

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 23, 2022, 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 11:50 a.m. on February 15, 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 January 27, 2022, regular meeting and the January 27, 2022, special meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the January 27, 2022, regular meeting and the January 27, 2022, special meeting by a vote of 4 - 0.

ITEM 3. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Duane Milligan. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116198
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 February 3 and 4, 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116199
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 February 3 and 4, 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. Routine Maintenance

Rescind award of and reject Waller County Project RMC-638942001, previously awarded January 27, 2022, by Minute Order 116179 (MO)

This item was presented by Construction Division Director Duane Milligan. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

116200
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 7, 2022, as shown on Exhibit A.

Pursuant to Title 43, Texas Administrative Code Section 9.17(h), the Commission may rescind the award of any contract prior to contract execution upon a determination that it is in the best interest of the state.

The department recommends that the Texas Transportation Commission (commission) respectively rescind the award to the lowest bidder for contracts awarded on January 27, 2022, by Minute Order 116179 as indicated, those highway maintenance and department building construction contracts identified on attached Exhibit A to this order.

The Commission finds that it is in the best interest of the State to rescind the award of the referenced contracts.

IT IS THEREFORE ORDERED by the commission that the award of the contracts described in Exhibit A, be and are hereby respectively canceled as indicated therein.

IT IS FURTHER ORDERED that all bids on the contracts described in Exhibit A be rejected and that the projects be advertised for bids at the earliest possible date.

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

d. 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.

116201
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 February 1, 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 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)

This item was presented by Aviation Division Director Dan Harmon. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116202
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 Texas Transportation Commission (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 January 31, 2022, 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 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).

116203
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening, constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of the parcels of land listed below, and more particularly described in the attached Exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to

acquire fee simple title in the parcels or such lesser property interests as set forth in the attached Exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits A-EE. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1-156 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	FM 1560	47	2230-01-023	2
Bexar	FM 1560	58	2230-01-023	3
Bexar	FM 1560	57	2230-01-023	8
Bexar	FM 1560	48	2230-01-023	10
Bexar	FM 1560	117	2230-01-023	13
Bexar	FM 1560	55	2230-01-023	16
Bexar	FM 1560	52	2230-01-023	18
Bexar	FM 1560	50	2230-01-023	20
Bexar	FM 1560	54	2230-01-023	21
Bexar	FM 1560	51	2230-01-023	22
Bexar	FM 1560	53	2230-01-023	24
Bexar	FM 1560	56	2230-01-023	76
Bexar	FM 1560	106	2230-01-024	30
Bexar	FM 1560	107	2230-01-024	31
Bexar	FM 1560	98	2230-01-024	39
Bexar	FM 1560	99	2230-01-024	42
Bexar	FM 1560	104	2230-01-024	47
Bexar	FM 1560	101	2230-01-024	48
Bexar	FM 1560	116	2230-01-024	52

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	FM 1560	97	2230-01-024	53
Bexar	FM 1560	103	2230-01-024	64
Bexar	FM 1560	105	2230-01-024	66
Bexar	FM 1560	118	2230-01-024	68
Bexar	FM 1560	95	2230-01-024	71
Bexar	FM 1560	96	2230-01-024	79
Bexar	FM 1560	100	2230-01-024	81
Bexar	FM 1560	102	2230-01-024	89
Brazoria	FM 518	1	3416-01-014	135
Collin	US 380	150	0135-04-037	12
Collin	FM 543	69	1012-01-018	P00054367
Collin	FM 543	70	1012-01-018	P00054368
Collin	FM 543	71	1012-01-018	P00054369
Collin	FM 547	121	1014-01-016	P00054370
Collin	FM 547	122	1014-01-016	P00054371
Collin	FM 547	124	1014-01-017	P00054372
Collin	FM 547	127	1014-01-017	P00054373
Collin	FM 547	125	1014-01-017	P00054734
Collin	FM 547	126	1014-01-017	P00054375
Denton	FM 455	145	0816-02-086	2
Denton	FM 455	146	0816-02-086	4
Gregg	FM 2275	123	2158-01-024	81
Gregg	FM 2275	148	2158-01-025	3
Gregg	FM 2275	149	2158-01-025	9
Gregg	FM 2275	151	2158-01-025	10
Guadalupe	FM 725	7	0215-09-031	34
Hardin	US 69	17	0200-09-075	8
Harris	FM 2100	152	1062-04-053	155
Harris	FM 2100	153	1062-04-053	156
Harris	FM 2100	154	1062-04-053	157
Kaufman	FM 1641	35	1217-01-020	7
Kaufman	FM 1641	36	1217-01-020	8
Kaufman	FM 1641	37	1217-01-020	9
Kaufman	FM 1641	38	1217-01-020	10
Kaufman	FM 1641	39	1217-01-020	11
Kaufman	FM 1641	128	1217-01-020	13
Kaufman	FM 1641	40	1217-01-020	14
Kaufman	FM 1641	41	1217-01-020	15
Kaufman	FM 1641	42	1217-01-020	17
Kaufman	FM 1641	43	1217-01-020	18
Kaufman	FM 1641	44	1217-01-020	19
Kaufman	FM 1641	45	1217-01-020	20
Kaufman	FM 1641	46	1217-01-020	21
Kaufman	FM 1641	72	1217-01-020	22
Kaufman	FM 1641	73	1217-01-020	23
Kaufman	FM 1641	74	1217-01-020	24
Kaufman	FM 1641	75	1217-01-020	25

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Kaufman	FM 1641	76	1217-01-020	26
Kaufman	FM 1641	77	1217-01-020	27
Kaufman	FM 1641	78	1217-01-020	28
Kaufman	FM 1641	79	1217-01-020	29,29E
Kaufman	FM 1641	82	1217-01-020	30,30E
Kaufman	FM 1641	80	1217-01-020	31
Kaufman	FM 1641	84	1217-01-020	32
Kaufman	FM 1641	85	1217-01-020	33
Kaufman	FM 1641	108	1217-01-020	34
Kaufman	FM 1641	109	1217-01-020	35
Kaufman	FM 1641	110	1217-01-020	36
Kaufman	FM 1641	111	1217-01-020	37
Kaufman	FM 1641	114	1217-01-020	38
Kaufman	FM 1641	113	1217-01-020	39
Kaufman	FM 1641	129	1217-01-020	41
Kaufman	FM 1641	130	1217-01-020	42
Kaufman	FM 1641	131	1217-01-020	43
Kaufman	FM 1641	132	1217-01-020	44
Kaufman	FM 1641	133	1217-01-020	45
Kaufman	FM 1641	134	1217-01-020	46
Kaufman	FM 1641	135	1217-01-020	47
Kaufman	FM 1641	136	1217-01-020	48,48E
Kaufman	FM 1641	63	1217-01-020	48A
Kaufman	FM 1641	64	1217-01-020	48B
Kaufman	FM 1641	115	1217-01-020	49
Kaufman	FM 1641	112	1217-01-020	50
Kaufman	FM 1641	86	1217-01-020	51
Kaufman	FM 1641	83	1217-01-020	52
Kaufman	FM 1641	81	1217-01-020	55
Kaufman	FM 1641	67	1217-01-020	62E
Kaufman	FM 1641	68	1217-01-020	71
Kaufman	FM 1641	65	1217-01-020	72
Kaufman	FM 1641	66	1217-01-020	73
Kaufman	FM 1641	59	1217-01-020	74
Kaufman	FM 1641	60	1217-01-020	75
Kaufman	FM 1641	61	1217-01-020	76
Kaufman	FM 1641	62	1217-01-020	78
Lubbock	FM 1585	4	1502-01-038	172,172E
Lubbock	FM 1585	5	1502-01-038	177
Lubbock	FM 1585	155	1502-01-038	179
Lubbock	FM 1585	6	1502-01-039	115,115E
Madison	US 190	156	0117-04-044	718
Rockwall	SH 205	147	0451-05-002	6
Smith	FM 2493	8	0191-03-087	3
Starr	SL 195	13	3632-01-004	143
Starr	SL 195	14	3632-01-004	144
Starr	SL 195	15	3632-01-004	145

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Starr	SL 195	9	3632-01-004	146
Starr	SL 195	10	3632-01-004	147
Starr	SL 195	11	3632-01-004	148
Starr	SL 195	12	3632-01-004	149
Starr	SL 195	87	3632-01-005	60
Starr	SL 195	88	3632-01-005	67
Starr	SL 195	89	3632-01-005	68
Starr	SL 195	91	3632-01-005	69
Starr	SL 195	90	3632-01-005	73
Starr	SL 195	92	3632-01-005	74
Starr	SL 195	93	3632-01-005	77
Starr	SL 195	94	3632-01-005	79
Starr	SL 195	119	3632-01-005	81
Starr	SL 195	120	3632-01-005	83
Starr	SL 195	34	3632-01-006	84
Starr	SL 195	31	3632-01-006	86
Starr	SL 195	32	3632-01-006	90
Starr	SL 195	33	3632-01-006	100
Travis	RM 620	3	0683-02-081	26
Travis	RM 620	2	0683-02-083	86
Travis	RM 620	49	0683-02-083	97
Webb	SH 359	137	0086-01-096	2
Webb	SH 359	138	0086-01-096	3
Webb	SH 359	139	0086-01-096	4
Webb	SH 359	140	0086-01-096	5
Webb	SH 359	141	0086-01-096	6
Webb	SH 359	142	0086-02-029	9
Webb	SH 359	143	0086-02-029	12
Webb	SH 359	144	0086-02-029	13
Webb	US 59	22	0086-14-091	18
Webb	US 59	21	0086-14-091	19
Webb	US 59	18	0086-14-091	20
Webb	US 59	19	0086-14-091	25
Webb	US 59	20	0086-14-092	47B
Webb	US 59	23	0086-14-093	1
Webb	US 59	24	0086-14-093	2B
Webb	US 59	25	0086-14-093	4B
Webb	US 59	26	0086-14-093	56
Webb	US 59	27	0086-14-093	60
Webb	US 59	28	0086-14-093	61
Webb	US 59	29	0086-14-093	63
Webb	US 59	30	0086-14-093	65
Zapata	US 83	16	0038-05-049	15

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	IH 10	A	0025-02-218	17
Bexar	IH 410	G	0521-04-286	P00056253
Colorado	IH 10	T	0271-01-081	46
Colorado	IH 10	D	0271-01-081	51
Colorado	IH 10	C	0271-01-081	52
Colorado	IH 10	B	0271-01-081	53
Colorado	IH 10	X	0271-01-081	54
Colorado	IH 10	S	0271-01-081	57
Colorado	IH 10	R	0271-01-081	60
Colorado	IH 10	Q	0271-01-081	61
Colorado	IH 10	BB	0271-01-081	76
Colorado	IH 10	O	0271-01-081	78
Colorado	IH 10	P	0271-01-082	71
Denton	IH 35W	Z	0081-13-067	P00055496
Denton	IH 35W	Y	0081-13-067	P00055502
Denton	IH 35W	AA	0081-13-067	P00057763
Guadalupe	IH 10	DD	0535-01-076	1
Guadalupe	IH 10	EE	0535-01-076	2
Jefferson	IH 10	CC	0028-13-138	3
Kleberg	US 77	W	0327-09-003	24
Tarrant	IH 20	F	0008-13-241	809AC
Tarrant	IH 20	E	0008-13-241	846AC
Tarrant	IH 820	U	0008-13-242	444AC
Tarrant	IH 820	V	0008-13-242	462AC
Webb	US 59	H	0086-14-091	21
Webb	US 59	I	0086-14-091	28
Webb	US 59	K	0086-14-092	5
Webb	US 59	J	0086-14-092	9
Webb	US 59	L	0086-14-093	2A
Webb	US 59	M	0086-14-093	4A
Webb	US 59	N	0086-14-093	51

Note: Exhibits A - EE and 1 - 156 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)

116204
CSD

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

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

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

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

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

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

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

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
42 Bryan, LP	BRY	Brazos	Design and construction of a left turn lane and associated widening and striping on SH 6 southbound frontage road into the donor's property located in Brazos County.
American Institute of Steel Construction	MTD	N/A	Registration fees and travel expenses, to include meals and lodging, for Johnnie Miller to attend and participate as a speaker at the American Welding Society/American Institute of Steel Construction Inspection Expo & Conference 2022 being held in Fort Worth.
Arif-Sekhon Properties Inc	HOU	Waller	Design and construction of re-striping and associated pavement markings on an existing deceleration lane from eastbound US 290 into the 5-acre commercial development in Hempstead.
Ashton Austin Residential L.L.C.	AUS	Hays	Design and construction of traffic signal and roadway improvements at the new intersection on US 290 for the Cannon Ranch subdivision in Dripping Springs.
Association of Modified Asphalt Producers	ATL	N/A	Registration fees and lodging expenses for District Engineer, Jere Williams to attend and participate as a speaker at the 2022 Association of Modified Asphalt Producers Annual Conference being held in Houston on February 1-3, 2022.
Big C Land Development, L.L.C.	WAC	McLennan	Design and construction of creating a northbound left turn lane on FM 2837 approximately 1500' south of Chapel Road in McLennan County.
Bryan Burke Holdings, LLC	WAC	Bell	Design and construction for a concrete entry on FM 317 into the donor's development in Temple.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
CenterPoint Energy, Inc.	TRF	Harris	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 288 between the Cleburne Street exit and Beltway 8, designated as the Barbara Jordan Memorial Parkway within Harris County.
Century Land Holdings of Texas, LLC	HOU	Fort Bend	Design and construction of a left turn lane and right turn lane from westbound and eastbound FM 359 into the Polo Ranch development in Fulshear.
Clay Morgan Investments LLC	AUS	Caldwell	Design and construction of center and right deceleration lanes on FM 1854 from 0.1 miles south of Highland Ranch Way to 0.5 miles south of Highland Ranch Way in Dale.
Continental Homes of Texas, L.P.	AUS	Travis	Design and construction of re-striping on FM 973 to include 1) a new traffic signal; 2) a pedestrian signal; 3) northbound right turn lane; and 4) a crosswalk with curb ramps along FM 973 and Johnson Road in Manor.
Dilworth SWD, LLC	YKM	Gonzales	Funds to install four flashing edge lit signs near the donor's driveways. The state will install two flashing edge lit signs at 5305 US Hwy 90A W in Shiner and two flashing edge lit signs at 2462 FM 2091 N, in Gonzales.
D.R. Horton – Texas, Ltd.	HOU	Fort Bend	Design and construction of roadway Widening of FM 521 with turn lanes and traffic signal at the intersection of FM 521 and Sienna Point Drive/Future Caldwell Ranch Blvd. from northbound and southbound FM 521 into the Caldwell Ranch development in Arcola.
Green Realty Ventures, LLC	HOU	Galveston	Design and construction of a deceleration lane from eastbound FM 518 into the 2.63-acre commercial development in League City.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Heart of Texas Goodwill Industries, Inc.	WAC	Bell	Design and construction of installing a concrete sidewalk and reinforced concrete pipe to connect the site's detention basin outfall to the existing TxDOT storm sewer along FM 3470 (Stan Schlueter Loop) in Killeen.
KB Home Lone Star Inc.	AUS	Caldwell	Design and construction of a sidewalk on SH 130 from Borchert Loop to 0.3 miles south of Borchert Loop in Lockhart.
Landmark Industries, LLC	HOU	Harris	Design and construction of a left turn lane from the southeast intersection of FM 2920 and SH 99 into the Timewise-SH 99 and FM 2920 development in Spring.
Love's Travel Stops & Country Stores, Inc.	ATL	Panola	Design and construction of improvements to approximately 1,550 linear feet of US 79/Sabine Street in Carthage.
Lytle 35 Property LLC	SAT	Atascosa	Design and construction of a right turn lane on FM 317 at the intersection of I-35 in Lytle.
Moonlight Hewitt LLC	WAC	McLennan	Design and construction of a concrete pavement to allow for a right-in/ right-out/left-in for vehicle traffic off Old Temple Road onto Hewitt Drive in Hewitt.
Milestone Community Builders, LLC	AUS	Hays	Design and construction of left turn lane improvements and two new development driveways at the intersection of RM 150 at Rocking M Road 250 ft SE of Dove Hollow Drive in Kyle.
Polich Sherman Owen LLC	WAC	McLennan	Design and construction of the replacement of paved shoulders on FM 308 approximately 1.5 miles east of I-35 in McLennan County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Precast/Prestressed Concrete Institute (PCI)	BRG MTD	N/A	Airfare, ground transportation, lodging at the conference hotel, conference registration and other directly related expenses for Jason Tucker, P.E., Section Director, Prefabricated Structural Materials, Materials and Tests Division and Taya Retterer, P.E. Bridge Division to attend the 2022 PCI Convention from March 1, 2022, to March 5, 2022 in Kansas City, Missouri.
RED Family	BRY	Grimes	Design and construction of a left turn lane and associated widening on SH 30 into the donor's property located in Grimes County.
Republic Grand Ranch, LLC	HOU	Montgomery	Design and construction of deceleration and right turn lane from FM 1097 into the Republic Grand Ranch section 2 development in Willis.
Senior Living at Tuscan Lakes, LLC	HOU	Galveston	Design and construction of a right turn lane development in League City.
SRPF B/Spartan West X, L.P.	HOU	Waller	Design and construction of a right turn (deceleration) lane, mill and overlay of the existing pavement and restriping for two left turn lanes from US 90 into the Empire West Business Park development in Waller County.
Texas Circle B Ranch, LLC	SJT	Edwards	Funds sufficient to cover the state's cost to construct a cattle crossing and appurtenances located on RM 335, 12.993 miles north of SH 55 in Edwards County.
Texas Petroleum Group, LLC	HOU	Harris	Design and construction of a left turn lane from the southeast intersection of FM 2920 and SH 99 into the Timewise-SH 99 and FM 2920 development in Spring.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Vulcan Materials Company, LLC	AUS	Burnet	Design and construction for pavement widening and the addition of a deceleration and acceleration lane for the Vulcan Materials driveway in the 5500 block of E. SH 71 from 2.90 miles east of CR 401 to 3.7 miles east of CR 401 in Spicewood.
Walton Camino Real 1, LP	AUS	Caldwell	Design and construction of a southbound right turn lane, a northbound left turn lane, and traffic signal installation at the Camino Real subdivision entrance along SH 21 in Umland.
Masonwood, HP, Ltd., a Texas Limited Partnership	AUS	Travis	Donation of 0.445 acres of land on RM 3238. The property being donated will be utilized to increase safety by facilitating the widening at the future Martinet Drive and to allow for utility accommodations.
Andria Babineaux dba In Honor of Michael J. Babineaux, MD	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Evangeline Cafe	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Presidio Doors	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
The Really Useful Information Company LLC DBA TruiC.com	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on five existing sign locations.
Elephant Insurance Services, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Flock Freight, Inc	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
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.
BSV Fund VII, LLC DBA Blossom Street Ventures	DAL	Ellis	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Law Firm of Roger "Rocky" Walton, P.C.	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Lakefield Veterinary Group, Inc. dba Cross Creek Veterinary Hospital	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
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.
Linscomb & Williams, Inc	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Nations Reliable Lending, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
James Mears Motors, Inc.	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Horizon Merchant, Inc. Dbas Billy Bob's Beds	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Men's Primary Care	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
VT San Antonio Aerospace, Inc.	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.

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

b. Real Estate Dispositions

(1) Grayson County - FM 1417 - Consider an easement release to the underlying fee owner (MO)

116205
ROW

In the City of Sherman, Grayson County, on FM 1417, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 1135, at Page 627, of the Deed Records of Grayson 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.

TERRA PERPETUA, LLC, a Delaware limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$1,963.

The commission finds \$1,963 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 TERRA PERPETUA, LLC, a Delaware limited liability company, for \$1,963.

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

(2) Gregg County - FM 2204 - Consider the sale of right of way to an abutting landowner (MO)

116206
ROW

In the City of Kilgore, Gregg County, on FM 2204, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 954, at Page 81, of the Deed Records of Gregg County, Texas.

A portion of the land, which portion is described in Exhibits A & B (tracts), 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.

The East Texas Council of Governments is an abutting landowner and has requested to purchase the tracts for \$71,750.

The commission finds \$71,750. to be a fair and reasonable value of the state’s right, title, and interest in the tracts.

IT IS THEREFORE ORDERED by the commission that the tracts are 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 tracts to the East Texas Council of Governments for \$71,750.; 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) Williamson County - US 183 - Consider the conveyance of a tract to the City of Cedar Park, Texas

116207
ROW

In the City of Cedar Park, Williamson County, on US 183, the State of Texas acquired certain interests in land for highway purposes by instruments recorded in Volume 472 at Page 256, Volume 472 at Page 251, Volume 472 at Page 245, Volume 472 at Page 243, Volume 472 at Page 262, Volume 472 at Page 253, and Volume 473 at Page 63, of the Deed Records of Williamson County, Texas.

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

On October 31, 2019, the Texas Transportation Commission (commission) adopted Minute Order Number 115624 which provided, in part, that upon completion of the construction of the new US 183 along Old US Highway 183, the designation of US 183 along Bell Boulevard is removed from the state highway system and control, maintenance, and jurisdiction is transferred to the City of Cedar Park, as shown on Exhibit A to that minute order.

Construction of the new US 183 along Old US Highway 183 has been completed.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property exceeds the fair value of the property.

The City of Cedar Park, Texas has requested the transfer of the tract to the City of Cedar Park, Texas.

The appraised value of the tract is \$3,924,752. The estimated cost of future maintenance on the tract is \$8,860,821.

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 transferring the state’s right, title, and interest in the tract to the City of Cedar Park, Texas and that payment be waived; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

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

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

(3) Grimes and Montgomery Counties - Quarterly Traffic and Revenue Report for the State Highway 249 System (Report)

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

(4) Grand Parkway Transportation Corporation - Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)

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

d. Economically Disadvantaged Counties Program

Various Counties - Consider the approval of the Fiscal Year 2021 Annual Report on the Economically Disadvantaged Counties Program (MO)

116208
TPP

Section 222.053(a), Transportation Code, defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Section 222.053(a-1) provides that, notwithstanding Section 222.053(a), a county is considered to be an “economically disadvantaged county” if it meets the criteria as laid out in subsection (a) within the past six years and has been included in no less than five federally declared disasters within the same time period. Section 222.053(a-2) provides that, for a county described by subsection (a-1), the adjustment to the local matching funds requirement shall be equivalent to the highest adjustment rate set in the last year the county was considered to meet the criteria.

Section 222.053(c) directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement.

Section 222.053(e) further directs the commission to report annually to the governor, the lieutenant governor, and the speaker of the house of representatives on the use of matching funds and local incentives and the ability of the commission to ensure that political subdivisions located in economically disadvantaged counties have equal ability to compete for highway funding with political subdivisions in counties that are not economically disadvantaged.

The Texas Department of Transportation has completed the Fiscal Year 2021 Annual Report on the Economically Disadvantaged Counties Program, which is attached as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2021 Annual Report on the Economically Disadvantaged Counties Program, as shown in Exhibit A, is approved by the commission and shall be presented to the governor, the lieutenant governor, and the speaker of the house of representatives as required by Section 222.053(e), Transportation Code.

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

e. Land Acquisitions for Facilities

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

116209
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.

f. Rail Clearance Deviations**Tarrant County - Consider a request for Approval of Rail Clearance Deviations (MO)**116210
RRD

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may, by order, permit a railroad company or other corporation, firm, partnership, or individual or county or municipality to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Attebury Grain requesting a clearance deviation at their rail served facility located at 624 Burlington Road, Saginaw, Texas 76179. The department has investigated the location to determine whether good cause could be shown and whether the deviation could be operated in a reasonable and safe manner.

In determining whether the facility has demonstrated good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements;
- (2) the safety of employees working near railroad tracks and unloading of rail cars;
- (3) limited clearances at new and existing equipment locations.

In determining whether the requested clearance deviations are reasonable and safe, the department reviewed the facility plans and site and determined the facility will include sufficient:

- (1) warning signs, pavement markings, lighting and/or other control devices to inform employees of the limited clearance location; and
- (2) safety rules, speed restrictions, operations requirements, and training to address employee safety.

Based on the investigations, the department has determined that the clearance deviations as listed in Exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The Attorney General of Texas has been notified as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviation application from Attebury Grain for their rail served facility located in Saginaw, Texas as described in Exhibit A is approved.

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

g. Designation of Access Control**Dallas County - I-635, in the City of Dallas- Consider the designation of one location on the eastbound frontage road of I-635 at which access will be permitted to the abutting property (MO)**116211
DES

In DALLAS COUNTY, on Interstate 635 (I-635), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the deed recorded in Volume 74, Page 548 of the Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instruments.

Cinemark Partners II, Ltd., the current owner of the abutting property, has requested designated access to and from the eastbound frontage road of I-635 for proposed access at one location along the property line at a new access point described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the eastbound frontage road of I-635.

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.

h. Speed Zones

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

116212
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.

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 Eduardo Calvo, Executive Director, El Paso Metropolitan Planning Organization with general comments relating to the El Paso region, private citizen Windell Cannon commented on the Broadway corridor in San Antonio, private citizen Don Dixon commented on improvement projects on HWY 21 and High Occupancy Lane usage, private citizens Wayne Tinkler and Schuyler Wight commented on the Imperial sinkhole, Carl Teaff, Sutton County Commissioner commented on a road deed in Sutton County, and Cole Ruiz, Attorney representing Middle Pecos Groundwater Conservation District addressing oil and gas wells in Pecos County.

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 recessed to executive session at 10:52 a.m. and returned from executive session at 11:37 a.m.

Commissioner Vaughn motioned adjournment and Commissioner New seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:37 a.m.

APPROVED by the Texas Transportation Commission on March 31, 2022:



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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on February 23, 2022, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk
Texas Department of Transportation

