

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 30, 2021, in Austin, Texas. The meeting was called to order at 10:01 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
Laura Ryan	Commissioner
Alvin New	Commissioner
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 3:14 p.m. on September 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 Senator/Representative

The commissioners made opening remarks.

ITEM 2. Consider the approval of the Minutes of the August 30, 2021, special meeting and the August 31, 2021, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the August 30, 2021, special meeting and the August 31, 2021, regular meeting by a vote of 4 - 0.

ITEM 3. Acknowledgement of Service

a. Recognize by resolution Materials and Tests Division Director, Miles R. Garrison, P.E., for 38 years of service to the department

This item was presented by Chief Engineer Bill Hale. Chief Engineer Hale read the resolution and thanked Director Garrison for his thirty-eight years of service. The commission members spoke and thanked Director Garrison for his service. Director Garrison was not present for the reading of the resolution.

b. Recognize by resolution Childress District Engineer Martin R. Smith, P.E. for 38 years of service to the department

This item was presented by Chief Engineer Bill Hale. Chief Engineer Hale read the resolution and thanked District Engineer Smith for his thirty-eight years of service. The commission members spoke and thanked Smith. Smith thanked the commission, and department staff.

ITEM 4. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Duane Milligan. 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.

116095
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on September 1 and 2, 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.

116096
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 September 1 and 2, 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.

116097
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 September 7, 2021, as shown on Exhibit A.

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

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

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

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

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

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

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

ITEM 5. Aviation

Various Counties - Consider the award of federal funding for general aviation airports from the American Rescue Plan Act (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.

On March 11, 2021, The American Rescue Plan Act (ARPA) was signed into law. The act includes \$8 billion in federal funds to be awarded as economic relief to eligible U.S. airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic.

The ARPA funds will provide 100% grant funding to federally eligible general aviation airports in Texas to be used for operations, personnel, cleaning, sanitization, and combating the spread of pathogens at the airport. Texas is estimated to receive \$7 million.

The Aviation Division is seeking approval to apply for ARPA funds, through the FAA's State Block Grant Program, to subaward to the 166 eligible airports listed in Exhibit A for economic relief funding. The Texas Department of Transportation recommends the award of federal ARPA funds for this relief effort across Texas.

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

116098
AVN

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

ITEM 6. Advisory Committee Appointments

a. Aviation Advisory Committee - Consider the appointment of members to the Aviation Advisory Committee (MO)

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

116099
AVN

Transportation Code §21.003(a) provides that the Aviation Advisory Committee (committee) consists of members appointed by the Texas Transportation Commission (commission) to advise the commission and the Texas Department of Transportation on aviation matters. The commission by rule shall determine the number of members of the committee. Transportation Code §21.003(b) provides that a majority of the members of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or a fixed-base operator. Transportation Code §21.003(c) provides that a committee member serves at the pleasure of the commission.

Title 43, Texas Administrative Code, §1.84(a)(2) provides that the commission will appoint nine members to staggered terms of three years with three members' terms expiring August 31 of each year. Title 43, Texas Administrative Code, §1.82(c)(4) provides that a committee member may be removed at any time without cause by the person or entity that appointed the member.

The commission charges the committee with the following priorities: 1) provide input for assessment of general aviation airports statewide to help identify benefits of the system, along with deficiencies, and long term needs for funding to maintain the system; and 2) provide advice on the development of the aviation capital improvement program and aviation facilities program.

One individual is being reappointed and two are being appointed to the committee with terms to expire on August 31, 2024.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve on the committee for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Re-appointment with Term Expiring on August 31, 2024:
Fred Underwood, Lubbock, Texas

New Appointments with Terms Expiring on August 31, 2024:
Stewart Dawson , Celina, Texas
Sharlette Wright, Cleburne, Texas

IT IS THEREFORE ORDERED by the commission that the individuals identified above are appointed to serve as members of the Aviation Advisory Committee for the term specified.

b. Bicycle and Pedestrian Advisory Committee - Consider the appointment of members to the Bicycle and Pedestrian Advisory Committee (MO)

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

116100
PTN

The Bicycle and Pedestrian Advisory Committee (committee) advises the Texas Transportation Commission (commission) on bicycle and pedestrian issues. Members of the committee are selected by the commission to serve voluntary, three-year terms. The committee works with the Texas Department of Transportation (department) staff on important initiatives that include recommendations on selection criteria for project applications for the department’s Transportation Alternatives Set-Aside funding; consideration of personal mobility, or micromobility, devices in relation to multimodal roadway users; the development of bicycle tourism trails in this state; and other items of mutual concern between the department and the bicycling and pedestrian communities. The committee functions under Title 43, Texas Administrative Code, §1.85 concerning department advisory committees.

One (1) individual is being re-appointed to the committee and two (2) individuals are new appointments to the committee with terms to expire on August 31, 2024.

The commission has determined that the individuals listed below shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee’s efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

The commission desires to make the following three committee appointments:

Re-appointment with Term Expiring on August 31, 2024:

Frank Rotnofsky, Laredo, TX

New Appointments with Terms Expiring on August 31, 2024:

Chris Tabb, Wimberly, TX

Zack Magallanez, San Antonio, TX

IT IS THEREFORE ORDERED by the commission that the three individuals identified above are appointed as members of the department’s Bicycle and Pedestrian Advisory Committee for the terms specified.

c. Border Trade Advisory Committee - Consider the appointment of members to the Border Trade Advisory Committee (MO)

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

116101
TPP

Transportation Code, §201.114, requires the Texas Transportation Commission (commission) to appoint members to the Border Trade Advisory Committee (committee) to assist the commission in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges.

Transportation Code, §201.114, also provides that the committee must include, to the extent practicable: (1) the presiding officers, or persons designated by the presiding officers, of the policy boards of metropolitan planning organizations wholly or partly in the Texas Department of Transportation's Pharr, Laredo, Odessa, or El Paso transportation districts; (2) the person serving, or a person designated by the person serving, in the capacity of executive director of each entity governing a port of entry in this state; (3) a representative each from at least two institutes or centers operated by a university in this state that conduct continuing research on transportation or trade issues; and (4) the port director of the Port of Brownsville or the port director's designee.

Title 43, Texas Administrative Code, §1.84(d), provides that committee members serve staggered three-year terms expiring on August 31 of each year, except that the commission may establish terms of less than three years for some members in order to stagger terms.

Ten (10) individuals are being re-appointed to the committee with terms to expire on August 31, 2024, two (2) individuals are new appointments to the committee with terms to expire on August 31, 2022, and three (3) individuals are new appointments to the committee with terms to expire on August 31, 2024.

The commission has determined that the individuals or positions listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts.

Re-appointments with Terms Expiring on August 31, 2024:

Lisa Loftus Otway, Center for Transportation Research, University of Texas
 Rafael Aldrete, Texas Transportation System, Texas A&M University
 Gerry Schwebel, International Bank of Commerce
 Juan Antonio Flores, Port of San Antonio
 Eduardo Calvo, El Paso Metropolitan Planning Organization
 Cameron Walker, Permian Basin Metropolitan Planning Organization
 Jesus Reyna, Donna International Bridge
 John Esparza, Texas Trucking Association
 Megan Shea, BNSF Railway
 Stan Meador, Texas-Pacifico Transportation Ltd.

New Appointments with Terms Expiring on August 31, 2022:

Raquel Espinoza, Union Pacific Railroad
 Daniel Avila, International Boundary and Water Commission

New Appointments with Terms Expiring on August 31, 2024:

Warren Erdman, Kansas City Southern Railroad
 Iliana Holguin, Guadalupe-Tornillo Port of Entry
 Rolando Salinas, City of Eagle Pass

IT IS THEREFORE ORDERED by the commission that the individuals or positions named above are appointed to the Border Trade Advisory Committee for the terms specified.

ITEM 7. State Infrastructure Bank

a. Comal County - City of Garden Ridge - Consider final approval of a request from the City of Garden Ridge for a State Infrastructure Bank loan in the amount of up to \$620,000 to pay for

the costs of utility relocation necessary for a non-tolled state highway improvement project to widen FM 2252 in Comal County, Texas (MO) (Map)

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

116102
PFD

The City of Garden Ridge (City) has submitted an application for financial assistance in the form of a loan of up to \$620,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the City's costs of utility relocation for a non-tolled state highway improvement project to widen FM 2252 in Comal County, Texas (project).

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

The City has proposed a pledge of utility system net revenues as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;

4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$620,000 to pay the City's costs of utility relocation for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

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

b. Wharton County - City of Wharton - Consider final approval of a request from the City of Wharton for a State Infrastructure Bank loan in the amount of up to \$5,500,000 to pay for the costs of utility relocation necessary for a non-tolled project to upgrade US 59 to a rural freeway (Future I-69) in Wharton County, Texas (MO) (Map)

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.

116103
PFD

The City of Wharton (City) has submitted an application for financial assistance in the form of a loan of up to \$5,500,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the City's costs of utility relocation for a non-tolled state highway improvement project to upgrade US 59 to a rural freeway (Future I-69) in Wharton County, Texas (project).

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

The City has proposed a pledge of ad valorem taxes as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$5,500,000 to pay the City's costs of utility relocation for the non-tolled project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

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

c. Cherokee County - West Jacksonville Water Supply Corporation - Consider final approval of a request from West Jacksonville Water Supply Corporation for a State Infrastructure Bank loan in the amount of up to \$1,443,300 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen US 175 in Cherokee County, Texas (MO) (Map)

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

116104
PFD

West Jacksonville Water Supply Corporation (WSC) has submitted an application for financial assistance in the form of a loan of up to \$1,443,300 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the WSC of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The WSC intends to use the financial assistance to pay the WSC's costs of utility relocation for a non-tolled state highway improvement project to widen US 175 in Cherokee County, Texas (project).

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

The WSC has proposed a pledge of contract revenues and water revenues as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, as contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The SIB Rules allow the commission to make its final approval contingent on further actions by the WSC to assure repayment of the SIB loan.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the WSC's application for financial assistance from the SIB, contingent on the execution of a utility agreement between the WSC and the department prior to entering into a financial assistance agreement for the SIB loan.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the WSC is likely to have sufficient revenues to assure repayment of the financial assistance;

6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the WSC for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the WSC's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$1,443,300 to pay the WSC's costs of utility relocation necessary for the non-tolled project, contingent on the execution of a utility agreement between the WSC and the department prior to entering into a financial assistance agreement for the SIB loan.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the WSC which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit A.

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

ITEM 8. Veterans Discount Program

Various Counties - Consider the approval of costs for the FY 2022-FY 2023 biennium associated with the Veteran Discount Program on the Central Texas Turnpike System, to be funded with payments received from SH 130 Concession Company, LLC in accordance with the SH 130, Segments 5&6 Facility Concession Agreement, and interest earned on those payments (SH 130 payments), and the allocation of funds from the SH 130 payments to that program and project (MO)

This item was presented by Toll Operations Division Director Tracey Johnson. 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.

116105
TOD

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

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which a project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount.

The department has created a subaccount in the state highway fund to hold the payments received from SH 130 Concession Company, LLC under the SH 130, Segments 5&6 Facility Concession Agreement for the right to develop, finance, design, construct, operate, and maintain the SH 130, Segments 5&6 toll project from US 183 in Travis County to I-10 in Guadalupe County, and the interest earned on those payments (SH 130 payments).

The Texas Transportation Commission (commission) previously approved projects to be funded with the SH 130 payments and approved the placement of those projects in work programs established for the Austin and San Antonio Districts.

In Minute Order 115270, dated July 26, 2018, the commission adopted an amended and restated policy defining the circumstances under which free passage on department toll projects will be provided (free passage policy).

Transportation Code §372.053 authorizes a toll project entity, including the department, to establish a discount program for electronic toll collection customers that, if established, must include free or discounted use of toll projects by an electronic toll collection customer whose account relates to a vehicle registered under (1) Transportation Code §504.202 (disabled veterans), (2) Transportation Code §504.315(f) (recipients of the Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross or the Medal of Honor (Legion of Valor)), or (3) Transportation Code §504.315(g) (Purple Heart recipients).

Section 502(b) of the Indenture of Trust (indenture) for the Central Texas Turnpike System (CTTS) does not permit free or discounted use of the CTTS as authorized in Transportation Code §372.053. However, providing such free or discounted use of the CTTS is possible under the indenture if the department pays to the appropriate indenture account the cost of tolls not paid by those veterans. The commission's trust indentures relating to other department toll projects and systems do not have the same restriction, so it is possible to provide free or discounted use of those projects and systems to electronic toll collection customers described in Transportation Code §372.053 without the department paying the costs of tolls not paid by those veterans.

The commission has amended the free passage policy on numerous occasions, most recently in Minute Order 115270, which provides that free passage on department toll projects shall be granted to vehicles registered under Transportation Code §504.202 and Transportation Code §§504.315(f) and (g), and to vehicles registered by recipients of the Medal of Honor under Transportation Code §504.315(e) (veteran discount program). Minute Order 115270 further provides that the department shall pay to the appropriate indenture account from lawfully available funds the cost of tolls not paid by persons operating those vehicles.

Transportation Code, §372.053 provides that the legislature may appropriate funds from the general revenue fund to a toll project entity to defray the cost of providing free or discounted use of the entity's toll project under that section. The legislature did not appropriate funds to the department for that purpose in the General Appropriations Act for the FY 2022-FY 2023 biennium.

The department has established an additional work program to account for and track project costs associated with the veteran discount program on the CTTS that are to be funded with the SH 130 payments. Exhibit A to this order contains funding allocations from the SH 130 payments for those CTTS project costs.

IT IS THEREFORE ORDERED by the commission that funds from payments received from SH 130 Concession Company, LLC for the right to develop, finance, design, construct, operate, and maintain the SH 130 toll project from US 183 in Travis County to I-10 in Guadalupe County, and interest earned on those payments, shall be allocated to the costs associated with the veteran discount program on the CTTS, in the amounts shown in Exhibit A.

IT IS FURTHER ORDERED that the use of payments received from SH 130 Concession Company, LLC, and the interest earned on those payments, for the project costs shown in Exhibit A is approved.

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

ITEM 9. Audit Plan

Consider the approval of the Internal Audit Plan for Fiscal Year 2022 and determine whether adequate resources have been dedicated to the Internal Audit Program (MO) (Presentation)

This item was presented by Internal Audit Division Director Craig Otto. 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.

116106
AUD

The Texas Internal Auditing Act, Government Code, Chapter 2102, requires the internal auditor to create an annual Internal Audit Plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The Internal Audit Plan must be approved by the state agency’s governing board. In addition, the governing board must periodically review the resources dedicated to the Internal Audit Program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

The Chief Audit and Compliance Officer has developed an Internal Audit Plan for Fiscal Year (FY) 2022, which is set forth in Exhibit A. This Internal Audit Plan includes a list of internal audits aimed at providing assurance and identification for process/program improvement statewide. This Internal Audit Plan identifies the audits to be conducted and the resources available to the Internal Audit Division for FY 2022.

The Chief Audit and Compliance Officer considers the resources for FY 2022 to be adequate to address the risks that warrant audit coverage.

The Internal Audit Plan for FY 2022 is presented to the Texas Transportation Commission (commission) for approval and for a determination that adequate resources exist to ensure that the risks identified are adequately covered.

IT IS THEREFORE ORDERED by the commission that the Internal Audit Plan for FY 2022, as shown in Exhibit A, is hereby approved.

FURTHER, the commission finds that adequate resources have been dedicated to the Internal Audit Program to ensure that the risks identified in the annual risk assessment, including fraud risks, are covered within a reasonable time.

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

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).

116107
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-MM. 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 1-33 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>
Bexar	IH 35	Z	0016-07-133	135
Bexar	IH 35	AA	0016-07-133	136
Bexar	IH 35	BB	0016-07-133	137
Bexar	IH 35	CC	0016-07-133	138
Bexar	IH 35	DD	0016-07-133	139

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35E	GG	0196-01-100	21
Tarrant	IH 20	Q	0008-13-241	796A
Tarrant	IH 20	H	0008-13-241	810
Tarrant	IH 20	A	0008-13-241	840
Tarrant	IH 820	HH	0008-13-242	407,407E
Tarrant	IH 820	C	0008-13-242	410C
Tarrant	IH 820	X	0008-13-242	410D
Tarrant	IH 820	L	0008-13-242	412A
Tarrant	IH 820	P	0008-13-242	418,418DE
Tarrant	IH 820	II	0008-13-242	470
Tarrant	IH 820	EE	0008-13-242	472
Tarrant	IH 820	FF	0008-13-242	475
Tarrant	IH 820	JJ	0008-13-242	500B
Tarrant	IH 820	KK	0008-13-242	507
Tarrant	IH 820	LL	0008-13-242	508A
Tarrant	IH 820	J	0008-13-242	561
Tarrant	IH 820	T	0008-13-242	564
Tarrant	IH 820	U	0008-13-242	605AC
Tarrant	IH 820	R	0008-13-242	608,608E
Tarrant	IH 820	Y	0008-13-242	612AC
Tarrant	IH 820	N	0008-13-242	613AC
Tarrant	IH 820	G	0008-13-242	783,783DE
Tarrant	IH 820	MM	0008-13-242	901AC
Tarrant	IH 20	F	2374-05-087	58
Tarrant	IH 20	V	2374-05-087	60AC
Tarrant	IH 20	K	2374-05-087	65
Tarrant	IH 20	S	2374-05-087	70
Tarrant	IH 20	B	2374-05-087	71AC
Tarrant	IH 20	E	2374-05-087	74A
Tarrant	IH 20	I	2374-05-087	74B
Tarrant	IH 20	W	2374-05-087	75
Tarrant	IH 20	M	2374-05-087	219A
Tarrant	IH 20	D	2374-05-087	219B
Tarrant	IH 20	O	2374-05-087	370

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	2	0188-05-031	309A
Brazoria	FM 1495	18	5500-00-033	86E
Fort Bend	FM 723	11	0188-09-047	203
Fort Bend	FM 723	12	0188-09-047	223
Fort Bend	FM 723	9	0188-09-047	226
Fort Bend	FM 723	10	0188-09-047	228
Fort Bend	FM 723	14	0188-09-047	231
Fort Bend	FM 723	20	0188-09-047	234
Fort Bend	FM 723	22	0188-09-047	235
Fort Bend	FM 723	13	0188-09-047	256

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Gregg	FM 2275	24	2158-01-025	2
Gregg	FM 2275	25	2158-01-025	7
Gregg	FM 2275	29	2158-01-025	16
Gregg	FM 2275	26	2158-01-025	17
Gregg	FM 2275	27	2158-01-025	31
Gregg	FM 2275	28	2158-01-025	32
Harris	BU 90U	3	0028-01-093	223
Montgomery	SH 105	7	0338-04-073	276A
Montgomery	SH 105	8	0338-04-073	276B
Montgomery	SH 105	6	0338-04-074	407
Montgomery	SH 105	33	0338-04-074	417
Montgomery	SH 105	32	0338-04-074	421
Montgomery	SH 105	31	0338-04-074	422
Montgomery	SH 105	30	0338-04-074	423
Montgomery	SH 105	5	0338-04-074	425
Montgomery	SH 105	4	0338-07-022	728
Montgomery	SH 105	1	0338-07-022	730
Smith	FM 16	23	0522-04-035	84
Tarrant	US 287	19	0172-06-098	648
Tarrant	US 287	15	0172-06-098	728
Tarrant	US 287	17	0172-06-098	747
Tarrant	US 287	21	0172-06-098	753
Tarrant	US 287	16	0172-06-098	771

Note: Exhibits A - MM and 1 - 33 are on file with the commission chief clerk.

ITEM 11. 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)

116108
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department’s acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
18245 FM 1431, LLC	AUS	Travis	Design and construction of a left turn lane on RM 1431 between Nameless Road and Pecan Park Road in Jonestown.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Carma Easton LLC	AUS	Travis	Design and construction for 1) the widening and overlaying a section of US 183 to accommodate dual northbound left turn lanes, a southbound right turn lane and installation of signal poles at the new intersection of US 183 and E. Slaughter Lane US 183, and widening and transitions to accommodate turn lanes at proposed intersection with proposed E. Slaughter Lane located 1 mile south of new William Cannon Dr. intersection; and 2) the widening and overlaying a section of FM 1625, and widening and transitions to accommodate turn lanes at proposed intersections with proposed E. Slaughter Lane located 1.1 miles South of US 183 intersection in Austin.
CRMTX18, LLC	AUS	Hays	Design and construction of a traffic signal modification at the intersection of SH 21 at FM 2720 in Uhland.
CTX SPE 3, LP	AUS	Bastrop	Design and construction of deceleration lanes on FM 812 from 0.35 miles west of SH 21 to 0.7 miles west of SH 21 in Cedar Creek.
Duechelli, LLC	HOU	Brazoria	Design and construction of a traffic signal and right turn deceleration lane at the intersection of SH 35 and Coral Trails Drive into the donor's development in Alvin.
Fulshear Lakes, Ltd.	HOU	Fort Bend	Design and construction of a traffic signal for a proposed driveway at FM 1093 and Weston Drive, a left turn lane eastbound on FM 1093 and one right turn lane westbound on FM 1093 into the Fulshear Lakes development in Fulshear.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
HK Potranco Oaks, LLC	SAT	Medina	Design and construction of right turn deceleration lane, traffic control signage, striping and modification of drainage structures on FM 1957 appropriately 4.4 miles north of US 90 in Castroville.
Lennar Homes of Texas Land and Construction, Ltd. dba Friendswood Development Company	HOU	Montgomery	Design and construction of a continuous lane from approximately 500' south of Wilshire Drive to North FM 1485 turn-a-round ramp into the donor's development in New Caney.
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 Temple.
Luckey Ranch San Antonio, LLC	SAT	Bexar	Design and construction for the installation of a temporary frontage road extension on US 90 located approximately 1,000 feet east of Wt Montgomery Road in San Antonio.
Ly and Nguyen Partners, LLC	AUS	Travis	Design and construction of the northbound deceleration lane improvements proposed along Parmer Lane just south of the intersection of Harris Ridge Blvd. to serve Driveway 1 of the Parmer Village project in Austin.
NP-GR Houston Industrial Land, LLC	HOU	Harris	Sufficient funding, property, and services to provide for land acquisition and exchange of right of way, utility relocation, environmental assessments, schematics, plans, specifications and estimates, construction and construction engineering necessary for relocation of an approximately 0.25-mile length of highway designated as Park Road 36 (PR-36) across landowner's property in Palo Pinto County.
OC Alvin, Ltd.	HOU	Brazoria	Design and construction of a left turn lane from westbound SH 6 into the donor's development in Alvin.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Precast/Prestressed Concrete Institute	BRG MTD	N/A	Airfare, ground transportation, lodging conference hotel, conference registration at the and other directly-related expenses for Jason Tucker, P.E. and Jamie Farris, P.E. to attend the 2021 PCI Committee Days and Technical Conference featuring The National Bridge Conference on September 20, 2021 to September 24, 2021 in Rosemont, IL.
Prologis-Exchange TX 2002 LLC	HOU	Harris	Design and construction of a deceleration lane from westbound Beltway8 into Milner Road in Houston.
Pulte Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of a right turn lane on SH 46 approximately 0.25 mile NW of Cordova Road within the Seguin.
River Campground, LLC	AUS	Blanco	Design and construction of: 1) pavement widening; 2) addition of left turn lane, right turn lane; and 3) acceleration lane at 1039 Hwy 281 N. in Johnson City.
Seefried Industrial Properties, Inc.	SAT	Bexar	Design and construction of a left turn lane at FM 1346 onto Kiefer Road in San Antonio.
WCF Development, L.L.C.	HOU	Galveston	Design and construction of a two-right turn lane from eastbound SH 96 into the donor's development in League City.
Bangers Austin, LP	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Lamia Kadir M.O., PA dba Family Medicine Austin	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on two existing sign locations.
Elephant Insurance Services, LLC	DAL	Dallas	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>
PTS Enterprises Inc	DAL	Dallas	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.
Iron Cactus	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	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
NB Hospital, LLC dba New Braunfels ER & Hospital	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) Harris County - US 59 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Humble, Texas (MO)

116109
ROW

In the City of Humble, Harris County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 6602, at Page 178, of the Deed Records of Harris 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 transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

The City of Humble, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the City of Humble, Texas.

IT IS THEREFORE ORDERED by the commission that the tract, as shown on Exhibit A, is removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the City of Humble, Texas; 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.

IT IS FURTHER ORDERED that, if the tract ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

(2) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116110
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 178, at Page 98, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 4, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$16,784.25.

The commission finds \$16,784.25 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 I35 Kyle Crossing Lot 4, Ltd., a Texas limited partnership, for \$16,784.25.

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

(3) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116111
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 178, at Page 98, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 5, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$828.

The commission finds \$828 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 I35 Kyle Crossing Lot 5, Ltd., a Texas limited partnership, for \$828.

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

(4) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116112
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 178, at Page 98, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 6, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$44,384.25.

The commission finds \$44,384.25 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 I35 Kyle Crossing Lot 6, Ltd., a Texas limited partnership, for \$44,384.25.

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

(5) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116113
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 178, at Page 98, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 7, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$40,524.56.

The commission finds \$40,524.56 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 I35 Kyle Crossing Lot 7, Ltd., a Texas limited partnership, for \$40,524.56.

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

(6) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116114
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by instruments recorded in Volume 178, at Page 98, and in Volume 177, at Page 589, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 8, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$51,491.25.

The commission finds \$51,491.25 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 I35 Kyle Crossing Lot 8, Ltd., a Texas limited partnership, for \$51,491.25.

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

(7) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116115
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by instruments recorded in Volume 178, at Page 98, and in Volume 177, at Page 589, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 9, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$69,241.50.

The commission finds \$69,241.50 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 I35 Kyle Crossing Lot 9, Ltd., a Texas limited partnership, for \$69,241.50.

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

(8) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116116
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 177, at Page 589, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 10, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$62,690.81.

The commission finds \$62,690.81 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 I35 Kyle Crossing Lot 10, Ltd., a Texas limited partnership, for \$62,690.81.

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

(9) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)

116117
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 177, at Page 589, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 11, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$69,918.56.

The commission finds \$69,918.56 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 I35 Kyle Crossing Lot 11, Ltd., a Texas limited partnership, for \$69,918.56.

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

(10) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)116118
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 177, at Page 589, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 12, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$84,067.88.

The commission finds \$84,067.88 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 I35 Kyle Crossing Lot 12, Ltd., a Texas limited partnership, for \$84,067.88.

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

(11) Hays County - I-35 - Consider an easement release to the underlying fee owner (MO)116119
ROW

In the City of Kyle, Hays County, on I-35, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 177, at Page 589, of the Deed Records of Hays 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.

I35 Kyle Crossing Lot 13, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$25,599.

The commission finds \$25,599 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 I35 Kyle Crossing Lot 13, Ltd., a Texas limited partnership, for \$25,599.

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

c. Reports**(1) Compliance Division report**

Note: Confidential report to commission.

(2) Dallas and Denton Counties - Annual Inspection Report for the I-35E Managed Lanes Project (Report)

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

d. Speed Zones

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

116120
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.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limit on the segment of highway established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, is no longer necessary.

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 Exhibits C and D are canceled.

Note: Exhibits A - D 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 Schuyler Wight regarding a sink hole on FM 1053, south of Imperial in Pecos County.

The commission received no further comments.

Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:17 a.m.

APPROVED by the Texas Transportation Commission on October 28, 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 September 30, 2021, in Austin, Texas.

Nicole Lawson, Commission Chief Clerk
Texas Department of Transportation

