

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 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 the Office of the Secretary of State at 10:45 a.m. on March 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 February 24, 2021, special meeting and the February 25, 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 February 24, 2021, special meeting and the February 25, 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.

115978
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 March 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. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Executive Director James Bass. General Counsel Jeff Graham answered questions from Chairman Bugg. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115979
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, 2021, as shown on Exhibit A.

Pursuant to Title 43, Texas Administrative Code Section 9.17(h), the Commission may rescind the award of any contract prior to contract execution upon a determination that it is in the best interest of the state.

The department recommends that the Texas Transportation Commission (commission) respectively rescind the award to the lowest bidder for contracts awarded on February 25, 2021, by Minute Order 115941 as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

The Commission finds that it is in the best interest of the State to rescind the award of the referenced contracts.

IT IS THEREFORE ORDERED by the commission that the award of the contracts described in Exhibit A, be and are hereby respectively canceled as indicated therein.

IT IS FURTHER ORDERED that all bids on the contracts described in Exhibit A be rejected and that the projects be advertised for bids at the earliest possible date.

c. Routine Maintenance (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.

115980
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 March 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.

d. Construction and Rehabilitation of Buildings (MO)

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

115981
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 March 9, 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. Texas-Mexico Border Transportation Master Plan 2021

Consider the adoption of the Texas-Mexico Border Transportation Master Plan 2021 (MO) (Presentation)

This item was presented by Freight, Trade, and Connectivity Section Director Caroline Mays. Secretary of State Ruth Hughes made remarks to the commission in support of the plan. 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.

115982
TPP

Transportation Code, §201.114, requires the Texas Transportation Commission (commission) to establish the Border Trade Advisory Committee (committee) to define and develop a strategy and make recommendations to the commission and governor for addressing the highest priority border trade transportation challenges. In determining action to be taken on the recommendations, the commission shall consider the importance of trade with the United Mexican States, potential sources of infrastructure funding at border ports, including maritime ports, and the value of trade activity in the Texas Department of Transportation's (department's) districts adjacent to the border with the United Mexican States.

The Texas-Mexico Border Transportation Master Plan (BTMP) 2021, which is attached as Exhibit A, has been developed with regular input and continuous review by the committee. The BTMP 2021 is a comprehensive, multimodal, binational plan that identifies transportation issues and needs, as well as the challenges of moving people and goods through the Texas-Mexico border, the border regions and beyond. The plan outlines policy, program, and project

recommendations to facilitate the continued efficient and safe movement of people and goods through Texas' 28 border crossings and the multimodal transportation system. The plan also lays out a framework for implementing the recommendations that will support the continued economic competitiveness of the border regions, the state of Texas, the U.S. and Mexico.

After a robust stakeholder engagement process, which included multiple workshops across the binational Texas-Mexico border region from April 2019 to December 2020, consultation with federal, state, and local stakeholders in Texas, U.S. and Mexico, including metropolitan planning organizations, and extensive input from the department's districts and divisions, a draft plan was developed. The department's outreach efforts concluded with a 30-day public comment period from January 25, 2021 through February 24, 2021, whereby the draft plan was revised to include public feedback. The committee reviewed and approved the final plan on March 11, 2021.

The BTMP 2021 will be integrated into the department's overall planning, programming and project development, prioritization, and delivery efforts to ensure the safe, reliable, and efficient movement of people and goods along the Texas-Mexico border and beyond to support the state's continued economic growth and global competitiveness.

IT IS THEREFORE ORDERED by the commission that the Texas-Mexico Transportation Border Master Plan 2021, which is attached as Exhibit A, is hereby adopted.

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

ITEM 5. Port Authority Advisory Committee

Consider the appointment of a member to the Port Authority Advisory Committee (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.

115983
MRD

Transportation Code, §55.006(a), requires the Texas Transportation Commission (commission) to appoint seven (7) members to the Port Authority Advisory Committee (committee). The purpose of the committee is to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports. Transportation Code, §55.006(b) provides that a committee member serves at the pleasure of the commission.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members appointed by the commission serve staggered three-year terms unless removed sooner at the discretion of the commission.

The commission has determined that the individual listed below fulfills the statutory requirements to serve as a member of the committee for a three-year term expiring on

March 31, 2024 and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts. In the event the committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Rodger Rees, Port Director & CEO, Port Galveston - Upper Coast

IT IS THEREFORE ORDERED by the commission that this individual be appointed as a member of the Port Authority Advisory Committee for the term specified.

ITEM 6. Public Transportation

a. Brazoria and Galveston Counties - Consider the award of federal and state funds previously awarded to Gulf Coast Center to the new Gulf Coast Transit District (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.

115984
PTN

The Texas Transportation Commission (commission) desires to award a total of up to \$4,119,619 in state and Federal Transit Administration (FTA) funds to Gulf Coast Transit District (GCTD) to support public transportation needs.

On May 4, 2020 and May 12, 2020, respectively, Galveston County Commissioners Court and Brazoria County Commissioners Court approved the creation of a new transit district, GCTD, and transfer of responsibility for public transportation from Gulf Coast Center (GCC) to GCTD. Federal and state funds previously awarded to GCC under prior action of the commission are awarded GCTD as identified in Exhibit A.

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 award not to exceed the amounts as shown in Exhibit A, submit the necessary state applications to the FTA, and enter into the necessary contracts.

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

b. Various Counties - Consider the award of federal funds to Panhandle Community Services and Rolling Plains Management Corporation rural transit districts (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.

115985
PTN

The Texas Transportation Commission (commission) desires to award \$10,210,000 in Federal Transit Administration (FTA) funds to two rural transit districts for facility construction. The Texas Department of Transportation submitted a project application and was awarded \$10,210,000 in federal funds through the FTA Fiscal Year 2020 competitive funding opportunity for the Bus and Bus Facilities Program (49 U.S.C. §5339(b)).

Funds will be awarded to Panhandle Community Services in the amount of \$8,600,000 to construct a maintenance and administration facility and to Rolling Plains Management Corporation in the amount of \$1,610,000 to construct an operations and administration center.

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 awards as described and enter into the necessary contracts in accordance with this minute order.

ITEM 7. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Rules Proposal

Chapter 2 - Environmental Review of Transportation Projects

Repeal of §§2.201-2.214 (Memorandum of Understanding with the Texas Parks and Wildlife Department) and replacement with proposed new §§2.201-2.207 (Memorandum of Understanding with Texas Parks and Wildlife Department) (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.

115986
ENV

The Texas Transportation Commission (commission) finds it necessary to repeal §§2.201-2.214 and propose new §§2.201-2.207 relating to Memorandum of Understanding with the Texas Parks and Wildlife Department to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repealed sections and new sections, 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 repeal of §§2.201-2.214 and new §§2.201-2.207 are proposed for adoption and are authorized for publication in the Texas Register for the purpose of receiving public comments.

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 8. State Infrastructure Bank

a. Angelina County - Redland Water Supply Corporation - Consider final approval of a request from Redland Water Supply Corporation for a State Infrastructure Bank loan in the amount of up to \$504,735 for a contribution to the department for utility relocation necessary for a non-tolled state highway improvement project to widen US 59 (Future I-69) in Angelina County, Texas (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.

115987
PFD

Redland Water Supply Corporation (WSC) has submitted an application for financial assistance in the form of a loan of up to \$504,735 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 WSC 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 WSC intends to use the financial assistance to pay the WSC's contribution to the department for

funding participation in the costs of utility relocation necessary for a non-tolled state highway improvement project to widen US 59 (Future I-69) in Angelina County, Texas (project).

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

The WSC has proposed a pledge of water 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 WSC'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 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 WSC 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 WSC 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 WSC's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$504,735 to pay the WSC'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 WSC 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. Bowie County - City of De Kalb - Consider final approval of a request from the City of De Kalb for a State Infrastructure Bank loan in the amount of up to \$1,200,000 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen US 82 in Bowie County, Texas (MO)

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

115988
PFD

The City of De Kalb (City) has submitted an application for financial assistance in the form of a loan of up to \$1,200,000 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 costs of utility relocation for a non-tolled state highway improvement project to widen US 82 in Bowie 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 tax 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, 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 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 \$1,200,000 to pay the City’s costs of utility relocation 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 9. Design-Build Contract

Bexar and Guadalupe Counties - Consider approving the selection of the proposer who submitted the best value proposal and the conditional award of a design-build contract and a corresponding capital maintenance contract to the selected proposer, for the design, construction, and maintenance of the I-35 Northeast Expansion Central Project, consisting of non-tolled improvements along I-35 from the I-35/I-410 North interchange to FM 3009 including the portion of I-410 North from the I-35/I-410 North Interchange to 0.3 miles east of Nacogdoches Road and the portion of Loop 1604 from the I-35/Loop 1604 Interchange to Nacogdoches Road in Bexar and Guadalupe Counties (MO) (Presentation)

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.

115989
PFD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On April 25, 2019, by Minute Order 115466, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and maintain the I-35 Northeast Expansion Project (Project). The Project included non-tolled improvements along I-35 from approximately I-410 South to FM 1103 in Bexar, Comal and Guadalupe Counties, Texas. The department issued the RFQ on May 20, 2019. Following the department’s evaluation of the qualifications statements, the best qualified teams were short-listed and requested to submit detailed proposals to design, construct, and maintain the Project.

Transportation Code § 223.246 and 43 TAC § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. On September 26, 2019, by Minute Order 115587, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to design, construct, and maintain the Project, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to

a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the design-build contract (DBC).

On March 27, 2020, the department notified the short-listed proposers of its intention to proceed with the procurement of only the Base Central component of the Project. That component consists of non-tolled improvements along I-35 from the I-35/I-410 North interchange to FM 3009, including the portion of I-410 North from the I-35/I-410 North Interchange to 0.3 miles east of Nacogdoches Road and the portion of Loop 1604 from the I-35/Loop 1604 Interchange to Nacogdoches Road in Bexar and Guadalupe Counties.

On August 14, 2020, the department issued the final RFP. On February 4, 2021, proposals were received from Alamo NEX Construction and WBCCI, LLC. From February 5, 2021, until March 11, 2021, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included consideration of performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: Alamo NEX Construction, WBCCI, LLC. The proposal submitted by Alamo NEX Construction was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Alamo NEX Construction provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Alamo NEX Construction necessary to finalize the DBC and the corresponding capital maintenance contract (CMC) to design, construct and maintain the project in Bexar and Guadalupe Counties, and to modify the DBC and CMC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the corresponding CMC are awarded to Alamo NEX Construction subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC and CMC by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Alamo NEX Construction cannot be successfully completed, and that therefore the proposal submitted by Alamo NEX Construction will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with WBCCI, LLC, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

ITEM 10. Municipal Utility Relocation Reimbursement

Harris County - Consider the approval of a request from Harris County Municipal Utility District No. 191 (HCMUD191) to make the relocation of HCMUD191’s utility facilities required by the FM 1960 highway improvement project as an expense of the state under Transportation Code, §203.092(a-4) (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.

115990
ROW

The Texas Department of Transportation (department) has a state highway project in Harris County, on Highway FM 1960, that requires the relocation of utility facilities. Harris County Municipal Utility District No. 191 owns certain of these utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly-owned utilities are eligible for utility facility relocation at the expense of the state. Harris County Municipal Utility District No. 191 has requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department estimates the amount of expense will be \$813,268.00.

The commission finds and determines that Harris County Municipal Utility District No. 191 meets the eligibility standards contained in that statute and that the department’s expenditures under Transportation Code, §203.092(a-4) and Texas Administrative Code, Chapter 12, Subchapter B, Rule 21.25, including the request by Harris County Municipal Utility District No. 191, will not exceed the fiscal year limitation contained in the Transportation Code §203.092(e).

IT IS THEREFORE ORDERED by the commission that the relocation of Harris County Municipal Utility District No. 191’s utility facility required by the improvement of the state highway system is an expense of the state to be paid by the department.

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

ITEM 11. 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 Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115991
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-BB. 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 1-130 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazos	FM 2818	W	2399-01-079	7,7AC
Cooke	IH 35	P	0194-02-096	35
Cooke	IH 35	Q	0194-02-096	41
Cooke	IH 35	R	0194-02-096	43
Cooke	IH 35	S	0195-01-113	54,54E
Cooke	IH 35	T	0195-01-113	63
Denton	IH 35	U	0195-02-079	72
El Paso	US 62	V	0374-02-103	11
Ellis	IH 45	Z	0092-03-054	1
Ellis	IH 45	AA	0092-03-054	6

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Grimes	SH 6	M	0050-03-104	3,3AC
Grimes	SH 6	N	0050-03-104	4,4AC
Guadalupe	IH 35	X	0016-06-114	117
Guadalupe	IH 35	BB	0016-06-114	119
Guadalupe	IH 35	Y	0016-06-114	120
Navarro	US 287	O	0122-01-041	48AC
Tarrant	IH 20	B	0008-13-241	45
Tarrant	IH 20	A	0008-13-241	46
Tarrant	IH 20	D	0008-13-241	48
Tarrant	IH 20	E	0008-13-241	50
Tarrant	IH 20	L	0008-13-241	51
Tarrant	IH 20	C	0008-13-241	54
Tarrant	IH 20	F	0008-13-241	797
Tarrant	IH 20	G	0008-13-241	798
Tarrant	IH 20	H	0008-13-241	799
Tarrant	IH 20	I	0008-13-241	801
Tarrant	IH 20	J	0008-13-241	804
Tarrant	IH 20	K	0008-13-241	805

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 545	62	1012-02-040	31,31E
Collin	FM 545	63	1012-02-040	32,32E
Collin	FM 545	64	1012-02-040	33,33E
Collin	FM 545	65	1012-02-040	34
Collin	FM 545	68	1012-02-040	35
Collin	FM 545	69	1012-02-040	36
Collin	FM 545	66	1012-02-040	37
Collin	FM 545	67	1012-02-040	38
Collin	FM 545	70	1012-02-040	39
Collin	FM 545	71	1012-02-040	40
Collin	FM 545	72	1012-02-040	41
Collin	FM 545	73	1012-02-040	42,42E
Collin	FM 545	74	1012-02-040	43,43E
Collin	FM 545	75	1012-02-040	44,44E
Collin	FM 545	76	1012-02-040	45
Collin	FM 545	77	1012-02-040	46
Collin	FM 545	83	1012-02-040	47
Collin	FM 545	84	1012-02-040	48
Collin	FM 545	78	1012-02-040	49
Collin	FM 545	85	1012-02-040	50
Collin	FM 545	86	1012-02-040	51
Collin	FM 545	88	1012-02-040	52
Collin	FM 545	87	1012-02-040	53
Collin	FM 545	89	1012-02-040	54
Collin	FM 545	90	1012-02-040	55

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 545	91	1012-02-040	56
Collin	FM 545	92	1012-02-040	57
Collin	FM 545	93	1012-02-040	58
Collin	FM 545	94	1012-02-040	59
Collin	FM 545	97	1012-02-040	60,60E
Collin	FM 545	98	1012-02-040	61,61E
Collin	FM 545	106	1012-02-040	62
Collin	FM 545	107	1012-02-040	63
Collin	FM 545	108	1012-02-040	64
Collin	FM 545	111	1012-02-040	65
Collin	FM 545	109	1012-02-040	66
Collin	FM 545	110	1012-02-040	67
Collin	FM 545	105	1012-02-040	68
Collin	FM 545	104	1012-02-040	69
Collin	FM 545	103	1012-02-040	70
Collin	FM 545	102	1012-02-040	71
Collin	FM 545	101	1012-02-040	72
Collin	FM 545	100	1012-02-040	73
Collin	FM 545	99	1012-02-040	74
Collin	FM 545	96	1012-02-040	75,75E
Collin	FM 545	95	1012-02-040	76
Collin	FM 545	82	1012-02-040	77
Collin	FM 545	81	1012-02-040	78
Collin	FM 545	80	1012-02-040	79
Collin	FM 545	79	1012-02-040	80
Comal	FM 2252	124	1433-02-045	20
Comal	FM 2252	125	1433-02-045	21
DeWitt	SH 72	37	0270-01-055	169
DeWitt	SH 72	38	0270-01-055	198
DeWitt	SH 72	39	0270-01-055	201
DeWitt	SH 72	40	0270-01-055	202
DeWitt	SH 72	41	0270-01-055	206
DeWitt	SH 72	42	0270-01-055	248
El Paso	BU 54A	30	0167-02-075	1
Ellis	FM 664	112	1051-01-054	150
Ellis	FM 664	113	1051-01-054	151
Gregg	FM 2275	128	2158-01-024	135
Gregg	FM 2275	129	2158-01-024	147
Gregg	FM 2275	127	2158-01-024	156
Grimes	SH 6	1	0050-03-104	1
Grimes	SH 6	2	0050-03-104	5
Grimes	SH 6	3	0050-03-104	6
Grimes	SH 6	4	0050-03-104	7
Grimes	SH 6	5	0050-03-104	8
Hidalgo	FM 676	114	1064-01-038	27
Hidalgo	FM 676	115	1064-01-047	10

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Hidalgo	FM 676	119	1064-01-047	15
Hidalgo	FM 676	116	1064-01-047	18
Hidalgo	FM 676	117	1064-01-047	22
Hidalgo	FM 676	118	1064-01-047	25
Hidalgo	FM 676	120	1064-01-047	32
Kaufman	SH 205	44	0451-02-030	7
Kaufman	FM 548	130	2588-01-023	32,32E
Liberty	US 59	31	0177-03-106	34
Liberty	US 59	32	0177-03-106	42
Liberty	US 59	33	0177-03-106	43
Liberty	US 59	34	0177-03-106	44
Liberty	US 59	36	0177-03-106	45
Liberty	US 59	35	0177-03-106	46
Lubbock	FM 1585	126	1502-01-037	377
Montgomery	SH 105	43	0338-04-074	443
Navarro	US 287	23	0122-01-041	14
Navarro	US 287	8	0122-01-041	17
Navarro	US 287	9	0122-01-041	18
Navarro	US 287	10	0122-01-041	19
Navarro	US 287	11	0122-01-041	20
Navarro	US 287	12	0122-01-041	22
Navarro	US 287	13	0122-01-041	23,23E
Navarro	US 287	14	0122-01-041	25
Navarro	US 287	15	0122-01-041	26
Navarro	US 287	16	0122-01-041	27
Navarro	US 287	17	0122-01-041	29
Navarro	US 287	18	0122-01-041	30,30E
Navarro	US 287	19	0122-01-041	31
Navarro	US 287	24	0122-01-041	32
Navarro	US 287	29	0122-01-041	33
Navarro	US 287	6	0122-01-041	43
Navarro	US 287	28	0122-01-041	44
Navarro	US 287	7	0122-01-041	45
Navarro	US 287	27	0122-01-041	46
Navarro	US 287	26	0122-01-041	47
Navarro	US 287	20	0122-01-041	49
Navarro	US 287	21	0122-01-041	51
Navarro	US 287	22	0122-01-041	52
Navarro	US 287	25	0122-01-041	53
Shelby	FM 2261	121	1409-03-021	1
Shelby	FM 2261	122	1409-03-021	2
Shelby	FM 2261	123	1409-03-021	3
Travis	RM 620	48	0683-02-081	1
Travis	RM 620	46	0683-02-081	5
Travis	RM 620	49	0683-02-081	8
Travis	RM 620	45	0683-02-081	32

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Travis	RM 620	47	0683-02-081	35
Travis	RM 620	53	0683-02-083	122
Travis	RM 620	56	0683-02-083	123
Travis	RM 620	54	0683-02-083	124
Travis	RM 620	55	0683-02-083	126
Travis	RM 620	50	0683-02-083	130
Travis	RM 620	57	0683-02-083	131
Travis	RM 620	51	0683-02-083	135
Travis	RM 620	60	0683-02-083	139
Travis	RM 620	52	0683-02-083	142
Travis	RM 620	61	0683-02-083	143
Travis	RM 620	59	0683-02-083	149
Travis	RM 620	58	0683-02-083	150

Note: Exhibits A - BB and 1 - 130 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

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

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

115992
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>
Broadmoor Austin Associates	AUS	Travis	Design and construction of pavement widening, northbound right turn lane, signal upgrades/modifications and other improvements on Burnet Road in Austin.
Century Land Holdings II, LLC	SAT	Guadalupe	Design and construction of a signalization at the intersection of SH 46 at Hiddenbrooke Pass, an existing public street, in Seguin.
Fikes Wholesale, Inc.	WAC	McLennan	Design and construction of approximately 120 feet long and 3 feet wide right turn lane on US 77 at the intersection of 101 Moonlight Drive in Robinson.
Fikes Wholesale, Inc.	BWD	Lampasas	Design and construction of a right turn deceleration lane from westbound US 190 into the Cefco convenience store development in Lampasas.
First Financial Bank National Association	BRY	Walker	Design and construction of a 5' wide sidewalk along SH 75 adjacent to the donor's property located in Huntsville.
Grangerland Development, LLC	HOU	Montgomery	Design and construction of a traffic signal at the intersection of FM 3083 and Granger Pines Way/Chickadee Lane in Montgomery County.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Grangerland Development, LLC	HOU	Montgomery	Design and construction of a left turn and right turn lane along FM 3083 into the donor's development in Montgomery County.
HLH Development, LLC	SAT	Bexar	Design and construction of a right turn lane and installation of flashing beacon at the intersection of FM 1518 and Abbott Road in Bexar County.
Hunt Communities Bastrop, LLC	AUS	Bastrop	Fixed amount of funds towards the state's cost to design and construct a traffic signal on FM 969 and Sam Houston Drive from 0.15 miles south of Sam Houston Drive to 0.15 miles north of Sam Houston Drive in Bastrop County.
Hunt Southwest – Cedar Port I, LLC	BMT	Chambers	Design and construction of a southbound left turn lane into the donor's facility entrance on FM 1405 in Chambers County.
K & G Industrial, LLC	AUS	Burnet	Fixed amount of funds towards the state's cost to the design and construct pavement widening and the addition of a right turn lane at the K&G Industrial driveway on eastbound SH 71 in Burnet County.
Navistar San Antonio Manufacturing LLC	SAT	Bexar	Design, environmental and design assistance during the construction phase for improvements along US 281 in San Antonio.
USRE Diana, 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.
USRE Diana, 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 at LP 340/SH 6 eastbound frontage road and Bagby Ave/FM 3476 to in Waco.
Uvalde Realty Partners, LLC	HOU	Harris	Design and construction of a right turn lane for the westbound Sam Houston Parkway frontage road into the donor's development in Houston.
Uvalde Realty Partners, LLC	HOU	Harris	Design and construction of a right turn lane westbound on US 90 frontage road into the donor's development in Houston.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
WBW Single Development Group, LLC - Series 127	WAC	Bell	Design and construction of an approximately 540 linear foot deceleration right turn lane on SH 317 northbound for proposed Glade Drive in Temple.
Bosstex Venture Corp dba Premier Cuts	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Loung Law Firm, PLLC	DAL	Dallas	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	Dallas	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	Denton	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Frank Kent Cadillac, LLC DBA Frank Kent Cadillac of Arlington	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Total Men's Primary Care	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Reedman Enterprise, Inc dba BurgerIM Sienna	HOU	Fort Bend	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Mokaram and Associates PC dba Mokaram Law Firm	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
The University of Texas Medical Branch at Galveston - UTMB Health	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) ZeusLending.com	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Iron Cactus	SAT	Bexar	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 Disposition

Kaufman County - US 175 - Consider the sale of right of way to the Crandall Independent School District (MO)

115993
ROW

In the City of Crandall, Kaufman County, on US 175, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 319, at Page 606, of the Deed Records of Kaufman 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 real property no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The Crandall Independent School District is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$14,500.

The commission finds \$14,500 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 the Crandall Independent School District for \$14,500; 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) Central Texas Turnpike System

Travis and Williamson Counties - Annual Continuing Disclosure Report for the Central Texas Turnpike System (Report)

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

(3) State Highway Fund
Annual Continuing Disclosure Report for the State Highway Fund revenue bond program
(Report)

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

(4) Texas Mobility Fund
Annual Continuing Disclosure Report for the Texas Mobility Fund bond program (Report)

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

(5) State Highway 249 System
Grimes and Montgomery Counties - Annual Continuing Disclosure Report for the State
Highway 249 System (Report)

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

d. Land Acquisitions for Facilities
**Various Counties - Consider the grant of authority to the department to acquire real property
for facilities (MO)**

115994
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.

e. Rail Clearance Deviations

Consider the approval of rail clearance deviations (MO)

115995
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 Frito-Lay Inc. requesting a clearance deviation at their rail served facility located at 3310 Hwy. 36 North, Rosenberg, Texas 77471. 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;
- (2) the safety of employees working near railroad tracks and unloading of rail cars;
- (3) limited clearances at new and existing equipment locations.

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 Frito-Lay Inc. for their facility located in Rosenberg, Texas as described in Exhibit A is approved.

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

f. Speed Zones

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

115996
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 13. 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 election and compensation of an interim executive director of the Texas Department of Transportation.

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

d. Section 551.074 - Deliberate on the election and compensation of an executive director of the Texas Department of Transportation.

The commission did not meet in executive session.

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission received comments from League City Councilman and Houston-Galveston Area Council board member Larry Millican, in support of the completion of Grand Parkway Segment B; and from Transportation Advocacy Group (TAG) Executive Director Andrea French in support of the I-45 North Houston Highway Improvement Project.

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 11:52 a.m.

APPROVED by the Texas Transportation Commission on April 29, 2021:



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on March 25, 2021, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

