

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 22, 2022, in Austin, Texas. The meeting was called to order at 10:01 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

Marc Williams, Executive Director
 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 5:23 p.m. and 5:25 p.m. on September 14, 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 August 30, 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 August 30, 2022, regular meeting by a vote of 4 - 0.

ITEM 4. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Duane Milligan. The commission heard public comment from private citizen Don Dixon who discussed US 281. 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.

116323
 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 September 7 and 8, 2022, as well as BEAUMONT DISTRICT, JEFFERSON COUNTY,

Job Number 3050, Project Number STP 2022(538)HESG, which was publicly read on August 3, 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.

On August 30, 2022, the Texas Transportation Commission (commission) approved the 2023 Unified Transportation Program (UTP), which included language that provides that the Commission may approve additional funding to projects up to 25% in Categories 2, 4, and 12. The additional funding is subject to the availability of funds for that category and commission approval at the time of award of the contract for the highway construction project. Increases to funding may not impact the total formula allocation to the district or MPO.

The 2023 UTP includes projects that are funded with categories 2, 4 and 12, and those projects that received bids in excess of the 2023 UTP funding are shown on Exhibit B.

The department recommends that the 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.

The department also recommends that the commission respectively consider to increase funding, reject or defer, as indicated, for those highway construction contracts identified on attached Exhibit B 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.

IT IS FURTHER ORDERED by the commission that the category funding to projects described in Exhibit B, be and are hereby respectively approved for increase or rejected or deferred as indicated therein.

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

b. Highway Improvement and Other Transportation Facilities (MO)

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

116324
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 August 4, 2022, as shown on Exhibit A.

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

The department recommends that the Texas Transportation Commission (commission) respectively rescind the award to the lowest bidder for contracts awarded on August 30, 2022, by Minute Order 116293 as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

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

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

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

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

c. Routine Maintenance (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.

116325
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 September 7 and 8, 2022, as shown on Exhibit A, as well as one project which was publicly read July 21, 2022, as shown on Exhibit B.

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. In addition, for a project involving a bid amount of less than \$300,000, if the lowest bidder withdraws its bid after bid opening, the executive director may recommend to the Texas Transportation Commission (commission) that the contract be awarded to the second lowest bidder, if the second lowest bidder is willing to perform the work at the unit bid prices of the lowest bidder and the bid prices of the lowest bidder are reasonable, and delaying the award of the contract may result in significantly higher unit bid prices.

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 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.

The department also recommends that the commission respectively consider the award to the second lowest bidder, on PARIS DISTRICT, FANNIN COUNTY, Job Number 0103, Project Number RMC - 640923001, as identified on attached Exhibit B to this order in compliance with 43 TAC 9.17(d). This recommendation is based on the findings by the Executive Director that the second lowest bidder is willing to perform the work at the unit bid prices of the lowest bidder, the bid prices are reasonable, and delaying the award of the contract may result in significantly higher unit bid prices.

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.

IT IS FURTHER ORDERED by the commission that the contracts described in Exhibit B be and are hereby respectively awarded to the second lowest bidder 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: Exhibits A and B are on file with the commission chief clerk.

d. Construction and Rehabilitation of Buildings (MO)

This item was presented by Facilities Planning and Management Section Director Warren Rose. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116326
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 September 6 and September 7, 2022, as shown on Exhibit A.

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

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

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

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

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

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

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

ITEM 5. Maritime

Consider the approval of the Gulf Intracoastal Waterway Report (MO) (Report)

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

116327
MRD

Transportation Code, Chapter 51 (Texas Coastal Waterway Act), designates the state to act as the non-federal sponsor of the main channel of the Gulf Intracoastal Waterway (GIWW) from the Sabine River to the Brownsville Ship Channel.

Transportation Code, §51.007 requires the Texas Transportation Commission (commission) to continually evaluate the impact of the GIWW on the state. The evaluation shall include:

- 1) an assessment of the importance of the GIWW that includes identification of its direct and indirect beneficiaries;
- 2) identification of principal problems and possible solutions to those problems that includes estimated costs, economic benefits, and environmental effects;
- 3) an evaluation of the need for significant modifications to the GIWW; and
- 4) specific recommendations for legislative action that the commission believes are in the best interest of the state in carrying out the state's duties under Chapter 51.

A report of the evaluation shall be published and presented to each regular session of the Texas Legislature.

The Texas Department of Transportation has completed the evaluation and developed the report for the period of fiscal years 2021-2022.

IT IS THEREFORE ORDERED by the commission that the Gulf Intracoastal Waterway Report, as shown in Exhibit A, is approved by the commission and should be published and presented to the members of the 88th Texas Legislature, the governor, the lieutenant governor, and the speaker of the house of representatives.

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

ITEM 6. Environmental Covenant

Harris County - Consider authorizing the executive director of the Texas Department of Transportation to execute an environmental restrictive covenant, in favor of the Texas Commission on Environmental Quality and the State of Texas, imposing certain restrictions on a section of right-of-way at I-10 and Beltway 8, in Harris County (MO)

This item was presented by Environmental Affairs Division Director Doug Booher. 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.

116328
ENV

Weatherford US, Inc. (Weatherford) is seeking a Certificate of Completion from the Texas Commission on Environmental Quality (TCEQ) for a contaminated parcel owned by the Texas Department of Transportation's (department) at I-10 and Beltway 8 in Houston. The subsurface contamination associated with the site is located underneath a portion of the department's right-of-way at this location. In connection with its response action, Weatherford has requested that the department execute the attached restrictive covenant imposing certain restrictions on a portion of the department's right-of-way at I-10 and Beltway 8 in Houston. The property to be subject to the restrictive covenant is more specifically identified in the attached survey. TCEQ representatives have also requested that the department execute this restrictive covenant.

The Texas Transportation Commission (commission) has determined that the restrictive covenant should be executed if the terms of the restrictive covenant are acceptable to the department's executive director.

IT IS THEREFORE ORDERED by the commission that the department's executive director is authorized to execute the above-described restrictive covenant pursuant to Transportation Code, §202.061.

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

ITEM 7. Annual Toll Rates

a. Travis and Williamson Counties - Consider the approval of a modified toll rate escalation percentage and toll rates for the Central Texas Turnpike System, consisting of the SH 130 (Segments 1-4), SH 45N, Loop 1 (from FM 734 to SH 45N), and SH 45SE system elements (MO)

This item was presented by Toll Operations Division Director Tracey Johnson. 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.

116329
TOD

Title 43, Texas Administrative Code §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in traffic and revenue reports; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

The Central Texas Turnpike System (CTTS) consists of the following elements: SH 130, which runs from I-35 North of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast; SH 45 North, which runs from west of US 183 to SH 130 / SH 45 North interchange; Loop 1, which runs from existing Loop 1 and Farm to Market 734

(Parmer Lane) to the Loop 1 / SH 45 North interchange; and SH 45 Southeast, which runs from I-35 at FM 1327 south of Austin to the SH 130 / US 183 interchange.

Minute Order 113244, dated August 30, 2012, authorized the executive director to annually escalate toll rates on the CTTS in accordance with established indices and the toll rate escalation policy set forth in the minute order (Toll Rate Escalation Policy). The Toll Rate Escalation Policy dictates that the Texas Department of Transportation (department) shall report to the commission, at its October meeting, the toll rate escalation percentage calculated in accordance with the established indices, which shall be applied to the current base toll rates for each CTTS element and paypoint, generating a schedule of escalated toll rates which will become effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

The department has reported to the commission that the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, is 8.30%. The commission has determined that the reported toll rate escalation percentage is unusually high and therefore intends to modify the toll rate escalation percentage to be 0.00%, which will result in toll rates, set forth in Exhibit A, that will not adversely affect the ability of the commission to comply with its rate covenant in Section 501 of the Indenture of Trust Dated as of July 15, 2002, Between Texas Transportation Commission and The Bank of New York Mellon Trust Company, National Association, as Trustee (successor in interest to JP Morgan Trust Company as successor to Bank One, National Association) (CTTS Indenture of Trust). The Toll Rate Schedule that would result from the calculated toll rate escalation percentage of 8.30% is reported and set forth in Exhibit B.

Pursuant to Section 501 of the CTTS Indenture of Trust, prior to adopting any change in the toll rate schedule, the commission shall obtain and file with the trustee a certificate by the traffic and revenue consultant that, in the consultant's opinion, either: (A) that if such proposed Toll Rate Schedule had been in effect during the preceding annual period, and taking into effect the Revenues anticipated to have been received in such annual period, it would not have caused a decrease in the Revenues for said preceding annual period; or (B) the adoption of such proposed toll rate schedule will not adversely affect the ability of the commission to comply with its rate covenant in Section 501 of the CTTS Indenture of Trust. The commission has received such certification from the traffic and revenue consultant and filed it with the trustee.

IT IS THEREFORE ORDERED by the commission that the toll rate escalation percentage of 8.30%, as calculated in accordance with the established indices that will be in effect as of October 1, 2022, and reported by the department, as required by the Toll Rate Escalation Policy, is modified to be 0.00% and the resulting Toll Rate Schedule for each CTTS element, attached as Exhibit A, shall be implemented by the executive director on January 1, 2023.

IT IS FURTHER ORDERED by the commission that the department is not required to report the toll rate escalation percentage to the commission at its October meeting, since the commission has already acknowledged in this minute order that the department has reported the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022.

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

b. Grimes and Montgomery Counties - Consider the approval of a modified toll rate escalation percentage and toll rates for the SH 249 System, comprised of Segment 1 of

the SH 249 Project extending SH 249 from FM 1774 in Pinehurst to FM 1774 in Todd Mission (MO)

This item was presented by Toll Operations Division Director Tracey Johnson. 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.

116330
TOD

Title 43, Texas Administrative Code, §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in a traffic and revenue report; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

In Minute Order 114959, dated June 29, 2017, the commission designated Segment 1 of the SH 249 Extension Project, from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Todd Mission in Grimes County, as a toll project on the state highway system (SH 249 System). The SH 249 System is an all-electronic, open road toll facility with a closed ramp system of toll collection.

Minute Order 115393, dated December 13, 2018, authorized the executive director to annually escalate toll rates on the SH 249 System in accordance with established indices and the toll escalation policy set forth in the minute order (Toll Rate Escalation Policy). The Toll Rate Escalation Policy dictates that the Texas Department of Transportation (department) shall report to the commission, at or before its October meeting, the toll rate escalation percentage calculated in accordance with the established indices in effect as of October 1, which shall be applied to the current base toll rates for each paypoint of the SH 249 System, generating a schedule of escalated toll rates which will become effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

The department has reported to the commission that the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, as required by the Toll Rate Escalation Policy, is 9.76%. The commission has determined that the reported toll rate escalation percentage is unusually high and therefore intends to modify the toll rate escalation percentage to be 0.00%, which will result in toll rates, set forth in Exhibit A, that will not adversely affect the ability of the commission to comply with its rate covenant in Section 501 of the Master Trust Agreement By and Between Texas Transportation Commission and U.S. Bank National Association, as Trustee, Securing SH 249 System Toll Revenue Obligations, Dated as of February 1, 2019 (SH 249 System Trust Agreement). The Toll Rate Schedule that would result from the calculated toll rate escalation percentage of 9.76% is reported and set forth in Exhibit B.

Pursuant to Section 501 of the SH 249 System Trust Agreement, prior to adopting any change in the toll rate schedule, the commission shall obtain and file with the trustee a certificate by the traffic and revenue consultant that, in the consultant's opinion, either: (A) that if such proposed Toll Rate Schedule had been in effect during the preceding annual period, and taking into effect the Revenues anticipated to have been received in such annual period, it would not have caused a decrease in the Revenues for said preceding annual period; or (B) the adoption of such proposed toll rate schedule will not adversely affect the ability of the commission to comply with its rate covenant in

Section 501 of the SH 249 System Trust Agreement. The commission has received such certification from the traffic and revenue consultant and filed it with the trustee.

IT IS THEREFORE ORDERED by the commission that the toll rate escalation percentage of 9.76%, as calculated in accordance with the established indices that will be in effect as of October 1, 2022, and reported by the department, as required by the Toll Rate Escalation Policy, is modified to be 0.00%, and the resulting Toll Rate Schedule for the SH 249 System, attached as Exhibit A, shall be implemented by the executive director on January 1, 2023.

IT IS FURTHER ORDERED by the commission that the department is not required to report the toll rate escalation percentage to the commission at its October meeting, since the commission has already acknowledged in this minute order that the department has reported the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, as required by the Toll Rate Escalation Policy.

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

c. Various Counties - Consider the approval of a modified toll rate escalation percentage and toll rates for portions of SH 99 (Grand Parkway) consisting of the tolled portion of Segment D in Harris County, Segments E, F-1, F-2, G, H, I-1, I-2A and I-2B (MO)

This item was presented by Toll Operations Division Director Tracey Johnson. 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.

116331
TOD

Planning and development of State Highway 99 (Grand Parkway), an outer circumferential highway traversing seven counties and serving the Houston area, have been underway since the 1980s. The Texas Department of Transportation (department) and the seven counties in the Houston area in which SH 99 (Grand Parkway) is located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Chambers County.

In accordance with the requirements of former Section 228.0111 of the Transportation Code and the policies included in Minute Order 111410 dated June 26, 2008, the department and the seven counties in which the Grand Parkway is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009 (MVWA), in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway as a toll facility (Grand Parkway Project), agreed to waive the development of a market valuation of the Grand Parkway Project, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway Project. Each of Harris, Montgomery, Liberty, and Chambers counties subsequently elected not to exercise its option to develop, finance, construct, and operate the portion of the Grand Parkway Project located within the territory of the county. In a series of minute orders, the Texas Transportation Commission (commission) approved the department's determination to exercise its option to develop, finance, construct, and operate the portions of the Grand Parkway Project in Harris, Montgomery, Liberty, and Chambers counties.

The MVWA contains terms and conditions which state that the methodology to determine the annual adjustment of the toll rates for the Grand Parkway Project shall provide for an annual adjustment no less than the annual adjustment provided in Section II(A) of the Harris County Tolling Policy attached to the MVWA, which states: "the

greater of (a) 2%, or (b) the consumer price index (CPI) that correlates to the Harris County economy.”

The commission adopted 43 TAC § 15.95 to establish procedures applicable to toll project corporations created under Transportation Code, Chapter 431 (chapter 431), in entering into contracts with or on behalf of the commission in connection with the funding and development of toll projects. In Minute Order 113046, dated March 29, 2012, the commission adopted a resolution creating the Grand Parkway Transportation Corporation (GPTC) pursuant to Title 43, Texas Administrative Code, § 15.95, approving its certificate of formation and bylaws and appointing the initial directors.

By Minute Order 113202, dated July 26, 2012, and Minute Order 114290, dated June 25, 2015, the commission requested GPTC to perform the functions authorized by chapter 431 and any other functions not specified by chapter 431 as necessary in the promotion and development of public transportation facilities and systems of the department by developing, financing, designing, constructing, expanding, operating, or maintaining some or all of the segments of the Grand Parkway Project that are to be developed by the department, including a portion of Segment D located in Harris County and Segments E, F-1, F-2, and G located in Harris and Montgomery counties (Initial System), and Segments H, I-1, and I-2 located in Harris, Montgomery, Liberty and Chambers counties (together with the Initial System, the “Grand Parkway System”).

Minute Order 111167, dated December 13, 2007, designated the portion of Grand Parkway Segment I-2, from I-10 to Fisher Road, as a toll project on the state highway system (included within Segment I-2A). Minute Order 114881, dated March 28, 2017, designated the portion of Grand Parkway Segment I-2A from Fisher Road to FM 1405 as a toll project on the state highway system. Minute Order 112756, dated July 28, 2011, authorized the department to charge tolls in Chambers County on the portion of Segment I-2A from I-10 to Fisher Road at the existing tolling points on that segment, and Minute Order 113399 authorized the department to revise the toll rates on the portion of Grand Parkway Segment I-2A from I-10 to Fisher Road to be consistent with the rates and Toll Rate Escalation Policy in effect for the segments comprising the system. Pursuant to Minute Order 114290, dated June 25, 2015, the GPTC was assigned the toll revenues from Segment I-2A upon the opening of Segments H, I-1 and I-2B, and the GPTC became responsible for the operation and maintenance of Segment I-2A as part of the Grand Parkway System upon substantial completion of Segments H, I-1 and I-2B.

In Minute Order 113399, dated December 13, 2012, the commission established a Toll Rate Escalation Policy, consistent with the terms and conditions of the MVWA, for the tolled portion of the Initial System which are operated on behalf of the commission by the GPTC pursuant to a project agreement between the department and GPTC and in accordance with a Master Trust Agreement dated as of August 1, 2013, as amended and supplemented (Master Trust Agreement), between GPTC and the trustee for the benefit of the holders of GPTC’s toll revenue bonds issued to pay the costs of constructing the Initial System. Minute Order 113399 also authorized GPTC to charge tolls for the tolled portion of the Initial System. The Toll Rate Escalation Policy provides for the department to calculate the annual toll rate escalation percentage (toll rate escalation percentage) in accordance with the methodology in the Toll Rate Escalation Policy and report the toll rate escalation percentage to the GPTC and the commission each year at or before the commission’s October meeting. The percentage increase in the toll rates will be effective automatically on January 1 of the next calendar year and implemented by the executive director and by the GPTC, as applicable, unless the commission affirmatively elects prior to January 1 to modify the toll rate escalation percentage for purposes of meeting the rate covenants in the Master Trust Agreement.

The commission and GPTC executed a Toll Rate Agreement effective August 1, 2013, pursuant to Minute Order 113399, dated December 13, 2012 (Toll Rate Agreement), and amended the Toll Rate Agreement effective June 26, 2015, pursuant to Minute Order 114290, dated June 25, 2015. In the Toll Rate Agreement, the commission covenants that it will adopt and maintain in effect a Toll Rate Schedule for the System in substantial conformity with the recommendation of the Traffic Consultant and in conformity with the Toll Rate Escalation Policy of the commission. Minute Order 114881, dated March 28, 2017, authorized GPTC, upon substantial completion of the construction of Segments H, I-1 and I-2B, to charge tolls, and also authorized the executive director of the department to annually escalate the toll rates in accordance with established indices and the Toll Rate Escalation Policy previously adopted in Minute Order 113399, dated December 13, 2012, for the tolled portions of Segments H, I-1, and I-2B of the Grand Parkway in Montgomery, Harris, Liberty and Chambers Counties, and for the portion of Segment I-2A from Fisher Road to FM 1405 in Chambers County.

The department has reported to the commission that the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, as required by the Toll Rate Escalation Policy, is 9.76%. The commission has determined that the reported toll rate escalation percentage of 9.76% is unusually high and wishes to modify the toll rate escalation percentage to be 0.00%, which will result in toll rates that will permit the commission to comply with its rate covenant in the Toll Rate Agreement.

Pursuant to the Master Trust Agreement, the GPTC has issued toll revenue obligations, including the execution of a United States Department of Transportation TIFIA Loan Agreement for the Grand Parkway Project (TIFIA – 20211015A), dated as of August 19, 2021 (TIFIA Loan Agreement). The TIFIA Loan Agreement requires the GPTC to obtain TIFIA's consent to execute or amend certain agreements, including the MVWA.

Under the Toll Rate Agreement, prior to adopting any change in the Toll Rate Schedule, the commission shall have obtained and filed with the GPTC and the trustee a certificate by the Traffic Consultant that either: (A) stating, in its opinion, that if such proposed Toll Rate Schedule had been in effect during the preceding Fiscal Year, it would not have caused a decrease in the Senior Net Revenues for such preceding Fiscal Year; or (B) stating, in its opinion, that the adoption of such proposed toll rate schedule will not materially adversely affect the ability of the commission to comply with its covenants in Section 1.1(b) of the Toll Rate Agreement. The commission has received such certification from the Traffic Consultant and filed it with the GPTC and the trustee.

The commission determines that it will condition the effectiveness of the 0.00% toll rate escalation percentage and resulting toll rate schedule on the receipt of, and provision of, all necessary notices, consents, certifications, amendments or waivers relating to, and including, but not limited to, any necessary amendment or waiver of terms and conditions in the MVWA; any necessary notices or consents in connection with the TIFIA Loan Agreement; any necessary amendment of the Toll Rate Escalation Policy adopted by the commission in Minute Order 113399 and Minute Order 114881 to allow the commission to modify the toll rate escalation percentage to 0.00% without violating the Toll Rate Agreement provision that requires the commission to comply with its Toll Rate Escalation Policy; and any necessary certification from the Traffic Consultant in accordance with the Master Trust Agreement dated as of August 1, 2013, as amended and supplemented.

IT IS THEREFORE ORDERED by the commission that the toll rate escalation percentage of 9.76%, as calculated in accordance with the established indices that will be in effect as of October 1, 2022, and reported by the department, as required by the Toll

Rate Escalation Policy, is modified to be 0.00%, and the resulting Toll Rate Schedule for Segment D of the Grand Parkway in Harris County and Segments E, F-1, F-2, G, H, I-1, and I-2 of the Grand Parkway, attached as Exhibit A, shall be implemented by the executive director on January 1, 2023, all contingent upon, and effective upon, the receipt of, and provision of, all necessary notices, consents, certifications, amendments or waivers relating to, and including, but not limited to the following, prior to January 1, 2023:

1. any necessary amendment or waiver of terms and conditions in the MVWA;
2. any necessary notices or consents in connection with the TIFIA Loan Agreement; and
3. any necessary amendment of the Toll Rate Escalation Policy to allow the commission to modify the toll rate escalation percentage to 0.00% without violating the Toll Rate Agreement provision that requires the commission to comply with its Toll Rate Escalation Policy.

Should any of the above conditions fail to be satisfied prior to January 1, 2023, the commission's approvals herein of the modified toll rate escalation percentage of 0.00% and the resulting Toll Rate Schedule as shown in Exhibit A shall not become effective, and the toll rate escalation percentage of 9.76% shall be applied to the existing toll rates in accordance with the Commission's Toll Rate Escalation Policy, and the resulting Toll Rate Schedule attached hereto as Exhibit B shall become effective on January 1, 2023.

IT IS FURTHER ORDERED by the commission that the department is not required to report the toll rate escalation percentage to the commission at its October meeting, since the commission has already acknowledged in this minute order that the department has reported the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, as required by the Toll Rate Escalation Policy.

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

ITEM 8. Contested Case

a. Webb County - Texas Department of Transportation v. Killam Development, Ltd. - Consider action on proposal for decision by administrative law judge concerning the Department's assessment of administrative penalties, final order (MO)

This item was presented by General Counsel Division Senior General Counsel James Kirk II. 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.

116332
GCD

On September 22, 2022, the Texas Transportation Commission (commission) considered the Texas Department of Transportation's (department) proposed assessment of administrative penalties against Killam Development, Ltd. (Killam) for the unpermitted erection and operation of two commercial signs in Laredo, Texas. Killam requested a contested case hearing and the matter was referred to the State Office of Administrative Hearings. The Administrative Law Judge concluded in the proposal for decision that the department could assess a total of \$176,000.00 in penalties against Killam. Under the Administrative Procedure Act and the commission's rules, the matter is now appropriate for entry of a final order by the commission.

IT IS THEREFORE ORDERED by the commission that the commission issue the attached order in the case of Texas Department of Transportation v. Killam Development, Ltd., Docket No. 601-21-2916 to be signed by the chairman of the

commission on behalf of the commission, and directs the executive director to take the necessary steps to implement this order.

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

ITEM 9. State Infrastructure Bank

Houston County - City of Crockett - Consider preliminary approval of a request from the City of Crockett for a State Infrastructure Bank loan in the amount of up to \$6,000,000 to pay for the costs of utility relocation and construction necessary for up to 11 non-tolled, off-system projects involving various street improvements in Houston County, Texas (MO) (Presentation)

This item was presented by Project Finance, Debt & Strategic Contracts Division Enterprise Operations Manager Patrick Marotta. 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.

116333
PFD

City of Crockett (City) has submitted an application for financial assistance in the form of a loan of up to \$6,000,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay for the City's costs of utility relocation and construction necessary for non-tolled, off-system projects involving up to eleven (11) projects with limits outlined in Exhibit A in Houston County, Texas (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the projects.

The City has proposed a pledge of ad valorem tax revenue as security for repayment of the loan.

The SIB Rules provide for both preliminary and final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of more than \$10 million or in which the department does not have primary responsibility, unless the commission waives the preliminary approval requirement for that application.

The executive director or his designee implemented actions authorized and required by the SIB Rules for preliminary approval. The executive director recommends that the commission grant preliminary approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs; and

5. the application shows that City is likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants preliminary approval of the City's application for a SIB loan in an amount not to exceed \$6,000,000 to pay the City's costs of utility relocation and construction necessary for the non-tolled, off-system projects.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to commence negotiations and other actions with the City authorized and required by its rules.

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

ITEM 10. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Final Rule Adoptions

a. Chapter 15 - Ship Channel Improvement Revolving Loan Program

Amendment to §15.252 relating to eligible applicants and creation of §15.262 relating to the loan terms and forms of financial assistance (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Enterprise Operations Manager Patrick Marotta. 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.

116334
PFD

The Texas Transportation Commission (commission) finds it necessary to adopt an amendment to §15.252 relating to Eligible Applicants and new §15.262 relating to Agreements to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amended and new sections, 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 amendment to §15.252 and new section §15.262 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 and B are on file with the commission chief clerk.

b. Chapter 21 - Right of Way

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

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

116335
ROW

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

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§21.31, 21.37, 21.38, 21.40, and 21.41, and the repeal of §21.921-21.930 are adopted and are authorized for filing with the Office of the 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, and C are on file with the commission chief clerk.

ITEM 11. 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).

116336
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-DD. 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 1-127 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	US 90	72	0024-08-140	44
Bexar	US 90	73	0024-08-140	45
Bexar	US 90	74	0024-08-140	46
Bexar	US 90	75	0024-08-140	47
Bexar	SL 1604	77	2452-03-115	2
Bexar	SL 1604	86	2452-03-115	7
Bexar	SL 1604	78	2452-03-115	8
Bexar	SL 1604	79	2452-03-115	13
Bexar	SL 1604	80	2452-03-115	17
Bexar	SL 1604	81	2452-03-115	18
Bexar	SL 1604	82	2452-03-115	21
Bexar	SL 1604	83	2452-03-115	23
Bexar	SL 1604	84	2452-03-115	26
Bexar	SL 1604	85	2452-03-115	27
Bexar	SL 1604	87	2452-03-115	29
Bexar	SL 1604	88	2452-03-115	30
Bexar	SL 1604	89	2452-03-115	31
Bexar	SL 1604	90	2452-03-115	32
Bexar	SL 1604	91	2452-03-115	33

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	SL 1604	92	2452-03-115	34
Brazoria	FM 518	21	3416-01-014	106
Collin	FM 545	76	1012-02-040	P00063091
Denton	FM 1515	60	1951-01-012	P00055446, P00055447Pt2
Denton	FM 1515	58	1951-01-012	P00055448
Denton	FM 1515	59	1951-01-012	P00055449
Denton	SL 288	70	2250-02-023	21,21E
Denton	SL 288	71	2250-02-023	22,22E
Denton	SL 288	69	2250-02-023	24
Denton	SL 288	68	2250-02-023	25,26
Denton	SL 288	66	2250-02-023	27
Denton	SL 288	65	2250-02-023	28
Denton	SL 288	64	2250-02-023	29
Denton	SL 288	63	2250-02-023	31E
Denton	SL 288	67	2250-02-023	32,32E
Denton	SL 288	62	2250-02-023	33
Denton	SL 288	61	2250-02-023	34
Denton	SL 288	57	2250-02-023	35
Denton	SL 288	56	2250-02-023	36
Denton	SL 288	55	2250-02-023	37,37E
Denton	SL 288	54	2250-02-023	38,38E
Denton	SL 288	53	2250-02-023	39
Denton	SL 288	52	2250-02-023	40
Denton	SL 288	51	2250-02-023	42
Denton	SL 288	50	2250-02-023	43,43E
Denton	SL 288	108	2250-02-024	1
Denton	SL 288	107	2250-02-024	2
Denton	SL 288	105	2250-02-024	3
Denton	SL 288	104	2250-02-024	4
Denton	SL 288	101	2250-02-024	5,5E
Denton	SL 288	100	2250-02-024	12
Denton	SL 288	102	2250-02-024	14
Denton	SL 288	103	2250-02-024	15
Denton	SL 288	99	2250-02-024	16,16E
Denton	SL 288	97	2250-02-024	17
Denton	SL 288	98	2250-02-024	18
Fayette	US 77	34	0211-06-066	1
Fayette	US 77	35	0211-06-066	3
Fayette	US 77	39	0211-06-066	10
Fayette	US 77	3	0211-06-066	11
Fayette	US 77	40	0211-06-066	13
Fayette	US 77	27	0211-06-066	27
Fayette	US 77	4	0211-06-066	28
Fayette	US 77	41	0211-06-066	74
Fayette	US 77	7	0211-06-066	76
Fayette	US 77	20	0211-06-066	84
Fayette	US 77	8	0211-06-066	86

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Gregg	SH 42	6	0545-04-053	P00057850
Gregg	SH 42	29	0545-04-053	P00057851
Gregg	SH 42	32	0545-04-053	P00057892
Gregg	SH 42	30	0545-04-053	P00057904
Gregg	SH 42	33	0545-04-053	P00057906
Hartley	US 87	111	0425-01-022	2
Hartley	US 87	28	0425-01-022	3
Hartley	US 87	42	0425-01-022	4
Hartley	US 87	43	0425-01-022	6
Hartley	US 87	44	0425-01-022	9
Hartley	US 87	45	0425-01-022	10
Hartley	US 87	46	0425-01-022	11
Hartley	US 87	112	0425-01-022	14
Hartley	US 87	113	0425-01-022	15
Hartley	US 87	114	0425-01-022	16
Hartley	US 87	115	0425-01-022	17
Hartley	US 87	116	0425-01-022	18
Hartley	US 87	117	0425-01-022	19
Hartley	US 87	47	0425-01-022	20
Hartley	US 87	118	0425-01-022	21
Hartley	US 87	119	0425-01-022	22
Hartley	US 87	120	0425-01-022	24
Hartley	US 87	121	0425-01-022	25
Hartley	US 87	122	0425-01-022	26
Hartley	US 87	123	0425-01-022	27
Hartley	US 87	124	0425-01-022	28
Hartley	US 87	125	0425-01-022	29
Hartley	US 87	126	0425-01-022	30
Hartley	US 87	127	0425-01-022	32
Hidalgo	FM 1925	23	1803-01-102	P00060074
Jackson	FM 1593	38	1090-04-019	3
Lee	US 77	24	0211-05-023	47
Lee	US 77	25	0211-05-023	48
Lee	US 77	26	0211-05-023	53
Lee	US 77	2	0211-05-023	88
Montgomery	SH 105	18	0338-07-022	725A
Montgomery	SH 105	19	0338-07-022	725B
Moore	US 87	110	0425-02-038	33
Moore	US 87	109	0425-02-038	39
Moore	US 87	48	0425-02-038	42
Moore	US 87	49	0425-02-041	43
Starr	SL 195	1	3632-01-004	115
Starr	SL 195	5	3632-01-004	130
Starr	SL 195	22	3632-01-004	132
Starr	SL 195	31	3632-01-006	102
Taylor	FM 604	37	0974-03-017	P00057457
Taylor	FM 604	36	0974-03-017	P00057458
Travis	FM 973	94	1200-03-063	P00056408

NON-CONTROLLED ACCESS cont'd

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Travis	FM 973	95	1200-03-063	P00056409
Travis	FM 973	96	1200-03-063	P00056411
Travis	FM 973	106	1200-03-063	P00056412
Travis	FM 973	93	1200-03-063	P00056413
Tyler	US 69	10	0200-08-058	25
Tyler	US 69	9	0200-08-058	66
Tyler	US 69	11	0200-08-058	67
Tyler	US 69	12	0200-08-058	70
Tyler	US 69	13	0200-08-058	71
Tyler	US 69	14	0200-08-058	72
Tyler	US 69	15	0200-08-058	75
Tyler	US 69	16	0200-08-058	76
Tyler	US 69	17	0200-08-058	77

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Colorado	IH 10	J	0535-08-090	5
Colorado	IH 10	W	0535-08-090	17
Colorado	IH 10	X	0535-08-090	19
Colorado	IH 10	CC	0535-08-090	84
Colorado	IH 10	DD	0535-08-090	85
Denton	IH 35E	BB	0195-03-072	41
Denton	IH 35E	Y	0195-03-072	46
Denton	IH 35E	AA	0195-03-072	P00061198
Denton	IH 35E	Z	0195-03-072	P00061199
Hunt	IH 30	N	0009-13-190	P00063137
Hunt	IH 30	M	0009-13-190	P00063141
Travis	IH 35	U	0015-13-406	P00001049
Travis	IH 35	R	0015-13-406	P00001051
Travis	IH 35	S	0015-13-406	P00001067
Travis	IH 35	D	0015-13-406	P00001083
Travis	IH 35	Q	0015-13-406	P00001084
Travis	IH 35	E	0015-13-406	P00001090
Travis	IH 35	O	0015-13-406	P00001107
Travis	IH 35	C	0015-13-406	P00001115
Travis	IH 35	G	0015-13-406	P00056271
Travis	IH 35	K	0015-13-406	P00056273
Travis	IH 35	P	0015-13-406	P00056274
Travis	IH 35	F	0015-13-406	P00056279
Travis	IH 35	B	0015-13-406	P00056285
Travis	IH 35	A	0015-13-406	P00056288
Travis	IH 35	V	0015-13-406	P00056289
Travis	IH 35	L	0015-13-406	P00056306
Travis	IH 35	T	0015-13-406	P00056309
Travis	IH 35	I	0015-13-406	P00060285
Travis	IH 35	H	0016-01-122	P00001332

Note: Exhibits A - DD and 1 - 127 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. Commissioner New made a motion, which was seconded by Commissioner Ryan, 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)

116337
CSD

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

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

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

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

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

Exhibit C lists donations made to the department under the Sponsorship Acknowledgement Program.

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

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

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
4620 FM 1327 Development Limited Liability Company	AUS	Travis	Design and construction of a roadway overlay and pavement marking modifications to create a left turn lane to serve the Creedmoor Ditmar Industrial development driveway at 4620 FM 1327 in Creedmoor.
Adkisson Group, Inc.	HOU	Harris	Design and construction of extending the existing median on exit ramp for Fondren Road on South Sam Houston Parkway West from westbound Fondren Road exit ramp onto the Beltway 8 feeder road development in Houston.
Adkisson Group, Inc.	HOU	Harris	Design and construction of intersection traffic signal from Beltway 8 East and East Little York into the Little York Business Park development in Houston.
AT&T Services, Inc.	TRF	Harris	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 3, from I-45 to Alameda Genoa Road, designated as the Vanessa Guillen Memorial Highway in Harris County.
Bellavista Homes LLC	SAT	Guadalupe	Design and construction of left and right turn lanes for Panther Ridge a new public street serving the Jaro North Subdivision approximately 0.34-mile North of FM 758 on SH 123 in Guadalupe County.

BW Gas & Convenience Retail, LLC	WAC	Bosque	Design and construction of approximately 133 linear feet (LF) of existing shoulder along SH 6 being modified to a right turn lane into the proposed Allsup's site and approximately 87 LF of shoulder along the driveway frontage being upgraded to match the travel lane structural configuration in Meridian.
Circuit of the Americas LLC	AUS	Travis	Design and funds to cover the state's cost to construct a new traffic signal at the intersection of FM 812 and Circuit of the Americas Boulevard in Austin.
City of Grand Prairie Tourist Information Center	TRV	N/A	Educational and promotional tours during a familiarization study tour of Grand Prairie during November 11-14, 2022, in Grand Prairie, Texas.
Col. Joseph C. Rodriguez (MoH) Chapter 249 of the Korean War Veterans Association	TRF	El Paso	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 54 from Loop 375 to the New Mexico state line, designated as the Korean War Veterans Memorial Highway in El Paso County.
Continental Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of right and left turn lanes and traffic signal for a new street (Sauvignon Creek Drive) serving the Winding Creek Ranch Unit 2 Subdivision on FM 1044 in Guadalupe County.
Gillette Holdings, Ltd.	SAT	Guadalupe	Design and construction provides for a right turn lane and acceleration/merge lane for Trail Creek Drive a new street intersecting SH 46 approximately 1.3 southeast of I-35 New Braunfels.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Lealco, Inc.	AUS	Bastrop	Design and construction of deceleration lanes on SH 21 from 0.25 miles east of FM 812 to 0.3 miles east of County Road 370 in Cedar Creek.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Comal	Design and construction of right and left turn lanes on new street (Fox Wing) serving the Gatehouse Unit 1 Subdivision in Comal County.
LMTXLP LLC	WAC	Hamilton	Design and construction of a southbound right turn lane on FM 1602 located at the entrance to the Lone Mountain Ranch development project in Hamilton.
MA Durango Farms, LLC	AUS	Williamson	Design and construction of intersection improvements to include 1) right turn lane; 2) left turn lane; 3) sidewalk construction; and 4) traffic signal at FM 1660 and Mager Lane in Hutto.
McDonald's USA, LLC	WAC	McLennan	Design and construction of a proposed deceleration/turn lane at the northwest corner of north Robinson Drive (US 77) and Peplow Drive, Robinson.
Meritage Homes of Texas, LLC	HOU	Fort Bend	Design and construction of a left turn lane from southbound FM 2218 into Wall Street Village development in Richmond.
Mosaic Development LLC	SAT	Bexar	Design and construction of left and right turn lanes for a new public street serving the Clearwater Creek subdivision on FM 2538 approximately 1.5 miles southeast of I-10 in San Antonio.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Orion Venture XII North, LLC	SAT	Bexar	Design and construction for installation of delineators in the existing exit ramp striped island adjacent to existing commercial driveway on I-35 northbound frontage road located in Windcrest.
Precast/Prestressed Concrete Institute	BRG MTD	N/A	Airfare, ground transportation, lodging at the conference hotel, conference registration and other directly related expenses for Jason Tucker, P.E., Section Director, Prefabricated Structural Materials, Materials and Tests Division and Jamie Farris, P.E. Bridge Division Deputy Director to attend the 2022 Precast/Prestressed Concrete Institute Committee Days and Technical Conference on September 20-23, 2022, in Rosemont, IL.
Pulte Homes of Texas, L.P.	SAT	Bexar	Design and construction of turn lanes on SH 211 and Mansions Bluffs in San Antonio.
QT South, LLC	BMT	Orange	Design and construction of roadway widening on the east and west sides of SH 62 to accommodate a southbound right turn lane into the new QuikTrip 7944 facility north of I-10 Orange County.
Ryan Companies US, Inc.	AUS	Travis	Design and construction of an entrance and exit ramp to and from SH 130 just north of East Howard Lane in Manor.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
SFLP-Ranch Creek, LP	SAT	Bexar	Design and construction for installation of northbound to southbound turnaround, southbound to northbound acceleration lane, northbound right turn deceleration lane at driveway #1, close existing median opening at this location, and close existing median opening south of the development to install a southbound to northbound turnaround on SH 16 in San Antonio.
Texas DPS Troopers Foundation, Inc.	TRF	Cameron	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 100 between FM 523 and FM 3069, designated as the Trooper David Irvine Rucker Memorial Highway in Cameron County.
Texas DPS Troopers Foundation, Inc.	TRF	Limestone	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 164 between FM 1953 and County Road 789, designated as the Trooper Chad M. Walker Memorial Highway in Limestone County.
Texas DPS Troopers Foundation, Inc.	TRF	Montgomery	Funds to design, fabricate, and install two memorial highway designation signs on the portion of FM 1774 between Misty Meadow Drive and Hunters Road, designated as the Trooper Mark Jeffrey Phebus Memorial Highway in Montgomery County.
Texas DPS Troopers Foundation, Inc.	TRF	Harrison Gregg	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 80 between US 259 and Loop 281, designated as the Trooper Timothy Wade McDermott Memorial Highway within Harrison and Gregg counties.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Texas DPS Troopers Foundation, Inc.	TRF	Bexar	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 90 between SH 211 and Montgomery Road, designated as the Sergeant William Kuhnle Jr. and Trooper Ralph G. Zerda Memorial Highway in Bexar County.
The Austin Golf Club	AUS	Travis	Design and funds to cover the state's cost to construct a right turn deceleration lane on SH 71 in Spicewood.
Zoe Lakeview, LLC	WAC	McLennan	Design and construction a right turn lane on North I-35 frontage road south of Meyers Lane into the donor's development in Lacy Lakeview.
Maryfield, Ltd, a Texas Limited Partnership	HOU	Harris	Donation of 0.1166 acres of land on SH 35. The property being donated will be utilized for a deceleration lane on SH 35 at Coral Trails Drive.
Miralomas Development Corporation, a Delaware Corporation	SAT	Kendall	Donation of 0.5174 acres of land on SH 46. The property being donated will be utilized to widen the right of way for construction of a new driveway, onto SH 46, for Miralomas Boulevard.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.0107 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.3764 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.1592 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.0346 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.0423 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.0287 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 17.31 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 2.931 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 2.950 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.9058 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 0.2055 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 7.358 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
The City of Wharton, A Texas Municipality	YKM	Wharton	Donation of 3.451 acres of land on FM 1301. The property being donated will be used for the extension of FM 1301 from SH 60 to US 59 in Wharton.
A+ Federal Credit Union	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Elephant Insurance Services, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Smurfit Kappa North America LLC	DAL	Kaufman	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Law Firm of Roger "Rocky" Walton, P.C.	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Link Staffing	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Kinetik Holdings, Inc.	HOU	Fort bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Majestic Title, LLC	HOU	Fort bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
V.T. Nguyen, D.D.S PA (dba) Ecodental	HOU	Fort bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Kinetik Holdings, Inc.	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Kinetik Holdings, Inc.	ODA	Reeves	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Southtown Alkaline	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Will-Luc Enterprises, LLC dba Junk King San Antonio	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Ector County - FM 2227 - Consider the sale of an easement to an abutting landowner (MO)

116338
ROW

Near the City of Odessa, Ector County, near FM 2227, the State of Texas acquired a certain easement for right of way purposes by an instrument recorded in Volume 241, at Page 146, of the Deed Records of Ector County, Texas.

A portion of the easement, which portion encumbers the 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 recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Michael J. Thompson is an abutting landowner and has requested to purchase the easement for \$228,156.50.

The commission finds \$228,156.50 to be a fair and reasonable value of the state's right, title, and interest in the easement.

IT IS THEREFORE ORDERED by the commission that the easement encumbering the real property 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 assigning all of the state's right, title, and interest in the easement to Michael J. Thompson for \$228,156.50.

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

(2) Grayson County - US 69 - Consider the sale of right of way to an abutting landowner (MO)

116339
ROW

In the City of Denison, Grayson County, on US 69, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 935, at Page 61, and in Volume 400, at Page 57, of the Deed Records of Grayson County, Texas.

Portions of the land, which portions are described in Exhibit A (tract 1), and in Exhibit B (tract 2), are 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.

Business and Industrial Corporation of Denison, Inc., a Texas non-profit corporation, is an abutting landowner and has requested to purchase the tracts for \$31,212.

The commission finds \$31,212 to be a fair and reasonable value of the state's right, title, and interest in the tracts.

IT IS THEREFORE ORDERED by the commission that the tracts are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tracts to the Business and Industrial Corporation of Denison, Inc., a Texas non-profit corporation, for \$31,212; 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 and B are on file with the commission chief clerk.

(3) Tarrant County - US 377 - Consider the quitclaim to a county or municipality of an interest in real property that might have accrued to the state by use. The interest in the real property was acquired and held by Tarrant County in its own name for use by the state (MO)

116340
ROW

In the City of Haltom City, Tarrant County, on US 377, the State of Texas used certain land for highway purposes that was acquired in the name of Tarrant County by instruments recorded in Volume 1112, at Page 611, and in Volume 1121, at Page 134, of the Deed Records of Tarrant County, Texas.

Portions of the land, which portions are described in Exhibit A (tract 1) and in Exhibit B (tract 2), are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim to a county or municipality of any interest in real property that might have accrued to the state by use if the interest in the real property was acquired and held by the county or municipality in its own name for use by the state.

Tarrant County has requested the quitclaim of the tracts to Tarrant County, Texas.

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

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

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

(4) Travis County - SH 130 - Consider the designation of two locations on the SH 130 northbound on-ramp at Parmer Lane at which access will be permitted to the abutting property (MO)

116341
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 by an instrument recorded as Document No. 2007034061 of the Official Public Records of Travis County, Texas, with denial of access to the abutting remainder property per Transportation Code, §203.034(a).

BFP Crossroads I, LLC, a Texas limited liability company, the current owner of abutting property, has requested designated access to and from the SH 130 northbound on-ramp for proposed access at two locations along the property line at the new access points described in Exhibit A.

BFP Crossroads I, LLC, a Texas limited liability company, has committed to purchase the access for \$315,000.

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 points will not compromise the mobility, safety, or operation of the existing state highway facility.

The commission further finds that the egress necessary for fire evacuation purposes is temporary, and when that access is no longer necessary for fire evacuation purposes, it shall immediately and automatically revert to the State of Texas.

The commission further finds \$315,000 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 BFP Crossroads I, LLC, a Texas limited liability company, for \$315,000.

IT IS FURTHER ORDERED that, if the egress ceases to be necessary for fire evacuation purposes, it shall immediately and automatically revert to the state.

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

(5) Williamson County - Spur 26 - Consider an easement release to the underlying fee owner (MO)

116342
ROW

In the City of Georgetown, Williamson County, on Spur 26, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 271, at Page 5, of the Deed Records of Williamson County, Texas.

All of the easement, which easement encumbers the real property described in Exhibit A (tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Loram Technologies, Inc., a Texas corporation, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$94,860.

The commission finds \$94,860 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 Loram Technologies, Inc., a Texas corporation, for \$94,860.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Dallas and Denton Counties - Annual Inspection Report for the I-35E Managed Lanes Project (Report)

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

d. Highway Designation

(1) Bosque County - Consider designating FM 56 on a new location and designating segments of FM 56 and FM 2114 along County Road 3615 (MO)

116343
TPP

In Bosque County, the Waco District has requested the following actions: (1) designate FM 56 on a new location from existing FM 56 southeastward to existing County Road 3615, a distance of approximately 0.2 miles; (2) designate a segment of FM 56 along County Road 3615 from the new location of FM 56 southwestward to existing FM 56, a distance of approximately 0.2 miles; and (3) designate a segment of FM 2114 along County Road 3615 from existing FM 2114 southwestward to the new location of FM 56, a distance of approximately 0.2 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) FM 56 is designated on a new location from existing FM 56 southeastward to existing County Road 3615, a distance of approximately 0.2 miles; (2) a segment of FM 56 is designated along County Road 3615 from the new location of FM 56 southwestward to existing FM 56, a distance of approximately 0.2 miles; and (3) a segment of FM 2114 is designated along County Road 3615 from existing FM 2114 southwestward to the new location of FM 56, a distance of approximately 0.2 miles, as shown on Exhibit A.

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

(2) Wharton County - In the city of Wharton, consider extending the designation of FM 1301 along a new location on the state highway system (MO)

116344
TPP

The city of Wharton and the Yoakum District have requested the extension of the designation of FM 1301 along a new location on the state highway system from the intersection of SH 60 and existing FM 1301 northwestward to US 59, a distance of approximately 1.7 miles.

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

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

IT IS THEREFORE ORDERED by the commission that FM 1301 is extended along a new location on the state highway system from the intersection of SH 60 and existing FM 1301 northwestward to US 59, a distance of approximately 1.7 miles, as shown on Exhibit A.

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

e. Designation of Access Control

Harris County - I-10, just east of Katy - Consider the designation of five locations on the westbound frontage road of I-10 at which access will be permitted to the abutting property (MO)

116345
DES

In HARRIS COUNTY, on Interstate Highway 10 (I-10), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the instrument recorded in P019476 of the Official Public Records of Harris County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Westside Ventures, Ltd., the current owner of the abutting property, has requested designated access to and from the westbound frontage road of I-10 for proposed access at five locations along the property line at new access points described in Exhibit A1 and Exhibit A2.

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

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

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

NOW, THEREFORE, the commission finds that the new access points will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access points described in Exhibit A1 and Exhibit A2 as locations where ingress and egress are permitted to and from the westbound frontage road of I-10.

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

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

f. Rail Clearance Deviations

Montgomery County - Consider the approval of rail clearance deviations (MO)

116346
RRD

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

The Texas Department of Transportation (department) received an application from Union Pacific Railroad requesting two clearance deviations for a bridge structure replacement located in Montgomery County, Texas; clearance deviations specifics detailed in Exhibit A. The department investigated the location to determine whether good cause could be shown and whether the deviations could be operated in a reasonable and safe manner.

In determining whether the new structure demonstrates good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements;
- (2) the safety of employees working near railroad tracks; and
- (3) limited clearances.

The department reviewed facility plans, visited the site, and determined the requested clearance deviations are reasonable, safe, and include sufficient:

- (1) warning signs at limited clearance locations; and
- (2) safety rules, operational requirements, and training to address employee safety.

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

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviations as described in Exhibit A are approved.

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

g. Speed Zones

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

116347
TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in Exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in Exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached Exhibits A and B are declared as tabulated in those exhibits. The executive director is directed to implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing speed zones shown on the attached Exhibit C are canceled.

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

ITEM 13. Executive Session Pursuant to Government Code, Chapter 551
Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

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

The commission received comments from Stephany Valdez, Erin Eriksen, Natalia Moreno, David Espinoza, and Katy Murdza all representing Stop TxDOT I-45; and private Citizen Don Dixon who commented on High Occupancy Vehicle lanes.

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 11:47 a.m.

APPROVED by the Texas Transportation Commission on October 27, 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 September 22, 2022, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk
Texas Department of Transportation