

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 31, 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 1:53 p.m. on March 23, 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.

Following the safety briefing, Chairman Bugg recognized Representative Donna Howard, and her step mother Joan Smelser; Chairman Bugg also recognized Former Secretary of Commerce Don Evans.

The commissioners made opening remarks.

ITEM 2. Consider the approval of the Minutes of the February 23, 2022, 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 February 23, 2022, regular meeting by a vote of 4 - 0.

ITEM 3. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Duane Milligan. Chairman Bugg called Chief Engineer Bill Hale to the podium to answer questions. 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.

Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on March 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. The commissioners heard comments from private citizen Don Dixon on the state highway 21, and state highway 71. 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.

116214
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 March 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. 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.

116215
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 March 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. Discussion Item

Investment in Rural Texas (Presentation)

This discussion was led by Brandye Hendrickson Deputy Executive Director for Planning and Administration. The commission asked questions and discussed the topic. The commission also heard comments from private citizen Don Dixon.

ITEM 5. State Infrastructure Bank

Milam County - City of Cameron - Consider final approval of a request from the City of Cameron for a State Infrastructure Bank loan in the amount of up to \$275,000 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to improve FM 845 in Milam County, Texas (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Director Ben Asher. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116216
PFD

City of Cameron (City) has submitted an application for financial assistance in the form of a loan of up to \$275,000 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 for a non-tolled state highway improvement project to improve FM 845 in Milam 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 enterprise revenues consisting of water and sewer 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 not in a Clean Air Act non-attainment area;
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 \$275,000 to pay the City’s costs of utility relocation for the non-tolled project.

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

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

ITEM 6. Design Build Contract

Bexar County - I-35 NEX South Project - Consider authorizing the department to issue a request for qualifications to design, construct, and potentially maintain the I-35 Northeast Expansion (NEX) South Project. The project consists of non-tolled improvements along I-35 from approximately I-410 South to I-410 North, including transitions along I-35 from Petroleum Drive to I-410 South, and along the portion of I-410 South from the I-35/I-410 South Interchange to 0.3 miles north of Seguin Road/FM 78 in Bexar County (MO) (Presentation)

This item was presented by Brian Barth, Deputy Executive Director for Program Delivery. 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.

116217
ALD

Subchapter F, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

Transportation Code §§ 223.245-223.250 prescribe requirements for a design-build contract procurement. Pursuant to those provisions, the department must issue a request for qualifications that includes, among other things, the criteria that will be used to evaluate

any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received. The department is also required to publish a notice advertising the issuance of the request for qualifications in the *Texas Register* and on the department’s website.

The I-35 Northeast Expansion South Project consists of non-tolled improvements along I-35 from approximately I-410 South to I-410 North, including transitions along I-35 from Petroleum Drive to I-410 South, and along the portion of I-410 South from the I-35/I-410 South Interchange to 0.3 miles north of Seguin Road/FM 78, which improvements include the construction of: additional elevated mainlanes comprised of two General Purpose (GP) lanes and one High Occupancy Vehicle (HOV) lane in each direction; two additional direct connectors at the I-35/I-410 South interchange to connect I-410 to the I-35 elevated lanes; and connection to the elevated lanes and direct connectors at the I-35/I-410 North interchange being constructed as part of the I-35 Northeast Expansion Central Project.

I-35 is a major north-south transportation corridor critical for moving people and goods. This portion of I-35 is ranked number 61 on the Top 100 list of most congested roadways in Texas, according to the 2021 report. The proposed improvements would manage vehicle congestion, promote efficient use of existing transportation facilities, minimize impacts to the natural and built environment, complement other modes of transportation and economic development initiatives in the region, improve safety and mobility in the area, and meets the requirements for design-build delivery.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue a request for qualifications to design, construct, and potentially maintain the I-35 Northeast Expansion South Project in Bexar County, and to publish in the *Texas Register* and on the department’s website a notice advertising the issuance of the request for qualifications.

ITEM 7. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Rule Proposal

Chapter 21 - Right of Way

Amendments to §§21.31, 21.37, 21.38, 21.40, and 21.41, relating to Utility Accommodation and Repeal of §§21.921-21.930 relating to Utility Relocation Prepayment Funding Agreements (MO)

This item was presented by Kyle Madsen Division Director, Right of Way Division. 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.

116218
ROW

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§21.31, 21.37, 21.38, 21.40, and 21.41 relating to Utility Accommodation, and the repeal of §21.921-21.930 relating to Utility Relocation Prepayment Funding Agreements to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§21.31, 21.37, 21.38, 21.40, and 21.41, and the repeal of §21.921-21.930 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

ITEM 8. 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).

116219
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-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 1-35 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
Brazoria	SH 36	2	0188-04-041	89
Fort Bend	FM 1463	9	0188-10-038	201A
Fort Bend	FM 1463	8	0188-10-038	201B
Galveston	FM 646	1	3049-01-032	223
Lubbock	FM 1585	32	1502-01-039	106
Lubbock	FM 1585	31	1502-01-039	121
Lubbock	FM 1585	30	1502-01-039	139A
Lubbock	FM 1585	29	1502-01-039	155A
Lubbock	FM 1585	27	1502-01-039	155B
Lubbock	FM 1585	28	1502-01-039	157B(E)
Madison	US 190	18	0117-03-034	35
Madison	US 190	35	0117-04-044	712
Montague	US 82	33	0044-04-061	12
Montague	US 82	34	0044-04-061	25
Montgomery	SH 105	16	0338-04-073	225
Tarrant	SH 183	6	0094-01-034	26
Travis	RM 620	3	0683-02-081	10
Travis	RM 620	5	0683-02-081	43
Travis	RM 620	17	0683-02-083	53
Travis	RM 620	4	0683-02-083	59
Travis	RM 620	14	0683-02-083	72
Travis	RM 620	10	0683-02-083	73
Travis	RM 620	12	0683-02-083	83
Travis	RM 620	11	0683-02-083	99
Travis	RM 620	15	0683-02-083	111
Travis	RM 620	13	0683-02-083	127
Williamson	FM 1466	22	1200-04-018	1
Williamson	FM 1466	19	1200-04-018	3
Williamson	FM 1466	24	1200-04-018	4
Williamson	FM 1466	25	1200-04-018	5
Williamson	FM 1466	20	1200-04-018	6
Williamson	FM 1466	21	1200-04-018	8

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Williamson	FM 1466	23	1200-04-018	9
Zapata	US 83	26	0038-05-049	10
Zapata	US 83	7	0038-05-049	17

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	IH 10	A	0025-02-218	12
Colorado	IH 10	S	0271-01-081	30
Colorado	IH 10	L	0271-01-081	34
Colorado	IH 10	B	0271-01-081	38
Colorado	IH 10	F	0271-01-081	39
Colorado	IH 10	N	0271-01-081	43
Colorado	IH 10	C	0271-01-081	44
Colorado	IH 10	M	0271-01-081	48
Colorado	IH 10	J	0271-01-081	50
Colorado	IH 10	I	0271-01-081	64
Colorado	IH 10	K	0271-01-081	66
Colorado	IH 10	R	0271-01-081	68
Colorado	IH 10	D	0271-01-081	69
Colorado	IH 10	E	0271-01-081	70
Comal	IH 35	T	0016-05-117	12
Cooke	IH 35	MM	0194-02-096	16
Cooke	IH 35	JJ	0194-02-096	17
Cooke	IH 35	LL	0194-02-096	33A
Cooke	IH 35	KK	0194-02-096	56
Cooke	IH 35	NN	0195-01-113	78B
Denton	IH 35E	O	0195-03-072	51
Denton	IH 35E	P	0195-03-072	52
Denton	IH 35E	Q	0195-03-072	53
Travis	IH 35	V	0015-10-065	9
Travis	IH 35	DD	0015-10-065	11
Travis	IH 35	Y	0015-13-406	97
Travis	IH 35	W	0015-13-406	99
Travis	IH 35	CC	0015-13-406	105
Travis	IH 35	AA	0015-13-406	106
Travis	IH 35	FF	0015-13-406	107
Travis	IH 35	II	0015-13-406	111
Travis	IH 35	U	0015-13-406	112
Travis	IH 35	BB	0015-13-406	152
Travis	IH 35	GG	0015-13-406	153
Travis	IH 35	Z	0015-13-406	165
Travis	IH 35	X	0015-13-406	166
Travis	IH 35	HH	0015-13-406	167
Travis	IH 35	EE	0015-13-406	169

CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Williamson	IH 35	G	0015-09-195	1
Williamson	IH 35	H	0015-09-195	2

Note: Exhibits A - NN and 1 - 35 are on file with the commission chief clerk.

ITEM 9. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. The commission heard comments from Sutton County Commissioner Carl Teaff on item 9.b.(4). Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute orders by a vote of 4 - 0.

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

116220
CSD

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

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

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

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway

Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

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

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

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
1314 and 99 LP	HOU	Montgomery	Design and construction of a right turn lane from westbound SH 99 frontage road into the donor's development in Montgomery County.
181 and 1604 Land Development Partners, Ltd.	SAT	Bexar	Design and construction for installation of acceleration and deceleration lanes and grass median on Loop 1604 located approximately south of the Loop 1604 and US 181 intersection in Elmendorf.
AMMT LLC	SAT	Guadalupe	Design and construction for the extension of a left turn lane from Castlewood Drive to the Heartland Acres Subdivision entrance on US 90A in Guadalupe County.
August G. Costa	ENV	Harris	Assistance and use of the donor’s kiln to bulk process multiple fragments of mesquite wood into charcoal, for use in the Archeological Studies Branch’s Mesquite Wood / Paleorainfall Project in Houston.
Chesmar Homes, LLC	SAT	Guadalupe	Design and construction for a right turn lane for a new subdivision entrance on SH 46 in Seguin.
Continental Homes of Texas, L.P.	AUS	Williamson	Design and construction of a traffic signal; related pavement markings and signing on SH 29 at Lively Ranch Road / Cross Creek Road in Leander.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Continental Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of traffic signal improvements at FM 1863 at US 281 and FM 1863 at Wiley Road frontage roads in Bulverde.
CRGFB Properties, LLC	HOU	Fort Bend	Design and construction of a curbed acceleration lane on the northbound frontage road of I-69 south of Reading Road in Rosenberg.
Din/Cal 4, Inc.	HOU	Fort Bend	Design and construction of a right turn lane from westbound SH 6 into the Dinerstein development in Missouri City.
Garceno Properties, Ltd.	SAT	Uvalde	Design and construction for a 4' concrete median, deceleration/right turn lane, and striping along US 90 in Uvalde.
Gulf Coast Growth	CRP	San Patricio	Design and construction of a traffic Ventures LLC signal on FM 2986 1.2 miles north of FM 3239 (Buddy Ganem Drive) at the donor's plant entrance in San Patricio County.
H-E-B, LP	AUS	Hays	Design and construction to modify the US 290/CR 163 at the intersection of Nutty Brown Road, to include 1) increase pavement radii; 2) modification of traffic signals; and 3) pavement markings in Austin.
H-E-B, LP	AUS	Hays	Design and construction to modify the entrance of the Travis South Maintenance Section driveway, fence, and gate to align with the new HEB 33 entrance in Austin.
Mesa Verde, L.L.C.	WAC	Bell	Design and construction of widening a local street, installing a right turn lane, sidewalk, storm drain, and traffic infrastructure on W. Stan Schlueter Loop (FM 3470) in Killeen.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Pulte Homes of Texas, L.P.	HOU	Montgomery	Design and construction of a left turn lane from southbound Spur 149 into the Myrtle Gardens Subdivision development in Magnolia.
Ranch Road Hansford, LLC	AUS	Caldwell	Design and construction of deceleration lanes on SH 142 from 0.15 miles west of Richland Drive to 0.15 miles east of Richland Drive in Lockhart.
SA Creekside Station, Ltd.	SAT	Guadalupe	Design and construction for a right turn Lane for a new subdivision entrance located approximately 0.89 mile west of SH 123 in San Marcos.
Taylor Morrison of Texas, Inc.	HOU	Fort Bend	Design and construction of a left turn lane and traffic signal from northbound Texas Parkway into the Arcadia Development in Missouri City.
US Living Bulverde Oaks LLC	SAT	Bexar	Design and construction for installation of widening Loop 1604 westbound frontage road at Judson Road to provide left turn lane, and re-striping eastbound approach to provide a dedicated left turn lane, existing through lane, and channelized right. in San Antonio.
Cunningham Orthodontics, P.C.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Flock Freight, Inc	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DDO</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
AMOCO Federal Credit Union	HOU	Brazoria	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Galveston	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
TWS Acquisition Corp dba The Refrigeration School	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Monaco Residential, LP	ODA	Midland	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Rox All Pro Services, LLC dba Rox Roofing & Exteriors	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bexar County - Loop 1604 - Consider an easement release to the underlying fee owner (MO)

116221
ROW

In the City of San Antonio, Bexar County, on Loop 1604, the State of Texas acquired an easement interest in certain lands by an instrument recorded in Volume 4335, at Page 72, of the Deed Records of Bexar County, Texas.

All of the easement designated as Parcel (m) in the vesting instrument, 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.

Rogers 1604 Commercial, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$203,000.

The commission finds \$203,000 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of

Texas execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to Rogers 1604 Commercial, Ltd., a Texas limited partnership, for \$203,000.

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

(2) Dallas County - US 75 - Consider the sale of real property to the successful bidder (MO)

116222
ROW

In the City of Dallas, Dallas County, on US 75, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 78167, at Page 2351, 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 real property no longer needed for a state highway purpose to the general public by sealed bid.

The tract was advertised for sale, and 5401 N. Central Expressway, L.P. submitted a bid of \$40,000.01, which was the highest valid bid.

The commission finds \$40,000.01 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 5401 N. Central Expressway, L.P. for \$40,000.01; 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) Kimble County - US 290 - Consider the sale of right of way to an abutting landowner (MO)

116223
ROW

Near the City of Junction, Kimble County, on US 290, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 42, at Page 275, and Volume 42, at Page 279, of the Deed Records of Kimble 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.

Nethery Ranch, Ltd., a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$43,904.50.

The commission finds \$43,904.50 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 Nethery Ranch, Ltd., a Texas limited partnership, for

\$43,904.50; 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.

(4) Sutton County - US 277 - Consider the transfer of right of way to Sutton County, Texas (MO)

116224
ROW

In the City of Sonora, Sutton County, on US 277, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 32, at Page 558, and at Volume 34, at Page 377, of the Deed Records of Sutton County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

This segment of roadway was removed from the state highway system by Minute Order 43501 passed by the commission on February 27, 1958.

Sutton County, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to Sutton 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 conveying all of the state’s right, title, and interest in the tract to Sutton County, Texas; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Grimes and Montgomery Counties - Annual Continuing Disclosure Report for the State Highway 249 System (Report)

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

(3) Annual Continuing Disclosure Report for the State Highway Fund revenue bond program (Report)

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

(4) Annual Continuing Disclosure Report for the Texas Mobility Fund bond program (Report)

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

(5) Travis and Williamson Counties - Annual Continuing Disclosure Report for the Central Texas Turnpike System (Report)

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

d. Designation of Access Control

Harris County - SH 288, in the City of Houston - Consider the designation of one location on the northbound entrance ramp of SH 288 at which access will be permitted to the abutting property (MO)

116225
DES

In HARRIS COUNTY, on State Highway 288 (SH 288), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to Award of Commissioners Judgement, which instrument is filed under File No. D440436, Film Code 135-29-2210, in the Deed Records of Harris County, Texas, with denial of access to the abutting remainder property as described in the instrument.

JRC/Almeda Genoa, Ltd., the current owner of the abutting property, has requested designated access to and from the northbound entrance ramp of SH 288 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 northbound entrance ramp of SH 288.

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.

e. Speed Zones

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

116226
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 10. Executive Session Pursuant to Government Code, Chapter 551

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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

The commission received comments from Walter Miller representing the El Paso Metropolitan Planning Organization, and Eduardo Calvo Executive Director of El Paso Metropolitan Planning Organization discussing El Paso items. Followed by private citizens Schuyler Wight and Jimmy Barrega commented on the Imperial sinkhole.

The commission received no further comments.

Commissioner New 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 12:07 p.m.

APPROVED by the Texas Transportation Commission on April 20, 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 March 31, 2022, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk
Texas Department of Transportation

