

These are the minutes of the regular meeting of the Texas Transportation Commission held on August 31, 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:**

Marc Williams, Executive Director  
Jeff Graham, General Counsel  
Nicole Lawson, 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 3:38 p.m. on August 23, 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 Representatives Ed Thompson, Lina Ortega, and Dennis Paul; all offering their comments on the Unified Transportation Program.

The commissioners made opening remarks.

**ITEM 2. Consider the approval of the Minutes of the July 29, 2021, regular meeting of the Texas Transportation Commission**

Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the minutes of the July 29, 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. 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.

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on August 4 and 5, 2021, as shown on Exhibit A.

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

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

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

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

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

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

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

**b. Routine Maintenance (MO)**

This item was presented by 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.

116071  
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 August 4 and 5, 2021, as shown on Exhibit A.

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

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

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

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

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

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

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

**c. Construction and Rehabilitation of Buildings (MO)**

This item was presented by Facilities Planning and 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.

116072  
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 August 3, 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. Unified Transportation Program (UTP)**

**Consider the approval of the 2022 Unified Transportation Program (MO) (Presentation)**

This item was presented by Transportation Planning & Programming Division Director Jessica Butler. The commission heard remarks from Jack Cagle, Harris County Commissioner Precinct 4, Tom Ramsey, Harris County Commissioner Precinct 3, Ken Clark, Galveston County Commissioner and chair of the Transportation Policy Council of Houston Galveston Area Council, Mark Keough, Montgomery County Judge, Joe Zimmerman, Sugar Land Mayer, David Stout, El Paso County Commissioner Precinct 2, Eduardo Calvo, El Paso Metropolitan Planning Organization Director, Steve Ortega, El Paso Mobility Coalition Vice Chair, Adal Rivas, representative of A Better 10 Coalition, Craig Raborn, Transportation Director with Houston Galveston Area Council, Andrea French, Executive Director for Transportation Advocacy Group Houston Region, Ines Sigel, Interim Executive Director for Link Houston; and private citizens: Neal Ehardt, Doris Brown, Machell Blackwell, Jonathan Brooks, and Bolivar Fraga. Chairman Bugg called for a short recess at 11:53a.m., and reconvened the commission meeting at 12:05p.m. The commission then heard remarks from private citizens Rocio Witte, Alexandra Smither, Ben Peters, Erin Eriksen, Shareen Larmond, Fabian Ramirez, Chloe Hope Cook, Emmanuel Guerrero, Molly Cook, Mellissa Martinez, Jacob Castillo, Dr. Abdul Hakeen Muhammad, and Don Dixon. The commission also accepted 35 written comments submitted to an email address created due to unique current circumstances, and to accommodate an American's with Disabilities Act (ADA) specific request for this commission meeting.

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.

116073  
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects. Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a public hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions. The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects, which include guidance regarding public involvement related to the project selection process and the development of the UTP. These rules also require the commission to review both the transportation allocation funding formulas and criteria for allocation of funds at least as frequently as every four years and adopt the UTP not later than August 31 of each year.

The commission has reviewed the formulas and criteria set out in the rules and determined that both continue to be appropriate.

The department conducted a statewide virtual public meeting on July 7, 2021, and a statewide virtual public hearing on August 2, 2021, to receive comments and testimony concerning the development of the 2022 UTP and the project selection process.

The 2022 UTP, which is attached as Exhibit A, authorizes funding for each of the twelve funding categories established by the rules and outlines the various project selection methods. The 2022 UTP lists the connectivity and new capacity roadway projects that the department intends to develop and potentially let during the 10-year period and references for each listed project the funding category to which it is assigned. The funds and projects listed for aviation, public transportation, rail, and state waterways and coastal waters are authorized by separate minute orders and this UTP does not supersede those prior actions.

IT IS THEREFORE ORDERED by the commission that the 2022 UTP, including the project selection process, as shown in Exhibit A, is hereby approved and supersedes the previously-approved 2021 UTP for fiscal years 2022-2031.

IT IS FURTHER ORDERED that the executive director is hereby authorized to develop the projects funded in the UTP to the appropriate level of authority, to include any necessary agreements, right of way acquisitions, utility adjustments, and relocation assistance, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property.

IT IS FURTHER ORDERED that pursuant to Transportation Code, §222.052, the commission may accept financial contributions from political subdivisions of the state for development of projects in the 2022 UTP.

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

**ITEM 5. Aviation**

**a. Aviation Capital Improvement Program**

**Consider the approval of the Aviation Capital Improvement Program (MO)**

This item was presented by Aviation Division Director Dan Harmon. 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.

116074  
AVN

Pursuant to Transportation Code, §§21.108 and 21.109, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation prepares and updates a multiyear Aviation Capital Improvement Program (CIP). The CIP is a plan for general aviation airport development in Texas. It is a detailed listing of potential projects based on the anticipated funding levels of the Federal Aviation Administration Airport Improvement Program and the Texas Aviation Facilities Development Program.

In August 2021, the draft Fiscal Year 2022-Fiscal Year 2024 Aviation CIP was submitted to the sponsors of airports included in the Texas airport system for review. Comments received have been evaluated and, when appropriate, have been addressed in the CIP. The Texas Aviation Advisory Committee recommended approval of the Fiscal Year 2022-Fiscal Year 2024 CIP at its July 2021 meeting.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the Fiscal Year 2022-Fiscal Year 2024 Aviation Capital Improvement Program, as shown in Exhibit A, is hereby adopted and the executive director is authorized to proceed with the development of the airport facilities included in the program.

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

**b. Routine Airport Maintenance Program**

**Various Counties - Consider the approval of the Routine Airport Maintenance Program (MO)**

This item was presented by Aviation Division Director Dan Harmon. 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.

116075  
AVN

The Texas Department of Transportation (department) is authorized under Texas Transportation Code, Chapter 21 and Chapter 22, to assist in the development and maintenance of airports in the state.

The Routine Airport Maintenance Program (RAMP) provides financial assistance for publicly owned or operated general aviation, reliever and non-hub commercial service airports included in the Texas Airport System Plan.

Due to the success of this program, the department requests continuation of the program by providing funds for airport maintenance and small capital improvements on a 50-50 basis up to a maximum of \$50,000 in state funds for Fiscal Year 2022.

A public hearing regarding the funding of RAMP was held on July 30, 2021, and no comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the airports listed in Exhibit A be awarded grants in accordance with RAMP and that the executive director, or the director’s designee, is authorized to enter into any necessary grant agreements with the appropriate local government agencies necessary to carry out the directives of this minute order.

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

**c. 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)**

This item was presented by Aviation Division Director Dan Harmon. 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.

116076  
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 July 30, 2021, a public hearing was held. No comments were received.

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

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

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

**Rule Proposals**

**a. Chapter 1 - Management**

This item was presented by Deputy Executive Director Brandye Hendrickson. 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.

116077  
GCD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§1.84 and 1.88, and the repeal of §1.90, relating to Advisory Committees to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§1.84 and 1.88, and the repeal of §1.90 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**b. Chapter 15 - Financing and Construction of Transportation Projects**

This item was presented by Transportation Planning & Programming Division Director Jessica Butler. 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.

116078  
TPP

The Texas Transportation Commission (commission) finds it necessary to propose new §§15.140 – 15.147 relating to State Scenic Byways Program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that new §§15.140 – 15.147 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

Note: Exhibits A and B are 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).

116079  
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-SS. 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 1-8 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>
Madison	US 190	SS	0117-04-044	578
Tarrant	IH 20	RR	0008-13-241	31,31OAS
Tarrant	IH 20	KK	0008-13-241	57
Tarrant	IH 20	F	0008-13-241	795A
Tarrant	IH 20	T	0008-13-241	796B
Tarrant	IH 20	LL	0008-13-241	802
Tarrant	IH 20	C	0008-13-241	838
Tarrant	IH 820	R	0008-13-242	409A,409E
Tarrant	IH 820	X	0008-13-242	409C
Tarrant	IH 820	L	0008-13-242	409D
Tarrant	IH 820	MM	0008-13-242	410A
Tarrant	IH 820	NN	0008-13-242	410B
Tarrant	IH 820	JJ	0008-13-242	412B
Tarrant	IH 820	P	0008-13-242	414
Tarrant	IH 820	G	0008-13-242	417DE
Tarrant	IH 820	A	0008-13-242	441
Tarrant	IH 820	D	0008-13-242	442
Tarrant	IH 820	E	0008-13-242	459
Tarrant	IH 820	B	0008-13-242	461
Tarrant	IH 820	I	0008-13-242	466AC
Tarrant	IH 820	PP	0008-13-242	469
Tarrant	IH 820	QQ	0008-13-242	471
Tarrant	IH 820	Y	0008-13-242	563
Tarrant	IH 820	H	0008-13-242	594
Tarrant	IH 820	II	0008-13-242	609
Tarrant	IH 820	HH	0008-13-242	609A
Tarrant	IH 820	FF	0008-13-242	610
Tarrant	IH 820	AA	0008-13-242	619
Tarrant	IH 820	GG	0008-13-242	621
Tarrant	IH 820	Q	0008-13-242	622
Tarrant	IH 820	BB	0008-13-242	624
Tarrant	US 287	S	0172-06-098	626
Tarrant	IH 20	CC	2374-05-087	61,61AC
Tarrant	IH 20	K	2374-05-087	83
Tarrant	IH 20	U	2374-05-087	84
Tarrant	IH 20	DD	2374-05-087	220
Tarrant	IH 20	OO	2374-05-087	223
Tarrant	IH 20	V	2374-05-087	249C
Tarrant	IH 20	W	2374-05-087	305
Tarrant	IH 20	Z	2374-05-087	306
Tarrant	IH 20	EE	2374-05-087	307
Tarrant	IH 20	N	2374-05-087	370A

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Tarrant	IH 20	J	2374-05-087	370B
Tarrant	IH 20	M	2374-05-087	370C
Tarrant	IH 20	O	2374-05-087	370D

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 1461	8	1973-01-018	87
Colorado	FM 109	7	0716-02-049	2
Harris	FM 2100	6	1062-02-021	118
Tarrant	US 287	3	0172-06-098	625
Tarrant	US 287	5	0172-06-098	653
Tarrant	US 287	1	0172-06-098	748
Tarrant	US 287	2	0172-06-098	749
Tarrant	US 287	4	0172-06-098	754

Note: Exhibits A - SS and 1 - 8 are on file with the commission chief clerk.

**ITEM 8. Routine Minute Orders and Reports**

This item was presented by Executive Director Marc Williams. 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)

116080  
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**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Amazon Data Services, Inc.	SAT	Bexar	Design and construction for installation of approximately 800 linear feet of new frontage road at north access point and approximately 370 linear feet of new driveway with restriping of existing lanes to accommodate southbound left turn lane at south access point on SH 211 located at Lambda Drive in San Antonio.
Amplified Properties Management, LLC	LRD	Webb	Funds sufficient to cover the state's cost of construction to widen the road to accommodate the extension of the turning lane into the Forza Transportation Services, Inc. along US 83 in Laredo.
Arch Ray, LLC	AUS	Gillespie	Funds towards to design and construct an acceleration lane onto westbound US 290 from the entrance to the new ArchRay Winery development in Gillespie County.
Arch Ray, LLC	AUS	Gillespie	Design and construction of a right turn deceleration lane from westbound US 290 into the Arch Ray Winery development in Gillespie County.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
BDC Family Limited Partnership	WAC	McLennan	Design and construction of a shoulder expansion to have a minimum total shoulder width of 8 feet located on FM 1695/ Hewitt Drive, northwest of the intersection with Panther Way in Hewitt.
Brickstone Development, L.P.	SAT	Comal	Design and construction of shoulder widening on RM 32 approximately 1.5 miles southeast of FM 473 in Comal County.
Carma Properties Westport LLC	AUS	Travis	Funds to design and construct a new traffic signal at the intersection of US Highway 183 and Annalise Drive in Austin.
CCR West, Inc.	HOU	Fort Bend	Design and construction a street tie in along with left turn and right-turn lane from eastbound FM 359 into the Cross Creek West development in Fulshear.
Cliffstone Hills, Ltd.	HOU	Montgomery	Design and construction of a two way left turn lane from northbound and south bound FM 3083 into the Cliffstone development in Conroe.
Hwy 29 Ventures 2015, L.P.	AUS	Williamson	Design and construction of a traffic signal and related pavement markings and signing on SH 29 at Lively Ranch Road / Cross Creek Road in Leander.
IDEA Public Schools	SAT	Guadalupe	Design and construction of a left turn lane on FM 725 at Conway Castle in New Braunfels.
JABA Interest, LLC	HOU	Montgomery	Design and construction of a right turn lane from eastbound SH 105 into the donor's development in Conroe.
Khalid Khan	HOU	Fort Bend	Design and construction of a right turn only deceleration lane from northbound US 59 into the donor's development in Kendleton.
Kyoung Enterprises, Inc.	WAC	Bell	Design and construction of an approximately 126 linear foot right turn deceleration lane into the proposed business on the northbound frontage road of I 35 north of the city of Troy in Bell County.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Bexar	Design and construction of left and right turn lanes for a new public street serving the Clearwater Creek subdivision on FM 2538 approximately 1.5 miles southeast of I 10 in San Antonio.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Lower Troy Development, Inc.	WAC	Bell	Design and construction of an approximately 465-foot-long left turn lane on LP 363, NE H.K. Dodgen Loop in Temple.
Magnolia East 149, L.L.C.	HOU	Montgomery	Design and construction of a right turn lane from eastbound FM 1488 into the donor's development in Magnolia.
Market at Willis Associates, LLC	HOU	Montgomery	Design and construction of a right turn lane, new signal and signal improvements from FM 1097 into the donor's development in Willis.
Massey Oaks Development LP	HOU	Brazoria	Design and construction of a traffic signal at the intersection of FM 1128 and CR 100 in Pearland.
MM Marble Falls 1070, LLC	AUS	Burnet	Design and construction of intersection improvements to include 1) installation of a traffic signal at SH 71 and Driveway A; 2) installation of a signal, re-striping for a left turn lane and installation of a right turn lane at US 281 and Driveway B; 3) installation of a traffic signal and installation of right and left turn lanes at RM 2147 and Driveway C; and 4) optimization of signals at US 281 and RM 2147 in Marble Falls.
Pulte Homes of Texas, L.P.	AUS	Hays	Design and construction of left turn and deceleration lane for Hymeadow subdivision entrance to be called Silent Meadow Run on SH 21 in Maxwell.
QT South, LLC	WAC	McLennan	Design and construction of a dedicated left turn lane into a private business on North Loop 340 in Bellmead.
Quiver Hill Land Holdings, LP	AUS	Williamson	Design and construction of a right turn and left turn lane at the intersection of the proposed development on FM 3405 in Georgetown.
Tazz – Voss Development, LLC	HOU	Fort Bend	Design and construction of a right turn lane from northbound SH 6 into the Imperial SH 6 development in Sugar Land.
Yakas Business, Inc.	WAC	Coryell	Design and construction of 480 linear feet of raised concrete curb, two curb inlets, and 55 linear feet of guardrail along the existing pavement of FM 1113/Avenue B in Copperas Cove.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
AM Petroleum, Inc. - DBA JD's Market	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
MATHUE ORTHO, PLLC dba Rise + Smile Orthodontics	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
South Austin Emergency Center	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on two existing sign locations.
Spanish Oaks Realty	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.
The Carlson Law Firm	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
The Salt Lick	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on two existing sign locations.
Red Oak Family Dentistry, PLLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Hotels.com LP	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Republic Services, Inc.	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Acme Brick Company	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Frank Kent Cadillac, LLC DBA Frank Kent Cadillac of Arlington	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Spotify	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Moody National Bank	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
23330 Emergency Center, LLC dba Kingwood Emergency Center – Kingwood Emergency Hospital	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
The Hadi Law Firm	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Wyly & Cook, PLLC	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.
23330 Emergency Center, LLC dba Kingwood Emergency Center – Kingwood Emergency Hospital	HOU	Montgomery	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Graco Fishing & Rental Tools, Inc dba Graco Oilfield Services	ODA	Ector	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Graco Fishing & Rental Tools, Inc dba Graco Oilfield Services	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Graco Fishing & Rental Tools, Inc dba Graco Oilfield Services	ODA	Ward	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Iron Cactus	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Kidd Roofing	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Vista Verde Group, Inc, dba Aldaco's Mexican Cuisine	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Coastal ER VIII, LLC dba Physicians Premier	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**

The commission must approve the sales, transfers, and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept, and acknowledge donations to the state of real property that is valued at \$500 or more.

**(1) Collin County - FM 455 - Consider the sale of right of way to an abutting landowner (MO)**

116081  
ROW

In the City of Anna, Collin County, on FM 455, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 372, at Page 167, of the Official Public Records of Collin County, Texas.

A portion of the land, which portion is described in Exhibit A (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 (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.

Anna 31 Retail, LP, a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$59,000.

The commission finds \$59,000 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 Anna 31 Retail, LP, a Texas limited partnership, for \$59,000; 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.



(2) El Paso County - Loop 375 Border Highway West - Consider the exchange of right of way as part of a transaction to acquire real property needed for a state highway purpose (MO)

116082  
ROW

In the City of El Paso, El Paso County, on Loop 375 Border Highway West, the State of Texas (state) acquired certain land for highway purposes by instruments recorded in Clerk’s File Numbers 20140053431 and 20140065861 of the Real Property Records of El Paso County, Texas.

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

The Texas Department of Transportation and BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) (BNSF) have entered into a Formal Agreement (exchange agreement) dated August 29, 2014.

In accordance with the executed exchange agreement, certain parcels of land (parcels) needed for a state highway purpose will be conveyed to the state by BNSF; and a certain tract of land not needed for a state highway purpose, described in Exhibit A (tract) attached hereto, will be conveyed to BNSF by the state for which BNSF will pay the state, as partial consideration, the sum of \$27,581.00.

It is the opinion of the commission that it is proper and correct that the state conveys the tract to BNSF in exchange for the parcels and other consideration.

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 BNSF Railway Company, a Delaware corporation (formerly known as The Burlington Northern and Santa Fe Railway Company and successor by merger to The Atchison, Topeka and Santa Fe Railway Company) in exchange and as partial consideration for the parcels to be conveyed by BNSF to the state.

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

(3) Hidalgo County - US 281 - Consider an easement release to the underlying fee owner (MO)

116083  
ROW

In the City of Pharr, Hidalgo County, on US 281, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 648, at Page 411, of the Deed Records of Hidalgo County, Texas.

A portion of the easement, which portion encumbers the real property described in Exhibit A (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 (commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Capote Farms, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$246,043. The commission finds \$246,043 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to Capote Farms, Ltd., a Texas limited partnership, for \$246,043.

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

**(4) Kendall County - I-10 - Consider an easement release to the underlying fee owner (MO)**

116084  
ROW

In the City of Boerne, Kendall County, on I-10, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 83, at Page 192, of the Deed Records of Kendall County, Texas.

A portion of the easement, which portion encumbers the real property described in Exhibit A (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 (commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Brazos de Santos Partners, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$80,814.

The commission finds \$80,814 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to Brazos de Santos Partners, Ltd., a Texas limited partnership, for \$80,814.

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

**(5) Kendall County - I-10 - Consider an easement release to the underlying fee owner (MO)**

116085  
ROW

In the City of Boerne, Kendall County, on I-10, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 83, at Page 192, of the Deed Records of Kendall County, Texas.

A portion of the easement, which portion encumbers the real property described in Exhibit A (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 (commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

KTB Development, LLC, a Texas limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$7,938.

The commission finds \$7,938 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the department to execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to KTB Development, LLC, a Texas limited liability company, for \$7,938.

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

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

116086  
ROW

In the City of Conroe, Montgomery County, on I-45, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 473, at Page 361, Volume 478, at Page 139, and Volume 482, at Page 221, of the Deed Records of Montgomery County, Texas and under the County Clerk’s File Numbers 2009-001244, 2009-011180, and 2009-020173, of the Real Property Records of Montgomery County, Texas.

A portion of the land, which portion is described in Exhibit A (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 (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.

BKCK LTD., a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$71,088.

The commission finds \$71,088 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 BKCK LTD., a Texas limited partnership, for \$71,088; 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) Grimes and Montgomery Counties - Fiscal Year 2021 State Highway 249 System Annual Inspection Report (Report)**

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

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

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

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

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

**d. Finance**

**(1) Debt and Derivative Management Policies - Consider the annual review of the debt management policy and derivative management policy for financing programs of the commission (MO)**

116087  
PFD

Pursuant to various provisions of Texas law, the Texas Transportation Commission (commission) is authorized to issue and incur obligations for transportation and other projects.

To ensure that all financings undertaken by the commission and/or the Texas Department of Transportation (department) are effected in accordance with the highest standards of industry, law, and government practice, and to confirm the intent of the commission and the department to adhere to sound financial management practices, the commission initially adopted a Debt Management Policy in Minute Order 110656 on August 24, 2006. The policy requires an annual review and, if necessary, amendment. The Debt Management Policy attached hereto as Exhibit A has been reviewed and presented to the commission for consideration.

The Debt Management Policy establishes parameters within which to administer the commission's financing programs, and such parameters focus on acceptable levels of risk, minimizing interest costs, optimizing future flexibility, and achieving and maintaining the best possible credit ratings.

Pursuant to Chapter 1371, Texas Government Code, and other applicable Texas law, the commission is authorized to execute credit agreements including interest rate swap and other similar agreements.

To establish responsibilities, objectives, and guidelines for the use of interest rate swap and other similar products in order to efficiently and prudently manage the commission's asset/liability profile for each financing program the commission initially adopted a Derivative Management Policy as a subsidiary component of the Debt Management Policy, also in Minute Order 110656 on August 24, 2006. The policy also requires annual review and, if necessary, amendment. The Derivative Management Policy attached hereto as Exhibit B has been reviewed and presented to the commission for consideration. The commission has determined that the Derivative Management Policy should be amended to provide that an annual review of the policy only needs to be performed if the commission has an outstanding interest rate swap or similar agreement in effect.

IT IS THEREFORE ORDERED by the commission that the Debt Management Policy attached hereto as Exhibit A and Derivative Management Policy attached hereto as Exhibit B have been reviewed and are hereby approved.

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

**(2) Investment Policy and Investment Strategies - Consider the annual review and approval of the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller (MO)**

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116088  
PFD

Government Code, Chapter 2256 (Public Funds Investment Act) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments that are in compliance with investment policies approved by the commission.

Government Code §2256.005 requires the commission to adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds.

Government Code §2256.005(e) and Section 20.0 of the investment policy require the commission to review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategies. The investment policy and investment strategies are attached as Exhibit A and include revisions to the broker/dealer list and other minor revisions.

IT IS THEREFORE ORDERED by the commission that the investment policy and investment strategies applicable to all funds of the commission and funds under the commission's control not otherwise required to be invested by the comptroller, attached as Exhibit A, have been reviewed and are hereby approved in accordance with Government Code §2256.005(e) and Section 20.0 of the investment policy.

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

**(3) Dallas and Denton Counties - Consider the approval of the I-35E Managed Lanes Project annual budget of revenues, operating and maintenance expenses, and capital expenditures (MO)**

116089  
PFD

Transportation Code, Chapter 228 and other applicable law, including Government Code, Chapter 1371, authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, notes, and other obligations to finance toll projects or systems on the state highway system, and to enter into trust agreements governing matters relating to the issuance of such obligations.

In Minute Order 113350 dated November 15, 2012, the commission designated the I-35E Managed Lanes Project (Project), from I-635 to US 380 in Dallas and Denton counties, including all managed lane connections, as a toll project on the state highway system.

Pursuant to Minute Order 114424 dated November 19, 2015 and the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), the commission entered into a TIFIA Loan Agreement, dated November 3, 2016, with the United States Department of Transportation, for a loan in the amount of \$285,000,000 to pay a portion of the eligible project costs of the Project (Loan Agreement), and executed a Trust Agreement dated November 1, 2016 securing the I-35E Managed Lanes Project Toll Revenue Obligations (Trust Agreement) and a First Supplemental Agreement dated November 1, 2016 securing the Loan Agreement and the Texas Transportation Commission Toll Revenue Converting Tier Note (I-35E Managed Lanes Project), Series 2016.

Pursuant to Section 505 of the Trust Agreement, the commission has covenanted that on or before the business day preceding the first day of each fiscal year, it will adopt an annual budget of revenues, operating and maintenance expenses, and capital expenditures for the Project and deliver copies of the budget to the trustee and the general engineering consultant. The department has completed the annual budget which is attached as Exhibit A. In accordance with Section 505 of the Trust Agreement, the annual budget was provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the commission adopts the annual budget for the I-35E Managed Lanes Project for fiscal year 2022 attached hereto as Exhibit A.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the Trust Agreement as may be necessary in the operation of the Project.

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

(4) Travis and Williamson Counties - Consider the approval of the Central Texas Turnpike System annual operating, maintenance and capital budgets (MO)

116090  
PFD

Transportation Code Section 228.051 provides that the Texas Transportation Commission (commission) by order may designate one or more lanes of a segment of the state highway system as a toll project or system.

By Minute Order 108873, dated April 25, 2002, SH 130 was designated as a toll project and a controlled access state highway from I-35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast (SH 130) as part of the Central Texas Turnpike System (system).

By Minute Order 108896, dated May 30, 2002, SH 45 N was designated as a toll project and a controlled access state highway from west of US 183 to SH 130/SH 45 North interchange (SH 45 N) as part of the system.

By Minute Order 108896, dated May 30, 2002, Loop 1 was designated as a toll project and a controlled access state highway from the existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange (Loop 1) as part of the system.

By Minute Order 109729 dated July 29, 2004 SH 45 Southeast was designated as a toll project and a controlled access state highway from I-35 at FM 1327 South of Austin to the SH 130/US 182 interchange (SH 45 SE) and by Minute Order 113243 dated August 30, 2012 SH 45 SE was designated as part of the system.

The commission has outstanding approximately \$2.4 billion in aggregate principal amount of system bonds issued to finance or refinance a portion of the costs of the system, composed of the SH 130, SH 45 N, Loop 1 and SH 45 SE project elements, described above, pursuant to an Indenture of Trust (indenture) and eight supplemental indentures. Any terms not otherwise defined in this order have the meaning given in the indenture.

Pursuant to Section 702 of the indenture, the commission has covenanted that on or before August 31 in each year, it will adopt annual operating, maintenance and capital budgets for the system for the ensuing fiscal year. The annual budgets have been completed and are attached as Exhibit A. In accordance with the indenture the annual budgets were provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the annual budgets for the Central Texas Turnpike System for fiscal year 2022 attached hereto as Exhibit A are adopted.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

**e. Highway Designation**

**Williamson County - In the city of Georgetown, consider designating FM 1460 on a new location and redesignating former FM 1460 as FM Spur 1460 on the state highway system (MO)**

116091  
TPP

In Williamson County, the Austin District has requested the following actions: (1) designate FM 1460 on the state highway system on a new location from 0.1 mile north of Quail Valley Drive southward to SE Inner Loop, a distance of approximately 1.0 mile; and (2) redesignate the former location of FM 1460 as FM Spur 1460 on the state highway system from 0.05 mile south of existing FM 1460 southward to existing FM 1460, a distance of approximately 0.7 mile.

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

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

IT IS THEREFORE ORDERED by the commission that FM 1460 is designated on the state highway system on a new location from 0.1 mile north of Quail Valley Drive southward to SE Inner Loop, a distance of approximately 1.0 mile, and FM 1460 is redesignated as FM Spur 1460 on the state highway system from 0.05 mile south of existing FM 1460 southward to existing FM 1460, a distance of approximately 0.7 mile, as shown on Exhibit A.

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

**f. Designation of Access Control**

**Harris County - I-10, in the City of Katy - Consider the designation of one location on the westbound frontage road of I-10 at which access will be permitted to the abutting property (MO)**

116092  
DES

In FORT BEND COUNTY AND HARRIS COUNTY, on Interstate Highway 10 (I-10), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the Judgment of Court in Absence of Objection recorded in Volume 148591, Page 245, of the Official Public Records of Fort Bend County, Texas, with denial of access to the abutting remainder property as described in the judgment.

Katy Village Investment, LP, the current owner of the abutting property, has requested designated access to and from the I-10 westbound frontage road for proposed access at one location along the property line at a new access point described in Exhibit A.

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

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

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

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

designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the I-10 westbound frontage road.

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

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

**g. Land Acquisitions for Facilities**

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

116093  
SSD

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

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

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

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

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

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

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

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



**h. Speed Zones**

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

116094  
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, B and C are on file with the commission chief clerk.

**ITEM 9. 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.**

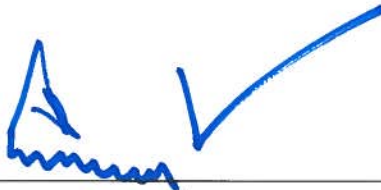
The commission did not meet in executive session.

**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 requesting the cancellation for Regional Mobility Authorities; and private citizens Tommy Ervin and Schuyler Wight regarding a sink hole on FM 1053 in Pecos County.

Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 1:33 p.m.

APPROVED by the Texas Transportation Commission on September 30, 2021:



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

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on August 31, 2021, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk  
Texas Department of Transportation