

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 9, 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 1:18 p.m. on December 1, 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.

The commissioners, and Executive Director Williams made opening remarks.

**ITEM 2. Consider the approval of the Minutes of the November 30, 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 November 30, 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 New, and the commission approved the following minute order by a vote of 4 - 0.

116170  
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 December 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 New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116171  
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 December 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.

116172  
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 December 1, 2021, as shown on Exhibit A.

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

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

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

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

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

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

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

**ITEM 4. Aviation**

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

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

116173

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.

Further, Texas Constitution, Article 3, §49-k(c) authorizes money in the Texas Mobility Fund (TMF) to be used to provide participation by the state in the payment of a portion of the costs of constructing and providing public transportation projects in accordance with the procedures, standards, and limitations established by law. Texas Transportation Code §201.943 provides that money in the TMF may be used in the payment of a portion of the costs for providing public transportation projects that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state.

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 November 19, 2021, a public hearing was held. No comments were received.

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

IT IS THEREFORE ORDERED by the 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 5. 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).

116174  
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-ZZZ. 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 1-75 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 10	I	0025-02-218	2
Bexar	IH 10	E	0025-02-218	3
Bexar	IH 10	HH	0025-02-218	4

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 10	YYY	0025-02-218	5
Bexar	IH 10	LLL	0025-02-218	6
Bexar	IH 10	ZZZ	0025-02-218	8
Bexar	IH 10	KKK	0025-02-218	10
Bexar	IH 10	JJJ	0025-02-218	11
Bexar	IH 10	PP	0025-02-218	13
Bexar	IH 10	II	0025-02-218	15
Bexar	IH 10	UUU	0025-02-218	16
Bexar	IH 410	H	0521-04-286	P00056248
Bexar	IH 410	G	0521-04-286	P00056249
Bexar	IH 410	F	0521-04-286	P00056252
Bexar	IH 410	D	0521-04-286	P00056254
Bexar	IH 410	J	0521-04-286	P00056255
Bexar	IH 410	K	0521-04-286	P00056256
Bexar	IH 410	C	0521-04-286	P00056257
Bexar	IH 410	L	0521-04-286	P00056258
Bexar	IH 410	M	0521-04-286	P00056259
Bexar	IH 410	B	0521-04-286	P00056260
Bexar	IH 410	N	0521-04-286	P00056263
Bexar	IH 410	O	0521-04-286	P00056264
Bexar	IH 410	P	0521-04-286	P00056265
Comal	IH 35	OO	0016-04-114	32
Comal	IH 35	NN	0016-04-114	33
Comal	IH 35	MM	0016-04-114	34
Comal	IH 35	LL	0016-04-114	35
Comal	IH 35	KK	0016-04-114	36
Comal	IH 35	JJ	0016-04-114	37
Comal	IH 35	Q	0016-05-117	1E
Comal	IH 35	R	0016-05-117	2E
Comal	IH 35	S	0016-05-117	3E
Comal	IH 35	T	0016-05-117	4E
Comal	IH 35	U	0016-05-117	7
Comal	IH 35	V	0016-05-117	9E
Comal	IH 35	W	0016-05-117	10
Comal	IH 35	X	0016-05-117	12
Comal	IH 35	Y	0016-05-117	14
Comal	IH 35	Z	0016-05-117	16
Comal	IH 35	AA	0016-05-117	17E
Comal	IH 35	BB	0016-05-117	18
Comal	IH 35	CC	0016-05-117	19
Comal	IH 35	DD	0016-05-117	20
Comal	IH 35	EE	0016-05-117	21
Comal	IH 35	FF	0016-05-117	22
Denton	IH 35W	RR	0081-13-067	P00055430
Denton	IH 35W	SS	0081-13-067	P00055431
Denton	IH 35W	TT	0081-13-067	P00055432

**CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35W	UU	0081-13-067	P00055433
Denton	IH 35W	VV	0081-13-067	P00055435
Denton	IH 35W	WW	0081-13-067	P00055461
Denton	IH 35W	XX	0081-13-067	P00055465
Denton	IH 35W	YY	0081-13-067	P00055466
Denton	IH 35W	ZZ	0081-13-067	P00055467
Denton	IH 35W	AAA	0081-13-067	P00055468
Denton	IH 35W	BBB	0081-13-067	P00055469
Denton	IH 35W	CCC	0081-13-067	P00055470
Denton	IH 35W	DDD	0081-13-067	P00055471
Denton	IH 35W	EEE	0081-13-067	P00055472
Denton	IH 35W	FFF	0081-13-067	P00055474
Denton	IH 35W	GGG	0081-13-067	P00055475
Denton	IH 35W	HHH	0081-13-067	P00055476
Denton	IH 35W	III	0081-13-067	P00055477
Denton	IH 35W	MMM	0081-13-067	P00055478
Denton	IH 35W	NNN	0081-13-067	P00055479
Denton	IH 35W	OOO	0081-13-067	P00055480
Denton	IH 35W	PPP	0081-13-067	P00055481
Denton	IH 35W	QQQ	0081-13-067	P00055482
Denton	IH 35W	RRR	0081-13-067	P00055483
Denton	IH 35W	SSS	0081-13-067	P00055484
Denton	IH 35W	TTT	0081-13-067	P00055485
Denton	IH 35W	VVV	0081-13-067	P00055487
Denton	IH 35W	WWW	0081-13-067	P00055488
Denton	IH 35W	XXX	0081-13-067	P00055489
Denton	IH 35E	GG	0196-02-109	104
Madison	US 190	QQ	0117-10-002	106
Tarrant	IH 820	A	0008-13-242	792E, 792AC

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	FM 518	47	3416-01-014	105
Brazoria	FM 518	48	3416-01-014	111
Brown	US 67	73	0054-06-106	P00057640
Collin	US 380	4	0135-03-055	30,30OAS
Collin	FM 545	30	1012-02-040	10,10E
Collin	FM 545	31	1012-02-040	12,12E
Collin	FM 545	32	1012-02-040	15,15E
Collin	FM 545	33	1012-02-040	20,20E
Collin	FM 545	34	1012-02-040	22,22E
Collin	FM 545	35	1012-02-040	25,25E
Collin	FM 545	36	1012-02-040	26,26E
Collin	FM 545	37	1012-02-040	27,27E
Collin	FM 545	38	1012-02-040	28,28E
Collin	FM 2514	74	2679-03-017	16A
Collin	FM 2514	75	2679-03-017	16B

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	US 67	11	0261-01-049	6
Dallas	US 67	13	0261-01-049	8
Dallas	US 67	14	0261-01-049	9
Dallas	US 67	15	0261-01-049	10
Dallas	US 67	16	0261-01-049	11
Dallas	US 67	17	0261-01-049	12
Dallas	US 67	18	0261-01-049	13
Dallas	US 67	19	0261-01-049	14
Dallas	US 67	20	0261-01-049	15
Dallas	US 67	22	0261-01-049	16
Dallas	US 67	21	0261-01-049	17
Ellis	US 67	6	0261-01-049	1
Ellis	US 67	7	0261-01-049	2
Ellis	US 67	8	0261-01-049	3
Ellis	US 67	9	0261-01-049	4
Ellis	US 67	10	0261-01-049	5
Ellis	US 67	12	0261-01-049	7
Fort Bend	FM 723	29	0188-09-047	215
Fort Bend	FM 723	5	0188-09-047	220
Fort Bend	FM 1463	68	0188-10-037	143A
Galveston	FM 646	1	3049-01-032	235
Galveston	FM 646	27	3049-01-032	241
Galveston	FM 646	26	3049-01-032	242
Guadalupe	FM 725	72	0215-09-031	33
Harris	FM 1960	63	1685-01-119	1
Harris	FM 1960	64	1685-01-119	2
Harris	FM 1960	65	1685-01-119	3
Harris	FM 1960	66	1685-01-119	4
Harris	FM 1960	67	1685-01-119	5
Hidalgo	FM 1925	50	1803-02-036	P00057491
Hidalgo	FM 1925	51	1803-02-036	P00057492
Hidalgo	FM 1925	53	1803-02-036	P00057493
Hidalgo	FM 1925	52	1803-02-036	P00057494
Hidalgo	FM 1925	54	1803-02-036	P00057495
Hidalgo	FM 1925	55	1803-02-036	P00057496
Hidalgo	FM 1925	56	1803-02-036	P00057497
Hidalgo	FM 1925	57	1803-02-036	P00057498
Hidalgo	FM 1925	58	1803-02-036	P00057499
Hidalgo	FM 1925	59	1803-02-036	P00057500
Hidalgo	FM 1925	60	1803-02-036	P00057501
Hidalgo	FM 1925	61	1803-02-036	P00057502
Houston	SH 7	45	0335-02-038	P00057557
Houston	SH 7	44	0335-02-038	P00057558
Houston	SH 7	43	0335-02-038	P00057559
Houston	SH 7	42	0335-02-038	P00057560
Hunt	FM 2642	69	2658-01-014	2,2E
Hunt	FM 2642	70	2658-01-014	3



**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Hunt	FM 2642	71	2658-01-014	4
Leon	SH 7	23	0335-02-038	P00057562
Leon	SH 7	40	0335-02-038	P00057563
Leon	SH 7	41	0335-02-038	P00057564
Madison	US 190	24	0117-04-044	700
Madison	US 190	25	0117-04-044	704
Madison	US 190	28	0117-10-002	547
Montgomery	SH 105	62	0338-04-072	22
Montgomery	SH 105	2	0338-07-022	726
Montgomery	SH 105	3	0338-07-022	727
Rockwall	FM 548	49	1014-02-046	P00057097
Smith	FM 16	39	0522-04-035	80
Travis	RM 620	46	0683-02-081	P00053932

Note: Exhibits A - ZZZ and 1 - 75 are on file with the commission chief clerk.

**ITEM 6. Routine Minute Orders and Reports**

This item was presented by Executive Director Marc Williams. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, 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)**

116175  
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, B and C.

**DONATIONS TO THE DEPARTMENT**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
4M Endeavors LLC	SAT	Bexar	Design and construction for installation of Median on FM 2252 located approximately North main lanes at intersection of Nacogdoches Rd. (FM 2252) and O'Connor Rd. in San Antonio.
American Traffic Safety Services Association	TRF	N/A	Registration fees, airfare, meals, lodging, and other travel costs for Heather Lott and Rafael Riojas to attend the ATSSA 52nd Annual Convention and Traffic Expo in Tampa, FL held on Feb. 12-15th, 2022.
BGM Land Investments, LTD.	HOU	Harris	Design and construction of a left turn Lane from westbound Business US 90 into the Edgewood Village Subdivision development in Houston.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Cayetano Development, LLC	AUS	Bastrop	Design and construction of deceleration lanes on SH 95 from 1.5 miles north of FM 2336 to 2.2 miles north of FM 2336 in Bastrop.
Celts International, LLC	WAC	Bell	Design and construction of three road connections to TXDOT roads in Salado. One connection to FM 2484 at Event Dr and two connections to southbound IH35 frontage road north of FM 2484.
Continental Homes of Texas, L.P.	AUS	Bastrop	Design and construction of deceleration and acceleration lanes on FM 969 from 0.1 miles north of Blakey Lane to 0.4 miles north of Blakey Lane in Bastrop.
Formosa Plastics Corporation, Texas	AUS	Bastrop	Funds to design and construct two additional through lanes along with turning lanes for public use on FM 1593, from SH 35 to 3.6 miles North of SH 35 and on SH 35, from 1.12 miles East of FM 1593 to 1.72 miles East of FM 1593 in Calhoun and Jackson Counties.
HW Holdings LLC	HOU	Fort Bend	Design and construction of a traffic signal from FM 762 at Wildwood Park Drive intersection into the Veranda development in Richmond.
KM 146 Partners, LP	BMT	Chambers	Design and construction of a right turn lane along the eastbound IH-10 frontage road into Chambers Commons Drive and intermittent right turn lanes along SH 146 southbound from Old Needlepoint Road to 1,820 feet north in Chambers County.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Caldwell	Design and construction of a two way center turn lane on US 183 from 0.2 miles north of Summerside Avenue to 0.5 miles north of Summerside Avenue in Lockhart.
Meritage Homes of Texas, LLC	HOU	Galveston	Design and construction of two right turn lanes from westbound SH 96 into the Kemah Crossing development in Kemah.
Morris Venture Partners IV, LLC	WAC	Bell	Design and construction of a right turn deceleration lane along W. Adams Avenue eastbound into the Trinity Plaza development in Temple.
Pulte Homes of Texas, L.P.	SAT	Comal	Design and construction for installation left turn and right turn lanes on FM 1101 located approximately 0.95 miles north of FM 306 to 0.23 miles South of Kroesche Lane in New Braunfels.
QT South, LLC	AUS	Williamson	Funds to construct a new signal on SH 29 at CR 214 in Liberty Hill.
Ranch Road Railhead, LLC	AUS	Bastrop	Design and construction of deceleration lanes on SH 21 from 0.15 miles east of Voss Parkway to 0.5 miles east of Voss Parkway in Cedar Creek.
Refugio ISD Education Foundation	TRF	Refugio	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 77 within Refugio County.
Ryan Companies US, Inc.	AUS	Travis	Funds to cover the State's cost to conduct a Traffic and Revenue Analysis Study at the intersection of SH 130 and E. Howard Lane in Manor.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Shea Homes Houston, LLC	HOU	Montgomery	Design and construction of a driveway and a right turn lane along eastbound SH 242 into the Evergreen Development in Montgomery County.
Sig Magnolia LP	HOU	Montgomery	Design and construction of 2 street tie-ins to connect to the east side of FM1486 to serve the Magnolia Springs Residential development in Montgomery County.
SMBC Leasing and Finance, Inc.	HOU	Harris	Design and construction of a right turn lane from eastbound IH 10 into the Marathon Oil Company development in Houston.
State Representative Cody Harris	TRF	Anderson	Funds to design, fabricate, and install four memorial highway designation signs on the portion of LP 256 in Palestine, designated as the Bascom W. Bentley III Memorial Loop within Anderson County.
The Grassdale at Manor, LLC	AUS	Travis	Design and construction of a new signal at the intersection of US 290 and Greenbury Drive in Manor.
The Methodist Hospital	HOU	Montgomery	Design and funds sufficient to cover the State's cost to construct a right turn lane on IH 45 Northbound Frontage Road near SH 242 (CSJ 0110-04-202) in Conroe.
Townsend Reserve, Ltd.	HOU	Montgomery	Design and construction of 2 street tie-ins to connect to the south side of FM 2090 to serve the Townsend Reserve Development in Montgomery County.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Freedom Solar Power	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.
Sport Clips, Inc.	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract Renewal on an existing sign location.
Elephant Insurance Services, LLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Frisco Tint Inc.	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
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.
Hilltop Securities Inc.	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	DAL	Denton	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.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DDO</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Elephant Insurance Services, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AFO-BOSS, LLC dba Buchanan Disposal Solutions	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Pioneer Natural Resources Company	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Thomas OilField Services, LLC	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Continental Tire the Americas, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Holdsworth & Nicholas, Inc. f.b.o. Texas MedClinic	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**REAL ESTATE DONATIONS TO THE DEPARTMENT**

<b><u>DONOR</u></b>	<b><u>DIST</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Aggie Properties, Inc.	BRY	Brazos	Donation of 0.0299 acres of land on FM 60. The property being donated will be utilized as Right of Way for FM 60.
Carma Easton, LLC.	AUS	Travis	Donation of 2.2138 acres of land from 0.89 miles south of US 183 to 1.32 miles south of US 183. The property being donated will be utilized to realign FM 1625.
Carma Easton, LLC.	AUS	Travis	Donation of 0.1510 acres of land from 0.89 miles south of US 183 to 1.32 miles south of US 183. The property being donated will be utilized to widen the shoulder from US 183 to William Cannon.

**REAL ESTATE DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DIST</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Millennium Interests, LTD	AUS	Caldwell	Donation of 0.101 acres of land on FM 1854 from County Road 672 to County Road 169. The property being donated will be utilized to facilitate widening the road and shoulder construction.
Brock Independent School District	FTW	Parker	Donation of 0.1190 acres on FM 1189 at Little Grindstone. The property being donated will be utilized in constructing roadway turn lanes to improve mobility and safety along FM 1189 and Little Grindstone in Parker County, Texas.

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

**b. Real Estate Dispositions**

116176  
ROW

Near Possum Kingdom Lake, Palo Pinto County, on PR 36, the State of Texas acquired an easement interest in certain land (existing right of way) by an instrument recorded in Document Number 2021-00006282 of the Official Public Records of Palo Pinto County, Texas, a copy of which is attached hereto as Exhibit A.

PK Lakeview Point, LLC, a Texas limited liability company, (donor) has agreed to donate 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, and construction and construction engineering necessary to construct a new segment of replacement highway somewhat parallel to PR 36 in Palo Pinto County, more particularly described in Exhibit B (new highway alignment). The estimated donation is approximately \$620,000.00. The donor and the state have entered into an Agreement to Accept Donation for Construction and Exchange of Right of Way whereby the donor has agreed that, upon completion of the realignment and construction of the new replacement highway facility for a portion of PR 36, it will convey to the state a highway easement for the new right of way. Upon acceptance of the new right of way, the Texas Department of Transportation (department) will release its easement granting a right to use the highway currently designated as PR 36 situated on the existing right of way. In essence, this series of transactions will provide for the construction of a new segment of highway on property owned by donor and the ultimate exchange of that segment for a somewhat parallel segment of highway currently used by the department. As a result, the department will receive a new highway segment meeting all current specifications, and the donor will be able to pursue development of the property encumbered by the existing highway segment.

In accordance with Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the exchange of a surplus interest in real property as whole or partial consideration for another interest in real property needed by the state for highway purposes.

Transportation Code, § 201.206 authorizes the department to accept a donation in any form, including realty, personalty, money, materials, or services, for the purpose of carrying out its functions and duties.



This donation has been examined by department personnel, and the commission adopted Minute Order Number 116108 on September 30, 2021 acknowledging the acceptance of the donation. The department recommends issuance of this minute order to effect the purpose of the donation and to accomplish the exchange of the existing right of way for the new highway facility situated on the new highway alignment upon donor's completion and department's acceptance of the new highway facility.

The commission finds, that upon completion and acceptance of the new highway facility, the existing easement encumbering the existing right of way will no longer be needed for highway purposes, will be surplus, and should be removed from the state highway system. It would then be proper and correct that the state convey and release its right, title, and interest in the easement encumbering the existing right of way to the donor in exchange and as consideration for the conveyance of the easement encumbering the new highway alignment to the state.

IT IS THEREFORE ORDERED, in consideration of the foregoing premises and in accordance with Transportation Code, Chapter 202, Subchapter B, that, if and when the donor at its sole expense completes construction of the new highway facility to the satisfaction of the department, conveys a new easement encumbering the land described in Exhibit B to the state, and pays the cash difference between the value of the easement encumbering the existing highway alignment and the value of the easement encumbering the new highway alignment, if any, then the designation of the existing right of way as part of the state highway system is cancelled and the surplus easement is no longer needed for highway or public transportation purposes.

IT IS FURTHER ORDERED that the commission recommends that, upon donor's completion of the foregoing requirements, subject to approval by the attorney general, the governor of Texas execute a proper instrument conveying and releasing all of the state's right, title and interest in the easement encumbering the land described in Exhibit A to the donor in exchange and as consideration for the conveyance to the state of an easement encumbering the new highway alignment as described in Exhibit B.

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

#### **c. Reports**

##### **(1) Compliance Division report**

Note: Confidential report to commission.

##### **(2) Environmental 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)**

116177  
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 7. 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.

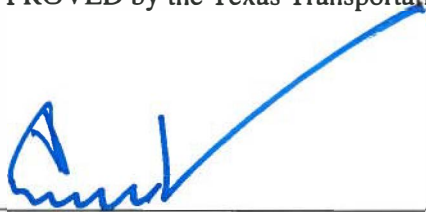
**OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum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

The commission received comments from Brennan Griffin, Deputy Director of Texas Appleseed, and private citizen Jasmine Gaston regarding the expansion of I-45 in Houston; private citizens Schuyler Wight, and Tom Slocum Jr. addressed a sinkhole on FM 1053 near Imperial, TX; and private citizens Greg Gotimer and Matt Rutledge spoke about the capital expansion project of I-35 through Austin, Tx.

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 10:53 a.m.

APPROVED by the Texas Transportation Commission on January 27, 2022:



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 December 9, 2021, in Austin, Texas.

  
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Nicole Lawson, Commission Chief Clerk  
Texas Department of Transportation