

These are the minutes of the regular meeting of the Texas Transportation Commission held on January 27, 2022, 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  
Rebecca Blewett, Deputy 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 4:08 p.m. on January 19, 2022, 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 made opening remarks.

**ITEM 2. Consider the approval of the Minutes of the December 9, 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 December 9, 2021, regular meeting by a vote of 4 - 0.

**ITEM 3. Commission Resolution acknowledgment of Bexar County Judge Nelson Wolff and his over 50 years of public service to improving transportation in Texas**

This item was presented by Chairman Bugg.

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

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on January 6 and January 7, 2022, 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.

116179  
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 January 6 and 7, 2022, 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 Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116180  
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 January 4, 2022, 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. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001: Final Rule Adoptions**

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

116181  
TPP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§16.2, 16.101, 16.105, 16.106, and 16.154, and new §16.161 relating to Planning and Development of Transportation Projects to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§16.2, 16.101, 16.105, 16.106, and 16.154, and new §16.161 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

**ITEM 6. Discussion Item Development of the 2023 Unified Transportation Program (UTP) planning targets (Presentation)**

This item was presented by Jessica Butler Division Director, Transportation Planning and Programming. Stephen Stewart, Chief Financial Officer also joined the discussion. The commission also heard comments from Jay Blazek Crossley, Executive Director for Farm & City.

**ITEM 7. Public Transportation**

**Various County - Consider the award of state funds and federal §5304 Statewide and Non-metropolitan Transportation Planning Program funds and federal §5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds (MO)**

This item was presented by Public Transportation Division Director Eric Gleason. 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. Chairman Bugg called for a short recess and reconvened the Commission Meeting at 11:44 a.m.

116182  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$2,467,134 in state and Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in urbanized and non-urbanized areas of the state.

Title 43, Texas Administrative Code (TAC), §31.22 describes the process for implementing the Statewide and Nonmetropolitan Transportation Planning program (49 U.S.C. §5304). An award up to \$1,207,500 of state and federal §5304 funds is shown in Exhibit A and has been determined in accordance with §31.22.

Minute Order 116036 allocated first year awards to various entities for the biennial Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310) call for projects, including funds for operating expenses at 50% of total project costs. Subsequently, FTA approved funds to be programmed at 100% federal share. This award is to provide §5310 entities with the remaining 50% of operating expenses to allow for total project costs at 100% federal share.

Title 43, TAC, §31.31 establishes a formula by which public transportation funds shall be distributed under the federal §5310 program. An award of \$1,259,634 of federal §5310 funds is shown in Exhibit B and has been determined in accordance with §31.31.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

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

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

**ITEM 8. State Infrastructure Bank**

**a. Montgomery County - City of Magnolia - Consider final approval of a request from the City of Magnolia for a State Infrastructure Bank loan in the amount of up to \$2,803,158 to pay for a contribution to the department to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen FM 1488 in Montgomery 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116183  
PFD

The City of Magnolia (City) has submitted an application for financial assistance in the form of a loan of up to \$2,803,158 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 contribution to the department for funding participation for utility relocation necessary for a non-tolled state highway improvement project to widen Farm to Market 1488 in Montgomery 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 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 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 non-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 \$2,803,158 to pay the City's contribution to the department for funding participation for utility relocation necessary 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. Montgomery County - City of Cut and Shoot - Consider final approval of a request from**

the City of Cut and Shoot for a State Infrastructure Bank loan in the amount of up to \$4,605,000 to pay for a contribution to the department to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen SH 105 east in Montgomery 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116184  
PFD

The City of Cut and Shoot (City) has submitted an application for financial assistance in the form of a loan of up to \$4,605,000 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 contribution to the department for funding participation for utility relocation necessary for a non-tolled state highway improvement project to widen State Highway 105E in Montgomery 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 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, 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 non-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 \$4,605,000 to pay the City’s contribution to the department 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. Rockwall County - City of Royse City - Consider final approval of a request from the City of Royse City for a State Infrastructure Bank loan in the amount of up to \$3,500,000 to pay for the costs of utility relocation and right of way acquisition necessary for a non-tolled state highway improvement project to improve I-30 in Rockwall 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 New, and the commission approved the following minute order by a vote of 4 - 0.

116185  
PFD

City of Royse City (City) has submitted an application for financial assistance in the form of a loan of up to \$3,500,000 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 cost of utility relocation and right-of-way acquisition for a non-tolled state highway improvement project to improve I-30 in Rockwall 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 contract revenues and utility 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 non-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 \$3,500,000 to pay the City's costs of utility relocation and right-of-way acquisition 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.

**ITEM 9. Minute Order Reconsideration**

**Bexar County - SL 368 - Consider rescinding Minute Order 114170, dated December 18, 2014, and rescinding those portions of Minute Order 114219, dated February 26, 2015, which amended Minute Order 114170 (MO)**

This item was presented by Right of Way Division Director Kyle Madsen, joining him was Becky Blewett, Deputy General Counsel, San Antonio District Engineer Gina Gallegos, and Deputy Executive Director of Program Delivery Brian Barth. The commission heard public comments from Jeff Coyle, Assistant City Manager for the City of San Antonio, David McBeth, Assistant City Engineer for the City of San Antonio, Buddy Kuhn, City Manager for the City of Alamo Heights, Kari Kuwamura Executive Director for Activate San Antonio, Lydia Kelly Board Member for Bike Texas, Bryan Martin, Vice President for Bike San

Antonio, and Jay Blazek Crossley Executive Director of Farm & City. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 1. Commissioner Ryan voted opposed.

116186  
ROW

By Minute Order 114170, dated December 18, 2014, the Texas Transportation Commission (commission) ordered that State Loop (SL) 368, from Alamo Heights city limit south to I-35, therein described as Tract 1, was no longer needed for a state highway purpose and was to be removed from the state highway system. The minute order recommended, subject to approval by the attorney general, that the governor of Texas execute a proper instrument transferring all of the state’s right, title, and interest in Tract 1 to the City of San Antonio (city). In accordance with Texas Transportation Code, Chapter 202, Subchapter B, payment for Tract 1 was to be waived, as city had agreed to assume jurisdiction, control, and maintenance of the right of way for public road purposes. It was further ordered that if Tract 1 ceased to be used for public road purposes, it would immediately and automatically revert to the state.

By Minute Order 114219, dated February 26, 2015, the commission amended Minute Order 114170 to provide that the removal from the system and transfer of jurisdiction, control, and maintenance of SL 368 from Alamo Heights city limit south to I-35, a distance of approximately 2.2 miles, would occur upon issuance of the Project Acceptance Letter for project CSJ 0016-08-034.

The Project Acceptance Letter for project CSJ 0016-08-034 has not been issued and, therefore, the portion of SL 368 described as Tract 1 in Minute Order 114170 is currently a part of the state highway system.

On further consideration, the commission has determined that Tract 1 continues to be needed for state highway purposes.

IT IS THEREFORE ORDERED by the commission that Minute Order 114170, dated December 18, 2014, as amended by Minute Order 114219, dated February 26, 2015, is hereby rescinded.

FURTHER, IT IS ORDERED by the commission that the portions of Minute Order 114219, that amend Minute Order 114170 are hereby rescinded, but all other provisions of Minute Order 114219 remain in effect.

FURTHER, IT IS ORDERED by the commission that SL 368 from Alamo Heights city limit south to I-35, a distance of 2.2 miles, remains a part of the state highway system.

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

116187

To facilitate the safety and movement of traffic and to preserve the financial

ROW

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-NN. 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 1-208 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS				
COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	US 90	158	0024-07-060	2
Bexar	US 90	159	0024-07-060	4
Bexar	US 90	160	0024-07-060	5
Bexar	US 90	162	0024-07-060	6
Bexar	US 90	208	0024-07-060	8
Bexar	US 90	165	0024-07-060	10
Bexar	US 90	166	0024-07-060	11
Bexar	US 90	167	0024-07-060	12
Bexar	US 90	168	0024-07-060	13
Bexar	US 90	169	0024-07-060	14

## NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	US 90	170	0024-07-060	16
Bexar	US 90	171	0024-07-060	17
Bexar	US 90	172	0024-07-060	18
Bexar	US 90	173	0024-07-060	19
Bexar	US 90	174	0024-07-060	21
Bexar	US 90	175	0024-07-060	22
Bexar	US 90	176	0024-07-060	23
Bexar	US 90	201	0024-07-060	24
Bexar	US 90	178	0024-07-060	25
Bexar	US 90	179	0024-07-060	26
Bexar	US 90	180	0024-07-060	27
Bexar	US 90	181	0024-07-060	28
Bexar	US 90	182	0024-07-060	29
Bexar	US 90	183	0024-07-060	30
Bexar	US 90	184	0024-07-060	31
Bexar	US 90	185	0024-07-060	32
Bexar	US 90	186	0024-07-060	33
Bexar	US 90	187	0024-07-060	34
Bexar	US 90	188	0024-07-060	35
Bexar	US 90	189	0024-07-060	36
Bexar	US 90	190	0024-07-060	37
Bexar	US 90	191	0024-07-060	38
Bexar	US 90	192	0024-07-060	39
Bexar	US 90	193	0024-07-060	42
Bexar	US 90	194	0024-07-060	43
Bexar	US 90	195	0024-07-060	48
Bexar	US 90	196	0024-07-060	49
Brazoria	FM 518	139	3416-01-014	118
Cherokee	US 69	64	0191-02-067	103
Collin	SH 5	41	0047-05-056	1
Collin	SH 5	42	0047-05-056	2
Collin	SH 5	43	0047-05-056	3
Collin	SH 5	44	0047-05-056	4
Collin	SH 5	45	0047-05-056	5
Collin	SH 5	72	0047-05-056	8
Collin	SH 5	74	0047-05-056	9
Collin	SH 5	75	0047-05-056	10
Collin	SH 5	76	0047-05-056	11
Collin	SH 5	77	0047-05-056	12
Collin	SH 5	78	0047-05-056	13
Collin	SH 5	79	0047-05-056	14
Collin	SH 5	80	0047-05-056	15
Collin	SH 5	81	0047-05-056	16
Collin	SH 5	84	0047-05-056	17
Collin	SH 5	86	0047-05-056	18
Collin	SH 5	87	0047-05-056	19

## NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Collin	SH 5	90	0047-05-056	20
Collin	SH 5	91	0047-05-056	21
Collin	SH 5	94	0047-05-056	22
Collin	SH 5	100	0047-05-056	23
Collin	SH 5	101	0047-05-056	24
Collin	SH 5	99	0047-05-056	25
Collin	SH 5	98	0047-05-056	26
Collin	SH 5	97	0047-05-056	27
Collin	SH 5	96	0047-05-056	28
Collin	SH 5	95	0047-05-056	29
Collin	SH 5	93	0047-05-056	30
Collin	SH 5	92	0047-05-056	31
Collin	SH 5	89	0047-05-056	32
Collin	SH 5	88	0047-05-056	33
Collin	SH 5	85	0047-05-056	34
Collin	SH 5	83	0047-05-056	35
Collin	SH 5	82	0047-05-056	36
Collin	SH 5	73	0047-05-056	37
Collin	SH 5	68	0047-05-056	38
Collin	SH 5	67	0047-05-056	39
Collin	SH 5	15	0047-05-056	40
Collin	SH 5	21	0047-05-056	41
Collin	SH 5	22	0047-05-056	42
Collin	SH 5	46	0047-05-056	43
Collin	SH 5	47	0047-05-056	44
Collin	SH 5	48	0047-05-056	45
Collin	SH 5	49	0047-05-056	46
Collin	SH 5	50	0047-05-056	48
Collin	SH 5	51	0047-05-056	49
Collin	SH 5	14	0047-05-056	51
Collin	SH 5	16	0047-05-056	52
Collin	SH 5	40	0047-05-056	53
Collin	SH 5	52	0047-05-056	54
Collin	SH 5	53	0047-05-056	55
Collin	SH 5	54	0047-05-056	56
Collin	SH 5	55	0047-05-056	57
Collin	SH 5	56	0047-05-056	58
Collin	SH 5	57	0047-05-056	60
Collin	SH 5	18	0047-05-056	61
Collin	SH 5	19	0047-05-056	62
Collin	SH 5	26	0047-05-056	63
Collin	SH 5	20	0047-05-056	64
Collin	SH 5	27	0047-05-056	65
Collin	SH 5	28	0047-05-056	66
Collin	SH 5	9	0047-05-056	67
Collin	SH 5	29	0047-05-056	68

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Collin	SH 5	30	0047-05-056	69
Collin	SH 5	31	0047-05-056	70
Collin	SH 5	17	0047-05-056	71
Collin	SH 5	24	0047-05-056	72
Collin	SH 5	25	0047-05-056	73
Collin	SH 5	32	0047-05-056	74
Collin	SH 5	33	0047-05-056	75
Collin	SH 5	34	0047-05-056	76
Collin	SH 5	36	0047-05-056	77
Collin	SH 5	37	0047-05-056	78
Collin	SH 5	38	0047-05-056	79
Collin	SH 5	39	0047-05-056	80
Collin	SH 5	102	0047-05-056	82
Collin	SH 5	107	0047-05-056	83
Collin	SH 5	105	0047-05-056	84
Collin	SH 5	104	0047-05-056	85
Collin	US 380	1	0135-03-055	9
Denton	FM 455	137	0816-02-086	3
Denton	FM 455	138	0816-02-086	5
Ellis	FM 664	117	1051-01-054	114,114E
Fayette	US 77	2	0211-06-064	5
Fayette	US 77	66	0268-01-057	1
Fayette	US 77	69	0268-01-057	2
Fayette	US 77	71	0268-01-057	3
Fayette	US 77	70	0268-01-057	4
Galveston	SH 146	136	0389-06-092	319
Gregg	FM 2275	163	2158-01-024	69
Gregg	FM 2275	164	2158-01-025	12
Gregg	FM 2275	177	2158-01-025	37
Hardin	US 69	108	0200-09-075	1
Hardin	US 69	109	0200-09-075	2
Hardin	US 69	110	0200-09-075	3
Hardin	US 69	111	0200-09-075	4
Hardin	US 69	112	0200-09-075	5
Hardin	US 69	113	0200-09-075	6
Hardin	US 69	114	0200-09-075	7
Hardin	US 69	103	0200-09-075	9
Hardin	US 69	115	0200-09-075	10
Hardin	US 69	131	0200-09-075	11
Hardin	US 69	116	0200-09-075	12
Hidalgo	FM 676	4	1064-01-038	50
Hidalgo	FM 1925	140	1803-02-036	P00057490
Hidalgo	FM 1925	141	1803-02-036	P00059105
Hunt	FM 2642	118	2658-01-014	1
Hunt	FM 2642	119	2658-01-014	5E
Hunt	FM 2642	120	2658-01-014	6E

## NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Hunt	FM 2642	121	2658-01-014	7E
Hunt	FM 2642	123	2658-01-014	8E
Hunt	FM 2642	124	2658-01-014	9E
Hunt	FM 2642	125	2658-01-014	10E
Hunt	FM 2642	126	2658-01-014	11E
Hunt	FM 2642	127	2658-01-014	12E
Hunt	FM 2642	128	2658-01-014	13E
Hunt	FM 2642	129	2658-01-014	14
Hunt	FM 2642	130	2658-01-014	17
Johnson	FM 917	58	1181-02-042	P00027325
Johnson	FM 917	59	1181-02-042	P00027326
Johnson	FM 917	60	1181-02-042	P00027327
Johnson	FM 917	61	1181-02-042	P00027328
Kaufman	FM 548	198	2588-01-024	1
Kaufman	FM 548	197	2588-01-024	2
Kaufman	FM 548	199	2588-01-024	3
Lubbock	FM 1585	207	1502-01-037	329
Lubbock	FM 1585	3	1502-01-039	156
Montgomery	SH 242	145	3538-01-046	201
Montgomery	SH 242	146	3538-01-046	202
Montgomery	SH 242	148	3538-01-046	203
Montgomery	SH 242	149	3538-01-046	204
Montgomery	SH 242	150	3538-01-046	205
Montgomery	SH 242	151	3538-01-046	206
Montgomery	SH 242	152	3538-01-046	207
Montgomery	SH 242	153	3538-01-046	208
Montgomery	SH 242	156	3538-01-056	104
Montgomery	SH 242	157	3538-01-056	105
Parmer	US 60	63	0168-02-033	P00055429
Smith	FM 16	62	0522-04-035	83
Tom Green	SL 378	200	0159-07-008	P00024726
Tom Green	SL 378	202	0159-07-008	P00024728
Tom Green	SL 378	203	0159-07-008	P00024731
Tom Green	SL 378	204	0159-07-008	P00024732
Tom Green	SL 378	205	0159-07-008	P00024733
Tom Green	SL 378	206	0159-07-008	P00024734
Tom Green	SL 378	161	0159-07-008	P00056366
Tom Green	SL 378	122	0159-07-008	P00056367
Travis	RM 620	144	0683-02-081	12
Travis	RM 620	5	0683-02-081	29
Travis	RM 620	12	0683-02-081	33
Travis	RM 620	6	0683-02-081	41
Travis	RM 620	23	0683-02-081	42
Travis	RM 620	10	0683-02-081	114
Travis	RM 620	11	0683-02-083	52
Travis	RM 620	35	0683-02-083	61

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Travis	RM 620	65	0683-02-083	65
Travis	RM 620	8	0683-02-083	77
Travis	RM 620	7	0683-02-083	84
Travis	RM 620	13	0683-02-083	91
Travis	RM 620	106	0683-02-083	98
Webb	US 59	142	0086-14-092	14A
Webb	US 59	143	0086-14-093	53
Zapata	US 83	135	0038-05-049	1
Zapata	US 83	147	0038-05-049	4
Zapata	US 83	132	0038-05-049	11
Zapata	US 83	154	0038-05-049	13A
Zapata	US 83	155	0038-05-049	13B
Zapata	US 83	133	0038-05-049	14
Zapata	US 83	134	0038-05-049	16

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	IH 10	F	0025-02-218	1
Bexar	IH 10	FF	0025-02-218	7
Bexar	IH 10	A	0025-02-218	9
Bexar	IH 10	B	0025-02-218	19
Bexar	IH 10	LL	0025-02-218	20
Bexar	IH 10	KK	0025-02-218	21
Bexar	IH 10	JJ	0025-02-218	22
Bexar	IH 10	C	0025-02-218	23
Bexar	IH 10	D	0025-02-218	24
Bexar	IH 410	P	0521-04-286	P00056261
Bexar	IH 410	Q	0521-04-286	P00056262
Comal	IH 35	E	0016-04-114	31
Comal	IH 35	S	0016-04-114	38
Denton	IH 35W	NN	0081-13-067	P00055486
Denton	IH 35	T	0195-02-079	55
Denton	IH 35	EE	0195-02-079	S157
Guadalupe	IH 10	G	0025-03-103	16
Guadalupe	IH 10	H	0025-03-103	17
Guadalupe	IH 10	I	0025-03-103	18
Guadalupe	IH 10	J	0025-03-103	19
Guadalupe	IH 10	K	0025-03-103	20
Guadalupe	IH 10	L	0025-03-103	21
Guadalupe	IH 10	M	0025-03-103	22
Guadalupe	IH 10	N	0025-03-103	23
Guadalupe	IH 10	O	0025-03-103	24
Montgomery	SH 242	GG	3538-01-056	101



CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Montgomery	SH 242	HH	3538-01-056	102
Montgomery	SH 242	II	3538-01-056	103
Tarrant	IH 20	MM	2374-05-087	77AC
Travis	RM 620	R	0683-02-083	90
Webb	US 59	U	0086-14-091	32
Webb	US 59	V	0086-14-091	33
Webb	US 59	W	0086-14-092	14
Webb	US 59	X	0086-14-092	17
Webb	US 59	Y	0086-14-092	43
Webb	US 59	Z	0086-14-092	45
Webb	US 59	AA	0086-14-092	50
Webb	US 59	BB	0086-14-093	5
Webb	US 59	CC	0086-14-093	52
Webb	US 59	DD	0086-14-093	55

Note: Exhibits A - NN and 1 - 208 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 Vaughn 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)**

116188  
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 executive director has determined that the donations identified in the attached Exhibit A complies 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 Exhibit A.

**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>
288 Associates, LP	HOU	Brazoria	Design and construction of a right turn lane from westbound SH 288 into the Del Bello Commercial Development in Manvel.
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.
David H. McNabb	TRF	Hunt Rains	Design, fabricate, and install two memorial highway designation signs on the portion of SH 276 along the bridge over Lake Tawakoni, designated as the Staff Sergeant Shawn Henry McNabb Memorial Bridge within Hunt County and Rains Counties.
J & H Navasota Development, LLC	BRY	Grimes	Funds to cover the state's cost to construct a left turn lane on SH 105 into the donor's property at proposed Pecan Lade Drive located in Grimes 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>
Kaura Energy Inc	LFK	Polk	Design and construction of roadway widening for a left turn lane from southbound US 59 into the On the Road Convenience Store in Goodrich.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Comal	Design and construction of a right and left turn lanes on FM 1044 approximately 1.2 miles South of I-35 in New Braunfels.
Lennar Homes of Texas Land Construction, Ltd.	SAT	Guadalupe	Design and construction of right and left turn lanes on FM 758 approximately 0.6 miles west of SH 123 in New Braunfels.
Lower Forty, LLC	AUS	Williamson	Design and construction of road widening on US 183 to include 1) a two-way left turn lane; and 2) right turn lane in Leander.
LSLP Legacy Hills, LLC	AUS	Blanco	Design and construction for shoulder widening a section of US 290 to accommodate new left deceleration and right deceleration lanes to the Legacy Hills Subdivision in Johnson.
M/I Homes of San Antonio, LLC	SAT	Guadalupe	Design and construction of a right turn lane for a new subdivision entrance approximately 1.5 miles north of I-10 in Seguin.
NP GR Houston Industrial Land, LLC	HOU	Harris	Design and construction of a right turn deceleration lane into a proposed site driveway along US 90 A near Purple Sage Road in Harris 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>
NPH Conroe, LLC	HOU	Montgomery	Design and construction of a left turn lane along northbound SH 75 into the commercial development in Conroe.
PWP Land Co. LLC	BRY	Grimes	Funds to cover the state's cost to construct a left turn lane on SH 105 into the donor's property located in Grimes County.
TC San Antonio Development Associates I, LLC	SAT	Bexar	Funds sufficient to cover the design and construction of a traffic signal at Fisher Road and I-35 frontage road in San Antonio.
Victron Stores, L.P.	TYL	Van Zandt	Design and construction of widening and overlaying a section of FM 314 south of the eastbound I-20 frontage road in Van.
Walton Texas, LP	AUS	Hays	Design and construction of a southbound right turn lane and northbound left turn lane at the Marigold subdivision entrance along SH 21 in Uhland.

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

**b. Real Estate Dispositions**

**(1) Angelina County - US 59 - Consider the sale of right of way to an abutting landowner (MO)**

116189  
ROW

In the City of Lufkin, Angelina County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Document No. 2006-00216376 of the Deed Records of Angelina County, Texas.

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

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

James R. Youngblood, Jr. and Anya M. Youngblood Lundberg are abutting landowners and have requested to purchase the tract for \$34,608.75.

The commission finds \$34,608.75 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to James R. Youngblood, Jr. and Anya M. Youngblood Lundberg for \$34,608.75; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Dallas County - Loop 12 - Consider the sale of right of way to an abutting landowner (MO)

116190  
ROW

In the City of Dallas, Dallas County, on Loop 12, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 2545, at Page 396, of the Deed Records of Dallas County, Texas.

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

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

J.B. Hunt Transportation, Inc., a Georgia corporation, is an abutting landowner and has requested to purchase the tract for \$18,158.

The commission finds \$18,158 to be a fair and reasonable value of the state’s right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to J.B. Hunt Transportation, Inc., a Georgia corporation, for \$18,158; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Lipscomb County - SH 23 - Consider an easement release to the underlying fee owner (MO)

116191  
ROW

In the City of Booker, Lipscomb County, on SH 23, the State of Texas acquired an easement interest in certain land by an instrument recorded in Book 83, at Page 441, of the Deed Records of Lipscomb County, Texas.

All of the easement, which easement 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.

Michael Lee and Margaret Lee is the owner of the fee interest in the property, and they have requested to purchase the easement interest for \$2,500.

The commission finds \$2,500 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 Michael Lee and Margaret Lee for \$2,500.

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

(4) Travis County - FM 973 - Consider the quitclaim of any interest that might have accrued to the state by use of former right of way to Travis County, Texas (county) (MO)

116192  
ROW

Near the City of Austin, Travis County, on FM 973, the State of Texas used certain land for highway purposes that was acquired in the name of Travis County, Texas by instruments recorded in Volume 1442, at Page 114, Volume 1445, at Page 291, Volume 1752, at Page 419, and Volume 1789, at Page 208, of the Deed Records of Travis County, Texas. A portion of the land, which portion is described on 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 quitclaim to a county or municipality of any interest in real property that might have accrued to the state by use if the interest in the real property was acquired and held by the county or municipality in its own name for use by the state.

Travis County, Texas has requested the quitclaim of the tract to Travis County, Texas.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in the tract to Travis County, Texas.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument quitclaiming the state’s right and interest in the tract to Travis County, Texas.

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

**c. Reports**

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting Allocation Status Report - Quarterly status report on the FY 2022 letting allocation, the actual allocation utilized through the current month, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

(3) Quarterly Cash Report - Quarterly report on FY 2022 State Highway Fund 6 cash status (Report)

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

(4) Annual Financial Report - Texas Department of Transportation Annual Comprehensive Financial Report (with Independent Auditor’s Report) for the Fiscal Year Ended August 31, 2021 (Report)

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

(5) Texas Mobility Fund - Audited financial statements of the Texas Mobility Fund as required by the governing master resolution (Report)

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

(6) Central Texas Turnpike System Travis and Williamson Counties - Audited financial statements of the Central Texas Turnpike System (CTTS), as required by the CTTS Indenture of Trust (Report)

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

**d. Land Acquisitions for Facilities**

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

116193  
SSD

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

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

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

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

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

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

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

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

**e. Designation of Access Control**

**Montgomery County - I-45, in the City of Willis - Consider the designation of two locations on the future northbound frontage road of I-45 at which access will be permitted to the abutting property (MO)**

116194  
DES

In MONTGOMERY COUNTY, on Interstate 45 (I-45), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the instruments recorded under Volume 491, Page 267 and Volume 491, Page 270 of the Official Public Records of Montgomery County, Texas, with denial of access to the abutting remainder property as described in the instruments.

Market at Willis Associates, LLC, the current owner of the abutting property, has requested designated access to and from the future I-45 northbound frontage road for proposed access at two locations along the property line at new access points described in Exhibit A.

Until the future I-45 northbound frontage road is fully constructed (from Farm-to-Market (FM) 1097 to FM 830), the roadway that the current owner of the abutting property is requesting access to and from is defined by the Federal Highway Administration (FHWA) and within the American Association of State Highway and Transportation Officials Policy on Design Standards – Interstate System (AASHTO policy), as the I-45 northbound exit ramp. As per AASHTO policy, Interstate ramps shall be fully controlled.

Title 23, United States Code (U.S.C.), Section 109 and 111, Code of Federal Regulations (C.F.R.) 625.4, and 49 C.F.R. 1.48(b)(1), requires all new or modified points of access on the Interstate system to ultimately be approved by FHWA and developed in accordance with federal laws and regulations.

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

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

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

Title 23, U.S.C., Section 111, requires the State to not add any point of access to, or exit from an Interstate Highway System without the prior approval of the Secretary of the United States Department of Transportation (Secretary). The Secretary has delegated the authority to FHWA pursuant to Title 49, Code of Federal Regulations, and Section 1.48.

NOW, THEREFORE, the commission finds that the new access points will not compromise the mobility, safety or operation of the future state highway facility (I-45 northbound frontage road), and designates the new access points described in Exhibit A as locations where ingress and egress are permitted to and from the future I-45 northbound



frontage road. The commission further finds that construction of any driveway (temporary or permanent) for ingress and egress at the new access points will not be permitted until the completion of the construction of the I-45 northbound frontage road (from FM 1097 to FM 830) or approval from FHWA, whichever comes first.

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

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

**f. Transportation Planning**

**Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)**

116195  
TPP

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 (CDA) and the surplus revenue of a 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 the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA

concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in Exhibit A. The RTC has also identified changes to the list of previously approved projects, which are shown in Exhibit B. A summary of funds associated with the SH 121 work program is set forth in Exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in Exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously approved projects as shown in Exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

**g. Speed Zones**

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

116195  
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 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 heard comments from Schuyler Wight, Wayne Tinkler, William Burch, and Sarah Stogner regarding the sinkhole on FM 1053 in Imperial Texas.

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 12:59 p.m.

APPROVED by the Texas Transportation Commission on February 23, 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 January 27, 2022, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk  
Texas Department of Transportation