

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 20, 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 2:17 p.m. on April 12, 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 City of Alamo Heights Mayor Robert Rosenthal.

The commissioners made opening remarks.

**ITEM 2. Consider the approval of the Minutes of the March 30, 2022 special meeting, and the March 31, 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 March 30, 2022 special meeting and the March 31, 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. Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

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

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

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

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

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

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

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

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

**b. Routine Maintenance (MO)**

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

116228  
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 April 6 and 7, 2022, 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 New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116229  
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 April 5, 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) (Presentation)

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

116230  
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 March 30, 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. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**  
**a. Rule Proposals**

**(1) Chapter 4 Employment Practices - The repeal of §§4.10-4.15 and addition of new §§4.10-4.16, concerning Job Application Procedures; the addition of §§4.70-4.78, concerning Family Leave Pool Program; and amendments to §§4.22-4.25, concerning Employment and Education Programs (MO)**

This item was presented by David McMillan Human Resources Division Director. 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.

116231  
HRD

The Texas Transportation Commission (commission) finds it necessary to repeal §§4.10–4.15 and propose new §§4.10-4.16, relating to Job Application Procedures, to propose amendments to §§4.22-4.25, concerning Employment and Education Programs, and to propose new §§4.70-4.78, relating to Family Leave Pool Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repealed and new sections and amendments, are attached to this minute order as Exhibits A, B, C, D, and E, 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 repeal of §§4.10–4.15 new §§4.10-4.16, amendments to §§4.22-4.25, and new §§4.70-4.78, 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, C, D and E are on file with the commission chief clerk.

**ITEM 6. Eminent Domain Proceedings**

**Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (MO)**

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Vaughn made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

116232  
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-ZZZZZ. 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 1-104 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:

**Eminent Domain**

**Non-Controlled Access**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Bexar	FM 1560	12	2230-01-023	9
Bexar	FM 1560	27	2230-01-024	25
Bexar	FM 1560	14	2230-01-024	29
Bexar	FM 1560	13	2230-01-024	32
Bexar	FM 1560	15	2230-01-024	35
Bexar	FM 1560	16	2230-01-024	37
Bexar	FM 1560	17	2230-01-024	38
Bexar	FM 1560	18	2230-01-024	45
Bexar	FM 1560	19	2230-01-024	49
Bexar	FM 1560	20	2230-01-024	55

**Eminent Domain (continued)**  
**Non-Controlled Access (continued)**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Bexar	FM 1560	29	2230-01-024	57
Bexar	FM 1560	21	2230-01-024	58
Bexar	FM 1560	22	2230-01-024	59
Bexar	FM 1560	23	2230-01-024	60
Bexar	FM 1560	24	2230-01-024	69
Bexar	FM 1560	25	2230-01-024	70
Bexar	FM 1560	26	2230-01-024	78
Bexar	FM 1560	28	2230-01-024	87
Bexar	FM 1560	31	2230-01-024	88
Bowie	US 82	42	0046-03-043	3
Bowie	US 82	3	0046-03-043	7
Bowie	US 82	43	0046-03-043	8
Bowie	US 82	1	0046-03-043	9
Bowie	US 82	2	0046-03-043	10
Brazoria	SH 36	4	0188-04-041	28B
Brazoria	SH 36	96	0188-04-040	101
Brazoria	SH 36	97	0188-04-040	116A
Brazoria	SH 36	104	0188-04-040	116B
Brazoria	SH 36	98	0188-04-040	117
Brazoria	SH 36	99	0188-04-040	118
Brazoria	SH 36	100	0188-04-040	119A
Brazoria	SH 36	101	0188-04-040	119B
Brazoria	SH 36	102	0188-04-040	119C
Brazoria	SH 36	103	0188-04-040	121
Brazoria	SH 36	91	0188-05-031	324A
Brazoria	SH 36	92	0188-05-031	324B
Brazoria	SH 36	93	0188-05-031	401B
Brazoria	SH 36	94	0188-05-031	401C
Cherokee	US 175	32	0198-04-034	158
Denton	FM 1173	90	1059-01-048	P00054948, P00054949
Denton	FM 1173	89	1059-01-048	P00054951
Denton	FM 1173	88	1059-01-048	P00054952
Denton	FM 1173	87	1059-01-048	P00054953
Denton	FM 1173	86	1059-01-048	P00054954
Denton	FM 1173	85	1059-01-048	P00054955
Denton	FM 1173	84	1059-01-048	P00054956
Denton	FM 1173	83	1059-01-048	P00054957
Denton	FM 1173	68	1059-01-048	P00054958
Denton	FM 1173	82	1059-01-048	P00054961
Denton	FM 1173	81	1059-01-048	P00054962
Denton	FM 1173	80	1059-01-048	P00054963
Denton	FM 1173	79	1059-01-048	P00054964
Denton	FM 1173	78	1059-01-048	P00054966
Denton	FM 1173	77	1059-01-048	P00054967
Denton	FM 1173	76	1059-01-048	P00054968

**Eminent Domain (continued)**  
**Non-Controlled Access (continued)**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Denton	FM 1173	75	1059-01-048	P00054969
Denton	FM 1173	74	1059-01-048	P00054970
Denton	FM 1173	63	1059-01-048	P00054971
Denton	FM 1173	73	1059-01-048	P00054972
Denton	FM 1173	65	1059-01-048	P00054973
Denton	FM 1173	64	1059-01-048	P00054974
Denton	FM 1173	67	1059-01-048	P00054975
Denton	FM 1173	66	1059-01-048	P00054976
Denton	FM 1173	53	1059-01-048	P00054977
Denton	FM 1173	62	1059-01-048	P00054978
Denton	FM 1173	61	1059-01-048	P00054979
Denton	FM 1173	60	1059-01-048	P00054980
Denton	FM 1173	59	1059-01-048	P00054981
Denton	FM 1173	58	1059-01-048	P00054982
Denton	FM 1173	57	1059-01-048	P00054983
Denton	FM 1173	56	1059-01-048	P00054984
Denton	FM 1173	55	1059-01-048	P00054986
Denton	FM 1173	54	1059-01-048	P00054987
Denton	FM 1173	72	1059-01-048	P00054988
Denton	FM 1173	71	1059-01-048	P00054990
Denton	FM 1173	70	1059-01-048	P00054991
Denton	FM 1173	69	1059-01-048	P00054992
Galveston	SH 146	10	0389-06-092	311
Galveston	SH 146	9	0389-06-092	312
Gregg	FM 2275	35	2158-01-024	82
Gregg	FM 2275	34	2158-01-024	87
Gregg	FM 2275	44	2158-01-025	28
Liberty	US 59	45	0177-03-106	P00060649
Liberty	US 59	46	0177-03-106	P00060652
Liberty	US 59	47	0177-03-106	P00060653
Lubbock	FM 1585	37	1502-01-039	139B
Lubbock	FM 1585	36	1502-01-039	139C
Montgomery	SH 105	8	0338-04-073	327
San Patricio	SH 200	51	3540-01-002	2
San Patricio	SH 200	52	3540-01-002	3
San Patricio	SH 200	48	3540-01-002	1A
San Patricio	SH 200	49	3540-01-002	1B
San Patricio	SH 200	50	3540-01-002	1C
Travis	RM 620	95	0683-02-081	41
Travis	RM 620	39	0683-02-083	48
Travis	RM 620	33	0683-02-083	70
Travis	RM 620	6	0683-02-083	85
Travis	RM 620	7	0683-02-083	87
Travis	RM 620	5	0683-02-083	89
Travis	RM 620	38	0683-02-083	96
Travis	RM 620	40	0683-02-083	118



**Eminent Domain (continued)**  
**Non-Controlled Access (continued)**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Travis	RM 620	41	0683-02-083	141
Williamson	FM 1466	30	1200-04-018	2
Zapata	US 83	11	0038-05-049	21

**Eminent Domain**  
**Controlled Access**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Colorado	IH 10	B	0271-01-081	31
Colorado	IH 10	C	0271-01-081	32
Colorado	IH 10	KKK	0271-01-081	33
Colorado	IH 10	TTTTT	0271-01-081	35
Colorado	IH 10	HH	0271-01-081	36
Colorado	IH 10	QQ	0271-01-081	37
Colorado	IH 10	UUUUU	0271-01-081	41
Colorado	IH 10	X	0271-01-081	42
Colorado	IH 10	M	0271-01-081	45,45AC
Colorado	IH 10	NNNN	0271-01-081	49
Colorado	IH 10	II	0271-01-081	55
Colorado	IH 10	LLLL	0271-01-081	58
Colorado	IH 10	JJ	0271-01-081	59
Colorado	IH 10	MMMM	0271-01-081	62
Colorado	IH 10	L	0271-01-081	63
Colorado	IH 10	W	0271-01-081	65
Colorado	IH 10	D	0271-01-081	81
Colorado	IH 10	E	0271-01-081	83
Colorado	IH 10	N	0271-01-082	72
Colorado	IH 10	O	0271-01-082	77
Freestone	IH 45	III	0675-01-076	P00058795
Freestone	IH 45	UU	0675-02-093	P00060407
Freestone	IH 45	TT	0675-02-093	P00060408
Freestone	IH 45	ZZ	0675-02-093	P00060412
Tarrant	IH 820	K	0008-13-242	476AC
Travis	IH 35	MMM	0015-10-065	1
Travis	IH 35	NNN	0015-10-065	2
Travis	IH 35	FF	0015-10-065	4
Travis	IH 35	PP	0015-10-065	5
Travis	IH 35	LLLLL	0015-10-065	6
Travis	IH 35	MMMMM	0015-10-065	7
Travis	IH 35	Y	0015-10-065	8
Travis	IH 35	NNNNN	0015-10-065	10
Travis	IH 35	OOO	0015-10-065	12
Travis	IH 35	OOOOO	0015-10-065	15
Travis	IH 35	PPPPP	0015-10-065	16
Travis	IH 35	QQQQQ	0015-10-065	17
Travis	IH 35	PPP	0015-10-065	18

**Eminent Domain (continued)**  
**Controlled Access (continued)**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Travis	IH 35	LLL	0015-10-065	19
Travis	IH 35	QQQ	0015-10-065	20
Travis	IH 35	U	0015-10-065	21
Travis	IH 35	VVV	0015-10-065	23
Travis	IH 35	XXX	0015-10-065	24
Travis	IH 35	RRRRR	0015-10-065	25
Travis	IH 35	TTT	0015-10-065	26
Travis	IH 35	VVVVV	0015-10-065	27
Travis	IH 35	YYY	0015-10-065	28
Travis	IH 35	WWWWW	0015-10-065	29
Travis	IH 35	ZZZZZ	0015-10-065	30
Travis	IH 35	ZZZ	0015-10-065	32
Travis	IH 35	BBBBB	0015-10-065	33
Travis	IH 35	CCCCC	0015-10-065	34
Travis	IH 35	DDDDD	0015-10-065	35
Travis	IH 35	GGGGG	0015-10-065	36
Travis	IH 35	YYYYY	0015-10-065	38
Travis	IH 35	RRRRR	0015-10-065	39
Travis	IH 35	JJJJJ	0015-10-065	40
Travis	IH 35	XXXXX	0015-10-065	43
Travis	IH 35	A	0015-10-065	44
Travis	IH 35	SSSSS	0015-10-065	145
Travis	IH 35	V	0015-10-065	P00000944
Travis	IH 35	VV	0015-13-400	1
Travis	IH 35	P	0015-13-400	2
Travis	IH 35	WW	0015-13-400	3
Travis	IH 35	Q	0015-13-400	4
Travis	IH 35	Z	0015-13-400	5
Travis	IH 35	XX	0015-13-400	6
Travis	IH 35	RRR	0015-13-400	7
Travis	IH 35	SSS	0015-13-400	9
Travis	IH 35	BB	0015-13-400	11
Travis	IH 35	YY	0015-13-400	12
Travis	IH 35	FFF	0015-13-400	18
Travis	IH 35	GGG	0015-13-400	30
Travis	IH 35	HHH	0015-13-400	31
Travis	IH 35	CC	0015-13-400	32
Travis	IH 35	JJJ	0015-13-400	33
Travis	IH 35	WWW	0015-13-400	34
Travis	IH 35	AAAA	0015-13-400	35
Travis	IH 35	DD	0015-13-400	36
Travis	IH 35	EE	0015-13-400	37
Travis	IH 35	KK	0015-13-400	38
Travis	IH 35	LL	0015-13-400	39
Travis	IH 35	CCCCC	0015-13-400	40
Travis	IH 35	EEEE	0015-13-400	41

**Eminent Domain (continued)**  
**Controlled Access (continued)**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Travis	IH 35	FFFF	0015-13-400	101
Travis	IH 35	HHHH	0015-13-400	102
Travis	IH 35	WWWW	0015-13-400	103
Travis	IH 35	KKKK	0015-13-400	104
Travis	IH 35	YYYY	0015-13-400	105
Travis	IH 35	MM	0015-13-400	106
Travis	IH 35	NN	0015-13-400	107
Travis	IH 35	OOOO	0015-13-400	108
Travis	IH 35	OO	0015-13-400	109
Travis	IH 35	QQQQ	0015-13-400	110
Travis	IH 35	R	0015-13-400	P00001012, P00001012.002
Travis	IH 35	UUU	0015-13-400	P00001014, P00001014.002
Travis	IH 35	AAA	0015-13-400	P00001017, P00001017.002
Travis	IH 35	BBB	0015-13-400	P00001018, P00001018.002
Travis	IH 35	CCC	0015-13-400	P00001019, P00001019.002
Travis	IH 35	DDD	0015-13-400	P00001020, P00001020.002
Travis	IH 35	EEE	0015-13-400	P00001021, P00001021.002
Travis	IH 35	SSSS	0015-13-400	P00059945
Travis	IH 35	TTTT	0015-13-400	P00059946
Travis	IH 35	UUUU	0015-13-400	P00060465
Travis	IH 35	AA	0015-13-406	95
Travis	IH 35	GG	0015-13-406	96
Travis	IH 35	H	0016-01-122	48
Travis	IH 35	RR	0016-01-122	49
Travis	IH 35	J	0016-01-122	50
Travis	IH 35	S	0016-01-122	51
Travis	IH 35	SS	0016-01-122	52
Travis	IH 35	F	0016-01-122	53
Travis	IH 35	PPPP	0016-01-122	54
Travis	IH 35	JJJJ	0016-01-122	57
Travis	IH 35	VVVV	0016-01-122	59
Travis	IH 35	HHHHH	0016-01-122	60
Travis	IH 35	KKKKK	0016-01-122	61
Travis	IH 35	IIII	0016-01-122	63
Travis	IH 35	ZZZZ	0016-01-122	66,66TE
Travis	IH 35	AAAAA	0016-01-122	67
Travis	IH 35	BBBBB	0016-01-122	68
Travis	IH 35	GGGGG	0016-01-122	69
Travis	IH 35	DDDDD	0016-01-122	72

**Eminent Domain (continued)**  
**Controlled Access (continued)**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Travis	IH 35	FFFFF	0016-01-122	73
Travis	IH 35	G	0016-01-122	85
Travis	IH 35	XXXX	0016-01-122	P00001331, P00001331.002
Travis	IH 35	EEEE	0016-01-122	P00001337, P00001337.002
Travis	IH 35	T	0016-01-122	P00001360, P00001360.002
Webb	US 59	III	0086-14-092	48
Williamson	IH 35	I	0015-09-195	3

Note: Exhibits A - ZZZZZ and 1 - 104 are on file with the commission chief clerk.

**ITEM 7. Routine Minute Orders and Reports**

This item was presented by Executive Director Marc Williams. Commissioner New 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)**

116233  
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 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**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Applewhite Meadows, Ltd.	SAT	Bexar	Design and construction for the widening of SH 16 at the I-410 intersection to accommodate a left turn deceleration lane on SH 16 southbound turning onto I-410 eastbound and a right turn deceleration lane on SH 16 southbound turning into I-410 westbound. All construction within San Antonio.
D.R. Horton - Texas, Ltd.	HOU	Fort Bend	Design and construction of a left turn lane and a right turn lane from northeast and southwest bound FM 2977 (Minonite Road) into the Windstone on the Prairie development in Rosenberg.
Grapevine Convention & Visitors Bureau	TRV	N/A	In-kind donation of educational and promotional tours during the 65th Annual Texas Travel Counselors Conference hosted by the Grapevine Convention Visitors Bureau and TxDOT March 28-31, 2022, in Grapevine, Texas.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
HDC HWY 46, LLC	SAT	Guadalupe	Design and construction of a right turn lane for the extension of Weltner Road and restriping of the SH 46 existing continuous two way left turn lane to provide for dedicated left turn lanes at the Intersection of Weltner Road and SH 46 in New Braunfels.
KB Home Lone Star Inc.	HOU	Galveston	Design and construction of a left turn lane from northbound SH 3 into the Vida Costera development in Texas City.
Kyle 57 Development, Inc.	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 and 250 ft southeast of Dove Hollow Drive in Kyle.
Lennar Homes of Texas Land & Construction, Ltd.	SAT	Bexar	Design and construction for the installation of one right turn deceleration lane and one Left turn deceleration lane on FM 2790 located approximately 2,500 feet north of Fischer Road and Somerset Road in San Antonio.
Luminant Mining Company LLC	WAC	Limestone	Design and construction of bridge beam repair, spanning existing Luminant Haul Road and Railroad. on SH 7 in Kosse.
MRSS Partners, LTD	HOU	Montgomery	Design and construction of signal improvements at FM 1097 and Kennedy Street for the Moran Ranch Development in Willis.
Pathway MF LLC	SAT	Bexar	Design and construction for installation of a deceleration lane and new median opening on SH 16 located approximately 878' south of intersection with I-410 in San Antonio.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
RH Pioneer North, LLC	AUS	Travis	Design and construction of intersection capacity improvements along FM 734 Parmer Lane at two existing intersections Samsung Boulevard and Yager Lane, and one new crossover (Innovar Circle). The improvements include the addition of turning lanes, installation of a crossover, new signals, and modification of existing signals to provide access into the East Village Development in Austin.
Road Ranger, L.L.C.	SAT	Guadalupe	Design and construction of a continuous left turn lane on FM 464 at I-10, in Seguin.

**REAL ESTATE DONATIONS TO THE DEPARTMENT**

<b><u>DONOR</u></b>	<b><u>DIST</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Stamp Investments, LLC, HOU Texas Limited Liability Company	HOU	Harris	Donation of 0.1278 acres of land a on US 90. The property being donated will be utilized to secure right of way for the required existing drainage as well as to alleviate future drainage issues.
Carson 288, LLC, a Delaware Limited Liability Company	HOU	Harris	Donation of 2.8177 acres of land on SH 288. The property being donated will be utilized for drainage along SH 288.
Hidalgo County, a Political subdivision Of the State of Texas	PHR	Hidalgo	Donation of 0.116 acres of land on SH 107. The property being donated will be utilized for the proposed travel lanes and sidewalk with a proposed circular radii alignment.
City of Waco	WAC	McLennan	Donation of 0.0287 acres of land on US 84. The property being donated will be utilized for the purposes of a traffic signal light.
City of Waco	WAC	McLennan	Donation of 0.403 acres of land on FM 939. The property being donated will be utilized to widen and add turn lanes to FM 939 where it ties in SH 31.

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

**b. Reports**

**(1) Compliance Division report**

Note: Confidential report to commission.

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

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

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

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

**c. Land Acquisitions for Facilities**

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

116234  
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.

**d. Speed Zones**

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

116235  
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 Mayor Pro Tempore Peter Svarzbein for the City of El Paso, Eduardo Calvo Executive Director El Paso Metropolitan Planning Organization, and Stephen Voglewede Interim Chief Executive Officer El Paso Chamber all providing comments on the I-10 segment in El Paso.

The commission received comments on the Broadway Street project in San Antonio from Melissa Beeler representing Air Alliance Houston, Sheereen Ibtesam representing Stop TxDOT I-45, and private citizens Melissa Martinez, Evie Proctor, Michael Moritz, Felipe Sanchez, Alec Aiusztain, and Chole Cook on behalf of Susan Graham.

The commission received comments on the North Houston Highway Improvement Project, and expansion of I-45 from private citizens James Honey, Leticia Guitierrez, Parys Burks, Ben Peters, and Termaria Zernike Bartley. The commission also received remarks on this topic from representatives of Stop TxDOT I-45 including, Tania Gonzalez-Ingram, Tiffany Valle, Mary Schultz, Zach Hamburg, Joseph Higgs, Molly Cook, Fabian Ramirez, Jervani Thompson; representing Texas Housers, was Southeast Texas Regional Director Julia Orduna; representing Make 45 Better Coalition was Michael Skelly; and Kristina Ronneberg Policy & Advocacy Director representing Bike Houston.

The commission received comments on the Imperial sinkhole on FM 1053 from private citizens Schuyler Wight and Ira Yates, and Virginia Palacios Executive Director for Commission Shift.

The commission received comments from Farm & City Community Organizer Daniel Kavelman, and Farm & City Executive Director Jay Blazek Crossley on safety on Texas roads and the economic impact of crashes.

The commission received comments regarding safety concerns from private citizen Kelsey Huse, and Director of Events for Rethink 35 Jake Fanning.

The commission received comments requesting hybrid meeting offerings from Director of Policy and Planning LINK Houston Jonathan Brooks.

The commission received no further comments.

**ITEM 8. 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 11:51 a.m. and returned from Executive session at 1:09 p.m.

Commissioner Ryan 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 1:09 p.m.

APPROVED by the Texas Transportation Commission on May 26, 2022:



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

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I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on April 20, 2022, in Austin, Texas.



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Nicole Lawson, Commission Chief Clerk  
Texas Department of Transportation

