

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 29, 2021, in Austin, Texas. The meeting was called to order at 10:01 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Commissioner Robert C. Vaughn joined by telephone conference call.

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 3:01 p.m. on April 21, 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 March 9, 2021, special meeting, the March 24, 2021, special meeting and the March 25, 2021, regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the March 9, 2021, special meeting, the March 24, 2021, special meeting and the March 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. Private citizen Sara Black called into the meeting, but her comments did not relate to the contracts item. Director Bass asked her to call back during the open comment period. 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.

115997
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 April 7 and 8, 2021, as shown on Exhibit A.

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

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

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

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

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

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

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

b. Routine Maintenance (MO)

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

115998
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 April 7 and 8, 2021, as shown on Exhibit A.

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

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

The department recommends that the Texas Transportation Commission (commission) respectively consider the award to the lowest bidder, reject or defer, as indicated, those highway

maintenance and department building construction contracts, identified on attached Exhibit A to this order.

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

115999
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 April 6, 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

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

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

116000
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state 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, federal apportionment grant funds, and state grant funds for the improvements.

On March 26, 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.

b. Various Counties - Consider the award of federal funding for General Aviation Airports from the Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) (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.

116001
AVN

On December 27, 2020, The Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) was signed into law. The act includes \$2 billion in federal funds to be awarded as economic relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic.

The CRRSAA funds will provide 100% grant funding to federally eligible general aviation airports in Texas to be used for operations, personnel, cleaning, sanitization, and combating the spread of pathogens at the airport and control tower. Texas is estimated to receive \$3.3 million.

The division is seeking approval to apply for CRRSAA funds, through the FAA’s State Block Grant Program, to subaward to the 166 eligible airports listed in Exhibit A for economic relief funding. The department recommends the award of federal CRRSAA funds for this relief effort across Texas.

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

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

ITEM 5. Public Transportation

a. Various Counties - Consider the award of federal §5310 Enhanced Mobility of Seniors and Individuals with Disabilities program funds to eligible subrecipients. The Federal Transit Administration (FTA) apportioned additional §5310 funds based on the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Rescue Plan Act of 2021 (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.

116002
PTN

The Texas Transportation Commission (commission) desires to award a total of \$2,721,139 in Federal Transit Administration (FTA) program funds for operating expenses in urbanized and non-urbanized areas of the state.

The United States Congress passed the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) on December 27, 2020, and the American Rescue Plan Act of 2021 (ARP) on March 11, 2021, both of which authorized funding under the FTA Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310) to prevent, prepare for, and respond to the Coronavirus (COVID-19).

Title 43, Texas Administrative Code, §31.31 establishes a process by which public transportation funds shall be distributed under the FTA Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program. An award of \$1,360,560 authorized under CRRSAA and \$1,360,579 authorized under ARP for a total award of \$2,721,139 in §5310 funds is shown in Exhibit A and has been determined in accordance with §31.31.

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 allocation as shown above and in Exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

b. Various Counties - Consider the award of federal funding to small urban and non-urban areas of the state for projects submitted in the department's 2019 Transportation Alternatives Set-Aside call for projects (MO)

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

116003
PTN

The Texas Transportation Commission (commission) desires to award \$25,694,998 in federal funds under the Transportation Alternatives Set-Aside (TA) Program, authorized under Section 1190 of Fixing America's Surface Transportation (FAST) Act and codified at 23 U.S.C. §133(h). The commission adopted administrative rules that establish the guidelines under which the TA Program is administered by the Texas Department of Transportation (department), located at Title 43, Texas Administrative Code (TAC), §§11.400 - 11.418.

The commission recognizes that federal legislation requires the state to have a competitive process to allow eligible entities to submit projects for funding. Pursuant to program rules, a Notice of Call for Projects for TA and Safe Routes to Schools (SRTS) funds was published in the Texas Register on February 8, 2019. TA/SRTS project applications were received by the department on or before August 15, 2019. Projects were evaluated for eligibility, technical standards, and specific selection criteria as set forth in the 2019 TA/SRTS Program Guide. In accordance with 43 TAC §11.411, the commission will select TA projects for funding based on recommendations from the director of the division responsible for administering the TA Program, the potential benefit of the projects to the state, and their value as enhancements to the surface transportation system. On January 30, 2020, the commission adopted Minute Order 115662 awarding funds to 18 TA and 12 SRTS projects. As part of the 2019 TA/SRTS Call for Projects, the department also competitively identified bicycle and pedestrian infrastructure projects in nonurban and small urban areas to be placed on a prioritized Conditional Project List for future anticipated TA appropriations.

This award distributes funds available for projects on the Conditional Project List in nonurban areas, with a population of 5,000 or less, and in small urban areas, with a population of 5,001 to 200,000, located outside Transportation Management Areas. TA funds available for this action are associated with fiscal year 2021 federal appropriations, anticipated future distributions of TA funds, and project underruns. Exhibit A is a list of the nonurban TA projects recommended for funding. Exhibit B is a list of the small urban TA projects recommended for funding.

IT IS THEREFORE ORDERED by the commission that the projects listed in Exhibit A and Exhibit B are hereby selected and designated for funding under the TA Program, pending availability of funds, and that the executive director or the director's designee is authorized to proceed with the award and execution of local agreements, as required by the program rules.

IT IS FURTHER ORDERED that for each TA project listed in Exhibit A and Exhibit B and subsequently verified as eligible for development, the total amount in federal funds must be locally matched by a minimum of 20 percent. The required match may be 100 percent in cash or a combination of cash and state funds which are available through the department's Economically Disadvantaged Counties Program.

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those project nominations submitted in the 2019 TA/SRTS Call for Projects.

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

ITEM 6. Regional Mobility Authority

Webb County - Approve the City of Laredo's request for an exception to the requirements of 43 TAC §26.51(b)(1)(A), concerning eligibility to serve as a director or chief administrative officer of a regional mobility authority, in connection with a member of the Board of Directors of the Webb County-City of Laredo Regional Mobility Authority appointed by the City of Laredo (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.

116004
TPP

Title 43, Texas Administrative Code, §26.51(b) prescribes conditions for a person to serve as a director or chief administrative officer of a regional mobility authority (RMA). Under 43 TAC §26.51(b)(1)(A), a person is not eligible to serve as a director or chief administrative officer of an RMA if the person or the person's spouse is employed by or participates in the management of a business entity or other organization, other than a political subdivision, that is regulated by or receives funds from the Texas Department of Transportation (department), the RMA, or a member county.

The City of Laredo (City) appointed Jose Murillo to the Board of Directors of the Webb County-City of Laredo Regional Mobility Authority (WC-CL RMA).

Mr. Murillo's spouse serves as the Executive Director of Imaginarium of South Texas, a non-profit educational institution that receives funding from both the City of Laredo and Webb County. The City of Laredo has requested an exception to the requirements of 43 TAC §26.51(b)(1)(A) because of the City's belief that Mr. Murillo's spouse's employment with this non-profit organization does not in any way compromise Mr. Murillo's ability to serve the interests of the WC-CL RMA. The Imaginarium of South Texas provides the children of Webb County with creative and inquiry-based learning experiences.

Section 26.51(b)(4) provides that the Texas Transportation Commission (commission) may approve an exception to the requirements of Section 26.51(b)(1)(A) if (1) the RMA or the applicable county has properly disclosed to the public the details of the potential conflict, (2) the potential conflict concerns employment with an entity that receives funds from a member county, and (3) the commission determines that the employment will not result in the director or chief administrative officer incurring any obligation of any nature that is in substantial conflict with the director or officer's proper discharge of his or her duties on behalf of the RMA. Pursuant to 43 TAC §26.51(b)(4), the WC-CL RMA has disclosed to the public the details of the potential conflict by posting a notice on the WC-CL RMA website.

IT IS THEREFORE DETERMINED by the commission, pursuant to 43 TAC §26.51(b)(4), that the employment of Mr. Murillo's spouse as the Executive Director of the Imaginarium of South Texas will not result in Mr. Murillo incurring any obligation of any nature that is in substantial conflict with the proper discharge of his duties as a member of the Board of Directors of the WC-CL RMA.

IT IS FURTHER ORDERED that an exception to the requirements of 43 TAC §26.51(b)(1)(A) is approved, and therefore Jose Murillo is eligible to serve on the Board of Directors of the WC-CL RMA.

ITEM 7. 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).

116005
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-CCC. 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 1-84 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>
Comal	IH 35	Y	0016-05-116	125
Cooke	IH 35	GG	0194-02-096	16
Cooke	IH 35	HH	0194-02-096	17

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 30	K	0009-11-258	P00055269
Dallas	IH 30	L	0009-11-258	P00055270
Dallas	IH 30	M	0009-11-258	P00055271
Dallas	IH 30	N	0009-11-258	P00055272
Dallas	IH 30	O	0009-11-258	P00055273
Dallas	IH 30	P	0009-11-258	P00055274
Dallas	IH 30	Q	0009-11-258	P00055275
Dallas	IH 30	R	0009-11-258	P00055276
Dallas	IH 30	S	0009-11-258	P00055277
Dallas	IH 30	T	0009-11-258	P00055278
Dallas	IH 30	U	0009-11-258	P00055279
Dallas	IH 30	V	0009-11-258	P00055280
Dallas	IH 30	W	0009-11-258	P00055281
Dallas	IH 30	X	0009-11-258	P00055282
Denton	IH 35	II	0195-02-079	46
Denton	IH 35	JJ	0195-02-079	47
Denton	IH 35E	KK	0196-01-100	6
Denton	IH 35E	LL	0196-01-100	7
Denton	IH 35E	MM	0196-01-100	8
Denton	IH 35E	NN	0196-01-100	9
Denton	IH 35E	OO	0196-01-100	10,10E
Denton	IH 35E	QQ	0196-01-100	11
Denton	IH 35E	RR	0196-01-100	12
Denton	IH 35E	PP	0196-01-100	13
Denton	IH 35E	SS	0196-01-100	16
Denton	IH 35E	TT	0196-01-100	19
Denton	IH 35E	UU	0196-02-109	104
Harris	IH 45	VV	0500-03-608	300
Harris	IH 45	WW	0500-03-608	303
Harris	IH 45	XX	0500-03-608	309
Harris	IH 45	YY	0500-03-608	313
Harris	IH 45	ZZ	0500-03-608	317
Harris	IH 45	AAA	0500-03-608	327
Harris	IH 45	BBB	0500-08-002	705
Harris	IH 45	CCC	0500-08-002	706
Nueces	US 181	FF	0101-06-109	334AC
Panola	US 59	Z	0063-10-018	5
Panola	US 59	AA	0063-10-018	6
Panola	US 59	BB	0063-10-018	7
Panola	US 59	CC	0063-10-018	13
Panola	US 59	DD	0063-10-018	18
Panola	US 59	EE	0063-10-018	19
Tarrant	IH 20	A	0008-13-241	43
Tarrant	IH 20	C	0008-13-241	44
Tarrant	IH 20	D	0008-13-241	795
Tarrant	IH 20	F	0008-13-241	796

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Tarrant	IH 20	E	0008-13-241	803
Tarrant	IH 20	B	0008-13-241	806
Tarrant	IH 820	G	0008-13-242	410
Tarrant	IH 820	H	0008-13-242	490A
Tarrant	IH 820	J	0008-13-242	788
Tarrant	IH 820	I	0008-13-242	794

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	SH 16	25	0291-10-115	1
Bexar	SH 16	26	0291-10-115	2
Brazoria	SH 36	13	0188-03-020	103
Brazoria	FM 518	83	3416-01-014	119
Cherokee	FM 2493	23	0191-04-009	100
Cherokee	US 175	24	0198-04-034	51
Collin	FM 545	48	1012-02-040	1
Collin	FM 545	49	1012-02-040	2
Collin	FM 546	51	1013-01-039	P00054365
Collin	FM 546	50	1013-01-039	P00054366
Collin	FM 1461	80	1973-01-018	56
Collin	FM 2514	81	2679-03-018	54
Ellis	FM 664	62	1051-01-054	5
Ellis	FM 664	63	1051-01-054	32
Ellis	FM 664	64	1051-01-054	123
Ellis	FM 664	65	1051-01-054	125
Ellis	FM 664	61	1051-01-054	127,127E
Ellis	FM 664	60	1051-01-054	134,134E
Ellis	FM 664	59	1051-01-054	136
Ellis	FM 664	58	1051-01-054	142
Ellis	FM 664	53	1051-01-054	152
Ellis	FM 664	54	1051-01-054	153,153E
Ellis	FM 664	55	1051-01-054	155
Ellis	FM 664	57	1051-01-054	156,156E
Ellis	FM 664	56	1051-01-054	157
Fort Bend	FM 723	15	0188-09-047	205
Fort Bend	FM 723	16	0188-09-047	213
Fort Bend	FM 723	14	0188-09-047	214
Fort Bend	FM 723	17	0188-09-047	251
Fort Bend	FM 1463	22	0188-10-037	100
Fort Bend	FM 1463	18	0188-10-037	112A
Fort Bend	FM 1463	19	0188-10-037	112C
Fort Bend	FM 1463	20	0188-10-037	128
Fort Bend	FM 1463	21	0188-10-037	159
Galveston	FM 646	82	3049-01-032	222

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Hidalgo	FM 676	73	1064-01-047	5
Hidalgo	FM 676	74	1064-01-047	16
Hidalgo	FM 676	71	1064-01-047	17
Hidalgo	FM 676	75	1064-01-047	20
Hidalgo	FM 676	72	1064-01-047	21
Hidalgo	FM 676	66	1064-01-047	23
Hidalgo	FM 676	69	1064-01-047	27
Hidalgo	FM 676	67	1064-01-047	29
Hidalgo	FM 676	77	1064-01-047	30
Hidalgo	FM 676	68	1064-01-047	40
Hidalgo	FM 676	78	1064-01-047	43
Hidalgo	FM 676	70	1064-01-047	46
Hidalgo	FM 676	76	1064-01-047	50
Kaufman	US 80	2	0095-03-095	36
Kleberg	US 77	27	0327-09-003	17
Kleberg	US 77	28	0327-09-003	23
Lubbock	FM 1585	84	1502-01-037	326D
Lubbock	FM 1585	79	1502-01-037	331
Madison	US 190	3	0117-04-044	624
Montague	US 82	1	0044-04-061	7
Montgomery	SH 105	31	0338-04-072	13
Montgomery	SH 105	29	0338-04-072	28
Montgomery	SH 105	30	0338-04-072	62
Montgomery	SH 105	33	0338-04-074	404
Montgomery	SH 105	32	0338-04-074	426
Navarro	US 287	12	0122-01-041	21
Navarro	US 287	4	0122-01-041	34
Navarro	US 287	5	0122-01-041	35
Navarro	US 287	6	0122-01-041	36
Navarro	US 287	7	0122-01-041	37
Navarro	US 287	8	0122-01-041	38
Navarro	US 287	9	0122-01-041	39
Navarro	US 287	10	0122-01-041	40
Navarro	US 287	11	0122-01-041	42
Rockwall	FM 552	52	1017-01-017	82E
Travis	RM 620	34	0683-02-081	7
Travis	RM 620	40	0683-02-081	20
Travis	RM 620	37	0683-02-081	21
Travis	RM 620	38	0683-02-081	23
Travis	RM 620	39	0683-02-081	34
Travis	RM 620	35	0683-02-081	44
Travis	RM 620	36	0683-02-081	47
Travis	RM 620	43	0683-02-083	55
Travis	RM 620	46	0683-02-083	121
Travis	RM 620	45	0683-02-083	125
Travis	RM 620	42	0683-02-083	140

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	0683-02-083	148
Travis	RM 620	41	0683-02-083	151
Travis	RM 620	44	0683-02-083	152

Note: Exhibits A - CCC and 1 - 84 are on file with the commission chief clerk.

ITEM 8. Routine Minute Orders and Reports

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 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)

116006
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>
Formosa Plastics Corporation, Texas	YKM	Jackson	Funds sufficient to cover the state's cost to construct a left turn lane, deceleration and acceleration lane, and signal for public use on FM 1593 at the parking lot driveway of the donor's development in Jackson County.
KM 146 Partners, LP	BMT	Chambers	Design and construction of a right turn lane along the eastbound I-10 frontage road into Chambers Commons Drive and a continuous right turn lane along SH 146 southbound from Old Needlepoint Road to 1,820 feet north in Chambers County.
Meritage Homes of Texas, LLC	HOU	Montgomery	Design and construction of a traffic signal at South Pine Lake Road and SH 105 into the donor's development in Conroe.
Pulte Homes of Texas, L.P.	SAT	Bexar	Design and construction of a Flying "T" intersection on Loop 1604 at Stillhouse Hollow in San Antonio.
SA Landon Ridge, LP	SAT	Bexar	Design and construction of a left turn lane, right turn lane and signalization on FM 1957 approximately 0.40 miles west of SH 211 in Bexar County.
TC Pursuit Services, Inc.	SAT	Bexar	Design and construction to modify the traffic signal at W. Loop 1604 frontage road and Lockhill Selma Road in Bexar County.
TC Pursuit Services, Inc.	SAT	Bexar	Design and construction of a traffic signal S. I-35 frontage road approximately 0.15 miles south of Fischer Road in San Antonio.
Vaquero Lindsay Partners, LP	WFS	Cooke	Design and construction of a left turn deceleration lane at a crossover on westbound US 82 for accessing the Dollar General in Lindsay.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Redpoint Insurance Group, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Kidd Roofing	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.
A-Tex Roofing & Remodeling, Inc.	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Vista Verde Group, Inc dba Aldaco's Mexican Cuisine	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 Dispositions

(1) Bexar County - PA 1502 - Consider an easement release to the underlying fee owner

116007
ROW

In the City of San Antonio, Bexar County, on Wurzbach Parkway (PA 1502), the State of Texas acquired easement interests in certain land by an instrument recorded in Volume 6942, at Page 1739, of the Official Public Records of Real Property of Bexar 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 release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Beitel Creek, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$40,772.16.

The commission finds \$40,772.16 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 Beitel Creek, Ltd., a Texas limited partnership, for \$40,772.16.

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

(2) Galveston County - I-45 - Consider the sale of right of way to an abutting landowner

116008
ROW

In the City of League City, Galveston County, on I-45, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1669, at Page 205, of the Galveston County Clerk’s files, in Galveston 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.

Silk Road Properties, LLC is an abutting landowner and has requested to purchase the tract for \$33,000.

The commission finds \$33,000 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 Silk Road Properties, LLC for \$33,000; 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.

(3) Harris County - SH 249 - Consider the sale of right of way to the Lone Star College System (MO)

116009
ROW

In the City of Tomball, Harris County, on SH 249, the State of Texas acquired certain land for highway purposes by instruments recorded as Document No. 823552 and Document No. 867482 of the Harris County Clerk’s files, in Harris County, Texas.

A portion of the land, which portion is described in Exhibits A and B (the tracts), 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 Lone Star College System is a governmental entity with the authority to condemn the property and has requested to purchase the tracts for \$9,026.

The commission finds \$9,026 to be a fair and reasonable value of the state’s right, title, and interest in the tracts.

IT IS THEREFORE ORDERED by the commission that the tracts, described in Exhibits A and B, are 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 tracts to the Lone Star College System for \$9,026; 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: Exhibits A and B are on file with the commission chief clerk.

(4) Tarrant County - SH 121 - Consider the sale of right of way to the City of North Richland Hills, Texas (MO)

116010
ROW

In the City of North Richland Hills, Tarrant County, on SH 121, the State of Texas acquired certain land for highway purposes by an instrument recorded as Document No. D209162159 in the Deed Records of Tarrant 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 City of North Richland Hills, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$35,000.

The commission finds \$35,000 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 the City of North Richland Hills, Texas for \$35,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom an access easement as described in Exhibit B and 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: Exhibits A and B are on file with the commission chief clerk.

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting Allocation Status Report

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

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

(3) Quarterly Cash Report

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

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

d. Highway Designations

(1) Harrison County - In the city of Marshall, consider redesignating a segment of US 59 as Business U.S. 59-C, designating three segments of US 59 on new locations, designating two segments of US 59 concurrent with SL 390, and extending the designation of SL 390 (MO)

116011
TPP

The Atlanta District and Harrison County have requested the following actions:

1. Redesignation of a segment of US 59 as BU 59-C from Henderson School Road southward to approximately 1.0 mile south of FM 2625, a distance of approximately 13.9 miles;
2. Designation of a segment of US 59 as a controlled access facility on a new location from Henderson School Road southward to SL 390, a distance of approximately 3.2 miles;
3. Designation of a segment of US 59 as a controlled access facility concurrent with SL 390 from Harris Lake Road southeastward to US 80, a distance of approximately 3.5 miles;
4. Designation of a segment of US 59 as a controlled access facility on a new location and concurrent with SL 390 from US 80 south and southwestward to I-20, a distance of approximately 7.3 miles;
5. Designation of a segment of US 59 as a controlled access facility on a new location from I-20 south and southwestward to BU 59-C, a distance of approximately 5.3 miles; and
6. Extension of the designation of SL 390 on a new location from US 80 south and southwestward to I-20, a distance of approximately 7.3 miles.

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

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

IT IS THEREFORE ORDERED by the commission that:

1. A segment of US 59 is redesignated as BU 59-C from Henderson School Road southward to approximately 1.0 mile south of FM 2625, a distance of approximately 13.9 miles, as shown on Exhibit A;
2. A segment of US 59 is designated as a controlled access facility on a new location from Henderson School Road southward to SL 390, a distance of approximately 3.2 miles, as shown on Exhibit A;
3. A segment of US 59 is designated as a controlled access facility concurrent with SL 390 from Harris Lake Road southeastward to US 80, a distance of approximately 3.5 miles, as shown on Exhibit A;
4. A segment of US 59 is designated as a controlled access facility on a new location and concurrent with SL 390 from US 80 south and southwestward to I-20, a distance of approximately 7.3 miles, as shown on Exhibit A;
5. A segment of US 59 is designated as a controlled access facility on a new location from I-20 south and southwestward to BU 59-C, a distance of approximately 5.3 miles, as shown on Exhibit A; and
6. The designation of SL 390 is extended on a new location from US 80 south and southwestward to I-20, a distance of approximately 7.3 miles, as shown on Exhibit B.

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

(2) Kaufman County - In the city of Kaufman, consider designating SH 34 and redesignating SH 34 as Business State Highway 34-G (MO)

116012
TPP

The Dallas District, Kaufman County, and the City of Kaufman have requested the following actions: (1) designation of SH 34 on the state highway system on a new location from

SH 243 southward to US 175, then southward and westward to the intersection of S. Washington Street, a distance of approximately 3.9 miles; and (2) redesignation of a segment of SH 34 as BS 34-G on the state highway system from SH 243 southward to US 175, a distance of approximately 1.0 mile.

Minute Order 115862, dated September 24, 2020, authorized the removal of a segment of SH 34 (S. Washington Street) from the state highway system from US 175 south and southwestward to the new location of SH 34, a distance of approximately 1.7 miles. This minute order represents the second of three items required to complete the SH 34 bypass project. A future minute order is expected within the next five years to remove BS 34-G from the state highway system and transfer control, maintenance, and jurisdiction to the City of Kaufman.

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

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

IT IS THEREFORE ORDERED by the commission that (1) SH 34 is designated on the state highway system on a new location from SH 243 southward to US 175, then southward and westward to the intersection of S. Washington Street, a distance of approximately 3.9 miles, and (2) a segment of SH 34 is redesignated as BS 34-G on the state highway system from SH 243 southward to US 175, a distance of approximately 1.0 mile, as shown on Exhibit A.

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

e. Transportation Planning

(1) SH 121

Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

116013
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas

Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in Exhibit A. The RTC has also identified changes to the list of previously-approved projects, which are shown in Exhibit B. A summary of funds associated with the SH 121 work program is set forth in Exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in Exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously-approved projects as shown in Exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments

subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

(2) SH 161

Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 161 Toll Project Agreement (MO)

116014
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (SH 161 payments).

Pursuant to Transportation Code, §228.012, the SH 161 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 161 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 161 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 161 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the

department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 161 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC has identified changes to the list of previously-approved projects, which are shown in Exhibit A. A summary of funds associated with the SH 161 work program is set forth in Exhibit B, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the changes to the list of previously-approved projects shown in Exhibit A.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the project for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right-of-way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 161 payments subaccounts will not themselves be funded from the SH 161 payments subaccounts. Funds from the SH 161 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

f. Designation of Access Control

Brazoria County - SH 288, in the City of Manvel - Consider the designation of one location on the SH 288 northbound frontage road at which access will be permitted to the abutting property (MO)

116015
DES

In BRAZORIA COUNTY, on State Highway 288 (SH 288), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the instrument recorded in Volume 1087, Page 213 of the Deed Records of Brazoria County, Texas, with denial of access to the abutting remainder property.

Hall Wesley Griggs Jr. and Nancy Elizabeth Griggs Davison, the current owners of the abutting property, have requested designated access to and from the SH 288 northbound 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 SH 288 northbound 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.

g. Land Acquisitions for Facilities

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

116016
SSD

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

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

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

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

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

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

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

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

h. Speed Zones

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

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TRF

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

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as

determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

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

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

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

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

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.

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 should be on the phone line prior to the beginning of the open comment period.

The commission received no further comments.

ITEM 10. 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 recessed to executive session at 11:23 a.m. and returned from executive session at 12:48 p.m.

Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:48 p.m.

APPROVED by the Texas Transportation Commission on May 27, 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 April 29, 2021, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

