

These are the minutes of the regular meeting of the Texas Transportation Commission held on June 30, 2021, in Austin, Texas. The meeting was called to order at 11:37 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:

Marc Williams, 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 3:12 p.m. on June 22, 2021, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

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

Following the safety briefing, Chairman Bugg recognized Representative Ed Thompson, who spoke to the commission concerning Grand Parkway Segment B.

The commissioners made opening remarks.

ITEM 2. Consider the approval of the Minutes of the May 26, 2021, special meeting and the May 27, 2021, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the May 26, 2021, special meeting and the May 27, 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 Construction Division Director Duane Milligan. Chairman Bugg called Chief Engineer Bill Hale and Project Planning and Development Director Brian Barth to the podium to answer questions. The commission also heard remarks from private citizen Don Dixon. 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.

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on June 3 and 4, 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 Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

116033
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 June 3 and 4, 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 and Management Section Director Warren Rose. 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.

116034
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 June 1, 2021, as shown on Exhibit A.

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

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

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

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

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

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or

concur, or failure to meet other conditions in the contract or an Exhibit to this order, the respective award is voided and the department will return the bid guaranty.

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

ITEM 4. Discussion Items

a. Unified Transportation Program (UTP)

Discussion of the draft 2022 Unified Transportation Program (Presentation)

This discussion was led by Transportation Planning and Programming Division Director Jessica Butler. General Counsel Jeff Graham and Associate General Counsel Angie Parker answered questions from the chairman. The commission asked questions and discussed the topic. The commission also heard comments from Executive Director of Farm and City Jay Blazek Crossley and private citizen Don Dixon.

b. Legislative Session Overview

The 87th Regular Legislative Session Overview and the General Appropriations Act (Presentation)

This discussion was led by State Legislative Affairs Section Director Trent Thomas. The commission asked questions and discussed the topic. The commission also heard comments from Executive Director of Farm and City Jay Blazek Crossley.

c. Capital Facilities Program

The 87th Regular Legislative Session Fiscal Year 21 Supplemental Appropriation for Capital Budget for Facilities (Presentation)

This discussion was led by Chief Administrative Officer Rich McMonagle. The commission asked questions and discussed the topic.

The commission took a short recess from 1:24 p.m. to 1:39 p.m.

ITEM 5. Aviation

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 Aviation Division Director Dan Harmon. The commission heard remarks from City Manager of the City of Granbury Chris Coffman. 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.

116035
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 May 28, 2021, a public hearing was held. No comments were received.

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

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

ITEM 6. Public Transportation

Various Counties - Consider the award of state and federal funds to multiple entities for a variety of program-eligible purposes (MO)

This item was presented by Public Transportation Division Director Eric Gleason. The commission heard remarks from Texas Transit Association Director Vince Huerta. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116036
PTN

The Texas Transportation Commission (commission) desires to award a total of \$89,394,290 in state and Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in urbanized and non-urbanized areas of the state.

Of the amounts appropriated to the Texas Department of Transportation (department) by the General Appropriations Act of the 87th Texas Legislature, Regular Session, \$69,982,134 was appropriated for urban and rural public transportation systems for the 2022-2023 biennium. Texas Constitution, Article 3, §49-k(c) authorizes money in the Texas Mobility Fund (TMF) to be used to provide participation by the state in the payment of a portion of the costs of constructing and providing public transportation projects in accordance with the procedures, standards, and limitations established by law. Texas Transportation Code §201.943 provides that money in the TMF may be used in the payment of a portion of the costs of providing public transportation projects that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state. Title 43, Texas Administrative Code (TAC), §31.11 establishes a formula by which state public transportation funds shall be distributed to the large urban, small urban, and rural areas of the state. An award of \$34,991,067 of FY 2022 state funds to large urban, small urban, and rural transit districts is shown in Exhibit A and has been determined in accordance with §31.11.

Title 43, TAC, §31.31 establishes a formula and 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 (49 U.S.C. §5310). An award of \$7,305,402 of federal §5310 funds is shown in Exhibit B and has been determined in accordance with §31.31.

Title 43, TAC, §31.36(g)(2) and §31.36(g)(4) establish formulas by which public transportation funds shall be distributed under the FTA Formula Grants for Rural Areas program (49 U.S.C. §5311). An award of \$36,217,378 of federal §5311 funds is shown in Exhibit C and has been determined in accordance with §31.36(g).

The United States Congress passed the American Rescue Plan Act of 2021 (ARP) on March 10, 2021, which authorized funding under the FTA Formula Grants for Rural Areas program (49 U.S.C. §5311) to prevent, prepare for, and respond to the Coronavirus (COVID-19). Title 43, TAC, §31.36(g)(2) establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for Rural Areas program. An award of \$3,316,675 of federal §5311 funds is shown in Exhibit D and has been determined in accordance with §31.36(g)(2).

The United States Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020, and the ARP on March 10, 2021, both of which authorized funding under the FTA Formula Grants for Rural Areas program (49 U.S.C. §5311(f)) for intercity bus to prevent, prepare for, and respond to the Coronavirus (COVID-19). Title 43, TAC, §31.36(g)(1) establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for Rural Areas program for intercity bus service. An award of \$6,980,850 authorized under ARP and \$582,918 of residual CARES funding for a total award of \$7,563,768 in §5311(f) funds is shown in Exhibit E and has been determined in accordance with §31.36(g)(1).

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.

Pursuant to Transportation Code §§201.943 and 201.946, the commission finds that the public transportation projects in Exhibit A to be in the best interests of the state in its major goal of improving the mobility of the residents of the state and are eligible for TMF funds.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards in Exhibits A-E using appropriate funds, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

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

Final Rule Adoptions

Chapter 2 - Environmental Review of Transportation Projects

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

This item was presented by Environmental Affairs Division Director Carlos Swonke. 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.

116037
ENV

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

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§2.201-2.214 and new §§2.201-2.207 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 8. Financial Assistance for Projects

Hidalgo County - Hidalgo County Regional Mobility Authority - Consider approval of a request from the Hidalgo County Regional Mobility Authority for financial assistance in the form of a grant in the amount of \$27,000,000 to pay for costs of constructing the 365 Tollway project. This financial assistance will be made with 100% federal funds and will not include funding from sources commonly known as Proposition 1 and Proposition 7 (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. The commission heard remarks from Texas TURF/Texans for Toll-free Highways Director Terri Hall and private citizen Don Dixon. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116038
PFD

The Texas Department of Transportation (department) and the Hidalgo County Regional Mobility Authority (HCRMA) have been proceeding with the development of projects within the State Highway (SH) 365 corridor in Hidalgo County. As planned, the SH 365 project included the construction of three segments, comprised of both toll and non-toll improvements. Segments 1 and 2 included the construction of toll road improvements from FM 396 (Anzalduas Highway) eastward to FM 3072, approximately 0.9 miles west of FM 2557, and then southward to US 281 (Military Highway). Segment 3, which constitutes US 281 and the Border Safety Inspection Facility (BSIF) Connector, includes the construction of non-toll highway improvements to US 281 (Military Highway) from 0.45 miles east of Spur 600 (Cage Blvd.) to FM 2557 (Stewart Rd.), and construction of non-toll highway improvements called the BSIF Connector from Spur 29 (S. Veterans Drive) to US 281 (Military Highway) below the San Juan Road overpass.

On April 29, 2010, the Texas Transportation Commission (commission), by Minute Order 112250, designated the limits of SH 365 along a new location in Hidalgo County, with the initial limits of the project from FM 1016, 1.7 miles south of US 83, eastward to FM 3072, 0.9 miles west of FM 2557, a distance of approximately 12.73 miles.

On July 26, 2012, the commission, by Minute Order 113199, amended Minute Order 112250 by extending the limits of the SH 365 designation from FM 1016, 1.7 miles south of US 83, eastward to FM 3072, approximately 0.9 miles west of FM 2557, and then southward to US 281 (Military Highway), a distance of approximately 14.31 miles.

The department and the HCRMA, pursuant to former Section 228.0111 of the Transportation Code, agreed on market valuation business terms for the Trade Corridor Connector ("TCC") project, which included Segments 1 and 2 of the SH 365 project, and the HCRMA, in Board Resolution No. 2010-38, adopted on July 27, 2010, exercised its option to develop the project. In Board Resolution No. 2016-73, adopted on May 17, 2016, the HCRMA exercised its option to develop the project pursuant to Texas Transportation Code §373.052, which superseded the HCRMA's exercise of its option to develop the project in Resolution 2010-38. In Board Resolution No. 2020-21, adopted August 25, 2020, the HCRMA reasserted its primacy and exercised its option to develop the 365 Tollway Project, a toll project within the limits of Segments 1 and 2 of the SH 365 project.

The HCRMA is proceeding with plans to construct the 365 Tollway Project. The 365 Tollway Project consists of the construction of a controlled access toll facility from FM 396 (Anzalduas Highway) and extending east and south to US 281, a distance of approximately 12.2 miles. On May 28, 2015, and June 25, 2015, the commission passed Minute Order 112605 and Minute Order 114288, approving a request for financial assistance from HCRMA in an amount

up to \$127,935,862 for construction costs associated with Segments 1 and 2 of the SH 365 project.

On June 30, 2016, in Minute Order 114625, the commission rescinded the state highway system designation of SH 365 from FM 1016, 1.7 miles south of US 83, eastward to FM 3072, approximately 0.9 miles west of FM 2557, and then southward to US 281 (Military Highway), a distance of approximately 14.31 miles.

On October 18, 2016, HCRMA and the department entered into a financial assistance agreement for \$127,935,862 to be used on a reimbursement basis for costs associated with construction for the 365 Tollway Project.

The HCRMA has requested financial assistance in the form of a grant of \$27,000,000 to be used only for the costs of constructing the 365 Tollway Project. The funds for this financial assistance were most recently listed in the addition to the 2021 Unified Transportation Program approved by the commission in December 2020 as Category 10 Coordinated Border Infrastructure funds and Category 11 Rider 11B Border Infrastructure, in the total amount of \$27,000,000 for the 365 Tollway Project.

Transportation Code, §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code, §222.103 authorizes the department to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission.

Pursuant to Transportation Code, §222.103, the commission adopted Title 43, Texas Administrative Code, §§27.50-27.58 (toll equity rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In accordance with §27.53 of the toll equity rules, the HCRMA has submitted a request for \$27,000,000 in additional financial assistance, in the form of a grant, to cover certain costs of constructing the 365 Tollway Project. The HCRMA proposes to expend its own funds to pay actual eligible expenses and seek reimbursement from the department, which will disburse the financial assistance within 30 days of a request from the HCRMA. The information and data required by §27.53 is either contained in the request for financing, is already in the department's possession, or may be waived.

On February 24, 2011, the commission adopted Minute Order 112605, directing that if financial assistance is provided to a public entity under Transportation Code, §222.103 from a statewide funding source: (1) that assistance shall be repaid, or (2) the department shall require the entity to which the assistance is provided to agree to share project revenue with the department, in such amounts and for such period of time as is approved by the commission. These requirements do not apply to financial assistance provided from funds allocated to metropolitan planning organizations or department districts.

Pursuant to Transportation Code, §372.002, added by Senate Bill 312, Acts of the 85th Legislature, the department may contribute funds as participation in the cost of a project for which repayment is not required if a toll project entity commenced the environmental review process for the project on or before January 1, 2014. HCRMA commenced the environmental review process for the 365 Tollway Project before January 1, 2014.

The commission finds that: (1) the project is consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the Rio Grande Valley Metropolitan Planning Organization; (2) the project will improve the efficiency of the state's transportation systems; and (3) the project has the potential to expand the availability of funding for transportation projects or reduce direct state costs.

The commission further finds that: (1) providing financial assistance will prudently provide for the protection of public funds; and (2) the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the request for financial assistance in the form of a grant submitted by the Hidalgo County Regional Mobility Authority meets the applicable requirements of 43 TAC §§27.53 and 27.54(a) and, in accordance with those provisions, as an exception to the requirements of Minute Order 112605, the commission grants preliminary and final approval of financial assistance in the form of a grant in an amount up to \$27,000,000, to be used only for the costs of constructing the 365 Tollway Project, from FM 396 (Anzalduas Highway) and extending east and south to US 281 (Military Highway) in Hidalgo County.

IT IS FURTHER DETERMINED AND ORDERED that, in accordance with 43 TAC §§27.54 and 27.55, the executive director has negotiated the amount, type, and timing of disbursements of the financial assistance in the form of a grant, and is authorized to negotiate and execute a financial assistance agreement which includes the following terms: (1) the financial assistance will be disbursed on a reimbursement basis and may only be used for construction of the 365 Tollway Project; and (2) if HCRMA fails to issue toll revenue bonds and execute a construction contract on or before May 1, 2022, the financial assistance may not be disbursed and the financial assistance agreement shall be terminated, unless this deadline is extended by the executive director of the department.

ITEM 9. Transportation Corporations

a. Grand Parkway Transportation Corporation

Appoint director to the Grand Parkway Transportation Corporation (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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.

116039
PFD

By Minute Order 113046 dated March 29, 2012, the Texas Transportation Commission (commission) authorized the creation of the Grand Parkway Transportation Corporation (corporation) under the authority of Transportation Code, Chapter 431, Subchapters A through C, as further authorized by Title 43, Texas Administrative Code (TAC), Section 15.95; and approved the corporation's articles of incorporation and bylaws; and appointed the corporation's initial directors. The corporation was created to facilitate the developing, financing, refinancing, designing, constructing, reconstructing, expanding, operating, and maintaining of various segments of State Highway 99 (Grand Parkway) and act on behalf of the commission to promote and develop various segments of the Grand Parkway.

The powers of the corporation are exercised through its board of directors consisting of three persons appointed by the commission. Under the articles of incorporation, as approved by the commission, the directors of the corporation must be employees of the Texas Department of Transportation (department), and the commission duly appointed three initial directors in Minute Order 113046 to serve an initial term expiring on August 31, 2015. In Minute Order 114306 dated July 30, 2015, the commission reappointed James Bass, Lauren Garduño, and Richard McMonagle to six-year terms commencing September 1, 2015.

In Minute Order 114539 dated March 31, 2016, the commission appointed Brian Ragland to replace James Bass on the board of directors due to James Bass having resigned from the board effective with his becoming executive director of the department.

In Minute Order 115246 dated June 28, 2018, the commission appointed Brian Barth to the board of directors to fill a vacancy due to one director, Lauren Garduño, retiring from employment with the department.

There is a vacancy on the corporation's board of directors due to one director, Brian Ragland, retiring from employment with the department on January 31, 2021.

IT IS THEREFORE ORDERED by the commission that, effective as of the date of this minute order, Stephen Stewart, an employee of the department, is hereby appointed to the board of directors of the corporation to serve Mr. Ragland's remaining term expiring on August 31, 2021.

IT IS FURTHER ORDERED that, effective as of September 1, 2021, Stephen Stewart, Richard McMonagle, and Brian Barth are each re-appointed to the board of directors of the corporation to serve a six-year term expiring on August 31, 2027.

b. Private Activity Bond Surface Transportation Corporation

Appoint director to the Texas Private Activity Bond Surface Transportation Corporation (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. 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.

116040
PFD

By Minute Order 111551 dated October 30, 2008, the Texas Transportation Commission (commission) authorized the creation of the Texas Private Activity Bond Surface Transportation Corporation (corporation) under the authority of Transportation Code, Chapter 431, Subchapters A through C, as further authorized by Title 43, Texas Administrative Code (TAC), Section 15.94; and approved the corporation's articles of incorporation and bylaws; and appointed the corporation's initial directors. The corporation was created to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems through the issuance of bonds for transportation projects developed or to be developed under comprehensive development agreements.

The powers of the corporation are exercised through its board of directors consisting of three persons appointed by the commission. Under the articles of incorporation, as approved by the commission, the directors of the corporation must be employees of the Texas Department of Transportation (department), and the commission duly appointed three initial directors on October 30, 2008, in Minute Order 111551.

In Minute Order 112797 dated August 25, 2011, the commission appointed three directors to six-year terms, each expiring on August 31, 2017. Due to subsequent vacancies on the corporation's board of directors, the commission appointed the following department employees as replacement directors: Lauren Garduño (Minute Order 113816 dated January 30, 2014); Rich McMonagle (Minute Order 114042 dated August 28, 2014); and Brian Ragland (Minute Order 114540 dated March 31, 2016), each serving the remaining term expiring on August 31, 2017.

In Minute Order 115017 dated August 31, 2017, the commission re-appointed Lauren Garduño, Rich McMonagle, and Brian Ragland, employees of the department, to the board of directors of the corporation to each serve a new six-year term commencing September 1, 2017.

In Minute Order 115246 dated June 28, 2018, the commission appointed Brian Barth to the board of directors to fill a vacancy due to one director, Lauren Garduño, retiring from employment with the department.

There is a vacancy on the corporation's board of directors due to one director, Brian Ragland, retiring from employment with the department on January 31, 2021.

IT IS THEREFORE ORDERED by the commission that, effective as of the date of this minute order, Stephen Stewart, an employee of the department, is hereby appointed to the board of directors of the corporation to serve Mr. Ragland's remaining term expiring on August 31, 2023.

ITEM 10. 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 New and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

116041
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-EE. 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 1-85 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	SH 16	16	0291-10-115	2
Brazoria	FM 518	23	3416-01-014	108
Brazoria	FM 518	24	3416-01-014	109
Brazoria	FM 518	73	3416-01-014	110
Brazoria	FM 518	25	3416-01-014	115
Brazoria	FM 518	26	3416-01-014	121
Brazoria	FM 518	18	3416-01-014	140
Cherokee	US 175	11	0198-04-034	114
Dallas	US 80	14	0095-02-122	4
Dallas	US 80	64	0095-02-122	6
Dallas	US 80	21	0095-02-122	22
Dallas	US 80	13	0095-02-122	23
Dallas	US 80	31	0095-02-122	25
Dallas	US 80	32	0095-02-122	28
Dallas	US 80	22	0095-02-122	33
DeWitt	SH 72	80	0270-10-015	114
El Paso	SH 20	85	0001-01-065	1
Ellis	SL 9	67	2964-12-003	207
Fort Bend	FM 723	43	0188-09-047	227
Fort Bend	FM 1463	83	0188-10-038	250A
Fort Bend	FM 1463	84	0188-10-038	250B
Fort Bend	FM 1463	82	0188-10-038	250C
Fort Bend	FM 1463	1	0188-10-038	274
Galveston	FM 646	6	3049-01-032	221
Galveston	FM 646	8	3049-01-032	240
Gregg	FM 2275	41	2158-01-024	75
Gregg	FM 2275	74	2158-01-024	102
Gregg	FM 2275	75	2158-01-024	106
Gregg	FM 2275	77	2158-01-024	126
Gregg	FM 2275	76	2158-01-024	137
Gregg	FM 2275	35	2158-01-025	13
Gregg	FM 2275	36	2158-01-025	15
Gregg	FM 2275	79	2158-01-025	18
Gregg	FM 2275	37	2158-01-025	41
Gregg	FM 2275	78	2158-01-025	43

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Guadalupe	FM 725	44	0215-09-031	2
Guadalupe	FM 725	42	0215-09-031	5
Guadalupe	FM 725	62	0215-09-031	7
Guadalupe	FM 725	45	0215-09-031	10
Guadalupe	FM 725	48	0215-09-031	11
Guadalupe	FM 725	63	0215-09-031	12
Guadalupe	FM 725	54	0215-09-031	13
Guadalupe	FM 725	47	0215-09-031	15
Guadalupe	FM 725	46	0215-09-031	16
Guadalupe	FM 725	49	0215-09-031	17
Guadalupe	FM 725	57	0215-09-031	18
Guadalupe	FM 725	51	0215-09-031	19
Guadalupe	FM 725	61	0215-09-031	20
Guadalupe	FM 725	59	0215-09-031	22
Guadalupe	FM 725	50	0215-09-031	23
Guadalupe	FM 725	58	0215-09-031	24
Guadalupe	FM 725	52	0215-09-031	25
Guadalupe	FM 725	53	0215-09-031	26
Guadalupe	FM 725	60	0215-09-031	29
Guadalupe	FM 725	55	0215-09-031	30
Guadalupe	FM 725	56	0215-09-031	31
Hidalgo	FM 676	30	1064-01-038	48
Hidalgo	FM 676	17	1064-01-038	137X
Hidalgo	FM 676	33	1064-01-047	26
Hidalgo	FM 676	20	1064-01-047	31
Madison	US 190	66	0117-04-044	606
Madison	US 190	65	0117-04-044	607
Madison	US 190	81	0117-04-044	692
Montague	US 82	71	0044-04-062	80
Montague	US 82	72	0044-04-062	81,81E
Montgomery	SH 105	15	0338-04-072	8
Montgomery	SH 105	2	0338-04-073	319
Montgomery	SH 105	68	0338-07-022	702
Montgomery	SH 105	69	0338-07-022	704
Montgomery	SH 105	34	0338-07-022	731
Potter	SL 335	70	2635-04-041	18
Rockwall	SH 205	7	0451-01-057	17
Smith	FM 16	12	0522-04-035	61
Travis	RM 620	28	0683-02-081	3
Travis	RM 620	10	0683-02-081	4
Travis	RM 620	19	0683-02-081	6
Travis	RM 620	5	0683-02-081	17
Travis	RM 620	27	0683-02-081	31
Travis	RM 620	29	0683-02-083	51
Travis	RM 620	9	0683-02-083	71
Travis	RM 620	38	0683-02-083	74

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Travis	RM 620	39	0683-02-083	76
Travis	RM 620	40	0683-02-083	79
Travis	RM 620	4	0683-02-083	120
Travis	RM 620	3	0683-02-083	144

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cooke	IH 35	A	0194-02-096	20B
Denton	IH 35E	G	0196-02-115	133
Denton	IH 35E	H	0196-02-115	203
Ellis	IH 35E	B	0442-03-046	29
Galveston	IH 45	EE	0500-04-138	602,602AC,602OAS
Grimes	SH 6	DD	0050-03-104	2,2AC
Harris	IH 69	E	0027-13-226	213
Harris	IH 69	V	0027-13-226	215
Kaufman	IH 20	I	0095-14-032	34
Kaufman	IH 20	J	0095-14-032	44
Kaufman	IH 20	BB	0095-14-032	62
Kaufman	IH 20	CC	0095-14-032	67,67E
Kaufman	IH 20	K	0095-14-032	68
Kaufman	IH 20	L	0095-14-032	70
Kaufman	IH 20	M	0095-14-032	73
Kaufman	IH 20	N	0095-14-032	74
Kaufman	IH 20	O	0095-14-032	78
Kaufman	IH 20	P	0095-14-032	79
Kaufman	IH 20	Q	0095-14-032	81E
Kaufman	IH 20	U	0095-14-032	82E
Kaufman	IH 20	R	0095-14-032	88
Kaufman	IH 20	T	0095-14-032	92
Kaufman	IH 20	S	0095-14-032	93
Kaufman	IH 20	C	0095-14-032	94,94E
Kaufman	IH 20	D	0095-14-032	97
Kaufman	IH 20	Z	0095-14-032	98
Kaufman	IH 20	AA	0095-14-032	99
Kaufman	IH 20	F	0095-14-032	104
Tarrant	IH 820	W	0008-13-242	545
Tarrant	IH 820	Y	0008-13-242	409B
Tarrant	IH 820	X	0008-13-242	784,784DE

Note: Exhibits A - EE and 1 - 85 are on file with the commission chief clerk.

ITEM 11. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. An Alliance for I-69 representative, Don Rodman, provided remarks in support of agenda item 11.d, a designation for I-69E in Nueces County, near the city of Robstown. Commissioner Vaughn

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)

116042
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 department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

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 C 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, B, and C.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Alamo Concrete Products Company	AUS	Bastrop	Design and construction of deceleration and acceleration lanes on FM 969 from 0.4 miles southeast of The Oaks Blvd to 0.1 miles west of Utley Road in Utley.
Colorado River Project, LLC and its parent company Tesla, Inc.	AUS	Travis	Design and construction of operational safety improvements at multiple project locations in Austin.
KB Home Lone Star, Inc.	SAT	Bexar	Design and construction for the restriping of FM 471 east of Kallison Bend to provide left turn lane for The Preserve at Culebra development in San Antonio.
Lavish Investments, Inc	BRY	Walker	Design and construction of an 18" culvert under SH 75 adjacent to the donor's property located in Huntsville.
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Travis	Design and construction of a westbound right turn deceleration lane at the intersection of US 290 and Basket Flower Bend in Elgin.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Bexar	Design and construction for left turn lane, deceleration lane, and drainage improvements on FM 2536 for Crescent Hills Unit 1 located approximately 0.7 miles west of I-410 in San Antonio.
Love's Travel Stops & Country Stores, Inc.	ATL	Bowie	Design and construction of a westbound right turn lane on US 82 into the donor's proposed development in New Boston.
Pulte Homes of Texas, L.P.	HOU	Montgomery	Design and construction of left and right turn lanes along SH 242 into the donor's development in Montgomery County.
Rio Perla Properties, L.P.	SAT	Bexar	Design and construction for installation of roadway resurfacing, sidewalk and median improvements along with lighting and painting on US 281 located approximately at Pearl Parkway in San Antonio.
Robb Kendrick	AUS	Hays	Funds sufficient to cover the state's cost of modifying the signal to add the fourth leg of the traffic signal at US 290 and Trautwein Road in Hays County.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Waterfront Development, LLC	LFK	Polk	Design and construction of roadway widening for a left turn lane at Cedar Point Drive on US 190 in Livingston.
City of Montgomery	HOU	Montgomery	Donation of .0502 acres of land from Grimes County Line to FM 149. The donation will be utilized for the placement of a right turn lane at the southeast corner of FM 149 and SH 105.
Austin Zoo, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Kidd Roofing Care	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.
Sport Clips, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on two existing sign locations.
Round Rock Honey Company, LLC	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Sport Clips, Inc.	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on six existing sign locations.
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	Dallas	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Buyers Barricades, Inc	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Moody National Bank	HOU	Galveston	Revenue generation through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) ZeusLending.com	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Higdon, Hardy & Zuflacht, L.L.P. - Family Law	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
PAX Financial Group	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Prestige Emergency Room, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Simmonds Real Estate Inc.	SAT	Guadalupe	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Dallas County - US 75 - Consider the sale of right of way to an abutting landowner (MO)

116043
ROW

In the City of Dallas, Dallas County, on US 75, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 2408, at Page 453, of the Deed Records of Dallas County, Texas.

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

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

Crew of Two LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$296,540.

The commission finds \$296,540 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 Crew of Two LLC, a Texas limited liability company, for \$296,540; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Travis County - US 183 - Consider authorizing the department to enter into a lease agreement with a nonprofit entity to lease land on US 183 (MO)

116044
ROW

In or near the City of Austin, Travis County, on US 183, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 871, at Page 632, and in

Volume 2270, at Page 238, Deed Records of Travis County, Texas, including that certain real property described in the attached Exhibit A (the property).

At the request of the Governor of the State of Texas, the Texas Department of Transportation (the department) has allowed the property to be used for sheltering people who are experiencing homelessness. The department now desires to lease the property to a nonprofit entity for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

Transportation Code, Chapter 202, Subchapter C, authorizes the department to lease highway assets.

The Texas Transportation Commission (commission) finds that the property to be leased will not be needed for highway purposes during the period of the lease, and that the use of the property by a nonprofit entity for the purpose of providing a shelter for persons experiencing homelessness in the Austin area will be consistent with the safety, maintenance, operation, and beautification of the state highway system. The commission also finds that the lease is in the public interest for social mitigation purposes, and, as such, will be economically beneficial to the department. In accordance with Transportation Code, §202.052 and Title 43, Texas Administrative Code, §21.603, the commission finds that the requirement to charge fair market value for the lease may be waived.

IT IS THEREFORE ORDERED by the commission that the staff of the department is authorized and directed to enter into negotiations and execute a lease agreement for all or a portion of the property with a nonprofit entity for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

IT IS ALSO ORDERED by the commission that the fair market value requirement is waived for the lease of all or a portion of the property for social mitigation purposes to a nonprofit entity for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

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

(3) Victoria County - US 77 - Consider the sale of right of way to an abutting landowner (MO)

116045
ROW

Near the City of Victoria, Victoria County, on US 77, the State of Texas acquired certain land for highway purposes by instruments recorded in Official Records Instrument No. 200113488 and Instrument No. 200215833 of Victoria 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.

Lynette Whitfield Johnson is an abutting landowner and has requested to purchase the tract for \$5,000.

The commission finds \$5,000 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, described in Exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the department to execute a proper instrument conveying all of the state's right, title, and interest in the tract to Lynette Whitfield Johnson for \$5,000; 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) Environmental Report

Consider the acceptance of the report on projects being processed under the procedures of Transportation Code, Chapter 201, Subchapter I-1 (Report)

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

d. Highway Designation

Nueces County - Near the city of Robstown, consider designating a segment of the state highway system as I-69E, concurrent with US 77 (MO)

116046
TPP

In Nueces County near the city of Robstown, officials have requested the designation of a segment of the state highway system as IH 69-E concurrent with US 77 from the existing IH 69-E terminus located 0.4 mile south of FM 892 to approximately 0.6 mile south of FM 2826 in Nueces County, a total distance of 3.3 miles.

Minute Order 113899, dated March 27, 2014, authorized the submission of applications to the American Association of State Highway and Transportation Officials (AASHTO) requesting segments of routes in Texas be added to the Interstate Highway System as IH 69. After the 2019 AASHTO Fall Meeting, the AASHTO Special Committee on US Route Numbering approved the application for the IH 69-E segment described above.

The Acting Administrator of the Federal Highway Administration approved the inclusion of this segment of IH 69-E on the Interstate Highway System on May 25, 2021.

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 the designation 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 IH 69-E is designated on the state highway system concurrent with US 77 from the existing IH 69-E terminus located 0.4 mile south of FM 892 to approximately 0.6 mile south of FM 2826 in Nueces County near the city of Robstown, a total distance of 3.3 miles, as shown in Exhibit A.

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

e. Land Acquisitions for Facilities

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

116047
TRF

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.

f. Speed Zones

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

116048
TRF

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

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

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

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

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

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

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

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

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

ITEM 12. Executive Session Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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

The commission received comments from private citizen Don Dixon concerning TxDOT funds; and from the following private citizens concerning SH 16 in Kerrville and proposed pedestrian lanes narrowing the highway lanes: Maria Hammerlein, George Hammerlein, Kathleen Ocker, William Fitch, Jill Furse, Terri Hall, Alicia Bell, Susan Deininger, Gerald Wolff, Bethany Puccio, Rich Paces, and Brian McDowell.

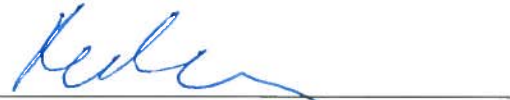
Commissioner Ryan motioned adjournment and Commissioner New seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 2:30 p.m.

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



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on June 30, 2021, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation

