

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 27, 2022, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 3:50 p.m. on October 19, 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 September 22, 2022, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the minutes of the September 22, 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 comments from private citizen Don Dixon on Loop 1604 in San Antonio. 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.

116348
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 October 6 and 7, 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 awarded as indicated therein.

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

b. 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.

116349
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 October 6 and 7, 2022, as shown on Exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

116350
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 October 4 and October 5, 2022, as shown on Exhibit A.

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

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

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

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

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

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

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

ITEM 5. Discussion Item
TxDOT MPO Safety Taskforce Update (Presentation)

This discussion was led by Chief Engineer Lance Simmons. The commission asked questions and discussed the topic. The commission heard comments from Natalia Moreno with Stop TxDOT I-45.

ITEM 6. Aviation
Various Counties - Consider the award of federal non-primary entitlement grant funding, federal apportionment grant funding and state grant funding for airport improvement projects at various locations (MO)

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

116351
 AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

Further, Texas Constitution, Article 3, §49-k(c) authorizes money in the Texas Mobility Fund (TMF) to be used to provide participation by the state in the payment of a portion of the costs of constructing and providing public transportation projects in accordance with the procedures, standards, and limitations established by law. Texas Transportation Code §201.943 provides that money in the TMF may be used in the payment of a portion of the costs for providing public transportation projects that are determined by the Texas Transportation Commission (commission) to be in the best interests of the state in its major goal of improving the mobility of the residents of the state.

The airports listed in Exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds, federal apportionment grant funds, and state grant funds for the improvements.

On September 30, 2022, a public hearing was held. No comments were received.

Pursuant to Transportation Code §§201.943 and 201.946, the commission finds that the public transportation projects in Exhibit A to be in the best interests of the state in its major goal of improving the mobility of the residents of the state and are eligible for TMF funds.

IT IS THEREFORE ORDERED by the commission that the executive director, or the director's designee, subject to applicable federal and state requirements, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in Exhibit A.

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

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

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

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

116352
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments §§11.401, 11.404-11.406, and 11.408 relating to Transportation Alternatives Set-Aside Program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that §§11.401, 11.404-11.406, and 11.408 are 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 and B are on file with the commission chief clerk.

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

This item was presented by Public Transportation Division Director Eric Gleason. The commission heard comments from Jim Cline, Vice Chair of the Public Transportation Advisory Committee. 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.

116353
PTN

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

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

IT IS THEREFORE ORDERED by the commission that the amendments to §31.36 are adopted and are authorized for filing with 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.

ITEM 8. State Infrastructure Bank (Presentation)

a. Collin County - Wylie Northeast Special Utility District - Consider final approval of a request from the Wylie Northeast Special Utility District for a State Infrastructure Bank loan in the amount of up to \$5,000,000 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen FM 2514 in Collin County, Texas (MO)

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

116354
PFD

Wylie Northeast Special Utility District (SUD) has submitted an application for financial assistance in the form of a loan of up to \$5,000,000 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 the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The SUD intends to use the financial assistance to pay the costs of utility relocation to widen FM 2514 in Collin County.

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

The SUD has proposed a subordinate lien pledge of water system net revenues as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of SUD’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 in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state’s transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the SUD is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public’s safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the SUD for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the SUD’s application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$5,000,000 to pay the costs of utility relocation for the non-tolled project.

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

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

b. Houston County - City of Crockett - Consider final 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)

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 New, and the commission approved the following minute order by a vote of 4 - 0.

116355
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.

In Minute Order No. 116333, dated September 22, 2022, the commission granted preliminary approval of the City's application and, in accordance with the SIB Rules, found that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air 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 the City is likely to have sufficient revenues to assure repayment of the financial assistance.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, as contained in the Term Sheet attached hereto as Exhibit B.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the City's application for financial assistance from the SIB.

In accordance with the SIB Rules, the commission finds that providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB, and the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit B in an amount not to exceed \$6,000,000 to pay the 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 enter into a financial assistance agreement with the City which complies with the SIB Rules and which contains the terms in the Term Sheet attached hereto as Exhibit B.

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

c. Polk County - City of Corrigan - Consider final approval of a request from the City of Corrigan for a State Infrastructure Bank loan in the amount of up to \$400,000 to pay for

the costs of utility relocation necessary for a non-tolled state highway improvement project to construct the US 59 bypass in Polk County, Texas (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.

116356
PFD

City of Corrigan (City) has submitted an application for financial assistance in the form of a loan of up to \$400,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay the costs of utility relocation to construct the US 59 bypass in Polk County.

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

The City has proposed a pledge of combined water and sewer revenues and ad valorem taxes as security for repayment of the loan.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement as necessary to protect the public’s safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, contained in the Term Sheet attached hereto as Exhibit A.

The SIB Rules allow for final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of City’s application for financial assistance from the SIB.

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

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in a Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state’s transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public’s safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$400,000 to pay the costs of utility relocation for the non-tolled project.

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

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

d. El Paso County - Camino Real Regional Mobility Authority (CRRMA) - Consider approving revised interest rates for two SIB loans to the CRRMA, the first in the amount of \$30 million used to pay for the construction of the non-tolled Americas Interchange Projects that was previously approved in Minute Order 112295, and the second in the amount of \$20 million used to pay for non-tolled Loop 375 and FM 659 Direct Connect Projects that was previously approved in Minute Order 112668, along with authorizing the executive director to enter into related agreements (MO)

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 New, and the commission approved the following minute order by a vote of 4 - 0.

116357
PFD

On June 8, 2010, by Minute Order 112295, the Texas Transportation Commission (commission) granted final approval of a revised application for financial assistance from the Camino Real Regional Mobility Authority (CRRMA) to borrow up to \$30 million from the State Infrastructure Bank (SIB) to pay for the development and construction of four direct connectors on I-10 at Loop 375 along with other interchange improvements (Americas Interchange Projects). Minute Order 112295 also authorized the Executive Director of the Texas Department of Transportation (department) to enter into a financial assistance agreement with the CRRMA under which the loan would be amortized over 30 years at 4.95 percent per annum.

On April 28, 2011, by Minute Order 112668 the commission granted final approval of an application for financial assistance from the CRRMA to borrow up to \$20 million from the SIB to pay for the construction of two direct connectors at Loop 375 (Joe Battle Boulevard) and FM 659 (Zaragoza Road). Minute Order 112668 also authorized the Executive Director of the department to enter into a financial assistance agreement with the CRRMA under which the loan would be amortized over 30 years at 4.95 percent per annum.

CRRMA has requested to participate in a one-time interest rate adjustment on the loans approved in Minute Order 112295 and Minute Order 112668. The maturity date of the loans will not be extended and CRRMA will pay a fee equal to .50% of the outstanding balance of the loans at the time of execution of related agreements.

CRRMA is current on payments for both loans, compliant with all loan agreement provisions and qualifies for a one-time interest rate adjustment.

IT IS THEREFORE ORDERED that the loans approved in Minute Order 112295 and Minute Order 112668 have the interest rate revised to 3.75%.

IT IS FURTHER ORDERED that the executive director of the department or his designee is authorized to enter into related agreements in connection with the one-time interest rate adjustment on the loans.

ITEM 9. Audit Plan

Consider the approval of the Internal Audit Plan for Fiscal Year 2023 and determine whether adequate resources have been dedicated to the Internal Audit Program (MO) (Presentation)

This item was presented by Internal Audit Division Director Craig Otto. 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.

116358
AUD

The Texas Internal Auditing Act, Government Code, Chapter 2102, requires the internal auditor to create an annual Internal Audit Plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The Internal Audit Plan must be approved by the state agency’s governing board. In addition, the governing board must periodically review the resources dedicated to the Internal Audit Program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

The Chief Audit and Compliance Officer has developed an Internal Audit Plan for fiscal year (FY) 2023, which is set forth in Exhibit A. This Internal Audit Plan includes a list of internal audits aimed at providing assurance and identification for process/program improvement statewide. This Internal Audit Plan identifies the audits to be conducted and the resources available to the Internal Audit Division for FY 2023.

The Chief Audit and Compliance Officer considers the resources for FY 2023 to be adequate to address the risks that warrant audit coverage.

The Internal Audit Plan for FY 2023 is presented to the Texas Transportation Commission (commission) for approval and for a determination that adequate resources exist to ensure that the risks identified are adequately covered.

IT IS THEREFORE ORDERED by the commission that the Internal Audit Plan for FY 2023, as shown in Exhibit A, is hereby approved.

FURTHER, the commission finds that adequate resources have been dedicated to the Internal Audit Program to ensure that the risks identified in the annual risk assessment, including fraud risks, are covered within a reasonable time.

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

ITEM 10. Purchase of easements adjoining Safety Rest Areas

Various County - Consider authorizing the executive director to negotiate and acquire by purchase sanitary control easements for the possible use of, or in connection with, three existing safety rest area facilities, located in Live Oak, Sutton, and Culberson Counties, before environmental clearance by the appropriate federal or state authority has been received by the department for the acquisition (MO)

Deferred

This item was deferred and not considered by the commission.

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 Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

116359
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-U. 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 1-65 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
Angelina	FM 324	40	0176-08-027	P00061827
Angelina	FM 324	41	0176-08-027	P00061828
Angelina	FM 324	39	0176-08-027	P00061829
Angelina	FM 324	42	0176-08-027	P00061830
Denton	SL 288	18	2250-02-024	6,6E
Denton	SL 288	12	2250-02-024	7
Denton	SL 288	19	2250-02-024	8
Denton	SL 288	13	2250-02-024	9
Denton	SL 288	14	2250-02-024	10
Denton	SL 288	15	2250-02-024	11
Denton	SL 288	17	2250-02-024	13
Denton	SL 288	16	2250-02-024	20
Fayette	US 77	1	0211-06-066	29
Fort Bend	FM 723	47	0188-09-052	100
Fort Bend	FM 723	46	0188-09-052	103
Fort Bend	FM 723	50	0188-09-052	108
Fort Bend	FM 723	51	0188-09-052	110
Fort Bend	FM 723	52	0188-09-052	111
Fort Bend	FM 723	49	0188-09-052	113
Fort Bend	FM 723	48	0188-09-052	119
Fort Bend	FM 723	60	0188-09-052	121
Fort Bend	FM 723	44	0188-09-052	122
Fort Bend	FM 723	45	0188-09-052	125
Galveston	FM 646	64	3049-01-032	101
Galveston	FM 646	25	3049-01-032	111
Galveston	FM 646	26	3049-01-032	112
Galveston	FM 646	61	3049-01-032	114
Galveston	FM 646	54	3049-01-032	120
Galveston	FM 646	27	3049-01-032	200
Galveston	FM 646	37	3049-01-032	201
Galveston	FM 646	28	3049-01-032	203
Galveston	FM 646	29	3049-01-032	204
Galveston	FM 646	30	3049-01-032	207
Galveston	FM 646	53	3049-01-032	208
Galveston	FM 646	31	3049-01-032	209
Galveston	FM 646	33	3049-01-032	215
Galveston	FM 646	34	3049-01-032	216
Galveston	FM 646	59	3049-01-032	218
Galveston	FM 646	65	3049-01-032	226
Galveston	FM 646	35	3049-01-032	243
Gonzales	FM 108	55	0715-01-028	P00061203
Gonzales	FM 108	56	0715-01-028	P00061204
Gregg	SH 42	4	0545-04-053	P00057840

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Gregg	SH 42	5	0545-04-053	P00057856
Gregg	SH 42	20	0545-04-053	P00057859
Gregg	SH 42	6	0545-04-053	P00057879
Gregg	SH 42	7	0545-04-053	P00057882
Gregg	SH 42	8	0545-04-053	P00057884
Gregg	SH 42	11	0545-04-053	P00057886
Gregg	SH 42	24	0545-04-053	P00057888
Gregg	SH 42	9	0545-04-053	P00057889
Gregg	SH 42	21	0545-04-053	P00057893
Gregg	SH 42	22	0545-04-053	P00057895
Gregg	SH 42	32	0545-04-053	P00057898
Gregg	SH 42	36	0545-04-053	P00057899
Gregg	SH 42	10	0545-04-053	P00057913
Gregg	SH 42	23	0545-04-053	P00057914
Gregg	FM 2275	62	2158-01-024	86
Gregg	FM 2275	63	2158-01-024	166
Hidalgo	FM 1925	58	1803-01-102	P00060067
Jackson	FM 1593	57	1090-04-019	1
Lubbock	FM 1585	38	1502-01-039	157,157AE
Tyler	US 69	2	0200-08-058	61
Tyler	US 69	43	0200-08-058	73
Tyler	US 69	3	0200-08-058	74

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Colorado	IH 10	C	0271-01-084	25
Colorado	IH 10	B	0535-08-090	22
Freestone	IH 45	A	0675-01-076	P00058807
Randall	IH 27	E	0067-17-035	1
Randall	IH 27	U	0168-09-188	3
Randall	IH 27	T	0168-09-188	4
Randall	IH 27	S	0168-09-188	5
Randall	IH 27	R	0168-09-188	6
Randall	IH 27	Q	0168-09-188	7
Randall	IH 27	P	0168-09-188	8
Randall	IH 27	O	0168-09-188	9
Randall	IH 27	N	0168-09-188	10
Randall	IH 27	M	0168-09-188	11
Randall	IH 27	L	0168-09-188	12,12E
Randall	IH 27	K	0168-09-188	13
Randall	IH 27	J	0168-09-188	14
Randall	IH 27	I	0168-09-188	15
Randall	IH 27	H	0168-09-188	16
Randall	IH 27	G	0168-09-188	17
Randall	IH 27	F	0168-09-188	18
Randall	IH 27	D	0168-09-188	22

Note: Exhibits A - U and 1 - 65 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. The commission heard comments from Jennifer Shepherd with the I-69 Coalition in favor of item 12e the Highway Designation in Willacy and Kenedy counties, Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute orders by a vote of 4 - 0.

a. Donations to the Department

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

116360
CSD

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

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

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

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

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

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

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Abiso Potranco, LP	SAT	Bexar	Design and construction for installation of pavement widening to allow for a left turn lane on SH 211 located south of the Potranco Road (FM 1957) and SH 211 intersection in Bexar County.
Arete Collective, LP	AUS	Travis	Design and funds sufficient to cover the state's cost for construction of pavement widening to accommodate right turn lanes at future entrances to Thomas Ranch subdivision on SH 71 in Travis County.
Atlantis WKA Bastrop, LLC	AUS	Bastrop	Design and construction of deceleration and acceleration lanes on SH 71 from 0.05 miles east of Mesa Verde Drive to 0.05 miles west of Berdoll Loop in Cedar Creek.
Century Land Holdings II, LLC and GRBK Edgewood LLC	AUS	Bastrop	Design and construction of deceleration lanes on US 290 from 0.15 miles west of Swenson Boulevard to West Brenham Street in Elgin.
DD WPT 11.45, LLC	HOU	Fort Bend	Design and construction of a deceleration lane from westbound FM 1093 into the Peek Road Apartments Phase 2 development in Houston.

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Firefly Partners, LLC	AUS	Gillespie	Design and construction of a left turn lane on RM 1376 in Luckenbach.
Full Draw Ventures, LLC	WAC	McLennan	Design and construction of a deceleration/turn lane on W. Moonlight Drive into La Pradera Subdivision in Robinson.
HT Canyon West Development LP	AUS	Burnet	Design and a fixed amount to cover the state's cost to construct a right turn lane on SH 71 in Spicewood.
LCD Multifamily Partners, LLC	AUS	Caldwell	Design and construction of deceleration lanes on FM 20 from South Medina Street to Guadalupe Street in Lockhart.
LIT IDV 130 Ranch Land, LLC	AUS	Travis	Funds to cover the state's cost to conduct a Traffic and Revenue Analysis Study for the proposed improvements on SH 130 Northbound Frontage Road between Gregg Manor Road and Aviation Drive as part of IDV's proposed industrial park development in Austin.
Missouri City BTR, LLC	HOU	Fort Bend	Design and construction of a traffic signal at SH 6 and Vicksburg Boulevard and a right turn lane from westbound SH 6 into the Dinerstein development in Missouri City.
QT South, LLC	WAC	Bell	Design and construction of pavement widening for two right turn deceleration lanes at the proposed QuikTrip development near the intersection of the I-35 southbound frontage road and FM 2484 in Salado.

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
RED Family Development, LLC	BRY	Grimes	Fixed amount of funds to cover the state's cost to design and construct a left turn lane on SH 30 into the donor's property located in Grimes County.
Rivercliff Home Owners Association, Inc.	AUS	Travis	Design and a fixed amount funds to cover the state's cost of construction of a right turn lane on SH 71 to Rivercliff Subdivision in Spicewood.
Starlight Homes Texas L.L.C.	SAT	Bexar	Design and construction for the installation of a signalized westbound to eastbound turnaround with deceleration lanes, right turn deceleration lane and acceleration lane at Jungman Road, an unsignalized eastbound to westbound turnaround with deceleration and acceleration lanes, Grading, and drainage on US 90 located approximately at Jungman Road (0.4 miles east of Jungman Road to 1.0 mile west of Jungman Road.) Bexar County.
Texas Travel Alliance	TRV	N/A	In-kind donation of food, beverages, transportation, and admissions to area attractions for the familiarization study tour of the Greater Houston area during October 16-20, 2022.

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
The Lookout Group, Inc.	SAT	Kendall	Design and construction of widening SH 46, install westbound right turn, westbound left turn, and eastbound dual left turn lanes, pavement markings, roadside drainage, and traffic signal in Kendall County within the ETJ of Boerne.
The Methodist Hospital	HOU	Harris	Design and construction of a deceleration lane and a relocated driveway entrance from northbound US 290 frontage road into the donor's development in Cypress.
Welttower OP LLC	HOU	Harris	Design and construction of a right turn lane from eastbound SH 96 into the Kelsey Seybold South Shore Harbour development in League City.
Z-Modular Marble Falls Flatz 281, LLC	AUS	Burnet	Design and construction of right turn deceleration lane into the Flatz281 development in Marble Falls.
Pool Lux, LLC Union	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Texas Eye and Cataract	DAL	Ellis	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Brazoria	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Mambo Management LP (dba) Mambo Seafood	HOU	Fort Bend	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Phat Eatery	HOU	Fort Bend	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
AMCAP Mortgage, LTD.	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Gallery Model Homes, Inc. DBA Gallery Furniture	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Nations Reliable Lending, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Kerri Payne, LP dba The Agency, Kerri Payne James Real Estate Team	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.
Kinetik Holdings, Inc.	ODA	Ward	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Alamo Heights Rotary Club	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bexar County - PA 1502 (Wurzbach Parkway) - Consider an easement release to the underlying fee owner (MO)

116361
ROW

In the City of San Antonio, Bexar County, on PA 1502 (Wurzbach Parkway), the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 6942, at Page 1739, of the Official Public Records of Real Property of Bexar County, Texas.

Portions of the easement, which encumber the real property described in Exhibit A (tracts), 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 release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Riverwalk Education Foundation, Inc. D/B/A School of Science and Technology is the owner of the fee interest in the property and has requested to purchase the easement interest for \$31,300.

The commission finds \$31,300 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 tracts, 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 Riverwalk Education Foundation, Inc. D/B/A School of Science and Technology for \$31,300.

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

(2) Fayette County - I-10 - Consider the sale of right of way to an abutting landowner (MO)

116362
ROW

In the City of Schulenburg, Fayette County, on I-10, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 367, at Page 422, of the Deed Records of Fayette County, Texas.

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

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

Texan Store Properties, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$386,853.48.

The commission finds \$386,853.48 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Texan Store Properties, LLC, a Texas limited liability company, for \$386,853.48; SAVE AND EXCEPT, however, there is to be excepted and reserved

therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Grayson County - FM 120 - Consider the sale of an easement to an abutting landowner (MO)

116363
ROW

In the City of Denison, Grayson County, on FM 120, the State of Texas acquired an easement encumbering certain land for highway purposes by an instrument recorded in Volume 4979, at Page 341, of the Official Records of Grayson County, Texas. Portions of the easement, which portions encumber the land described in Exhibit A (tracts), 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.

Elliott Megdal and Alana Megdal, Trustees of the Megdal Family Trust Dated July 2, 1996, are abutting landowners and have requested to purchase the easement encumbering the tracts for \$66,500.

The commission finds \$66,500 to be a fair and reasonable value of the state's right, title, and interest in the easement encumbering the tracts.

IT IS THEREFORE ORDERED by the commission that the easement encumbering the tracts 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 encumbering the tracts to Elliott Megdal and Alana Megdal, Trustees of the Megdal Family Trust Dated July 2, 1996, for \$66,500.

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

(4) Liberty County - FM 2025 - Consider an easement release to the underlying fee owner (MO)

116364
ROW

In the City of Cleveland, Liberty County, on FM 2025, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 405, at Page 342, of the Deed Records of Liberty 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.

QT South, LLC, a Texas limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$30,552.

The commission finds \$30,552 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 QT South, LLC, a Texas limited liability company, for \$30,552.

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

(5) Rockwall County - SH 205 - Consider the sale of right of way to an abutting landowner (MO)

116365
ROW

In the City of Rockwall, Rockwall County, on SH 205, the State of Texas acquired certain land for highway purposes by an instrument recorded in Doc. No. 2006-00363909, of the Official Public Records of Rockwall County, Texas.

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

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

CTC Texan Properties, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$114,180.

The commission finds \$114,180 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to CTC Texan Properties, LLC, a Texas limited liability company, for \$114,180; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(6) Tarrant County - SH 199 - Consider the sale of right of way to an abutting landowner (MO)

116366
ROW

In the City of Azle, Tarrant County, on SH 199, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 2813, at Page 490, of the Deed Records of Tarrant County, Texas.

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

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

Keith Hufsey is an abutting landowner and has requested to purchase the tract for \$12,592.

The commission finds \$12,592 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by

the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to Keith Hufsey for \$12,592; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting Allocation Status Report Quarterly status report on the FY 2022-23 letting allocation, the actual allocation utilized through the quarter, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

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

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

d. Economically Disadvantaged Counties Program (EDCP) 2023

Various Counties - Consider the certification of eligible counties for the 2023 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

116367
TPP

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

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

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

Transportation Code, §222.053(f), requires the Commission to certify a county as economically disadvantaged on an annual basis as soon as possible after the Comptroller

of Public Accounts (comptroller) provides reports on the economic indicators listed above.

Title 43 TAC §15.55(b)(2) provides that, for a county described by Transportation Code, §222.053(a), in determining the adjustment to the local matching funds requirement, and the local government’s efforts and ability to meet the requirement, the Commission will consider a local government’s: (A) population level; (B) bonded indebtedness; (C) tax base; (D) tax rate; (E) extent of in-kind resources available; and (F) economic development sales tax. Title 43 TAC §15.55(b)(3) provides that, for a county described by Transportation Code, §222.053(a-1), the adjustment will be equivalent to the highest adjustment rate set in the last year the county was considered to meet the criteria set out in Transportation Code, §222.053(a).

The comptroller has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for FY 2023. The Commission has considered the counties’ efforts and ability to provide a local match using the criteria set forth in 43 TAC §15.55(b)(2). In addition, the department has reviewed disaster declarations issued by the Federal Emergency Management Agency through the month of August 2022 in order to comply with the requirements of Transportation Code, §222.053(a-1). Exhibit A lists the eligible counties and the respective recommended local match adjustments. Exhibit B establishes additional local match adjustments for cities within these counties participating in the program.

IT IS THEREFORE ORDERED by the Commission that the list of counties eligible for the FY 2023 Economically Disadvantaged Counties Program is certified and the local match adjustment for each county is established, as shown in Exhibit A, as well as additional adjustments for cities participating in the program, as shown in Exhibit B.

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

e. Highway Designation

Willacy and Kenedy Counties - Near the city of Raymondville, consider designating a segment of the state highway system as I-69E, concurrent with US 77 (MO)

116368
TPP

In Willacy and Kenedy Counties, officials have requested the designation of a segment of the state highway system as I-69E, concurrent with US 77, from the existing I-69E terminus located 0.6 mile north of Conley Road just north of the city of Raymondville to approximately 1.2 miles north of the Willacy/Kenedy County line, a total distance of 5.6 miles.

The Texas Department of Transportation (department) submitted an application to the American Association of State Highway and Transportation Officials (AASHTO) requesting approval of the extension and signing of I-69E along the 5.6-mile segment of US 77. During the 2022 AASHTO Spring Meeting, the AASHTO Special Committee on US Route Numbering approved the application for the I-69E segment described above, contingent upon approval from the Federal Highway Administration (FHWA).

The Acting Administrator of FHWA approved the inclusion of this segment of I-69E on the Interstate Highway System on September 21, 2022. Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the department has recommended this action.

The Texas Transportation Commission (commission) finds that the designation 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 I-69E is designated on the state highway system, concurrent with US 77, from the existing I-69E terminus located 0.6 mile north of Conley Road just north of the city of Raymondville, to approximately 1.2 miles north of the Willacy/Kenedy County line, a total distance of 5.6 miles, as shown in Exhibit A.

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

f. Designation of Access Control

(1) Dallas County - Loop 12, just west of the city of Dallas - Consider the designation of one location on the southbound frontage road of Loop 12 at which access will be permitted to the abutting property (MO)

116369
DES

In DALLAS COUNTY, on State Loop 12 (Loop 12), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the instrument recorded in Volume 69050, Page 1143 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), with denial of access to the abutting remainder property as described in the instrument.

Loop 12 HLB, L.P., the current owner of the abutting property, has requested designated access to and from the southbound frontage road of Loop 12 for proposed access at one location along the property line at a new access point described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the southbound frontage road of Loop 12.

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.

(2) Dallas County - I-30, in the city of Dallas - Consider the designation of one location on the westbound frontage road of I-30 at which access will be permitted to the abutting property (MO)

116370
DES

In DALLAS COUNTY, on Interstate Highway 30 (I-30), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the Donation Deed to the State of Texas as recorded in Volume 2003111, Page 3039 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), with denial of access to the abutting remainder property as described in the instrument.

JS & ME Investments, LLC, the current owner of the abutting property, has requested designated access to and from the westbound frontage road of I-30 for proposed access at one location along the property line at a new access point described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the westbound frontage road of I-30.

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.

(3) Dallas County - I-30, in the city of Grand Prairie - Consider the designation of two locations on the westbound frontage road of I-30 at which access will be permitted to the abutting property (MO)

116371
DES

In DALLAS COUNTY, on Interstate Highway 30 (I-30), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 4437, Page 329 and Volume 4704, Page 44 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), with denial of access to the abutting remainder property as described in the instruments.

The City of Grand Prairie, Texas and the Texas Turnpike Authority, the current owners of the abutting properties, have requested designated access to and from the westbound frontage road of I-30 for proposed access at two 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-30.

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.

(4) Leon County - I-45, in the city of Leona - Consider the designation of one location on the west side frontage road of I-45 at which access will be permitted to the abutting property (MO)

116372
DES

In LEON COUNTY, on Interstate Highway 45 (I-45), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the Final Judgement instrument as recorded in Volume 324, Page 96 of the Deed Records of Leon County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Sun Development, L.P., the current owner of the abutting property, has requested designated access to and from the west side frontage road of I-45 for proposed access at one location along the property line at a new access point described in Exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the west side frontage road of I-45.

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.

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)

116373
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.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limit on the segment of highway established by Minute Order 109064, dated October 31, 2002 and listed in Exhibit D, is no longer necessary.

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 Exhibits C and D are canceled.

Note: Exhibits A, B, C and D 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 Tony Wen, Policy Analyst for State Senator Cesar Blanco, and Brooke Galindo, Chief of Staff for State Representative Lina Ortega, and Stephen Voglewede, Strategic Partnerships Office for the City of El Paso all commenting on Commissioner New and Commissioner Vaughn's El Paso District Visit. The commission also heard comments from private citizen Don Dixon who spoke about High Occupancy Vehicle Lanes and toll roads; and private citizen Schuyler Wight who spoke about the Well Done Foundation

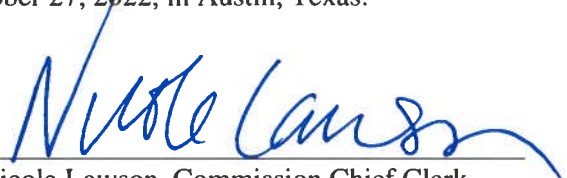
Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:03 p.m.

APPROVED by the Texas Transportation Commission on November 16, 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 October 27, 2022, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk
Texas Department of Transportation

