

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 25, 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 in two parts with the Office of the Secretary of State at 11:26 and 11:29 a.m. on February 17, 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.

**ITEM 2. Consider the approval of the Minutes of the January 27, 2021, special meeting and the January 28, 2021, regular meeting of the Texas Transportation Commission**

Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the January 27, 2021, special meeting and the January 28, 2021, regular meeting by a vote of 4 - 0.

**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 Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115941  
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 February 4 and 5, 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 Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115942  
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 February 4 and 5, 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 Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

115943  
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 February 2, 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. Aviation**

**Various Counties - Consider the award of federal non-primary entitlement grant funding and federal apportionment grant funding for airport improvement projects at various locations (MO)**

This item was presented by Deputy Executive Director Marc Williams. 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.

115944  
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, to award federal funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds and federal apportionment grant funds for the improvements.

On January 29, 2021, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director, or the director's designee, subject to applicable federal and state requirements, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A.

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

**ITEM 5. Public Transportation**

**Various Counties - Consider the award of federal §5311 Formula Grants for Rural Areas Program funds to intercity bus carriers (MO)**

This item was presented by Deputy Executive Director Marc Williams. 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.

115945  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$550,000 in Federal Transit Administration (FTA) Formula Grants for Rural Areas Program – Intercity Bus Transportation funds (49 U.S.C. §5311(f)), to support intercity bus needs in non-urbanized areas of the state in a manner consistent with the objectives and requirements of CARES Act funding, including waiving local match requirements of the provider.

Title 43, Texas Administrative Code, §31.36, establishes the process by which program proposals shall be evaluated and funds distributed. On December 4, 2020, the department published a Notice of Call for Projects in the Texas Register. The goal of the Intercity Bus (ICB) Supplemental Call for Projects – Emergency Relief Funding Opportunity is to provide operating assistance to eligible ICB carriers in order to preserve the network of intercity bus routes serving rural areas of the state in the wake of the Coronavirus (COVID-19) pandemic.

The commission finds that Autobuses Ejecutivos, LLC dba Omnibus Express is eligible for funding and awards a total of \$550,000 in federal §5311(f) funds.

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 §5311(f) allocation as described, submit the necessary state application to the FTA, and enter into the necessary contracts.

**ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**Final Rule Adoptions**

**(1) Chapter 1 - Management**

**Amendments to §1.85, Department Advisory Committees (Advisory Committees) (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.

115946  
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.85 relating to Department Advisory Committees to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the Texas Register.

IT IS THEREFORE ORDERED by the commission that the amendments to §1.85 are adopted and are authorized for filing with the Office of Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

**(2) Chapter 9 - Contract and Grant Management**

**Amendments to §9.130 and §9.131, Repeal of §§9.132 - 9.139, and new §§9.132 - 9.135 (Grant Sanctions) (MO)**

This item was presented by Deputy Executive Director Marc Williams. 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.

115947  
CMP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§9.130 and 9.131, the repeal of §§9.132 – 9.139, and new §§9.132 – 9.135 relating to Grant Sanctions to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A, B, and C, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the Texas Register.

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.130 and 9.131, the repeal of §§9.132 – 9.139, and new §§9.132 – 9.135 are adopted and are authorized for filing with the Office of Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

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

**ITEM 7. State Infrastructure Bank**

**a. El Paso County - Camino Real Regional Mobility Authority - Consider final 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)**

This item was presented by Deputy Executive Director Marc Williams. 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.

115948  
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 Number Two 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 available funds 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.

In Minute Order No. 115930, dated January 28, 2021, 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 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, as 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 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 final approval of CRRMA's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A 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 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 is on file with the commission chief clerk.

**b. Johnson County - City of Grandview - Consider final approval of a request from the City of Grandview for a State Infrastructure Bank loan in the amount of up to \$200,000 for a contribution to the department to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to reconstruct FM 4 in Johnson County, Texas (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.

115949  
PFD

The City of Grandview (City) has submitted an application for financial assistance in the form of a loan of up to \$200,000 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 utility relocation necessary for a non-tolled state highway improvement project to reconstruct Farm to Market 4 in Johnson 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, as 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 \$200,000 to pay the City's contribution to the department for funding participation in the costs of utility relocation 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 is on file with the commission chief clerk.

c. **Montgomery County** - City of Magnolia - Consider final approval of a request from the City of Magnolia for a State Infrastructure Bank loan in the amount of up to \$1,092,500 for a contribution to the department and to pay the costs of utility relocation necessary for a non-tolled state highway improvement project to widen FM 1488 in Montgomery County, Texas (MO)

This item was presented by Deputy Executive Director Marc Williams. 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.



115950  
PFD

The City of Magnolia (City) has submitted an application for financial assistance in the form of a loan of up to \$1,092,500 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 as well as the City's costs for utility relocation necessary for a non-tolled state highway improvement project to widen Farm to Market 1488 in Montgomery 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 utility revenues 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, as 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 \$1,092,500 to pay the City's contribution to the department for funding participation as well as the City's costs for utility relocation 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 is on file with the commission chief clerk.

**ITEM 8. Contested Case**

**Lampasas, Montgomery, Jackson, and Fayette Counties - Texas Department of Transportation v. John Gannon, Inc. - Consider action on proposal for decision by administrative law judge concerning cancellation of outdoor advertising permits and assessment of administrative penalties, final order (MO)**

This item was 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.

115951  
GCD

On February 25, 2021, the Texas Transportation Commission (commission) considered the Texas Department of Transportation's (department) proposed cancellation of Outdoor Advertising Permit Numbers 17-00196, I7-00317, HBA-26375 and HBA-25622, held by John Gannon, Inc. (JGI) and assessment of administrative penalties against the same. The permits concerned commercial advertising signs in Lampasas, Montgomery, Jackson, and Fayette Counties. JGI requested a contested case hearing and the matter was referred to the State Office of Administrative Hearings. The Administrative Law Judge concluded in the proposal for decision that Outdoor Advertising Permit No. HBA-25622 could be canceled and the department could assess a total of \$235,500 in penalties against Outdoor Advertising Permit Nos. 17-00196, I7-00317, and HBA-26375. 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. John Gannon, Inc., Docket No. 601-19-5561 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: The attached order is on file with the commission chief clerk.

**ITEM 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 (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).

115952  
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-PPPP. 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 1-226 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:

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	195	0188-04-040	127
Cherokee	US 175	225	0198-04-034	64
Collin	FM 1461	111	1973-01-018	39
Collin	FM 1461	114	1973-01-018	40
Collin	FM 1461	112	1973-01-018	41

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 1461	117	1973-01-018	42
Collin	FM 1461	151	1973-01-018	44
Collin	FM 1461	152	1973-01-018	57
Collin	FM 1461	153	1973-01-018	58
Collin	FM 1461	154	1973-01-018	60
Collin	FM 1461	155	1973-01-018	61
Collin	FM 1461	156	1973-01-018	63
Collin	FM 1461	157	1973-01-018	64
Collin	FM 1461	158	1973-01-018	65
Collin	FM 1461	148	2679-03-017	30,30E
Collin	FM 2514	59	2679-03-018	54
Cooke	IH 35	118	0195-01-120	31E
Denton	US 380	50	0135-10-059	101
DeWitt	SH 72	197	0270-01-055	199
DeWitt	SH 72	198	0270-01-055	200
DeWitt	SH 72	200	0270-01-055	208
DeWitt	SH 72	201	0270-01-055	242
DeWitt	SH 72	202	0270-01-055	244
DeWitt	SH 72	203	0270-01-055	245
DeWitt	SH 72	119	0270-10-015	135
Ellis	FM 664	65	1051-01-054	1
Ellis	FM 664	66	1051-01-054	2
Ellis	FM 664	67	1051-01-054	3
Ellis	FM 664	68	1051-01-054	6,8,9
Ellis	FM 664	69	1051-01-054	7
Ellis	FM 664	70	1051-01-054	10
Ellis	FM 664	71	1051-01-054	11
Ellis	FM 664	72	1051-01-054	13
Ellis	FM 664	73	1051-01-054	14
Ellis	FM 664	74	1051-01-054	15
Ellis	FM 664	75	1051-01-054	16
Ellis	FM 664	76	1051-01-054	17
Ellis	FM 664	77	1051-01-054	18
Ellis	FM 664	78	1051-01-054	19
Ellis	FM 664	79	1051-01-054	20
Ellis	FM 664	80	1051-01-054	21
Ellis	FM 664	81	1051-01-054	22
Ellis	FM 664	82	1051-01-054	23
Ellis	FM 664	83	1051-01-054	24
Ellis	FM 664	84	1051-01-054	27
Ellis	FM 664	85	1051-01-054	29
Ellis	FM 664	86	1051-01-054	30
Ellis	FM 664	87	1051-01-054	31
Ellis	FM 664	91	1051-01-054	33
Ellis	FM 664	108	1051-01-054	34E
Ellis	FM 664	92	1051-01-054	37

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	FM 664	93	1051-01-054	38
Ellis	FM 664	94	1051-01-054	41
Ellis	FM 664	109	1051-01-054	42,42E
Ellis	FM 664	110	1051-01-054	43,43E
Ellis	FM 664	95	1051-01-054	45
Ellis	FM 664	96	1051-01-054	48
Ellis	FM 664	98	1051-01-054	50
Ellis	FM 664	99	1051-01-054	51
Ellis	FM 664	100	1051-01-054	52
Ellis	FM 664	101	1051-01-054	53
Ellis	FM 664	103	1051-01-054	54
Ellis	FM 664	104	1051-01-054	55
Ellis	FM 664	105	1051-01-054	57
Ellis	FM 664	113	1051-01-054	58
Ellis	FM 664	115	1051-01-054	60
Ellis	FM 664	106	1051-01-054	61
Ellis	FM 664	107	1051-01-054	62
Ellis	FM 664	116	1051-01-054	63
Ellis	FM 664	2	1051-01-054	65
Ellis	FM 664	3	1051-01-054	66
Ellis	FM 664	4	1051-01-054	67
Ellis	FM 664	10	1051-01-054	68
Ellis	FM 664	5	1051-01-054	69
Ellis	FM 664	11	1051-01-054	70
Ellis	FM 664	38	1051-01-054	72,72E
Ellis	FM 664	43	1051-01-054	73E
Ellis	FM 664	39	1051-01-054	74,74E
Ellis	FM 664	44	1051-01-054	75E
Ellis	FM 664	51	1051-01-054	76
Ellis	FM 664	34	1051-01-054	77,77E
Ellis	FM 664	48	1051-01-054	78
Ellis	FM 664	7	1051-01-054	79,79E
Ellis	FM 664	14	1051-01-054	80
Ellis	FM 664	15	1051-01-054	81
Ellis	FM 664	8	1051-01-054	82
Ellis	FM 664	9	1051-01-054	83
Ellis	FM 664	17	1051-01-054	84
Ellis	FM 664	12	1051-01-054	85
Ellis	FM 664	13	1051-01-054	86
Ellis	FM 664	18	1051-01-054	87
Ellis	FM 664	20	1051-01-054	88
Ellis	FM 664	33	1051-01-054	89
Ellis	FM 664	21	1051-01-054	90
Ellis	FM 664	22	1051-01-054	91
Ellis	FM 664	23	1051-01-054	92
Ellis	FM 664	24	1051-01-054	93

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	FM 664	25	1051-01-054	94
Ellis	FM 664	16	1051-01-054	95
Ellis	FM 664	27	1051-01-054	96
Ellis	FM 664	28	1051-01-054	97
Ellis	FM 664	29	1051-01-054	98
Ellis	FM 664	226	1051-01-054	99
Ellis	FM 664	30	1051-01-054	100
Ellis	FM 664	31	1051-01-054	101
Ellis	FM 664	32	1051-01-054	102
Ellis	FM 664	35	1051-01-054	103
Ellis	FM 664	36	1051-01-054	104
Ellis	FM 664	37	1051-01-054	105
Ellis	FM 664	40	1051-01-054	106
Ellis	FM 664	41	1051-01-054	107,107E
Ellis	FM 664	42	1051-01-054	108
Ellis	FM 664	45	1051-01-054	109
Ellis	FM 664	46	1051-01-054	110,110E
Ellis	FM 664	47	1051-01-054	111
Ellis	FM 664	49	1051-01-054	112
Ellis	FM 664	52	1051-01-054	113
Ellis	FM 664	53	1051-01-054	114,114E
Ellis	FM 664	179	1051-01-054	115
Ellis	FM 664	178	1051-01-054	116,116E
Ellis	FM 664	177	1051-01-054	117,117E
Ellis	FM 664	135	1051-01-054	118,118E
Ellis	FM 664	176	1051-01-054	119
Ellis	FM 664	175	1051-01-054	120
Ellis	FM 664	136	1051-01-054	121
Ellis	FM 664	137	1051-01-054	122
Ellis	FM 664	138	1051-01-054	124
Ellis	FM 664	139	1051-01-054	126
Ellis	FM 664	140	1051-01-054	128
Ellis	FM 664	141	1051-01-054	129
Ellis	FM 664	142	1051-01-054	130
Ellis	FM 664	143	1051-01-054	131,131E
Ellis	FM 664	174	1051-01-054	132E
Ellis	FM 664	126	1051-01-054	133,133E
Ellis	FM 664	132	1051-01-054	137,137E
Ellis	FM 664	180	1051-01-054	138
Ellis	FM 664	181	1051-01-054	139
Ellis	FM 664	182	1051-01-054	140,140E
Ellis	FM 664	131	1051-01-054	141
Ellis	FM 664	129	1051-01-054	143
Ellis	FM 664	216	1051-01-054	144
Ellis	FM 664	128	1051-01-054	146
Ellis	FM 664	127	1051-01-054	147

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	FM 664	144	1051-01-054	148
Ellis	FM 664	217	1051-01-054	149
Ellis	FM 664	215	1051-01-054	154,154E
Ellis	FM 664	207	1051-01-054	158,158E
Ellis	FM 664	211	1051-01-054	159,159E
Ellis	FM 664	125	1051-01-054	160
Ellis	FM 664	212	1051-01-054	161
Ellis	FM 664	214	1051-01-054	162
Ellis	FM 664	124	1051-01-054	163
Ellis	FM 664	123	1051-01-054	164
Ellis	FM 664	122	1051-01-054	166
Ellis	FM 664	121	1051-01-054	182,182E
Fort Bend	FM 723	159	0188-09-047	201
Fort Bend	FM 723	64	0188-09-047	206
Fort Bend	FM 723	208	0188-09-047	207
Fort Bend	FM 723	210	0188-09-047	209
Fort Bend	FM 723	63	0188-09-047	238
Fort Bend	FM 723	213	0188-09-047	241
Gregg	FM 2275	163	2158-01-024	120
Gregg	FM 2275	164	2158-01-024	130
Gregg	FM 2275	187	2158-01-024	133
Gregg	FM 2275	165	2158-01-024	136
Gregg	FM 2275	196	2158-01-024	155
Gregg	FM 2275	185	2158-01-024	159
Guadalupe	FM 1518	199	0465-02-028	148
Harris	US 90U	188	0028-01-093	120
Kaufman	FM 548	134	2588-01-019	61
Kaufman	FM 548	160	2588-01-019	62
Kaufman	FM 548	161	2588-01-019	63
Kaufman	FM 548	162	2588-01-019	64
Kaufman	FM 548	166	2588-01-019	65
Kaufman	FM 548	167	2588-01-019	66
Kaufman	FM 548	168	2588-01-019	67
Kaufman	FM 548	169	2588-01-019	68
Kaufman	FM 548	170	2588-01-019	69
Kaufman	FM 548	171	2588-01-019	70
Kaufman	FM 548	172	2588-01-019	71,71E
Kaufman	FM 548	173	2588-01-019	72,72E
Kaufman	FM 548	184	2588-01-023	27
Liberty	US 59	54	0177-03-106	35
Lubbock	FM 1585	1	1502-01-037	326B
Lubbock	FM 1585	57	1502-01-037	326C
Lubbock	FM 1585	133	1502-01-037	334
Lubbock	FM 1585	130	1502-01-037	369
Lubbock	FM 1585	120	1502-01-037	370
Lubbock	FM 1585	88	1502-01-037	374

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Lubbock	FM 1585	60	1502-01-037	375
Lubbock	FM 1585	61	1502-01-037	378
Lubbock	FM 1585	150	1502-01-037	380
Lubbock	FM 1585	89	1502-01-037	381
Madison	US 190	55	0117-04-044	676
Madison	US 190	58	0117-04-044	697
Madison	US 190	56	0117-04-044	698
Madison	US 190	193	0117-04-044	726
Montgomery	SH 105	206	0338-04-072	17
Montgomery	SH 105	190	0338-04-073	208
Montgomery	SH 105	194	0338-04-074	401
Montgomery	SH 105	62	0338-04-074	402
Montgomery	SH 105	26	0338-04-074	405
Montgomery	SH 105	90	0338-04-074	406
Montgomery	SH 105	19	0338-04-074	409
Montgomery	SH 105	97	0338-04-074	413
Montgomery	SH 105	102	0338-04-074	420
Montgomery	SH 105	218	0338-04-074	428
Montgomery	SH 105	147	0338-04-074	431
Montgomery	SH 105	209	0338-04-074	434
Montgomery	SH 105	189	0338-04-074	436
Montgomery	SH 105	220	0338-04-074	442
Montgomery	SH 105	224	0338-04-074	444
Montgomery	SH 105	221	0338-04-074	447
Montgomery	SH 105	219	0338-04-074	448
Montgomery	SH 105	222	0338-04-074	449
Montgomery	SH 105	223	0338-04-074	452
Montgomery	FM 1488	205	0523-08-010	38A,38TCE
Montgomery	FM 1488	204	0523-08-010	38B
Navarro	US 287	145	0122-01-041	12
Navarro	US 287	146	0122-01-041	13
Navarro	US 287	183	0122-01-041	15
Navarro	US 287	186	0122-01-041	16
Navarro	US 287	149	0122-01-041	28
Nueces	SH 286	191	0326-01-063	15
Nueces	SH 286	192	0326-01-063	18
Rockwall	FM 552	6	1017-01-017	80,80E

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Comal	IH 35	N	0016-05-116	53
Comal	IH 35	M	0016-05-116	54
Comal	IH 35	O	0016-05-116	55
Comal	IH 35	NN	0016-05-116	129
Cooke	IH 35	EEEE	0194-02-096	12,12AC
Cooke	IH 35	W	0194-02-096	15



**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cooke	IH 35	AA	0194-02-096	20A
Cooke	IH 35	BB	0194-02-096	20B
Cooke	IH 35	X	0194-02-096	22
Cooke	IH 35	R	0194-02-096	26
Cooke	IH 35	FFFF	0194-02-096	28B
Cooke	IH 35	Q	0194-02-096	29
Cooke	IH 35	P	0194-02-096	30
Cooke	IH 35	PPPP	0194-02-096	31
Cooke	IH 35	T	0194-02-096	33A
Cooke	IH 35	NNNN	0194-02-096	46,46OAS
Cooke	IH 35	OOOO	0194-02-096	53
Cooke	IH 35	PP	0195-01-113	76AC
Cooke	IH 35	U	0195-01-113	77/88E
Cooke	IH 35	Z	0195-01-120	13
Cooke	IH 35	SSS	0195-01-120	20E
Cooke	IH 35	RR	0195-01-120	26E
Cooke	IH 35	CC	0195-01-120	32,32E
Cooke	IH 35	FFF	0195-01-120	34E
Cooke	IH 35	QQ	0195-01-120	40,40OAS
Cooke	IH 35	S	0195-01-120	41,41AC
Cooke	IH 35	OO	0195-01-120	43,43E
Cooke	IH 35	WW	0195-01-120	44E Pt.3
Cooke	IH 35	VV	0195-01-120	45E
Cooke	IH 35	RRR	0195-01-120	46E
Cooke	IH 35	XX	0195-01-120	48,48E
Cooke	IH 35	TT	0195-01-120	49
Cooke	IH 35	UU	0195-01-120	50E
Cooke	IH 35	SS	0195-01-120	51E
Cooke	IH 35	QQQ	0195-01-120	91E
Denton	IH 35	A	0195-02-079	19A
Denton	IH 35	B	0195-02-079	19B
Denton	IH 35	D	0195-02-079	19C
Denton	IH 35	C	0195-02-079	19D
Denton	IH 35	E	0195-02-079	19F
Denton	IH 35	TTT	0195-02-079	59
Denton	IH 35	V	0195-02-079	71A
Denton	IH 35	Y	0195-02-079	71B
Jefferson	IH 10	K	0028-13-138	1
Jefferson	IH 10	L	0028-13-138	2
Jefferson	IH 10	LLLL	0028-13-138	3
Jefferson	IH 10	J	0028-13-138	7
Jefferson	IH 10	KKKK	0028-13-138	9
Jefferson	IH 10	JJJ	0028-13-138	12
Jefferson	IH 10	I	0028-13-138	16
Jefferson	IH 10	H	0028-13-138	18
Jefferson	IH 10	III	0028-13-138	19

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Jefferson	IH 10	G	0028-13-138	21
Jefferson	IH 10	F	0028-13-138	23
Kaufman	IH 20	DD	0495-01-080	2
Kaufman	IH 20	EE	0495-01-080	14
Kaufman	IH 20	FF	0495-01-080	15
Kaufman	IH 20	GG	0495-01-080	16
Kaufman	IH 20	HH	0495-01-080	17
Kaufman	IH 20	II	0495-01-080	19
Kaufman	IH 20	LL	0495-01-080	21
Kaufman	IH 20	KK	0495-01-080	24
Kaufman	IH 20	JJ	0495-01-080	25
Kaufman	IH 20	DDD	0495-01-080	28
Kaufman	IH 20	CCC	0495-01-080	29
Kaufman	IH 20	BBB	0495-01-080	31
Kaufman	IH 20	AAA	0495-01-080	32
Kaufman	IH 20	ZZ	0495-01-080	33
Kaufman	IH 20	YY	0495-01-080	75
Madison	US 190	MM	0117-10-002	481
Tarrant	IH 20	CCCC	0008-13-241	32
Tarrant	IH 20	DDDD	0008-13-241	33
Tarrant	IH 20	YYY	0008-13-241	34
Tarrant	IH 20	XXX	0008-13-241	34A
Tarrant	IH 20	WWW	0008-13-241	812
Tarrant	IH 20	BBBB	0008-13-241	812A
Tarrant	IH 20	GGGG	0008-13-241	813
Tarrant	IH 20	ZZZ	0008-13-241	814
Tarrant	IH 20	AAAA	0008-13-241	815
Tarrant	IH 20	UUU	0008-13-241	816
Tarrant	IH 20	VVV	0008-13-241	817
Tarrant	IH 20	MMMM	0008-13-241	818
Tarrant	IH 20	HHHH	0008-13-241	819
Tarrant	IH 820	OOO	0008-13-242	403
Tarrant	IH 820	HHH	0008-13-242	404
Tarrant	IH 820	KKK	0008-13-242	411B
Tarrant	IH 820	PPP	0008-13-242	419
Tarrant	IH 820	JJJ	0008-13-242	420
Tarrant	IH 820	GGG	0008-13-242	488A
Tarrant	IH 820	LLL	0008-13-242	545A
Tarrant	IH 820	MMM	0008-13-242	546
Tarrant	IH 820	NNN	0008-13-242	774
Tarrant	IH 820	EEE	0008-13-242	775
Tarrant	IH 820	III	0008-13-242	777

Note: Exhibits A - PPPP and 1 - 226 are on file with the commission chief clerk.

## **ITEM 10. Routine Minute Orders and Reports**

This item was presented by Executive Director James Bass. The commission heard remarks from Eduardo Calvo, Executive Director of the El Paso Metropolitan Planning Organization, on Item 10.d. Mr. Calvo also thanked the commission for the support of Item 7.a. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, 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)

115953  
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>
Brookshire Brothers, Inc.	BRY	Brazos	Design and reconstruction of a left turn lane on FM 2347 into the donor's property located in College Station.
Carson Estate Trust	HOU	Harris	Plans, specifications and estimates and funds to cover the state's costs to review engineering, environmental, utility and right of way documents for a project to construct a northbound frontage road on SH 288 in Harris County.
Century Communities, Inc.	SAT	Guadalupe	Design and construction of a signalization at the intersection of SH 46 at Hiddenbrooke Pass, an existing public street, in Sequin.
CHI St. Luke's Health Baylor College of Medicine Medical Center	HOU	Harris	Design and construction of a right turn lane from westbound Old Spanish Trail into the donor's development in Houston.
Continental Homes of Texas, L.P.	SAT	Bexar	Design and construction for the extension of an existing left turn lane on SH 16 located approximately one-half mile south of the SH 16 and Watson Road intersection in San Antonio.
Cypress 856, Ltd.	HOU	Harris	Design and construction of a right turn lane at Settlers Village Drive north of FM 529 into the donor's development and a traffic signal modification at FM 529 and Settlers Village Drive in Cypress.
Fikes Wholesale, Inc.	LBB	Garza	Design, construction and construction engineering inspections of highway improvements along US 84 in Post.
Formosa Plastics Corporation, Texas	YKM	Jackson	Funds sufficient to cover the state's cost to design and construct a left turn lane, deceleration and acceleration lane, and signal on FM 1593 in Jackson County.
Georgia-Pacific Gypsum LLC	ABL	Nolan	Funds sufficient to cover the state's cost to reconstruct FM 1856 from the I-20 south frontage road to 0.75 miles south in Nolan County.

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Greenview Development 973, L.P.	AUS	Travis	Design and construction of roadway improvements at the intersections of FM 973 at US 290, FM 973 at Ring Rd, and FM 973 at Old Hwy 20/Loop 212 in Manor.
IDV-BP South Belt, LLC	HOU	Harris	Design and construction of traffic signals and pavement markings on S. Sam Houston Parkway E (Beltway 8) at Cottingham Street in Harris County.
JSCTPRF V Centerpoing Ph I, LLC	SAT	Bexar	Design and construction of a left turn lane extension along SH 13 (WW White Rd) at Seale Rd. in San Antonio.
JW Cedar Creek I Ltd.	AUS	Bastrop	Design and construction of a left turn deceleration lane on SH 71 in Cedar Creek.
KaLyn Laney	MNT	Hale	Funds sufficient for the state to reconstruct the Hale Safety Rest Area monument signs at the Hale Safety Rest Area on I-27 in Abernathy.
KB Home Lone Star Inc.	SAT	Bexar	Design and construction of traffic signal improvements to include restriping at FM 1560 and Sawyer Valley in Bexar County.
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Bastrop	Fixed amount of funds towards the state's cost to design and construct a traffic signal on SH 304 and Hunters Point Drive in Bastrop County.
Masonwood HP, Ltd, a Texas limited partnership	AUS	Travis	Design and funds sufficient to cover the state's cost to construct a deceleration lane, left turn lane and traffic signal at the intersection of RM 3238 and Martinet Drive in Travis County.
Mosaic Land Development, LLC	SAT	Bexar	Design and construction of left turn lane, right turn lane and signalization on FM 1957 in Bexar County.
PEGA Development, LLC	AMA	Randall	Funds sufficient to cover the state's cost to construct a cross-culvert and associated elements on SL 335 in Amarillo.
Pulte Home of Texas L.P.	AUS	Williamson	Design and construction of road widening for an eastbound right turn deceleration lane and a westbound left turn deceleration lane on RM 2243 in Leander.
Roserock Holdings, LLC	LRD	Webb	Design and construction of a traffic signal on FM 1472 at Pinnacle in Laredo.

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
SAN Partners, LLC	AUS	Bastrop	Design and construction of a right turn lane and center turn lane on SH 21 in Bastrop County.
Starlight Homes of Texas, L.L.C.	AUS	Hays	Design and construction of left turn and deceleration lane on SH 21 at Hollis Court in San Marcos.
TC Waco Development Associates, LLC	WAC	McLennan	Design and construction of a dedicated right turn lane into the donor's property on FM 3476 (Bagby Avenue) at Corporation Parkway intersection in Waco.
TC Waco Development Associates, LLC	WAC	McLennan	Funds sufficient to cover the state's cost to construct highway improvements at LP 340/SH 6 eastbound frontage road and Loop 340/Exchange Parkway and improvements at LP 340/SH 6 eastbound frontage road and Bagby Ave/FM 3476 in Waco.
West Bastrop Village, Ltd.	AUS	Bastrop	Design and construction of intersection illumination with infrastructure to allow for conversion to traffic signal on FM 20 in Bastrop County.
Benton Enterprises, Inc	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Elephant Insurance Services, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Escuela Hispanoamericana de Texas (EHAT)	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Elephant Insurance Services, LLC	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Adventure Forest LLC dba Go Ape	DAL	Collin	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
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.
State Fair of Texas	DAL	Dallas	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

<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.
Methodist Hospitals of Dallas - DBA Methodist Methodist Midlothian Midlothian Center	DAL	Ellis	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Weatherford CE LLC Chicken Express	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Best Western Plus Lake Worth Inn & Suites	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
FW River Plaza LP	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Tripoli LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Mulligan's Golf Center, LLC	HOU	Brazoria	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Maggiano's Holding Corporation dba Maggiano's Little Italy	HOU	Galveston	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Baytown Medical Center, LP dba Neighbors Emergency Center	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Farah Law Group, PLLC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
University of Houston-Clear lake	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Horizon Merchant, Inc. dba Billy Bob's Beds	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Holdsworth & Nicholas, Inc. f.b.o. Texas MedClinic	SAT	Comal	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
PAX Financial Group	SAT	Comal	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) Bexar County - SL 1604 - Consider an easement release to the underlying fee owner (MO)**

115954  
ROW

In the City of San Antonio, Bexar County, on SL 1604, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 8197, at Page 1223, of the Official Public Records of Real Property of Bexar County, Texas.

A portion of the easement, which portion encumbers 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.

SLF IV – Culebra 1604 Investors JV, L.P., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$47,675.00.

The commission finds \$47,675.00 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 encumbering the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the department to execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to SLF IV – Culebra 1604 Investors JV, L.P., a Texas limited partnership, for \$47,675.00.

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

**(2) Bexar County - SL 1604 - Consider an easement release to the underlying fee owner (MO)**

115955  
ROW

In the City of San Antonio, Bexar County, on SL 1604, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 4473, at Page 539, of the Deed Records of Bexar County, Texas.

All of the easement, which easement encumbers 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.

Milestone 1604 Investments, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$53,000.

The commission finds \$53,000 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 encumbering the tract, described in Exhibit A, 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 easement interest to Milestone 1604 Investments, Ltd., a Texas limited partnership, for \$53,000.

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

(3) Brazoria County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115956  
ROW

In Brazoria County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The land was conveyed by an instrument recorded in Volume 89705, at Page 497, of the Official Public Records of Brazoria County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(4) Brazoria County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115957  
ROW

In Brazoria County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and

through the U.S. Army Corps of Engineers (USA). The land was conveyed by an instrument recorded in Volume 89680, at Page 534, of the Official Public Records of Brazoria County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

**(5) Brazoria County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)**

115958  
ROW

In Brazoria County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The land was conveyed by an instrument recorded in Volume 89681, at Page 89, of the Official Public Records of Brazoria County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(6) Brazoria County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115959  
ROW

In Brazoria County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The land was conveyed by an instrument recorded in Volume 1330, at Page 828, of the Deed Records of Brazoria County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(7) Brazoria County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115960  
ROW

In Brazoria County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The land was conveyed by an instrument recorded in Instrument Number 2019044657 of the Official Public Records of Brazoria County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(8) Dallas County - US 175 - Consider the sale of right of way to an abutting landowner (MO)

115961  
ROW

In the City of Dallas, Dallas County, on US 175, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 2019, at Page 332, of the Deed Records of Dallas 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.

Mid-Cities Services, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$45,000.

The commission finds \$45,000 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 Mid-Cities Services, LLC, a Texas limited liability company, for \$45,000; 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.

**(9) Harris County - I-45 - Consider the sale of right of way to an abutting landowner (MO)**

115962  
ROW

In the City of Houston, Harris County, on I-45, the State of Texas acquired certain land for highway purposes by instruments recorded in Clerk's File Numbers D512035, D670828, and C824972, of the Official Public Records of Real Property of Harris 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.

Heriberto Aparicio is an abutting landowner and has requested to purchase the tract for \$59,750.

The commission finds \$59,750 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 Heriberto Aparicio for \$59,750; 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.

**(10) Liberty County - FM 834 - Consider the transfer of an easement (MO)**

115963  
ROW

In the City of Liberty, Liberty County, on FM 834, the State of Texas acquired easement interests in certain lands by an instrument recorded in Volume 535, at Page 350, of the Deed Records of Liberty County, Texas.

A portion of the easement interests, which portion encumbers 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property exceeds the fair value of the property.

The Hardin Independent School District has requested the transfer of the easement encumbering the tract to the Hardin Independent School District.

The appraised value of the easement encumbering the tract is \$23,849. The estimated cost of future maintenance on the easement encumbering the tract is \$23,985.50.

IT IS THEREFORE ORDERED by the commission that the easement encumbering 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 transferring the state's right, title, and interest in the easement encumbering the tract to the Hardin Independent School District and that payment be waived.

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

(11) Matagorda County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115964  
ROW

In Matagorda County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The land was conveyed by instruments recorded in Volume 250, at Pages 12, 20, 28, 36, 44, 52, and 60, of the Official Records of Matagorda County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(12) Matagorda County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115965  
ROW

In Matagorda County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired an easement over certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The easement was conveyed by an instrument recorded in Volume 245, at Page 158, of the Official Records of Matagorda County, Texas.

The USA is engaged in the maintenance and construction of the Gulf intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(13) Matagorda County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115966  
ROW

In Matagorda County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired an easement over certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The easement was conveyed by an instrument recorded in Volume 248, at Page 53, of the Official Records of Matagorda County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without

monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(14) Matagorda County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115967  
ROW

In Matagorda County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired an easement over certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The easement was conveyed by instruments recorded in Volume 242, at Page 737, and in Volume 242, at Page 746, of the Official Records of Matagorda County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in



recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(15) Matagorda County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115968  
ROW

In Matagorda County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired an easement over certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The easement was conveyed by instruments recorded in Volume 242, at Page 756, and in Volume 242, at Page 765, of the Official Records of Matagorda County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

Texas Government Code, Section 2204.203, authorizes the governor of the State of Texas, on the recommendation of the commission, to convey to the USA, with or without monetary consideration, an easement or other interest in land that may be needed for the construction, operation, and maintenance of such a civil works project as described above.

It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

(16) Matagorda County - Gulf Intracoastal Waterway - Consider granting an easement to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (MO)

115969  
ROW

In Matagorda County, along the Gulf Intracoastal Waterway, the State of Texas (state) acquired certain land now needed by the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers (USA). The land was conveyed by an instrument recorded in Volume 268, at Page 156, of the Official Records of Matagorda County, Texas.

The USA is engaged in the maintenance and construction of the Gulf Intracoastal Waterway project as authorized by acts of Congress, and it is necessary that suitable dredge material disposal areas be made available for the furtherance of such work.

The state, acting by and through the Texas Transportation Commission (commission), desires to fulfill its role as nonfederal sponsor, as authorized by the Texas Coastal Waterway Act, Transportation Code, Chapter 51, by providing the land necessary for suitable dredge material disposal sites.

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It is the opinion of the commission that it is proper and correct that the state convey an easement in the land, as described in Exhibit A, to the USA for the purposes described in this minute order.

NOW, THEREFORE, in consideration of the foregoing premises and in accordance with the provisions of the applicable statutes, it is hereby recommended by the commission that the governor of the State of Texas execute a proper instrument conveying to the United States of America and its assigns, acting by and through the U.S. Army Corps of Engineers, a 50-year easement interest in the land, as described in Exhibit A, for the purposes of depositing or storing dredge material from the main channel of the Gulf Intracoastal Waterway, with the option to automatically terminate and be null and void and of no further effect before the end of the 50-year term, on the execution by the USA and acceptance by the state of an affidavit in recordable form stating that the purposes for which the conveyance is made are no longer necessary.

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

**(17) Travis County - SH 130 - Consider the sale of right of way to an abutting landowner (MO)**

115970  
ROW

Near the City of Austin, Travis County, on SH 130, the State of Texas acquired certain land for highway purposes by an instrument recorded in Document No. 2005234865 of the Official Public Records of Travis 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.

Colorado River Project, LLC, a Delaware limited liability company, is an abutting landowner and has requested to purchase the tract for \$130,738.

The commission finds \$130,738 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 Colorado River Project, LLC, a Delaware limited liability company, for \$130,738; 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.

**c. Reports**

**(1) Compliance Division Report**

Note: Confidential report to commission.

**(2) Grand Parkway Transportation Corporation Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)**

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

**(3) Grimes and Montgomery Counties - Quarterly Construction Progress Report for the State Highway 249 System (Report)**

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

**(4) Quarterly Investment Report**

**Quarterly Investment Report for all of the funds invested at the direction of the commission (Report)**

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

**(5) Travis and Williamson Counties- Quarterly Report of Actual Traffic and Toll Revenue for the Central Texas Turnpike System (Report)**

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

**d. Highway Designation**

**El Paso County - In the city of El Paso, consider designating State Spur 320 on a new location on the state highway system (MO)**

115971  
TPP

In El Paso County, the El Paso District has requested the designation of SS 320 on a new location on the state highway system from FM 3255 (Martin Luther King Jr. Boulevard) and 0.5 miles south of the Texas/New Mexico border to SL 375, 1.8 miles east of the Railroad Drive overpass, a distance of approximately 9.3 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended this action.

The Texas Transportation Commission (commission) finds that this action will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that SS 320 is designated on a new location on the state highway system from FM 3255 (Martin Luther King Jr. Boulevard) and 0.5 miles south of the Texas/New Mexico border to SL 375, 1.8 miles east of the Railroad Drive overpass, a distance of approximately 9.3 miles, as shown on Exhibit A.

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

**e. Economically Disadvantaged Counties Program**

**Various Counties - Consider the approval of the Fiscal Year 2020 Annual Report on the Economically Disadvantaged Counties Program (MO)**

115972  
TPP

Section 222.053(a), Transportation Code, defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Section 222.053(a-1) provides that, notwithstanding Section 222.053(a), a county is considered to be an “economically disadvantaged county” if it meets the criteria as laid out in subsection (a) within the past six years and has been included in no less than five federally declared disasters within the same time period. Section 222.053(a-2) provides that, for a county described by subsection (a-1), the adjustment to the local matching funds requirement shall be equivalent to the highest adjustment rate set in the last year the county was considered to meet the criteria.

Section 222.053(c) directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement.

Section 222.053(e) further directs the commission to report annually to the governor, the lieutenant governor, and the speaker of the house of representatives on the use of matching funds and local incentives and the ability of the commission to ensure that political subdivisions located in economically disadvantaged counties have equal ability to compete for highway funding with political subdivisions in counties that are not economically disadvantaged.

The Texas Department of Transportation has completed the Fiscal Year 2020 Annual Report on the Economically Disadvantaged Counties Program, which is attached as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2020 Annual Report on the Economically Disadvantaged Counties Program, as shown in Exhibit A, is approved by the commission and shall be presented to the governor, the lieutenant governor, and the speaker of the house of representatives as required by Section 222.053(e), Transportation Code.

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

**f. Land Acquisitions for Facilities**

**Henderson County - Consider the grant of authority to the department to acquire real property for facilities (MO)**

115973  
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 FURTHER 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.

**g. Rail Clearance Deviations**

**Consider the approval of rail clearance deviations (MO)**

115974  
RRD

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may, by order, permit a railroad company or other corporation, firm, partnership, or individual or county or municipality to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from ExxonMobil Chemical Company requesting a clearance deviation at their rail served loading rack #27 located at 5000 Bayway Drive, Baytown, Texas. The department has investigated the location to determine whether good cause could be shown and whether the deviation could be operated in a reasonable and safe manner.

In determining whether the facility has demonstrated good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements at loading rack #27;
- (2) the safety of employees working near railroad tracks and loading rack #27;
- (3) limited clearances from new equipment installed and modified structures on loading rack #27.

In determining whether the requested clearance deviations are reasonable and safe, the department reviewed the facility plans and site and determined the facility will include sufficient:

- (1) warning signs, pavement markings, lighting and/or other control devices to inform employees of the limited clearance locations; and
- (2) safety rules, speed restrictions, operations requirements, and training to address employee safety.

Based on the investigations, the department has determined that the clearance deviations as listed in Exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The Attorney General of Texas has been notified as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation application from ExxonMobil Chemical Company for their rail served loading rack #27 located in Baytown, Texas as described in Exhibit A is approved.

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

**h. Designation of Access Control**

**Harris County - I-69, in the City of Houston - Consider the re-designation of one location on the I-69 eastbound frontage road at which access will be permitted to the abutting property (MO)**

115975  
DES

In HARRIS COUNTY, on Interstate Highway 69 (I-69), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by the instruments recorded in the Judgments to the State under Volume 3519, Page 305 and Volume 3567, Page 681 of the deed records of Harris County, Texas, with denial of access to the abutting remainder property as described in the instruments.

SRE Texas 15, LLC, the current owner of the abutting property, has requested designated access to and from the I-69 eastbound frontage road for proposed access at one location along the property line at a new access point described in Exhibit A.

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, §203.002 authorizes the commission to layout, construct, maintain, and operate a modern state highway system, with an emphasis on the construction of controlled-access highways.

Transportation Code, §203.031 authorizes the commission to designate locations on a controlled-access highway at which access to or from the highway is permitted and determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the I-69 eastbound frontage road.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

**i. Speed Zones**

**Various Counties - Consider the establishment or alteration of regulatory and construction speed zones on various sections of highways in the state (MO)**

115976  
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.

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 Exhibit C are canceled.

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

**ITEM 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 551.074 - Deliberate on the search for a new executive director of the Texas Department of Transportation.**

The commission recessed to executive session at 11:17 a.m. and returned from executive session at 1:14 p.m.

**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 of support and request for completion of Segment B of the Grand Parkway from Larry Bueller, Director of Economic Development and Government Relations for the City of Alvin.

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 1:15 p.m.

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



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

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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 February 25, 2021, in Austin, Texas.



Robin Carter, Commission Chief Clerk  
Texas Department of Transportation

