

These are the minutes of the regular meeting of the Texas Transportation Commission held on May 27, 2021, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 1:48 p.m. on May 19, 2021, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

Executive Director Bass directed that the Greer building safety video be shown on the screens in the Ric Williamson hearing room.

Chairman Bugg recognized House Transportation Committee Chairman Representative Terry Canales, who congratulated and thanked Executive Director James Bass on his upcoming retirement.

ITEM 2. Consider the approval of the Minutes of the April 6, 2021, special meeting, the April 28, 2021, special meeting, and the April 29, 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 April 6, 2021, April 28, 2021, special meetings, the April 29, 2021, regular meeting by a vote of 4 - 0.

ITEM 3. Acknowledgment of Service

Recognize by resolution Executive Director James M. Bass, for more than 33 years of service to the department

The commission honored retiring Executive Director James M. Bass. A compilation video of Director Bass was shown. The chairman read a resolution from Governor Greg Abbott. The chairman read the commission resolution and it was approved unanimously by the commission. In addition, the chairman presented Director Bass with a resolution from the Texas House of Representatives. Photographs were taken. Each commissioner congratulated and thanked Director Bass for his leadership, grit, and integrity. Director Bass made remarks on his career and recognized the importance of his family and the TxDOT family.

ITEM 4. 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)

Prior to presentation of this item, Chairman Bugg called forth new Executive Director Marc Williams, Chief Engineer Bill Hale, and Project Planning and Development Director Brian Barth. Incoming Executive Director Williams assured the commission he would work towards project delivery improvements, flexibility, and the stability of letting.

Following that, this item was presented by Construction Division Director Duane Milligan. The commission heard remarks from private citizen and engineer Don Dixon. The commission 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.

116019
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 May 5 and 6, 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 Construction Division Director Duane Milligan. 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.

116020
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 May 5 and 6, 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 Facilities Planning & Management Section Director Warren Rose. 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.

116021
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 May 4, 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 5. Annual Highway Safety Plan

Consider approval of funding for the 2022 Highway Safety Plan (MO) (Presentation)

This item was presented by Traffic Safety Division Director Michael Chacon. 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.

116022
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and their related deaths, injuries, and property damage.

The Fixing America's Surface Transportation (FAST) Act will appropriate various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the FY 2022 Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director is authorized to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$85,072,432.18 as shown in Exhibit A.

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

ITEM 6. Contested Case

Austin County - Texas Department of Transportation v. SignAd, Ltd. - Consider action on proposal for decision by administrative law judge concerning the cancellation of an outdoor advertising permit and assessment of administrative penalties, final order (MO)

This item was presented by Associate General Counsel James Kirk. 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.

116023
GCD

On May 27, 2021, the Texas Transportation Commission (commission) considered the Texas Department of Transportation's (department) proposed cancellation of Outdoor Advertising Permit Number HBA-13236 held by SignAd, Ltd. (SignAd) and assessment of administrative penalties against the same. The permits concerned a commercial advertising sign in Austin County. SignAd requested a contested case hearing and the matter was referred to the State Office of Administrative Hearings. The Administrative Law Judge concluded in the

proposal for decision that Outdoor Advertising Permit No. HBA-13236 could be canceled, but that no administrative penalties could be assessed against SignAd. Under the Administrative Procedure Act and the commission's rules, the matter is now appropriate for entry of a final order by the commission.

IT IS THEREFORE ORDERED by the commission that the commission issue the attached order in the case of Texas Department of Transportation v. SignAd, Ltd., Docket No. 601-19-5562 to be signed by the chairman of the commission on behalf of the commission, and directs the executive director to take the necessary steps to implement this order.

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

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 Right of Way Division Director Kyle Madsen. 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).

116024
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-Z. 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 1-164 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>
Cooke	IH 35	M	0195-01-113	53,53E,53OAS
Cooke	IH 35	L	0195-01-113	73AC,73E
Cooke	IH 35	N	0195-01-113	79,79E,79OAS
Cooke	IH 35	O	0195-01-120	40,40OAS
Cooke	IH 35	Z	0195-01-121	S172,S172E
Denton	IH 35E	P	0196-01-100	18
Denton	IH 35E	Q	0196-01-100	23
Denton	IH 35E	R	0196-01-100	24,24E
Harris	IH 69	A	0027-13-226	216AAQ
Harris	IH 45	S	0500-03-608	304
Harris	IH 45	T	0500-03-608	310
Harris	IH 45	X	0500-03-608	409
Harris	IH 45	Y	0500-03-608	410
Harris	IH 45	U	0500-03-608	419
Harris	IH 45	V	0500-03-608	421
Harris	IH 45	W	0500-03-608	433
Jefferson	IH 10	E	0028-13-138	4
Jefferson	IH 10	J	0028-13-138	5
Jefferson	IH 10	B	0028-13-138	6
Jefferson	IH 10	H	0028-13-138	8
Jefferson	IH 10	C	0028-13-138	10
Jefferson	IH 10	I	0028-13-138	11
Jefferson	IH 10	D	0028-13-138	14
Jefferson	IH 10	F	0028-13-138	15
Jefferson	IH 10	G	0028-13-138	22
Madison	US 190	K	0117-10-002	546

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	FM 518	131	3416-01-014	113
Brazoria	FM 518	132	3416-01-014	114
Brazoria	FM 518	134	3416-01-014	116
Brazoria	FM 518	133	3416-01-014	120
Brazoria	FM 518	135	3416-01-014	122

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	FM 518	136	3416-01-014	123
Brazoria	FM 518	137	3416-01-014	124
Brazoria	FM 518	138	3416-01-014	125
Brazoria	FM 518	139	3416-01-014	126
Brazoria	FM 518	140	3416-01-014	127
Brazoria	FM 518	141	3416-01-014	128
Brazoria	FM 518	142	3416-01-014	129
Brazoria	FM 518	143	3416-01-014	130
Brazoria	FM 518	144	3416-01-014	131
Brazoria	FM 518	145	3416-01-014	132
Brazoria	FM 518	146	3416-01-014	133
Brazoria	FM 518	147	3416-01-014	134
Brazoria	FM 518	148	3416-01-014	136
Brazoria	FM 518	149	3416-01-014	137
Brazoria	FM 518	150	3416-01-014	138A
Brazoria	FM 518	151	3416-01-014	138B
Brazoria	FM 518	152	3416-01-014	139
Brazoria	FM 518	153	3416-01-014	141
Brazoria	FM 518	154	3416-01-014	142
Cherokee	US 69	12	0191-02-067	108
Cherokee	US 69	13	0191-02-067	111
Collin	FM 545	69	1012-02-040	3
Collin	FM 545	70	1012-02-040	4
Collin	FM 545	61	1012-02-040	5
Collin	FM 545	66	1012-02-040	6
Collin	FM 545	65	1012-02-040	7
Collin	FM 545	67	1012-02-040	8
Collin	FM 545	71	1012-02-040	9
Collin	FM 545	62	1012-02-040	10,10E
Collin	FM 545	81	1012-02-040	12,12E
Collin	FM 545	63	1012-02-040	13,13E
Collin	FM 545	72	1012-02-040	14,14E
Collin	FM 545	64	1012-02-040	15,15E
Collin	FM 545	73	1012-02-040	16
Collin	FM 545	74	1012-02-040	17
Collin	FM 545	75	1012-02-040	18
Collin	FM 545	76	1012-02-040	19
Collin	FM 545	68	1012-02-040	20,20E
Collin	FM 545	83	1012-02-040	21
Collin	FM 545	77	1012-02-040	22,22E
Collin	FM 545	78	1012-02-040	23
Collin	FM 545	79	1012-02-040	24
Collin	FM 545	80	1012-02-040	25,25E
Collin	FM 545	82	1012-02-040	26,26E
Collin	FM 545	84	1012-02-040	27,27E
Collin	FM 545	86	1012-02-040	28,28E
Collin	FM 545	85	1012-02-040	30
Collin	FM 545	87	1012-02-040	81

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 545	88	1012-02-040	82
Dallas	US 80	163	0095-02-122	1
Dallas	US 80	1	0095-02-122	2
Dallas	US 80	5	0095-02-122	3
Dallas	US 80	156	0095-02-122	4
Dallas	US 80	2	0095-02-122	5
Dallas	US 80	3	0095-02-122	7
Dallas	US 80	161	0095-02-122	9
Dallas	US 80	162	0095-02-122	18
Dallas	US 80	160	0095-02-122	19
Dallas	US 80	159	0095-02-122	20
Dallas	US 80	158	0095-02-122	21
Dallas	US 80	90	0095-02-122	23
Dallas	US 80	4	0095-02-122	27
Dallas	US 80	157	0095-02-122	35
Denton	FM 428	59	0817-01-028	1
Denton	FM 428	60	0817-01-028	2
Denton	FM 1515	112	1951-01-012	P00055436
Denton	FM 1515	113	1951-01-012	P00055437,P00055438
Denton	FM 1515	114	1951-01-012	P00055439
Denton	FM 1515	115	1951-01-012	P00055440
Denton	FM 1515	116	1951-01-012	P00055441
Denton	FM 1515	117	1951-01-012	P00055442
Denton	FM 1515	118	1951-01-012	P00055443
Denton	FM 1515	119	1951-01-012	P00055444
Denton	FM 1515	120	1951-01-012	P00055445
Denton	FM 1515	127	1951-01-012	P00055446,P00055447
Denton	FM 1515	121	1951-01-012	P00055448
Denton	FM 1515	122	1951-01-012	P00055449
Denton	FM 1515	123	1951-01-012	P00055450
Denton	FM 1515	124	1951-01-012	P00055451
Denton	FM 1515	125	1951-01-012	P00055452
Denton	FM 1515	126	1951-01-012	P00055453
DeWitt	SH 72	14	0270-10-015	144
Fort Bend	FM 723	164	0188-09-047	250
Fort Bend	FM 1463	11	0188-10-037	112B
Galveston	FM 646	128	3049-01-032	228
Galveston	FM 646	129	3049-01-032	230
Galveston	FM 646	130	3049-01-032	239
Gregg	FM 2275	155	2158-01-024	76
Harris	FM 2100	91	1062-02-021	103
Harris	FM 2100	92	1062-02-021	104
Harris	FM 2100	95	1062-02-021	106
Harris	FM 2100	89	1062-02-021	107
Harris	FM 2100	93	1062-02-021	108
Harris	FM 2100	94	1062-02-021	109
Harris	FM 2100	96	1062-02-021	110
Harris	FM 2100	104	1062-02-021	111

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Harris	FM 2100	97	1062-02-021	119
Harris	FM 2100	98	1062-02-021	123
Harris	FM 2100	105	1062-02-021	124
Harris	FM 2100	106	1062-02-021	128
Harris	FM 2100	99	1062-02-021	129
Harris	FM 2100	100	1062-02-021	132
Harris	FM 2100	108	1062-02-021	133
Harris	FM 2100	101	1062-02-021	134
Harris	FM 2100	102	1062-02-021	137
Harris	FM 2100	103	1062-02-021	139
Harris	FM 2100	107	1062-02-021	140
Harris	FM 2100	109	1062-04-059	345
Hidalgo	FM 676	110	1064-01-047	45
Jones	FM 707	40	0484-01-026	1
Kaufman	SH 205	25	0451-02-030	95
Kaufman	SH 205	23	0451-02-030	96
Kaufman	SH 205	24	0451-02-030	98EB
Kleberg	US 77	15	0327-09-003	12
Lubbock	FM 1585	111	1502-01-035	254AE
Madison	US 190	9	0117-04-044	680
Madison	US 190	8	0117-04-044	715
Madison	US 190	7	0117-04-044	723
Madison	US 190	6	0117-04-044	761
Rockwall	SH 205	19	0451-01-057	16
Rockwall	SH 205	16	0451-01-057	55
Rockwall	SH 205	21	0451-01-057	56
Rockwall	SH 205	17	0451-01-057	64
Rockwall	SH 205	22	0451-01-057	90
Rockwall	SH 205	18	0451-01-057	106
Rockwall	SH 205	20	0451-01-057	107
Rockwall	SH 205	27	0451-05-002	6
Rockwall	SH 205	28	0451-05-002	7
Rockwall	SH 205	29	0451-05-002	8
Rockwall	SH 205	30	0451-05-002	10
Rockwall	SH 205	31	0451-05-002	11
Rockwall	SH 205	32	0451-05-002	13
Rockwall	SH 205	33	0451-05-002	14
Rockwall	SH 205	34	0451-05-002	15
Rockwall	SH 205	35	0451-05-002	16
Rockwall	SH 205	36	0451-05-002	17
Rockwall	SH 205	37	0451-05-002	18
Rockwall	SH 205	38	0451-05-002	19
Rockwall	SH 205	39	0451-05-002	20
Rockwall	SH 205	26	0451-05-002	1,1E
San Jacinto	US 59	10	0177-02-105	19,19OAS
Travis	RM 620	42	0683-02-081	16
Travis	RM 620	46	0683-02-081	19
Travis	RM 620	41	0683-02-081	22

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Travis	RM 620	44	0683-02-081	27
Travis	RM 620	48	0683-02-081	28
Travis	RM 620	45	0683-02-081	30
Travis	RM 620	47	0683-02-081	40
Travis	RM 620	43	0683-02-081	46
Travis	RM 620	54	0683-02-083	56
Travis	RM 620	49	0683-02-083	57
Travis	RM 620	55	0683-02-083	68
Travis	RM 620	57	0683-02-083	119
Travis	RM 620	51	0683-02-083	128
Travis	RM 620	52	0683-02-083	129
Travis	RM 620	53	0683-02-083	134
Travis	RM 620	58	0683-02-083	137
Travis	RM 620	50	0683-02-083	145
Travis	RM 620	56	0683-02-083	147

Note: Exhibits A - Z and 1 - 164 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 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)

116025
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>
Armstrong County Museum	TRF	Armstrong	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 287 in Armstrong County.
Austin Stadco LLC	AUS	Travis	Funds for the installation of way-finding signs to direct traffic to the donor's development in Austin.
Berk RE, LLC	AUS	Caldwell	Design and construction of a two-way center turn lane on US 183 from Apple Street to Flores Street in Lockhart.
Centex Monte Vista, L.P.	AUS	Bastrop	Design and construction of a right turn lane on FM 1704 from Arbuckle Road to 0.25 miles north of Arbuckle Road in Elgin.
Compass Rose Education, Inc.	AUS	Travis	Design and funds sufficient to construct a right deceleration lane and an acceleration lane to access a new driveway approximately 0.33 miles south of the intersection of FM 973 and Suncrest Road in Manor.
Continental Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of a traffic signal on FM 78 at S. Main Street in Cibolo.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Cypress 856, Ltd.	HOU	Harris	Design and construction of a right turn lane at Settlers Village Drive north of FM 529 into the donor's development and a traffic signal modification at FM 529 and Settlers Village Drive in Cypress.
D.R. Horton – Texas, Ltd.	HOU	Fort Bend	Design and construction of a traffic signal at the intersection of FM 2977 (Minonite Road) at Bryan Road in Rosenberg.
Entravision Communications Corporation	HOU	Montgomery	Design and construction of a right turn lane from west bound SH 99 frontage road into the donor's development in Montgomery County.
ET Houston, LLC	HOU	Montgomery	Design and construction of a deceleration lane from northbound I-69 service road into the donor's development in Porter.
HM Parkside Development, Inc.	AUS	Williamson	Design and construction of a left turn and right turn deceleration lanes on RM 2243 at the Greenview Drive intersection in Georgetown.
KB Home Lone Star Inc.	HOU	Fort Bend	Design and construction of a left turn lane from eastbound FM 359 into the donor's development in Fort Bend County.
KIPP Texas, Inc.	HOU	Harris	Design and construction of deceleration and acceleration lanes from eastbound US 90A (S. Main Street) into the donor's development in Houston.
Lanzola MHP3, LLC	AUS	Caldwell	Design and construction of a two-way center turn lane and right turn lane on FM 2720 from 0.2 miles northwest of Bobwhite Road to 0.4 miles southeast of Bobwhite Road in Lockhart.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Guadalupe	Design and construction of a right turn lane for a new subdivision entrance on SH 46 in Seguin.
Lennar Homes Construction, Ltd.	AUS	Caldwell	Design and construction of a two-way center of Texas Land and turn lane and right turn lane on US 183 from 0.1 miles south of Summerside Avenue to 0.2 miles north of Summerside Avenue in Lockhart.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
MaBe Lakeview LLC	FTW	Palo Pinto	Sufficient funding, property, and services to provide for land acquisition and exchange of right of way, utility relocation, environmental assessments, schematics, plans, specifications and estimates, construction and construction engineering necessary for relocation of approximately 0.25 mile length of highway designated as Park Road 36 in Palo Pinto County.
MPLD II Rodeo, LLC	SAT	Bexar	Design and construction of a traffic signal, driveway and widening of road for left and right turn lanes on LP 1604 approximately 1.0 mile south of US 90 in Bexar 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.
MREC MAG MorningStar LLC	AUS	Williamson	Design and construction of a new traffic signal at the intersection of SH 29 and Kauffman Loop in Georgetown.
Post Oak Pointe, LTD	HOU	Fort Bend	Design and construction of a right turn lane from eastbound SH 6 into the donor's development in Arcola.
RCR Hempstead Rail, L.P.	HOU	Waller	Design and construction of an acceleration/deceleration lane, left turn lane extension, and widening a medical crossing from southbound and northbound SH 6 in Hempstead.
SH 130 Concession Company, LLC	SAT	Bexar	Funds sufficient to cover the state's cost to design, construct and install a changeable message sign above the northbound lanes of I-35, south of the I-410 interchange in Von Ormy.
Starlight Homes Texas L.L.C.	SAT	Bexar	Design and construction of northbound deceleration lane on I-410 at Sinclair Rd, and westbound deceleration lane and eastbound acceleration lane on Sinclair Rd at IH 410 as offsite improvements for the Sutton Tract in San Antonio.
Taylor Morrison of Texas, Inc.	AUS	Williamson	Design and construction of a new traffic signal at the intersection of RM 2243 and Horizon Park Boulevard in Leander.
Tenise Development, LLC	BRY	Walker	Design and construction of a left turn lane on SH 75 into the donor's property located in Huntsville.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Tesla, Inc.	AUS	Travis	Design and construction of operational safety improvements at the intersection of SH 130 at Harold Green Road, FM 973 at Harold Green Road, SH 130 at Private Drive, and signal improvements along FM 973 in Austin.
Uvalde Realty Partners, LLC	HOU	Harris	Design and construction of a right turn lane from eastbound US 90 frontage road and a right turn lane from eastbound Sam Houston Parkway frontage road into the donor's development in Houston.
West Elm Property Inc.	HOU	Fort Bend	Design and construction of a left turn lane along northbound FM 1489 into the donor's development in Fort Bend County.
Zippy J's Brenham Holdings, LLC	BRY	Freestone	Funds to construct a right turn lane on I-45 east frontage road into the donor's property located in Fairfield.
Dreamland Tank Town, LLC	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	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Air Werks	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Benton Enterprises, Inc. dba McDonald's	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Kidd Roofing	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Lewis Family Medicine Urgent Care, PLLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Luxury Auto Works	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
SM Switchback, LLC dba Smokey	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal Mo's Bar-B-Q on an existing sign location.
Total Men's Primary Care	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
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.
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.
Armor Glass International, Inc	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.
Comal Iron & Metals, Inc.	SAT	Comal	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Harris County - SH 99 - Consider the designation of one location on an SH 99 westbound entrance ramp at which access will be permitted to the abutting property (MO)

116026
ROW

Near the City of Tomball, Harris County, on SH 99, a new designated controlled-access highway, the State of Texas acquired certain land for highway purposes by a Final Judgment recorded in the Clerk's File of Harris County, Texas, at File Number 20160210-0923-0012, with denial of access to the abutting remainder property per Transportation Code, §203.034(a).

A-S 147 Grand Parkway - Gleannloch Forest, LP, a Texas limited partnership, the current owner of abutting property, has requested designated access to and from the SH 99 westbound entrance ramp for proposed access at one location along the property line at a new access point described in Exhibit A.

A-S 147 Grand Parkway - Gleannloch Forest, LP has committed to purchase the access for \$346,758.

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 to determine the type and extent of access permitted at each location.

Transportation Code, Chapter 202, Subchapter B, authorizes the commission to recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

The commission finds that the new access point will not compromise the mobility, safety, or operation of the existing state highway facility.

The commission further finds \$346,758 to be a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated access, described in Exhibit A, is no longer needed for a state highway purpose. It is recommended by the commission, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access as described in Exhibit A to A-S 147 Grand Parkway - Gleannloch Forest, LP, a Texas limited partnership, for \$346,758.

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

(2) Lubbock County - SL 289 - Consider the sale of right of way to an abutting landowner (MO)

116027
ROW

In the City of Lubbock, Lubbock County, on SL 289, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 706, at Page 16, and Volume 705, at Page 9, of the Deed Records of Lubbock 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.

Louis Equities, LP, a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$32,700.

The commission finds \$32,700 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 Louis Equities, LP, a Texas limited partnership, for \$32,700; 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) Palo Pinto County - PR 36 - Consider an exchange of easements encumbering real property (MO)

116028
ROW

Near Possum Kingdom Lake, Palo Pinto County, on PR 36, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 320, at Page 581, of the Deed Records of Palo Pinto County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (the commission) may recommend the exchange of an easement encumbering real property, acquired but not needed for a highway purpose, as whole or partial consideration for another easement encumbering real property needed for a state highway purpose.

The right of way easement, encumbering the real property described in Exhibit A (the “tract”), is no longer needed for a state highway purpose. The value of the easement encumbering the tract is \$116,810. The commission finds \$116,810 to be a fair and reasonable value of the state’s right, title, and interest in the easement.

The easement interest, encumbering the real property described in Exhibit B (the “parcel”), is needed for a state highway purpose and will be conveyed to the state by MaBe Lakeview, LLC (“MaBe”). The value of the easement encumbering the parcel is \$66,563.

MaBe has requested that the right of way easement encumbering the tract be released to MaBe in exchange for the right of way easement encumbering the parcel. MaBe will be required to pay the state the \$50,247 difference in value in cash at closing.

It is the opinion of the commission that it is proper and correct that the state release the right of way easement encumbering the tract to MaBe as consideration for the right of way easement encumbering the parcel and receipt of the \$50,247 value difference from MaBe.

IT IS THEREFORE ORDERED by the commission that the right of way easement encumbering the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument releasing all of the state’s right, title, and interest in the right of way easement encumbering the tract to MaBe Lakeview, LLC in exchange and as consideration for the right of way easement encumbering the parcel and receipt of the \$50,247 in value difference to the state.

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

(4) Tarrant County - SH 183 - Consider the sale of right of way to an abutting landowner (MO)

116029
ROW

In the City of Fort Worth, Tarrant County, on SH 183, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1403, at Page 59, of 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 right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

2020 Grandy’s, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$87,000.

The commission finds \$87,000 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 2020 Grandy's, LLC, a Texas limited liability company, for \$87,000; 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.

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Central Texas Turnpike System

Travis and Williamson Counties - FY 2021 Central Texas Turnpike System Annual Inspection Report (Report)

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

(3) Quarterly Investment Report

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

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

(4) State Highway 249 System

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

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

d. Highway Designation

Cameron County - Near the city of Harlingen, consider extending the designation of FM 509 on a new location (MO)

116030
TPP

The Pharr District and Cameron County have requested the extension of the designation of FM 509 on the state highway system on a new location from FM 508 northward to FM 1599, a distance of approximately 2.4 miles.

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

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

IT IS THEREFORE ORDERED by the commission that FM 509 is extended on the state highway system on a new location from FM 508 northward to FM 1599, a distance of approximately 2.4 miles, as shown on Exhibit A.

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

e. Speed Zones**Various Counties - Consider the establishment or alteration of regulatory and construction speed zones on various sections of highways in the state (MO)**116031
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 must be signed up prior to the beginning of the open comment period.

The commission received no comments.

ITEM 9. 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 11:38 a.m. and returned from executive session at 1:40 p.m.

Item 10. Election of Executive Director

Elect the executive director of the Texas Department of Transportation and approve compensation (MO)

This item was not considered by the commission.

Item 11. Election of Interim Executive Director

Elect an interim executive director of the Texas Department of Transportation and approve compensation (MO)

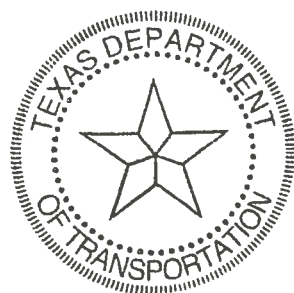
This item was not considered by the commission.

Commissioner Vaughn did not return from executive session. Commissioner Ryan motioned adjournment and Commissioner New seconded the motion. The commission voted 3 - 0 to adjourn. The special meeting of the Texas Transportation Commission was adjourned at 1:40 p.m.

APPROVED by the Texas Transportation Commission on June 24, 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 May 27, 2021, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation