

These are the minutes of the regular meeting of the Texas Transportation Commission held on July 12, 2022, in Austin, Texas. The meeting was called to order at 10:02 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

| | |
|--------------------|--------------|
| J. Bruce Bugg, Jr. | Chairman |
| Laura Ryan | Commissioner |
| Alvin New | Commissioner |
| Robert C. Vaughn | Commissioner |

Administrative Staff:

Marc Williams, Executive Director
 Jeff Graham, General Counsel
 Nicole Lawson, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 11:19 a.m. on July 1, 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.

ITEM 2. Opening Comments from Commissioners and Executive Director

The commissioners made opening remarks.

ITEM 3. Consider the approval of the Minutes of the June 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 June 23, 2022, regular meeting by a vote of 4 - 0.

ITEM 4. Acknowledgment of Service

Recognize by resolution Director of Government Affairs, Jerry Haddican for 10 years of service to the department.

This resolution was presented by Deputy Executive Director for Planning and Administration, Brandye Hendrickson.

ITEM 5. 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 New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116274
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on June 29 and 30, 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.

116275
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 June 29 and 30, 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 Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116276
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 July 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 6. Discussion Item
Legislative Appropriations Request (Presentation)

This discussion was led by Amanda Landry Financial Management Division Director. The commission asked questions and discussed the topic. The commission also heard comments from Molly Cook, Letty Ortega, Natalia Moreno, Stephany Anahi Valdez, and Fabian Ramirez all representing Stop TxDOT I-45.

The commission took a short recess at 11:24 a.m. and reconvened at 11:32 a.m.

ITEM 7. Acquisition of a Parcel
Brazoria County - Consider the approval of the acquisition of a parcel of land along the Gulf Intracoastal Waterway for dredge material placement area PA 86E (MO)

This item was presented by Maritime Division Director Geir-Eilif Kalhagen. 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.

116277
MRD

Pursuant to the Texas Coastal Waterway Act, Transportation Code, Chapter 51, the Texas Transportation Commission (commission) is authorized to administer the state's responsibilities as the nonfederal sponsor of the Gulf Intracoastal Waterway (GIWW). Under Transportation Code, §51.005, the commission is authorized to acquire by gift, purchase, or condemnation property or an interest in property that the commission considers necessary to enable it to meet its responsibilities under Chapter 51, including easements and rights of way for dredged material disposal sites.

The Texas Department of Transportation (department) has documented the immediate disposal needs along the GIWW and determined that the acquisition of placement area PA 86E, currently being used as a dredged material disposal site on the seaward side of the GIWW between FM 1495 and the Brazos River in Brazoria County, is necessary to meet the commission's responsibilities under Chapter 51.

The disposal site, as described in Exhibit A, is a 102.66-acre parcel within the larger placement area PA 86/87. PA 86E has an easement that is subject to termination; termination of this easement would jeopardize the use of the entire PA 86/87. PA 86/87 is critical to dredge material disposal on the GIWW because it is one of the few placement areas available along this stretch of the GIWW that is subject to very high shoaling rates. This site has been used for the placement of dredged material since 1939. Therefore, acquisition of this parcel would be

less costly to develop and use, and will result in a reduced impact on the environment and natural resources than would be the case with the placement of dredged material on a new site.

Transportation Code, §51.006 requires the commission to hold a public hearing to receive evidence and testimony concerning the desirability of a proposed disposal site and to make specified determinations prior to approving or implementing a plan or project to acquire property or an interest in property for a dredged material disposal site. In accordance with §51.006, the commission held a public hearing on January 12, 2022, after the required notification of the planned acquisition. Testimony was heard from the department and the public was provided an opportunity to comment on the proposed acquisition. No testimony or written comments were received from the public regarding the proposed acquisition.

NOW, THEREFORE, IT IS DETERMINED by the commission that after due consideration of the evidence, testimony, and environmental documentation of the area, that the proposed site identified in Exhibit A represents the most reasonable, prudent and economical alternative, and that the acquisition of the proposed site can be accomplished without an unjustifiable waste of publicly or privately owned natural resources or a permanent and substantial adverse impact on the environment, wildlife, or fisheries.

IT IS THEREFORE ORDERED by the commission that the acquisition of the dredged material disposal site identified in Exhibit A is approved, and the executive director is directed to take any and all action necessary to implement such plan for acquiring the identified property or interest in property necessary to carry out the state's responsibilities as the nonfederal sponsor of the GIWW, in the manner authorized by Transportation Code, Chapter 51.

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

ITEM 8. Public Transportation

Various Counties - Consider the award of state and federal funds to multiple entities for a variety of program-eligible purposes and rescind and award section 5304 funds (MO)

This item was presented by Public Transportation Division Director Eric Gleason. The commission also heard public comments from Allen E. Hunter Executive Director for Texas Transit Association, and Martin Ornelas Director for REAL, Inc. 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.

116278
PTN

The Texas Transportation Commission (commission) desires to award a total of \$67,914,072 in state and Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in urbanized and non-urbanized areas of the state.

Title 43, Texas Administrative Code (TAC), §31.31 establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310). An award of \$6,911,415 of federal §5310 funds is shown in Exhibit A and has been determined in accordance with §31.31.

Title 43, TAC, §31.37 establishes a process by which eligible proposals will be selected to receive funds for training and technical assistance needs under the FTA Rural Transportation Assistance Program (49 U.S.C. §5311(b)(3)). An award of up to \$550,000 in federal §5311(b)(3) funds is provided to Texas Transit Association for the implementation of a statewide training program.

The Texas Department of Transportation (department) submitted a project application for federal funds through the FTA Fiscal Year 2021 competitive funding opportunity for the

Bus and Bus Facilities Program (49 U.S.C. §5339(b)). An amount of \$5,050,000 was awarded for fleet and \$12,960,000 was awarded for facilities. Additional funds necessary for the projects include \$9,161,311 of funds flexed from the Surface Transportation Block Grant Program to the Formula Grants for Rural Areas Program (49 U.S.C. §5311) for fleet and \$3,240,000 of state funds for facilities. The distribution of the award is shown in Exhibit B.

Title 43, TAC, §§31.22, 31.36, and 31.37 establish the process by which program proposals shall be evaluated and funds distributed. On November 12, 2021, the department published a Notice of Call for Projects in the *Texas Register*. Project criteria included project planning and coordination, demonstration of project need and benefits, and project management. The commission finds that the projects in Exhibit C are eligible for funding and awards a total of \$30,003,446 in federal and state funds.

Minute Order 116182 awarded Statewide and Nonmetropolitan Transportation Planning program (49 U.S.C. §5304) funds for Regionally Coordinated Transportation Planning to designated lead agencies. This minute order rescinds the award of \$52,500 to Corpus Christi Metropolitan Planning Organization for Region 20 and awards up to \$37,900 to the Corpus Christi Council of Governments as the newly designated lead agency for planning Region 20. Title 43, TAC, §31.22 describes the process for implementing the §5304 program and determining the award.

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

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

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

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

ITEM 9. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Rule Proposals

(1) Chapter 11 - Design - Amendments to §§11.401, 11.404-11.406, and 11.408, Transportation Alternatives Set-Aside Program (MO)

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

116279
PTN

The Texas Transportation Commission (commission) finds it necessary to propose amendments §§11.401, 11.404-11.406, and 11.408 relating to Transportation Alternatives Set-Aside Program 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 and B, 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 §§11.401, 11.404-11.406, and 11.408 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 and B are on file with the commission chief clerk.

(2) Chapter 31 - Public Transportation - Amendments to §31.36, Section 5311 Grant Program (MO)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

116280
PTN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §31.36 relating to the Section 5311 Grant Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and proposed amendments, attached to this minute order as Exhibits A and B, 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 §31.36 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 and B are on file with the commission chief clerk.

b. Final Rule Adoptions

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 Human Resources Division Director David McMillan. 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.

116281
HRD

The Texas Transportation Commission (commission) finds it necessary to repeal §§4.10–4.15 and adopt new §§4.10-4.16, relating to Job Application Procedures, to adopt amendments to §§4.22-4.25, concerning Employment and Education Programs, and to adopt 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 adopted 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 adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 10. Eminent Domain Proceedings

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

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

116282
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-L. 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 1-40 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Madison | US 190 | I | 0117-10-002 | 546 |
| Tarrant | IH 820 | E | 0008-13-242 | 785 |
| Travis | IH 35 | L | 0015-13-400 | P00001040 |
| Travis | IH 35 | A | 0015-13-406 | P00001075 |
| Travis | IH 35 | B | 0015-13-406 | P00001097 |
| Travis | IH 35 | F | 0015-13-406 | P00001100 |
| Travis | IH 35 | C | 0015-13-406 | P00056300 |
| Travis | IH 35 | H | 0016-01-122 | P00001322 |
| Travis | IH 35 | J | 0016-01-122 | P00001343 |
| Travis | IH 35 | G | 0016-01-122 | P00001347 |
| Travis | IH 35 | D | 0016-01-122 | P00001355 |
| Travis | IH 35 | K | 0016-01-122 | P00001359 |

NON-CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Bexar | FM 3351 | 37 | 3212-05-017 | P00060306 |
| Bexar | FM 3351 | 25 | 3212-05-017 | P00060308 |
| Comal | FM 3351 | 24 | 3212-05-017 | P00060310 |
| Fayette | US 77 | 21 | 0211-06-066 | 5 |
| Fayette | US 77 | 22 | 0211-06-066 | 18 |
| Fayette | US 77 | 33 | 0211-06-066 | 19 |
| Fayette | US 77 | 26 | 0211-06-066 | 33 |
| Fayette | US 77 | 31 | 0211-06-066 | 40 |
| Fayette | US 77 | 32 | 0211-06-066 | 62 |
| Fayette | US 77 | 36 | 0211-06-066 | 66 |
| Fayette | US 77 | 38 | 0211-06-066 | 68 |
| Fayette | US 77 | 34 | 0211-06-066 | 70 |
| Galveston | SH 146 | 1 | 0389-06-092 | 320 |
| Galveston | SH 146 | 28 | 0389-06-092 | 323 |

NON-CONTROLLED ACCESS (continued)

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Galveston | SH 146 | 27 | 0389-06-092 | 324 |
| Gregg | FM 2275 | 40 | 2158-01-024 | 127 |
| Lampasas | US 281 | 30 | 0251-06-040 | P00060612 |
| Madison | US 190 | 23 | 0117-04-044 | 666 |
| Starr | SL 195 | 35 | 3632-01-004 | 124 |
| Travis | RM 620 | 29 | 0683-02-081 | 11 |
| Tyler | US 69 | 16 | 0200-08-058 | P00009952 |
| Tyler | US 69 | 18 | 0200-08-058 | P00009953 |
| Tyler | US 69 | 19 | 0200-08-058 | P00009954 |
| Tyler | US 69 | 6 | 0200-08-058 | P00059566 |
| Tyler | US 69 | 14 | 0200-08-058 | P00059570 |
| Tyler | US 69 | 15 | 0200-08-058 | P00059575 |
| Tyler | US 69 | 20 | 0200-08-058 | P00059576 |
| Tyler | US 69 | 2 | 0200-08-058 | P00059577 |
| Tyler | US 69 | 17 | 0200-08-058 | P00059578 |
| Tyler | US 69 | 3 | 0200-08-058 | P00059582 |
| Tyler | US 69 | 4 | 0200-08-058 | P00059583 |
| Tyler | US 69 | 5 | 0200-08-058 | P00059584 |
| Tyler | US 69 | 13 | 0200-08-058 | P00059595 |
| Tyler | US 69 | 7 | 0200-08-058 | P00059596 |
| Tyler | US 69 | 8 | 0200-08-058 | P00059598 |
| Tyler | US 69 | 9 | 0200-08-058 | P00059600 |
| Tyler | US 69 | 12 | 0200-08-058 | P00059602 |
| Tyler | US 69 | 10 | 0200-08-058 | P00059603 |
| Tyler | US 69 | 11 | 0200-08-058 | P00059607 |
| Victoria | US 77 | 39 | 2350-01-068 | P00059760 |

Note: Exhibits A - L and 1 - 40 are on file with the commission chief clerk.

ITEM 11. Routine Minute Orders and Reports

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

116283
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not

later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

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

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

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

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

Donations to the Department

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|--|--------------------|----------------------|---|
| 320 Potranco Ranch, LLC | SAT | Medina | Design and construction of a left turn lane along FM 1957 in Medina County, Texas. |
| American Traffic Safety Services Association Texas Chapter | TRF | N/A | Funds for a 4-day complimentary registration and scholarship for Rafael Riojas, Policy and Standards Branch Manager, to attend the American Traffic Safety Services Association Mid-Year Meeting in Providence, Rhode Island, (August 23-26, 2022). |
| Bandera ProRodeo Association | TRF | Medina | Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 173 from the south end of the Medina River bridge in Bandera. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|--|--------------------|----------------------|--|
| Carson 288, LLC | HOU | Harris | Funds sufficient to cover the State's costs to construct a southbound frontage road on SH 288, from Airport Blvd to North of Sims Bayou in Harris County. |
| Century Land Holdings II, LLC GRBK Edgewood LLC | AUS | Bastrop | Design and construction of deceleration lanes on US 290 from 0.15 miles west of Swenson Boulevard to W Brenham Street in Elgin. |
| Enchanted Trails, LLC | HOU | Galveston | Design and construction of a left turn lane on FM 519, with an entrance driveway from south bound FM 519 into the Enchanted Trails RV Park in Hitchcock. |
| Five Eighteen Estate, LLC | HOU | Galveston | Design and construction of a Real deceleration lane from eastbound FM 518 and median opening modification into the 2.63-Acre commercial development in League City. |
| H-E-B, LP | HOU | Harris | Design and construction of a median reshape from southbound Cullen Boulevard into the HEB Distribution Center development in Houston. |
| Pershing Lane, LLC | AUS | Bastrop | Design and construction of a deceleration lane on SH 95 from Pershing Boulevard to 0.2 miles south of Pershing Boulevard in Bastrop. |
| San Isidro Northeast, Ltd. | LRD | Webb | Funds sufficient to cover the State's cost To construct the widening of approximately 1,856 square yards of road to accommodate two driveways and the extension of the turning lane in the vicinity of San Isidro Northeast, Ltd. along US 59 in Laredo. |
| Spencer Ranch Partners LLC | SAT | Kendall | Design and construction of a left turn lane on SH 46 near the intersection of SH 46 and Coughran Road in Boerne. |

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

b. Real Estate Dispositions**(1) Dallas County - US 75 - Consider the sale of right of way to an abutting landowner (MO)**116284
ROW

In the City of Dallas, Dallas County, on US 75, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 2001195, at Page 2350, and Volume 2005068, at Page 8656, of the Official Public Records of Dallas County, Texas.

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

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

David Godat is an abutting landowner and has requested to purchase the tract for \$199,058.

The commission finds \$199,058 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 David Godat for \$199,058; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Gonzales County - US 90-A - Consider the sale of right of way to an abutting landowner (MO)116285
ROW

Near the City of Gonzales, Gonzales County, on US 90-A, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 170, at Page 183, of the Deed Records of Gonzales 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.

Elizabeth Kay Drescher is an abutting landowner and has requested to purchase the tract for \$10,718.40.

The commission finds \$10,718.40 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 Elizabeth Kay Drescher for \$10,718.40; 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) Johnson County - BU 67 - Consider an easement release to the underlying fee owner (MO)

116286
ROW

In the City of Cleburne, Johnson County, on Business 67, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 311, at Page 425, of the Deed Records of Johnson County, Texas.

A portion of the easement, which portion 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.

HWY 67 Cleburne Property, LLC is the owner of the fee interest in the property and has requested to purchase the easement interest for \$69,334.

The commission finds \$69,334 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 HWY 67 Cleburne Property, LLC for \$69,334.

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

(4) Travis County - SH 130 - Consider the designation of one location on the SH 130 southbound exit ramp to Parmer Lane at which access will be permitted to the abutting property (MO)

116287
ROW

Near the City of Austin, Travis County, on SH 130, a new designated controlled-access highway, the State of Texas acquired certain land for highway purposes with denial of access to the abutting remainder property per Transportation Code, §203.034(a).

Texas Essential Housing Public Facility Corporation, a Texas public facility corporation, the current owner of abutting property, has requested designated access to and from the SH 130 southbound exit ramp to Parmer Lane for proposed ingress and egress at one location along the property line at the access point described in Exhibit A.

Texas Essential Housing Public Facility Corporation has committed to purchase the access for \$1,535,000.

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 to determine the type and extent of access permitted at each location.

Transportation Code, Chapter 202, Subchapter B, authorizes the commission to recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

The commission finds that the new access point will not compromise the mobility, safety, or operation of the existing state highway facility.

The commission further finds \$1,535,000 to be a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated access, described in Exhibit A, is no longer needed for a state highway purpose. It is recommended by the commission, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access as described in Exhibit A to Texas Essential Housing Public Facility Corporation, a Texas public facility corporation, for \$1,535,000.

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

(5) Victoria County - US 59 - Consider the sale of right of way to an abutting landowner (MO)

116288
ROW

In the City of Victoria, Victoria County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 588, at Page 341, of the Deed Records of Victoria 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.

D & L Land Development, LLC is an abutting landowner and has requested to purchase the tract for \$410,000.

The commission finds \$410,000 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 D & L Land Development, LLC for \$410,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting allocation status report - Quarterly status report on the FY 2022 letting allocation, the actual allocation utilized through the current month, 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) State Highway Fund 6 - 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.

d. Highway Designation

(1) Lampasas County - In the city of Lampasas, consider redesignating a segment of US 281 as BU 281-J, redesignating a segment of US 190 as US 281, and designating a segment of US 190 and US 281 concurrent with US 183 (MO)

116289
TPP

In Lampasas County, the Brownwood District has requested the following actions: (1) redesignate a segment of US 281 as BU 281-J from the intersection of US 183 southwest to the intersection of US 190, a distance of approximately 0.4 miles; (2) redesignate a segment of US 190 as US 281 from the intersection of US 281 eastward to US 183, a distance of approximately 0.2 miles; and (3) designate a segment of US 190 and US 281 concurrent with a segment of US 183 from the intersection of US 281 southward to the intersection of US 190, a distance of approximately 0.3 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

The Texas Transportation Commission (commission) finds that these actions will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and are necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that: (1) a segment of US 281 is redesignated as BU 281-J from the intersection of US 183 southwest to the intersection of US 190, a distance of approximately 0.4 miles; (2) a segment of US 190 is redesignated as US 281 from the intersection of US 281 eastward to US 183, a distance of approximately 0.2 miles; and (3) segments of US 190 and US 281 are designated concurrent with a segment of US 183 from the intersection of US 281 southward to the intersection of US 190, a distance of approximately 0.3 miles, as shown on Exhibit A.

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

(2) Polk County - In the cities of Corrigan and Livingston, consider designating a segment of US 59 on a new location, redesignating a segment of US 59 as BU 59-J, and redesignating existing BU 59-J as BU 59-K (MO)

116290
TPP

In Polk County, the cities of Corrigan and Livingston and the Lufkin District have requested the following actions: (1) in the city of Corrigan, designate a segment of US 59 on a new location from 3.4 miles north of US 287 to 3.0 miles south of US 287, a distance of approximately 6.4 miles; (2) in the city of Corrigan, redesignate a segment of US 59 as BU 59-J from 3.4 miles north of US 287 to 3.0 miles south of US 287, a distance of approximately 5.9 miles; and (3) in the city of Livingston, redesignate existing BU 59-J as BU 59-K.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

The Texas Transportation Commission (commission) finds that these actions will facilitate the flow of traffic, promote public safety, and maintain continuity of the state highway system and are necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that: (1) in the city of Corrigan, a segment of US 59 is designated on a new location from 3.4 miles north of US 287 to 3.0 miles south of US 287, a distance of approximately 6.4 miles; (2) in the city of Corrigan, a segment of US 59 is redesignated as BU 59-J from 3.4 miles north of US 287 to 3.0 miles south of US 287, a distance of approximately 5.9 miles; and (3) in the city of Livingston, existing BU 59-J is redesignated as BU 59-K, as shown on Exhibit A.

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)

116291
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 open comments from District & Legislative Director Cassandra Urrutia on behalf of Senator Cesar J. Blanco, Chief of Staff Brooke Galindo on behalf of Representative Lina Ortega, Executive Director Eduard Calvo from the El Paso Metropolitan Planning Organization, and Chair Walter Miller from the El Paso Metropolitan Planning Organization all regarding the draft 2023 UTP, The commission also received comments from Marlisa Briggs President of the North Houston Association in favor of the North Houston Highway Improvement Project.

ITEM 12. Executive Session Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission recessed to executive session at 12:02 p.m. and returned from executive session at 12:48 p.m.

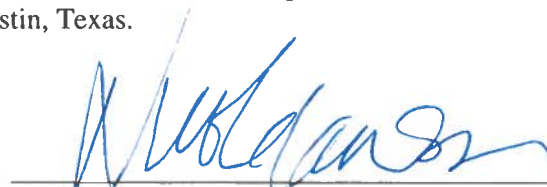
Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:49 p.m.

APPROVED by the Texas Transportation Commission on August 30, 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 July 12, 2022, in Austin, Texas.

Nicole Lawson, Commission Chief Clerk
 Texas Department of Transportation