

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 13, 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  
 Becky Blewett, Deputy General Counsel  
 Nicole Lawson, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:51 p.m. on December 5, 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 November 16, 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 November 16, 2022, regular meeting by a vote of 4 - 0.

An error was identified in the written minutes from August 30, 2022, on minute order 116294 – showing the adoption of the minute order being a vote of 4 - 0, but was a vote of 3 – 0. Commissioner Vaughn made a motion, which was seconded by Commissioner New and the commission approved the correction to the August 30, 2022 minutes.

**ITEM 4. Acknowledgment of Service**

Recognize by resolution Brownwood District Engineer Elias Rmeili, P.E. for 31 years of service to the department.

This resolution was presented by Lance Simmons, P.E., Chief Engineer.

**ITEM 5. Contracts**

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

**a. Highway Improvement and Other Transportation Facilities (MO)**

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

116392  
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 December 1 and 2, 2022, as well as DALLAS DISTRICT, ROCKWALL COUNTY, Job Number 3001, Project Number F 2023(166), which was publicly read on November 2, 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 Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116390  
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 December 1 and 2, 2022, as shown on Exhibit A.

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

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

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

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

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

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

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

**c. Construction and Rehabilitation of Buildings (MO)**

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

116391  
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 December 1, 2022, as shown on Exhibit A.

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

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

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

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

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

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

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

**ITEM 6. Discussion Item**

**a. Texas Delivers 2050 - Texas Freight Mobility Plan (Presentation)**

This discussion was led by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. The commission asked questions and discussed the topic.

The commission took recess at 11:25 a.m. and reconvened at 11:37 a.m.

**b. Fiscal Year 2023 Price Escalation, Inflation, and Potential Future Funding Liability (presentation)**

This discussion was led by Deputy Executive Director Brian Barth. The commission asked questions and discussed the topic. The commission also heard comments from Executive Director Marc Williams.

**ITEM 7. Aviation**

**Various Counties - Consider the award of federal non-primary entitlement grant funding and federal apportionment grant funding for airport improvement projects at various locations (MO)**

This item was presented by Aviation Division Director Dan Harmon. 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.

116392  
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 funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

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, and federal apportionment grant funds for the improvements.

On November 16, 2022, a public hearing was held. No comments were received.

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

**Rule Proposals**

**a. Chapter 9 - Contract and Grant Management - Amendments to §§9.10-9.20, §9.23, §9.24, and §9.26 concerning contracts for highway projects. (MO)**

This item was presented by Construction Division Director Duane Milligan and Maintenance Deputy Division Director Alanna Bettis. 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.

116393  
MNT

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§9.10-9.20, §9.23, §9.24, and §9.26 relating to Highway Improvement Contracts to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.10-9.20, §9.23, §9.24, and §9.26 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**b. Chapter 23 - Texas Highways Magazine - Repeal of Texas Administrative Code Chapter 23 Subchapter E, Travel Information, Subscriber and Purchaser information - §§ 23.81 - 23.85 (MO)**

This item was presented by Travel Information Division Director Joan Henderson. 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.

116394  
TRV

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§23.81 - 23.85 relating to Subscriber and Purchaser Information to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repeal, 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 repeal of §§23.81 - 23.85 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**c. Chapter 28 - Oversized and Overweight Vehicles and Loads - Proposed Amendment of Texas Administrative Code Chapter 28, Oversize and Overweight Vehicles and Loads: Port of Palacios Permits - Authority Authorized to Issue Permits (MO)**

This item was presented by Maintenance Division Director James Stevenson. 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.

116395  
MNT

The Texas Transportation Commission (commission) finds it necessary to propose new §§28.120 – 28.127 relating to Port of Palacios Authority Permits to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or

federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the new to §§28.120 28.127 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**ITEM 9. State Infrastructure Bank**

**Bell County - City of Nolanville - Consider preliminary approval of a request from the City of Nolanville for a State Infrastructure Bank loan in the amount of up to \$1,000,000 to pay for the costs of bridge repair, road construction, and a shared use path necessary for a non-tolled off-system project to make improvements to Old Nolanville Road and bridge in Bell 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.

116396  
PFD

City of Nolanville (City) has submitted an application for financial assistance in the form of a loan of up to \$1,000,000 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 associated with bridge repair, road construction and a shared use path necessary for a non-tolled, off-system project to improve Old Nolanville Road and bridge in Bell 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 \$1,000,000 to pay the City's costs associated with bridge repair, road construction and a shared use path necessary for a non-tolled, off-system project.

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.

#### **ITEM 10. Project Finance**

**Tarrant County - Consider authorizing the Texas Private Activity Bond Surface Transportation Corporation to take all actions necessary for issuing one or more series of bonds and loaning the proceeds to the North Tarrant Express Mobility Partners (developer) to: 1) finance the design and construction costs of the North Tarrant Express ultimate capacity improvement project and related work; and 2) pay the costs of issuance. The department will share in the gains, if any, from the financing, and will be reimbursed its cost of assisting with the financing, in accordance with the terms of the comprehensive development agreement between the department and the developer (MO)**

This item was presented by Project Finance, Debt & Section Director Jennifer Wright. The commission also heard comments Deputy Executive Director Brian Barth. 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.

116397  
PFD

On October 30, 2008, pursuant to Chapter 431, Texas Transportation Code, and by Minute Order 111551, the Texas Transportation Commission (commission) authorized the creation of the Private Activity Bond Surface Transportation Corporation (corporation) to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems including the issuance of bonds for comprehensive development agreements.

Effective June 23, 2009, the Texas Department of Transportation (department) entered into a Comprehensive Development Agreement for a Concession North Tarrant Express Facility (CDA) with NTE Mobility Partners LLC (developer), under which the developer will develop, design, construct, finance, maintain and operate the North Tarrant Express Managed Lanes Project, including the required design and construction costs of the North Tarrant Express ultimate capacity improvement project and related work, as defined in the CDA (the "Expansion Project") to the corridor when revenue targets are met in accordance with the CDA.

Since 2008, the corporation has completed seven financings totaling almost \$4 billion exclusively for five developers who have each entered into a comprehensive development agreement with the department, including the developer. The North Tarrant Express Managed Lanes Project opened to traffic on October 4, 2014, and the developer has submitted a report dated July 14, 2022, which states that it anticipates reaching the



revenue targets under the CDA on December 31, 2022, which would trigger the requirement to design and construct the Expansion Project.

In 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) was signed into law, amending Section 142 of the Internal Revenue Code and adding highway facilities to the types of privately developed and operated projects for which private activity bonds (PABs) may be issued. This change allows private activity on these types of projects, while maintaining the tax-exempt status of the PABs. The Infrastructure Investment and Jobs Act signed into law in 2021 continued this PABs highway program. The United States Department of Transportation would need to approve a PABs volume cap allocation for any PABs issued by the corporation for the developer under the CDA.

Pursuant to the CDA, the developer has requested that the corporation issue additional tax-exempt PABs and/or taxable bonds (Bonds) on behalf of the commission, subject to certain conditions precedent, to finance the Expansion Project and if Bonds are issued, the corporation will loan the bond proceeds to the developer as part of the plan of finance pursuant to the CDA including the required Expansion Project, financing costs and costs of issuance. Under the terms of the CDA, the developer will pay to the department a percentage of the financing gains, if any, as specified in the CDA and the department's costs of rendering any assistance or performing any requested activity in connection with the financing.

The developer has indicated that the requested financing would provide the most efficient and lowest cost method of financing the Expansion Project, and the financing is expected to benefit the State of Texas (state), the commission, and the department as it makes it more likely for the department to share not only in potential gains created by the current financing per the terms of the CDA, but also potential gains from any future financings. The developer shall be solely obligated to repay the debt on the Bonds, and any bonds issued by the corporation shall not constitute a debt or liability of, or pledge by, the state, the commission, or the department.

IT IS THEREFORE ORDERED by the commission that, with respect to the financing of the Expansion Project under the CDA, the corporation is authorized to perform any function authorized by Subchapters A - C of Chapter 431 of the Texas Transportation Code (chapter 431) and to perform any function not specified by chapter 431 but necessary to promote, finance, and develop the Expansion Project as requested by developer, including the issuance of Bonds and the lending of proceeds of the Bonds to the developer as part of the plan of finance, all in accordance with and subject to the terms of the CDA, any related agreement regarding the issuance of such Bonds, and the corporation's authorizing resolutions and bond financing documents.

IT IS FURTHER ORDERED by the commission that the Executive Director; the Chief Financial Officer; Director, Project Finance, Debt and Strategic Contracts Division; the General Counsel of the department; and the board of directors and officers of the corporation are authorized to execute and deliver any and all financing and other documents necessary for the issuance of such Bonds by the corporation, and to take any and all actions necessary or appropriate to effect the delivery of such Bonds in accordance with the terms and conditions of the CDA, any agreement related to the CDA with respect to the issuance of Bonds, and the financing documents.

#### **ITEM 12. 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).

116398  
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-I. 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 1-63 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	IH 35E	I	0442-03-046	32,32E,32AC
Guadalupe	IH 10	D	0025-03-106	25
Guadalupe	IH 10	C	0025-03-106	26
Guadalupe	IH 10	B	0025-03-106	27
Guadalupe	IH 10	E	0025-03-106	28
Jefferson	IH 10	F	0028-13-138	22
La Salle	SH 97	G	0328-08-027	1
La Salle	SH 97	H	0328-08-027	2
Tarrant	IH 820	A	0008-13-242	506

**NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	US 90	1	0024-07-060	51
Bexar	FM 1560	54	2230-01-024	54
Bexar	FM 1560	58	2230-01-024	56
Bexar	FM 1560	57	2230-01-024	72
Bexar	FM 1560	56	2230-01-024	75
Bexar	FM 1560	59	2230-01-024	90
Bexar	FM 1560	55	2230-01-024	123
Bexar	SL 1604	60	2452-03-115	20
Collin	SH 5	2	0047-04-035	P00057042
Collin	SH 5	3	0047-04-035	P00057043
Collin	SH 5	4	0047-04-035	P00057045
Collin	SH 5	5	0047-04-035	P00057046
Collin	SH 5	6	0047-04-035	P00057049
Collin	SH 5	7	0047-04-035	P00057050
Collin	SH 5	8	0047-04-035	P00057052
Collin	SH 5	9	0047-04-035	P00057053
Collin	SH 5	10	0047-04-035	P00057054
Collin	SH 5	11	0047-04-035	P00057055
Collin	SH 5	12	0047-04-035	P00057059
Collin	SH 5	13	0047-04-035	P00057061
Collin	SH 5	14	0047-04-035	P00057064
Collin	SH 5	15	0047-04-035	P00057065
Collin	SH 5	16	0047-04-035	P00057066
Collin	SH 5	17	0047-04-035	P00057067
Collin	SH 5	18	0047-04-035	P00057068
Collin	SH 5	19	0047-04-035	P00057072
Collin	SH 5	20	0047-04-035	P00057073
Collin	SH 5	21	0047-04-035	P00057074
Collin	SH 5	22	0047-04-035	P00057075
Collin	SH 5	23	0047-04-035	P00057076
Collin	SH 5	24	0047-04-035	P00057079
Collin	SH 5	25	0047-04-035	P00057080
Collin	SH 5	26	0047-04-035	P00057081
Collin	FM 455	35	0816-04-109	P00059525
Collin	FM 455	36	0816-04-109	P00059526
Collin	FM 455	34	0816-04-109	P00059528

**NON-CONTROLLED ACCESS (continued)**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	FM 1461	44	1973-01-018	103
Collin	FM 1461	45	1973-01-018	104
Collin	FM 1461	46	1973-01-018	105
Collin	FM 1461	47	1973-01-018	106
Collin	FM 1461	48	1973-01-018	107
Ellis	FM 664	38	1051-01-054	P00057677
Fayette	US 77	31	0211-06-066	89
Galveston	FM 646	63	3049-01-032	227
Galveston	FM 646	62	3049-01-032	244
Galveston	FM 646	61	3049-01-032	245
Gregg	US 271	29	0165-03-038	P00061532
Gregg	US 271	30	0165-03-038	P00061533
Gregg	FM 2275	51	2158-01-024	56
Gregg	FM 2275	52	2158-01-024	64
Gregg	FM 2275	53	2158-01-024	88
Gregg	FM 2275	49	2158-01-024	89
Gregg	FM 2275	50	2158-01-024	168
Harris	FM 2100	40	1062-02-021	138
Harris	FM 2100	39	1062-02-021	230
Harris	FM 2100	41	1062-02-021	231
Harris	FM 2100	42	1062-02-021	232
Jackson	FM 1593	43	1090-04-019	2
Lampasas	US 281	32	0251-06-040	P00060606
Lampasas	US 281	33	0251-06-040	P00060608
Rockwall	FM 552	37	1017-01-017	74
Smith	US 271	28	0165-02-068	P00061506
Victoria	US 59	27	0088-05-107	P00059771

Note: Exhibits A - I and 1 - 63 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 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 Counties - 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)**

116399  
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is

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

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

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

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

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

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

**Donations to the Department**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
3D&B LLC	BRY	Robertson	Funds towards the state's cost to construct a traffic signal at the intersection of US 190 and the San Gabriel Street cross-street adjacent to the donor's property located in Hearne.
AG Sunflower Ridge LLC	SAT	Comal	Design and construction of left and right turn lanes on northbound FM 1102, and a left turn lane on southbound FM 1102 to serve the Sunflower Ridge Subdivision located at the intersection of Goodwin Lane and Orion Road in New Braunfels.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
American Concrete Institute	MTD	N/A	One complimentary registration for Masoud Moradian, Transportation Engineer of the Rigid Pavements and Concrete Section to attend the ACI Concrete Convention in Dallas, Texas on October 23-27, 2022.
Archway Baytown 10 CC, Ltd.	SAT	Comal	Design and construction of a deceleration lane from eastbound I-10 access road into the Baytown Industrial Park development in Baytown.
Astro Cypress Green, L.P.	HOU	Harris	Design and construction of a traffic signal at FM 2920 at Tuscan Terrace Drive in Harris County.
Blackland Capital, Inc.	WAC	Bell	Design and construction of two deceleration lanes into the proposed driveways off SH 36 near Temple.
Catalaunian LLC	SAT	Comal	Design and construction of right and left turn lanes for the new Westridge Oaks subdivision entrances on FM 1102 in Comal County.
Century Land Holdings II, LLC GRBK Edgewood LLC	AUS	Bastrop	Funds towards the state's cost to design and construct traffic signals on US 290 at Swenson Boulevard and Roy Rivers Road in Elgin.
CF CSLK Caliterra LLC	AUS	Hays	Design and construction of a traffic signal at RM 12 Caliterra Parkway intersection in Dripping Springs.
CWE Willis, LLC	HOU	Montgomery	Design and construction of a modified traffic signal at the intersection of FM 1097 at Clearwater Express driveway for the fourth leg of the intersection in Willis.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Enchanted Trails, LLC	HOU	Galveston	Design and construction of a left turn lane on FM 519, with an entrance driveway from eastbound FM 519 into the Enchanted Trails RV Park in Hitchcock.
Farias Development, Ltd.	LRD	Webb	Design and construction of a right turn lane, curb, and sidewalk on the southeast quadrant, which is the intersection of FM 1472 (Mines Road.) and Big Bend Boulevard in Laredo.
Farias Development, Ltd.	LRD	Webb	Design and construction of traffic signal improvements to include relocation of an existing pole on the southeast quadrant of FM 1472 (Mines Road) at Fasken Boulevard, a supplemental pole mounted signal head, and signal heads for southbound approach in Laredo.
Gulf Coast Growth Ventures LLC	CRP	Patricio	Funds to cover the state's cost to construct a traffic signal on FM 2986 1.2 miles north of FM 3239 (Buddy Ganem Drive) at the donor's plant entrance in San Patricio County.
Lakeside Meadows LLC	AUS	Travis	Design and construction of northbound right turn Lane, raised median, concrete barrier, and northbound acceleration lane. These improvements are all associated with a proposed driveway connection onto SH 130 northbound frontage road located north of Pecan Street in Pflugerville.
LGI Homes-Texas, LLC	SAT	Atascosa	Design and construction of a left turn lane along FM 2790 into the proposed development in Atascosa County.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
LIT IDV 130 Ranch Land, LLC	Austin	Travis	Funds to conduct 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.
Lock 130 MD Partners, LP	AUS	Caldwell	Design and construction of deceleration lanes on SH 142 from SH 130 to Windsor Boulevard in Lockhart.
Malabar Hill Holdings, LLC	HOU	Galveston	Design and construction of a deceleration lane from eastbound League City Parkway (SH 96) into the Tuscan Lakes development in League City.
Manumit Investment Group, LLC	AUS	Caldwell	Design and construction of road widening and a right turn deceleration lane on SH 130 frontage road from 0.2 miles south of Boggy Creek Road to Boggy Creek Road in Lockhart.
Microsoft Corporation	SAT	Medina	Design and construction of left turn and acceleration lanes on FM 1957 approximately 0.50 miles east of FM 471 in Medina County.
Majestic Timmermann, LLC	AUS	Travis	Funds to construct a left turn lane, restriping of driveways to the property at 9960 Decker Lane (FM 3177) in Austin.
Pulte Homes of Texas, L.P.	HOU	Montgomery	Design and construction of a southbound left turn lane and northbound right turn bay on FM 1314 to provide access to the Maveria Development in Montgomery County.
Ryper LLC	AUS	Travis	Design and construction of intersection capacity improvements on US 290 at existing intersection Bios-D-Arc Road in Manor.



**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Skyridge Property LLC	HOU	Brazoria	Design and construction of a deceleration right turn lane from southbound SH 36 into the FuelMaxx #82 in Damon.
Spirit Realty, L.P.	HOU	Waller	Design and construction of a deceleration lane from northbound FM 362 into the Off Lease Only - Vehicle Recon Facility development in Brookshire.
Surge Citrano, LLC	WAC	McLennan	Design and installation of added striping to Steinbeck Road to facilitate turning from and onto Jackson Lane in Waco.
Starlight Homes Texas L.L.C.	AUS	Hays	Design and construction of two northbound right turn lanes to driveway 1 and driveway 2 on SH 21, two left turn lanes and traffic signal at SH 21 and driveway 1 intersection in San Marcos.
Starlight Homes Texas L.L.C.	AUS	Williamson	Design and construction of widening west side of FM 973 to provide two left turn lanes and three right turn lanes to the construction driveways including pavement widening, driveway improvements, pavement markings, and drainage improvements in Taylor.
WBW Single Development Group, LLC - Series 103	AUS	Williamson	Design and construction of the widening of E SH 29 to accommodate new left and right turn lanes, restriping, two box culverts crossing E SH 29 to convey stormwater from Rancho San Gabriel to the San Gabriel River, and relocation of three existing effected driveway culverts in Georgetown.
WCF Development, L.L.C.	HOU	Galveston	Design and construction of a two right turn lanes from eastbound SH 96 into the Marbella Commercial development in League City.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Fort Bend County, Texas	HOU	Fort Bend	Donation of 0.5969 acres of land on FM723. The property being donated will be utilized for the main lanes and sidewalk on the FM 723 expansion project.
James S. Aneff, Jr.	ABL	Taylor	Donation of 0.0777 acres of land on US 83. The property being donated will be utilized for safety, which will include maintaining visibility and view as well as maintaining an unpaved shoulder including cleaning, mowing, leveling, and maintaining a drainage structure.

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

**b. Real Estate Dispositions**

**(1) Dallas County - SH 114 - Consider the exchange of drainage channel easements as part of a transaction to acquire a drainage channel easement needed for a state highway purpose (MO)**

116400  
ROW

In the City of Irving, Dallas County, on SH 114, the state of Texas acquired a drainage channel easement encumbering certain land by an instrument recorded in Volume 5630, at Page 72, of the Deed Records of Dallas County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, §202.024, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The easement encumbering a portion of the land, described in Exhibit A, (tract) is no longer needed for a state highway purpose. The value of the easement is \$155,056.

A drainage channel easement needed for a state highway purpose, encumbering the land described in Exhibit B, (parcel) and its associated improvements is to be conveyed to the state by USCIF Royal Lane LLC, a Delaware limited liability company. The value of the easement encumbering the parcel, along with its associated improvements, is \$506,377.

USCIF Royal Lane LLC is the owner of the fee interest in the tract and has requested that the easement encumbering the tract be released to it in exchange for an easement encumbering the parcel, and USCIF Royal Lane LLC will donate the \$351,321 difference in value between the easement encumbering the tract and the improved easement encumbering the parcel to the State, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state release the easement encumbering the tract to USCIF Royal Lane LLC as partial consideration for the improved easement encumbering the parcel and accept the donation of \$351,321 value difference from USCIF Royal Lane LLC.

IT IS THEREFORE ORDERED by the commission that the easement encumbering 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 the state's right, title, and interest in the easement encumbering the tract to USCIF Royal Lane LLC, a Delaware limited liability company, in exchange and as partial consideration for the improved easement encumbering the parcel.

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

**(2) Parmer County - FM 145 - Consider the exchange of right of way easements as part of a transaction to acquire real property needed for a state highway purpose. (MO)**

116401  
ROW

Near the City of Farwell, Parmer County, on FM 145, the state of Texas acquired right of way easements encumbering certain land by instruments recorded in Volume 70, at Page 188, Volume 70, at Page 190, and Volume 70, at Page 192, of the Deed Records of Parmer County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, §202.024, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The easements encumbering a portion of the land, described in Exhibit A, (tract) are no longer needed for a state highway purpose. The value of the easements is \$1,262.87.

Land needed for a state highway purpose, described in Exhibit B, (parcel) is to be conveyed to the state by Coleman R. Young and Melissa Young. The administratively approved value of the parcel is \$37,043.

Coleman R. Young and Melissa Young are the owners of the fee interest in the tract and have requested that the easements encumbering the tract be released to them in exchange for the parcel, and the state will pay the \$35,780.13 difference in value between the easements encumbering the tract and the parcel to Coleman R. Young and Melissa Young, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state release the easements encumbering the tract to Coleman R. Young and Melissa Young as partial consideration for the parcel.

IT IS THEREFORE ORDERED by the commission that the easements encumbering the tract are no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all the state's right, title, and interest in the easements encumbering the tract to Coleman R. Young and Melissa Young in exchange and as partial consideration for the parcel.

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

**(3) Travis County - SH 130 - Consider the sale of right of way to an abutting landowner (MO)**

116402  
ROW

Near the City of Austin, Travis County, on SH 130, the State of Texas acquired certain land for highway purposes by an instrument recorded in Document No. 2005005797 of the Official Public Records of Travis 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.

Colorado River Project, LLC, a Delaware limited liability company, is an abutting landowner and has requested to purchase the tract for \$197,104.

The commission finds \$197,104 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 Colorado River Project, LLC, a Delaware limited liability company, for \$197,104; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Williamson County - FM 1460 - Consider the sale of right of way to an abutting landowner and an easement release to the underlying fee owner, who are one and the same (MO)

116403  
ROW

In the City of Georgetown, Williamson County, on FM 1460, the State of Texas acquired certain interests in land for highway purposes by instruments recorded in Volume 430, at Page 435, in Volume 431, at Page 388, and in Volume 432, at Page 29, of the Deed Records of Williamson County, Texas and in Document No. 2007009140 of the Official Public Records of Williamson County, Texas.

A portion of the land, which portion is described in Exhibits A, B, and C (tracts), 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 and may recommend the release of an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

Junction at 1460, LLC, a Texas limited liability company, is an abutting landowner to the tracts described in Exhibits A and C and is the fee owner of the land underlying the easement encumbering the tract described in Exhibit B. Junction at 1460, LLC has requested to purchase the state's interest in the tracts for \$313,300.

The commission finds \$313,300 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 proper instruments conveying all of the state's right, title, and interest in the tracts to Junction at 1460, LLC, a Texas limited liability company, for \$313,300; 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, B and C are on file with the commission chief clerk.

**c. Reports**

**(1) Compliance Division report**

Note: Confidential report to commission.

**(2) Grimes and Montgomery Counties - Quarterly Traffic and Operating Report for the State Highway 249 System (Report)**

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

**(3) Environmental Report - Consider the acceptance of the report on projects being processed under the procedures of Transportation Code, Chapter 201, Subchapter I-1 (Report)**

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

**d. Speed Zones**

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

116404  
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 heard public comments from Ellen Buchanan Big Thicket Natural Heritage Trust, Mary Bernard Executive Director of Big Thicket Biosphere Reserve, Terry Stelly Southeast Texas Clean Air & Water, and Erika Pelletier National Parks Conservation Association, all on Highway 69, Gateway to the Big Thicket improvements project in the Beaumont District. The commission also heard public comment from private citizen Don Dixon regarding improvements on SH 21, to praise the stretch of I-10 outside of Boerne, and alternative routes. The commission received no further comments.

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 12:58 p.m.

APPROVED by the Texas Transportation Commission on January 26, 2023:



---

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 December 13, 2022, in Austin, Texas.



---

Nicole Lawson, Commission Chief Clerk  
Texas Department of Transportation