01-054	190
Ellis	FM 664	227	1051-01-054	191,191E
Ellis	FM 664	220	1051-01-054	192
Ellis	FM 664	221	1051-01-054	193,193E
Ellis	FM 664	222	1051-01-054	194,194E
Ellis	FM 664	205	1051-01-054	195 Pt.1,195E
Ellis	FM 664	206	1051-01-054	196 Pt.1,196E Pt.1
Ellis	FM 664	223	1051-01-054	209
Ellis	FM 664	240	1051-01-054	210
Ellis	FM 664	226	1051-01-054	212,212E
Ellis	FM 664	231	1051-01-054	213,213E
Ellis	FM 664	232	1051-01-054	214
Ellis	FM 664	236	1051-01-054	216,216E
Ellis	FM 664	241	1051-01-054	221
Ellis	FM 664	204	1051-03-002	195 Pt.2
Ellis	FM 664	207	1051-03-002	196 Pt.2,196E Pts.2-5
Ellis	FM 664	208	1051-03-002	197,197E
Ellis	FM 664	195	1051-03-002	198
Ellis	FM 664	196	1051-03-002	199
Ellis	FM 664	197	1051-03-002	200
Ellis	FM 664	198	1051-03-002	201
Ellis	FM 664	199	1051-03-002	202
Ellis	FM 664	200	1051-03-002	203,203E
Ellis	FM 664	201	1051-03-002	204,204E
Ellis	FM 664	209	1051-03-002	205
Ellis	FM 664	203	1051-03-002	206
Ellis	FM 664	210	1051-03-002	207
Fort Bend	FM 723	147	0188-09-047	208
Fort Bend	FM 723	160	0188-09-047	211
Galveston	SH 146	174	0389-07-036	4
Galveston	SH 146	173	0389-07-036	13
Hidalgo	US 281	130	0255-07-142	2
Hidalgo	FM 676	149	1064-01-037	14
Hidalgo	FM 676	75	1064-01-038	63
Hidalgo	FM 676	76	1064-01-038	135

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Hidalgo	FM 676	77	1064-01-038	154
Hidalgo	FM 676	78	1064-01-038	165
Hidalgo	FM 676	84	1064-01-038	171
Kaufman	FM 548	233	2588-01-023	24
Kaufman	FM 548	239	2588-01-023	28
Kaufman	FM 548	238	2588-01-023	30
Kaufman	FM 548	234	2588-01-023	31
Kaufman	FM 548	235	2588-01-023	47
Lubbock	SL 88	30	1502-01-037	335
Lubbock	SL 88	242	1502-01-037	340
Madison	US 190	27	0117-04-044	726
Montague	US 82	162	0044-04-061	2
Montague	US 82	202	0044-04-061	24,24E
Montague	US 82	158	0044-04-062	50
Montgomery	SH 105	243	0338-04-072	23
Montgomery	SH 105	245	0338-04-072	25
Montgomery	SH 105	159	0338-04-072	31
Montgomery	SH 105	165	0338-04-072	34
Montgomery	SH 105	166	0338-04-072	38
Montgomery	SH 105	167	0338-04-072	40
Montgomery	SH 105	161	0338-04-072	61
Montgomery	SH 105	168	0338-04-072	62
Montgomery	SH 105	169	0338-04-073	263
Montgomery	SH 105	170	0338-04-073	269
Montgomery	SH 105	171	0338-04-073	286
Montgomery	SH 105	172	0338-04-073	320
Montgomery	SH 105	148	0338-04-074	438
Nueces	US 181	218	0101-06-109	335,335TE
Nueces	SH 286	17	0326-01-063	5
Nueces	SH 286	16	0326-01-063	7
Nueces	SH 286	15	0326-01-063	9
Nueces	SH 286	114	0326-01-063	11
Nueces	SH 286	176	0326-01-063	12
Nueces	SH 286	14	0326-01-063	16
Potter	SL 335	28	2635-04-041	1
Potter	SL 335	96	2635-04-041	3
Potter	SL 335	95	2635-04-041	5
Potter	SL 335	98	2635-04-041	6
Potter	SL 335	22	2635-04-041	7
Potter	SL 335	21	2635-04-041	8
Potter	SL 335	100	2635-04-041	9
Potter	SL 335	19	2635-04-041	11
Potter	SL 335	20	2635-04-041	12
Potter	SL 335	99	2635-04-041	13
Potter	SL 335	23	2635-04-041	14
Potter	SL 335	24	2635-04-041	15
Potter	SL 335	25	2635-04-041	16

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Potter	SL 335	230	2635-04-041	17
Potter	SL 335	175	2635-04-041	19
Potter	SL 335	90	2635-04-041	20
Potter	SL 335	97	2635-04-041	21
Potter	SL 335	26	2635-04-041	22
Rockwall	FM 552	1	1017-01-017	74
San Jacinto	US 59	219	0177-02-105	22AC

Note: Exhibits A - OO and 1 - 245 are on file with the commission chief clerk.

ITEM 9. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute orders by a vote of 4 - 0.

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)

115935
CSD

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.

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.

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. Exhibit A lists donations resulting from a contract executed by the department under

Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached Exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Ashton Houston Residential L.L.C. and M/I Homes of Houston, LLC	HOU	Fort Bend	Design and construction of a traffic signal at SH 6 at Watts Plantation Drive and a street tie-in at Shipman's Cove Blvd south of SH 6 into the donors' development in Missouri City.
Centex Las Estancias 2, L.P.	AUS	Hays	Design and a fixed amount of \$110,322 to cover the state's cost to construct a left turn and deceleration lane for the Las Estancias 2 subdivision on SH 21 in Hays County.
Cromwell Street, LLC	SAT	Bexar	Design and construction of concrete median for turnaround lane, restriping and new pavement markings for through lanes on I-10 W frontage road at Camp Bullis Road in San Antonio.
Highway 71 JHM, L.C.	HOU	Travis	Design and construction of a traffic signal modification at the intersection of SH 71 and RM 2322 in Austin.
Imperial Promenade, Inc.	HOU	Montgomery	Design and construction of a right turn lane from westbound frontage road of SH 99 in the donor's development in Spring.
Kourosh Investment LLC	TYL	Smith	Design and construction of 370-feet of right turn lane into the donor's development on US 69 North in Mineola.
Larkspur at Shadow Creek, LLC	HOU	Brazoria	Design and construction of a left turn lane from westbound Shadow Creek Parkway (FM 2234) into the Drever Larkspur Pearland development in Pearland.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Lennar Homes of Texas Land and Construction, Ltd. dba Friendswood Development Company	HOU	Montgomery	Design and construction of a traffic signal and an 800' sidewalk along the west side of Ladera Creek Trace at the intersection of Loop 336 and Ladera Creek Trace into the donor's development in Conroe.
Market at Willis Associates, LLC	HOU	Montgomery	Design and construction of left and right turn lanes and signal improvements from northbound I-45 exit ramp into the donor's development in Willis.
Parkside 45-830, LLC	HOU	Montgomery	Design and construction of a two way left turn lane and right turn deceleration lane from westbound FM 830 into the donor's development in Conroe.
Solms Landing Development, LLC	SAT	Comal	Design and construction of a right turn and left turn lane for a new development entrance on FM 306., approximately 0.60 miles South of I-35 in New Braunfels.
Texas DPS Troopers Foundation, Inc.	TRF	Brooks	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 281 between County Road 304 and FM 755, designated as the Corporal Roel Garcia Memorial Highway within Brooks County.
Holdsworth & Nicholas, Inc. dba Texas MedClinic	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Riptide Waters, LLC dba Rambler Sparkling Water	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Holdsworth & Nicholas, Inc. dba Texas MedClinic	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Total Men's Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Pelican Insurance Agency, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Holdsworth & Nicholas, Inc. dba Texas MedClinic	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Note: Exhibits A and B are on file with the commission chief clerk.

b. Real Estate Dispositions

(1) Denton County - I-35E - Consider the sale of right of way to an abutting landowner (MO)

115936
ROW

In the City of Denton, Denton County, on I-35E, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 442, at Page 614, Deed Records of Denton County, Texas.

A portion of the land, which portion is described in Exhibit A (the tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Andeel & Andeel Properties, LLC, Andeel Holdings, LLC, Michel G. Khoury as Trustee of the Michel G. Khoury Revocable Trust, dated December 15, 2008, and Jameel G. Razook, LLC are abutting co-landowners and have requested to purchase the tract for \$32,415.60.

The commission finds \$32,415.60 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Andeel & Andeel Properties, LLC, a Kansas limited liability company (an undivided 15.0% interest), Andeel Holdings, LLC, a Kansas limited liability company (an undivided 48.5% interest), Michel G. Khoury as Trustee of the Michel G. Khoury Revocable Trust, dated December 15, 2008 (an undivided 15.0% interest), and Jameel G. Razook, LLC, a Kansas limited liability company (an undivided 21.5% interest), for \$32,415.60; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

Note: Exhibit A is on file with the commission chief clerk.

(2) Hunt County - FM 2642 - Consider an easement release to the underlying fee owner (MO)115937
ROW

In or near Royse City, Hunt County, on FM 2642, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 622, at Page 395, Deed Records of Hunt County, Texas.

All of the easement encumbering the real property, described in Exhibit A (the tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

D. R. Horton – Texas, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$3,958.

The commission finds \$3,958 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission authorizes the Executive Director of the Texas Department of Transportation to execute a proper instrument releasing all of the state's right, title, and interest in the easement interest to D. R. Horton – Texas, Ltd., a Texas limited partnership, for \$3,958.

Note: Exhibit A is on file with the commission chief clerk.

c. Reports**(1) Compliance Division report**

Note: Confidential report to commission.

(2) Letting Allocation Status Report

Quarterly status report on the FY 2021 letting allocation, the actual allocation utilized through the current month, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

Note: The Report will remain on file with the commission chief clerk for two years.

(3) Quarterly Cash Report

Quarterly report on FY 2021 State Highway Fund 6 cash status (Report)

Note: The Report will remain on file with the commission chief clerk for two years.

(4) Annual Financial Report

Texas Department of Transportation Comprehensive Annual Financial Report (with Independent Auditor's Report) for the Fiscal Year Ended August 31, 2020 (Report)

Note: The Report will remain on file with the commission chief clerk for two years.

(5) Texas Mobility Fund

Consider the acceptance of the audited financial statements of the Texas Mobility Fund as required by the governing master resolution (Report)

Note: The Report will remain on file with the commission chief clerk for two years.

(6) Central Texas Turnpike System

Travis and Williamson Counties - Consider the acceptance of the audited financial statements of the Central Texas Turnpike System (CTTS), as required by the CTTS Indenture of Trust (Report)

Note: The Report will remain on file with the commission chief clerk for two years.

d. Land Acquisitions for Facilities

Various Counties - Consider the grant of authority to the department to acquire real property for facilities (MO)

115938
SSD

Transportation Code §201.103, empowers the Texas Transportation Commission (commission) to plan and make policies for the location, construction and maintenance of a comprehensive system of state highways and public roads.

Transportation Code Chapter 203 authorizes the commission to acquire an interest in real property that the commission determines is necessary or convenient to construct or operate a facility used in connection with the construction, maintenance or operation of a state highway or toll project, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation or operation of a state highway.

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached Exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by the 86th Legislature, General Appropriations Act for the 2020-21 Biennium.

The commission finds that the acquisition of the properties listed in Exhibit A is necessary for the overall efficiency of the construction, maintenance and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the purchase prices for the individual properties listed on Exhibit A may be expended to pay for such properties, together with such additional funds as may be required to pay any necessary and customary incidental expenses of performing due diligence and acquiring fee simple title to the properties.

IT IS FUTHER ORDERED by the commission that the executive director, or his designee, is authorized to negotiate and execute earnest money contracts or purchase agreements containing such terms as determined necessary to purchase the properties. The executive director, or his designee, may terminate such contracts or agreements in the event that the department determines that one or more of the properties is unsuitable for its intended purpose.

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to close the acquisition of the properties and execute any related closing documents, to expend funds for the applicable purchase prices, surveys, due diligence, title insurance, and any other necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the properties, consistent with the provisions of this minute order.

Note: Exhibit A is on file with the commission chief clerk.

e. Easement Agreement

Travis County - Authorize the executive director to enter into a non-exclusive easement agreement with the Texas Public Finance Authority (TPFA) for the property at 6230 East Stassney Lane, Austin, Travis County, in connection with TPFA’s financing of improvements on the property (MO)

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ROW

The department owns certain real property (project site) located at 6230 East Stassney Lane, Travis County, Texas, as more particularly described in the Easement Agreement attached as Exhibit A (Easement Agreement), upon which an office building, driveways, parking garage, laboratory, warehouse and related facilities (which improvements are collectively, the project) are being constructed. Upon completion, the project will be occupied by the department.

The Texas Public Finance Authority (TPFA) has agreed to issue and sell obligations to finance the acquisition, design, construction and equipping of the project and enter into a Lease Agreement (lease) with the department, as lessee of the project, to assure the recovery of the costs of such financing through lease payments to be made by the department to TPFA.

As a condition to entering into the lease, TPFA is requiring that the department grant to TPFA (i) a non-exclusive easement for maintaining the existence of the project on the project site, and (ii) a non-exclusive easement on the project site for access for pedestrian and vehicular access, both as further described in the Easement Agreement (easements). Under the terms of the Easement Agreement, the easements will only become effective upon a failure of the department to perform its obligations under the lease.

In accordance with Texas Transportation Code §202.021, the Texas Transportation Commission (the commission) may recommend to the governor the transfer of any interest in real property that was acquired for a highway purpose and is no longer needed for a highway purpose.

In accordance with Texas Transportation Code §202.021(h), if the commission determines that the value of the easements is less than \$10,000, it may authorize the executive director to execute an instrument conveying the state's interest in the property without a recommendation to the governor.

TPFA is a governmental entity with authority to condemn the project site, therefore the priority requirements of Texas Transportation Code §202.021(b) are satisfied.

IT IS THEREFORE ORDERED by the commission that the interest in the easements described in the Easement Agreement are not needed for a highway purpose.

FURTHER, the commission finds \$1.00 to be a fair value of the state's right, title, and interest in the easements.

FURTHER, the commission authorizes the executive director to execute the Easement Agreement conveying the state's interest in the easements to TPFA for \$1.00.

Note: Exhibit A is on file with the commission chief clerk.

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)

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TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in Exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limit on the segment of highway established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, is no longer necessary.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached Exhibits A and B are declared as tabulated in those Exhibits. The executive director is directed to implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing speed zones shown on the attached Exhibits C and D are canceled.

Note: Exhibits A - D are on file with the commission chief clerk.

ITEM 10. Executive Session Pursuant to Government Code, Chapter 551

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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.

The commission received comments from Theresa Rodriguez, President, Bay Area Houston Transportation Partnership concerning Segment B of the Grand Parkway.

Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:50 p.m.

APPROVED by the Texas Transportation Commission on February 25, 2021:



J. Bruce Bugg, Jr., Chairman
Texas Transportation Commission

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on January 28, 2021, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

