

These are the minutes of the regular meeting of the Texas Transportation Commission held on January 26, 2023, in Austin, Texas. The meeting was called to order at 10:03 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 in two batches due to the agenda size at 2:29 p.m. and 2:30 p.m. on January 18, 2023, 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. The commission heard remarks from Angela Hernandez, Sarai Muniz and Tyerra Osborne all students from the Young Women’s College Preparatory Academy in Houston, TX speaking on #EndtheStreakTX and their school’s involvement in the campaign.

ITEM 3. Consider the approval of the Minutes of the December 13, 2022, regular meeting of the Texas Transportation Commission

Commissioner Ryan made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the December 13, 2022, regular meeting by a vote of 4 - 0.

ITEM 4. Acknowledgement of Service

Recognize the service of Texas Transportation Commissioner Laura Ryan for 12 years of state service. Chairman Bugg presented acknowledgements of service sent from the Texas House of Representatives, and the Texas Senate as well as an acknowledgement of service by Governor Abbott. The commission heard public comments from Harris County Commissioner for Precinct 3 Tom Ramsey thanking Commissioner Ryan for her service; private citizen Molly Cook who called for more action and safety initiatives in the Houston District, and Farm & City Executive Director Jay Crossley thanking Commissioner Ryan for her service to the state and her commitment to safety.

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. Deputy Executive Director Brian Barth also joined the discussion at Chairman Bugg's request. 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.

116406
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 January 5 and 6, 2023, as well as AMARILLO DISTRICT, POTTER COUNTY, Job Number 3001, Project Number F 2023(243), which was publicly read on December 1, 2022, and LAREDO DISTRICT, WEBB COUNTY, Job Number 3222, Project Number STP 2023(315)HES, which was publicly read on December 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. 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 Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116407
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on August 5, 2021, as shown on Exhibit A.

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

The department recommends that the Texas Transportation Commission (commission) respectively rescind the award to the lowest bidder for contracts awarded on August 31, 2021, by Minute Order 116070 as indicated, those highway and transportation enhancement building construction contracts identified on attached Exhibit A to this order.

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

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

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

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

c. Routine Maintenance (MO)

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

116408
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 January 5 and 6, 2023, 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.

d. Construction and Rehabilitation of Buildings (MO)

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

116409
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 January 3 and 4, 2023 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

Development of the 2024 Unified Transportation Program (UTP) planning targets (Presentation)

This discussion was led by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. The commission asked questions and discussed the topic. Executive Director Marc Williams and Deputy Executive Director Brian Barth also joined the discussion. The commission also heard comments from Farm & City Executive Director Jay Crossley asking the commission to consider more public transportation options and funding; as well as alternative modes of transportation; the commission also heard comments from private citizen Don Dixon about road safety and improvements along US 21.

ITEM 7. Texas Delivers 2050 - Freight Mobility Plan

Consider the adoption of Texas Delivers 2050 (MO)

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. The commission also heard comments from Texas Ports Association Executive Director Glenna Bruun. 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.

116410
TPP

Section 8001 of the Fixing America's Surface Transportation (FAST) Act (49 U.S.C. 70202) provides that each state that receives funding under the National Highway Freight Program (NHFP) shall develop a freight plan for the immediate and long-range planning activities and investments of the state with regard to freight. Effective December 4, 2017, a state may not obligate NHFP funds unless the state has developed a freight plan in accordance with federal requirements. The Infrastructure Investment and Jobs Act (IIJA), which was signed into law on November 15, 2021, maintains the conditions for obligation of NHFP funds originally set forth in the FAST Act while expanding the requirements for freight plans listed in 49 U.S.C. 70202.

The 2023 Texas Freight Mobility Plan, titled Texas Delivers 2050, is attached as Exhibit A, and has been developed with regular input and continuous review by the Texas Freight Advisory Committee, which was established in January of 2013 to advise and facilitate effective planning for freight transportation. Texas Delivers 2050 is the successor to the Texas Department of Transportation's (department's) previous freight plan, which was developed in accordance with FAST Act guidelines and adopted on March 7, 2018. Texas Delivers 2050 highlights freight mobility challenges and outlines statewide goals and objectives to improve the movement of goods. It evaluates the impact of freight movement on the Texas economy and identifies freight transportation facilities and investments critical to economic growth. Texas Delivers 2050 also defines freight policies, programs, and projects and includes a freight investment plan for freight transportation projects and improvements. IJJA-specific requirements include the documentation of supply chain flows in the state; the impacts of e-commerce on freight infrastructure in the state; considerations of military freight; and strategies and goals to decrease the severity of impacts of extreme weather and natural disasters on freight mobility.

After a robust stakeholder engagement process which included virtual and in-person listening sessions, supply chain working group meetings, consultation with metropolitan planning organizations, and extensive input from the department's districts and divisions, a draft plan was developed. The department's outreach efforts concluded with a 30-day public comment period from December 12, 2022, to January 10, 2023, whereby the draft plan was revised to include public feedback.

The final Texas Delivers 2050 document will be fully implemented and integrated into the department's overall planning efforts to ensure the safe, reliable, and efficient transportation of goods to support economic growth and global competitiveness.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the 2023 Texas Freight Mobility Plan, Texas Delivers 2050, which is attached as Exhibit A, is hereby adopted.

IT IS FURTHER ORDERED that the executive director, or his designee, submit the 2023 Texas Freight Mobility Plan, Texas Delivers 2050, to the Federal Highway Administration for review and compliance with federal requirements.

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

ITEM 8. Public Transportation

Various Counties - Consider the award of federal §5311 formula grant program funds to multiple entities for a variety of program-eligible purposes (MO)

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

116411
PTN

The Texas Transportation Commission (commission) desires to award a total of \$10,346,420 in Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in non-urbanized areas of the state.

Title 43, Texas Administrative Code (TAC), §31.36(f)(4)-(6) establishes a formula by which the balance of annual FTA Formula Grants for Rural Areas program (49 U.S.C. §5311) shall be distributed to rural transit districts. An award of \$10,346,420 of federal §5311 funds is shown in Exhibit A and has been determined in accordance with the applicable provisions.

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

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

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

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

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

Rule Review

Consider readoption of Title 43 Texas Administrative Code Chapter 10, Ethical Conduct by Entities Doing Business with the Department, and Chapter 16, Planning and Development of Transportation Projects, in accordance with Government Code, §2001.039 (MO)

This item was presented by General Counsel Division Director Jeff Graham. 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.

116412
GCD

Government Code, §2001.039 requires state agencies to review each of their rules every four years to consider whether the reason for adopting each rule continues to exist. If as the result of the review an agency determines that the reasons for initially adopting the rule continue to exist, the agency may readopt the rule in accordance with §2001.039.

During October 2022, the Texas Department of Transportation reviewed Title 43 Texas Administrative Code, Chapter 10, Ethical Conduct by Entities Doing Business with the Department, and Chapter 16, Planning and Development of Transportation Projects. The Notice of Intent to review was published in the Texas Register on November 11, 2022 (47 TexReg 7565).

No comments were received regarding this rule review.

The Texas Transportation Commission (commission) finds that the reasons for adopting these rules continue to exist.

IT IS THEREFORE ORDERED by the commission that the reviewed rules are readopted and that the executive director provide for filing with the Office of the Secretary of State, Texas Register Division, a notice readopting these rules.

ITEM 10. State Infrastructure Bank

Cherokee County - West Jacksonville Water Supply Corporation - Consider final approval of a request from West Jacksonville Water Supply Corporation for a State Infrastructure Bank loan in the amount of up to \$699,000 to pay for the costs of utility relocation necessary for a non-tolled state highway improvement project to widen US 175 in Cherokee 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 Ryan, and the commission approved the following minute order by a vote of 4 - 0.

116413
PFD

West Jacksonville Water Supply Corporation (WSC) has submitted an application for financial assistance in the form of a loan of up to \$699,000 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 WSC 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 WSC intends to use the financial assistance to pay the WSC's costs of utility relocation for a non-tolled state highway improvement project to widen US 175 in Cherokee County, Texas (project).

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

The WSC has proposed a pledge of contract revenues and water 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, as 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 SIB Rules allow the commission to make its final approval contingent on further actions by the WSC to assure repayment of the SIB loan.

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 WSC's application for financial assistance from the SIB, contingent on the execution of a utility agreement between the WSC and the department prior to entering into a financial assistance agreement for the SIB loan.

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 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 WSC 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 WSC 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 WSC's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$699,000 to pay the WSC's costs of utility relocation necessary 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 WSC 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.

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. Chairman Bugg recused himself from the vote and handed the gavel to Commissioner Ryan to preside over the Eminent Domain agenda item. Commissioner Vaughn made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner New and the following minute order was approved by Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 3 - 0).

116414
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-YY. 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 1-271 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
Brazoria	FM 518	17	3416-01-014	101
Brazoria	FM 518	18	3416-01-014	102
Brazoria	FM 518	29	3416-01-014	103
Collin	SH 5	169	0047-04-035	P00057041
Collin	SH 5	171	0047-04-035	P00057044
Collin	SH 5	172	0047-04-035	P00057047
Collin	SH 5	174	0047-04-035	P00057048
Collin	SH 5	176	0047-04-035	P00057051
Collin	SH 5	178	0047-04-035	P00057056
Collin	SH 5	180	0047-04-035	P00057057
Collin	SH 5	182	0047-04-035	P00057060
Collin	SH 5	186	0047-04-035	P00057063
Collin	SH 5	190	0047-04-035	P00057069
Collin	SH 5	191	0047-04-035	P00057070
Collin	SH 5	193	0047-04-035	P00057071
Collin	SH 5	194	0047-04-035	P00057077
Collin	SH 5	196	0047-04-035	P00057078
Collin	SH 5	199	0047-04-035	P00057082
Collin	SH 5	201	0047-04-035	P00057083
Collin	SH 5	202	0047-04-035	P00057084
Collin	SH 5	206	0047-04-035	P00057085
Collin	SH 5	207	0047-04-035	P00057086
Collin	SH 5	210	0047-04-035	P00057087

NON-CONTROLLED ACCESS cont'd

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	SH 5	212	0047-04-035	P00057088
Collin	SH 5	213	0047-04-035	P00057089
Collin	SH 5	215	0047-04-035	P00057090
Collin	SH 5	168	0047-05-056	P00024922
Collin	SH 5	170	0047-05-056	P00054376
Collin	SH 5	173	0047-05-056	P00054377
Collin	SH 5	175	0047-05-056	P00054378
Collin	SH 5	177	0047-05-056	P00054379
Collin	SH 5	185	0047-05-056	P00054380
Collin	SH 5	188	0047-05-056	P00054381
Collin	SH 5	192	0047-05-056	P00054382
Collin	SH 5	195	0047-05-056	P00054383
Collin	SH 5	197	0047-05-056	P00054384
Collin	SH 5	200	0047-05-056	P00054385
Collin	SH 5	204	0047-05-056	P00054386
Collin	SH 5	209	0047-05-056	P00054387
Collin	SH 5	211	0047-05-056	P00054388
Collin	SH 5	214	0047-05-056	P00054389
Collin	SH 5	216	0047-05-056	P00054390
Collin	SH 5	217	0047-05-056	P00054391
Collin	SH 5	218	0047-05-056	P00054392
Collin	SH 5	219	0047-05-056	P00054393
Collin	SH 5	220	0047-05-056	P00054394
Collin	SH 5	221	0047-05-056	P00054395
Collin	SH 5	222	0047-05-056	P00054396
Collin	SH 5	223	0047-05-056	P00054397
Collin	SH 5	224	0047-05-056	P00054398
Collin	SH 5	225	0047-05-056	P00054399
Collin	SH 5	226	0047-05-056	P00054400
Collin	SH 5	227	0047-05-056	P00054401
Collin	SH 5	228	0047-05-056	P00054402
Collin	SH 5	229	0047-05-056	P00054403
Collin	SH 5	230	0047-05-056	P00054404
Collin	SH 5	231	0047-05-056	P00054406
Collin	SH 5	232	0047-05-056	P00054407
Collin	SH 5	233	0047-05-056	P00054408
Collin	SH 5	234	0047-05-056	P00054409
Collin	SH 5	235	0047-05-056	P00054410
Collin	SH 5	236	0047-05-056	P00054411
Collin	SH 5	237	0047-05-056	P00054412
Collin	SH 5	238	0047-05-056	P00054413
Collin	SH 5	239	0047-05-056	P00054414
Collin	SH 5	241	0047-05-056	P00054415
Collin	SH 5	243	0047-05-056	P00054416
Collin	SH 5	240	0047-05-056	P00054417
Collin	SH 5	242	0047-05-056	P00054418
Collin	SH 5	245	0047-05-056	P00054419
Collin	SH 5	244	0047-05-056	P00054420
Collin	SH 5	246	0047-05-056	P00054421

NON-CONTROLLED ACCESS cont'd

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	SH 5	248	0047-05-056	P00054422
Collin	SH 5	249	0047-05-056	P00054423
Collin	SH 5	247	0047-05-056	P00054425
Collin	SH 5	250	0047-05-056	P00060964
Collin	FM 455	167	0816-04-109	P00059527
Comal	FM 2252	35	1433-02-045	5
Comal	FM 2252	36	1433-02-045	19
Ellis	FM 664	271	1051-01-056	P00054134
Ellis	FM 664	184	1051-01-056	P00054142
Ellis	FM 664	55	1051-01-057	P00054135
Ellis	FM 664	104	1051-01-057	P00054136
Ellis	FM 664	56	1051-01-057	P00054137
Ellis	FM 664	93	1051-01-057	P00054139
Ellis	FM 664	3	1051-01-057	P00054140
Ellis	FM 664	96	1051-01-057	P00054173
Ellis	FM 664	94	1051-01-057	P00054174
Ellis	FM 664	57	1051-01-057	P00054175
Ellis	FM 664	95	1051-01-057	P00054176
Ellis	FM 664	97	1051-01-057	P00054177
Ellis	FM 664	98	1051-01-057	P00054178
Ellis	FM 664	4	1051-01-057	P00054179
Ellis	FM 664	5	1051-01-057	P00054180
Ellis	FM 664	21	1051-01-057	P00054181
Ellis	FM 664	41	1051-01-057	P00054182
Ellis	FM 664	44	1051-01-057	P00054183
Ellis	FM 664	99	1051-01-057	P00054184
Ellis	FM 664	48	1051-01-057	P00054185
Ellis	FM 664	58	1051-01-057	P00054186
Ellis	FM 664	59	1051-01-057	P00054187
Ellis	FM 664	61	1051-01-057	P00054188
Ellis	FM 664	60	1051-01-057	P00054189
Ellis	FM 664	62	1051-01-057	P00054190
Ellis	FM 664	63	1051-01-057	P00054191
Ellis	FM 664	64	1051-01-057	P00054192
Ellis	FM 664	67	1051-01-057	P00054193
Ellis	FM 664	68	1051-01-057	P00054194
Ellis	FM 664	69	1051-01-057	P00054195
Ellis	FM 664	70	1051-01-057	P00054196
Ellis	FM 664	71	1051-01-057	P00054197
Ellis	FM 664	72	1051-01-057	P00054198
Ellis	FM 664	65	1051-01-057	P00054199
Ellis	FM 664	66	1051-01-057	P00054201
Ellis	FM 664	73	1051-01-057	P00054203
Ellis	FM 664	75	1051-01-057	P00054204
Ellis	FM 664	74	1051-01-057	P00054206
Ellis	FM 664	100	1051-01-057	P00054209
Ellis	FM 664	78	1051-01-057	P00054210
Ellis	FM 664	82	1051-01-057	P00054211
Ellis	FM 664	50	1051-01-057	P00054212

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Ellis	FM 664	83	1051-01-057	P00054213
Ellis	FM 664	90	1051-01-057	P00054215
Ellis	FM 664	91	1051-01-057	P00054217.001 P00054217.002
Ellis	FM 664	89	1051-01-057	P00054218 P00054218E
Ellis	FM 664	88	1051-01-057	P00054224
Ellis	FM 664	46	1051-01-057	P00054226
Ellis	FM 664	81	1051-01-057	P00054228
Ellis	FM 664	101	1051-01-057	P00054230
Ellis	FM 664	42	1051-01-057	P00054233
Ellis	FM 664	45	1051-01-057	P00054234
Ellis	FM 664	43	1051-01-057	P00054235
Ellis	FM 664	49	1051-01-057	P00054236
Ellis	FM 664	87	1051-01-057	P00054237.001 P00054237.002
Ellis	FM 664	77	1051-01-057	P00054239
Ellis	FM 664	54	1051-01-057	P00054240
Ellis	FM 664	51	1051-01-057	P00054241
Ellis	FM 664	39	1051-01-057	P00054242
Ellis	FM 664	102	1051-01-057	P00054243
Ellis	FM 664	52	1051-01-057	P00054244 P00054244E
Ellis	FM 664	103	1051-01-057	P00054245
Ellis	FM 664	40	1051-01-057	P00054247
Ellis	FM 664	86	1051-01-057	P00054248
Ellis	FM 664	79	1051-01-057	P00054249
Ellis	FM 664	80	1051-01-057	P00054250
Ellis	FM 664	92	1051-01-057	P00054254 P00054254E
Ellis	FM 664	85	1051-01-057	P00054256.001 P00054256.002
Ellis	FM 664	53	1051-01-057	P00054257
Ellis	FM 664	76	1051-01-057	P00054259
Ellis	FM 664	38	1051-01-057	P00054261
Ellis	FM 664	47	1051-01-057	P00054262
Ellis	FM 664	106	1051-01-057	P00054264
Ellis	FM 664	105	1051-01-057	P00054265
Ellis	FM 664	9	1051-01-057	P00054312
Ellis	FM 664	22	1051-01-057	P00054313
Ellis	FM 664	20	1051-01-057	P00054314
Ellis	FM 664	27	1051-01-057	P00054315
Ellis	FM 664	23	1051-01-057	P00054316
Ellis	FM 664	6	1051-01-057	P00054317
Ellis	FM 664	7	1051-01-057	P00054318
Ellis	FM 664	8	1051-01-057	P00054319
Ellis	FM 664	10	1051-01-057	P00054321
Ellis	FM 664	11	1051-01-057	P00054322
Ellis	FM 664	12	1051-01-057	P00054324

NON-CONTROLLED ACCESS cont'd

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Ellis	FM 664	13	1051-01-057	P00054330
Ellis	FM 664	14	1051-01-057	P00054331
Ellis	FM 664	15	1051-01-057	P00054332
Ellis	FM 664	24	1051-01-057	P00054333.001 P00054333E
Ellis	FM 664	25	1051-01-057	P00054334
Ellis	FM 664	26	1051-01-057	P00054339 P00054339E
Ellis	FM 664	28	1051-01-057	P00054341
Ellis	FM 664	84	1051-01-057	P00054345
Ellis	FM 664	37	1051-01-057	P00054266
Fayette	US 77	143	0211-06-066	42
Fayette	US 77	144	0211-06-066	43
Fayette	US 77	145	0211-06-066	44
Fayette	US 77	146	0211-06-066	45
Gregg	US 271	2	0165-03-038	P00061535
Gregg	US 271	1	0165-03-038	P00061540
Gregg	US 271	31	0165-03-038	P00061542
Gregg	US 271	30	0165-03-038	P00061543
Gregg	FM 2275	134	2158-01-024	80
Gregg	FM 2275	147	2158-01-025	P00065247
Harris	FM 2100	136	1062-02-021	233
Harris	FM 2100	135	1062-02-021	112
Hidalgo	FM 1925	138	1803-01-102	P00060096
Johnson	FM 157	122	0747-05-045	10
Johnson	FM 157	111	0747-05-045	16
Johnson	FM 157	112	0747-05-045	21
Johnson	FM 157	113	0747-05-045	22
Johnson	FM 157	114	0747-05-045	23
Johnson	FM 157	116	0747-05-045	24
Johnson	FM 157	115	0747-05-045	25
Johnson	FM 157	118	0747-05-045	30
Johnson	FM 157	117	0747-05-045	31
Johnson	FM 157	119	0747-05-045	32
Johnson	FM 157	121	0747-05-045	35
Johnson	FM 157	120	0747-05-045	38
Johnson	FM 157	107	0747-05-046	43
Johnson	FM 157	110	0747-05-046	44
Johnson	FM 157	108	0747-05-046	47
Johnson	FM 157	109	0747-05-046	55
Kaufman	FM 1641	19	1217-01-020	70,70E
Smith	US 271	34	0165-02-068	P00061469
Smith	US 271	32	0165-02-068	P00061479
Smith	US 271	33	0165-02-068	P00061507
Smith	US 271	270	0165-02-068	P00061524
Travis	RM 620	137	0683-02-081	38
Travis	RM 620	269	0683-02-083	63
Travis	FM 973	16	1200-03-063	P00056410.001 P00056410.002

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Tyler	US 69	251	0200-08-058	14
Tyler	US 69	252	0200-08-058	15
Tyler	US 69	255	0200-08-058	40
Tyler	US 69	253	0200-08-058	42
Tyler	US 69	257	0200-08-058	43
Tyler	US 69	254	0200-08-058	44
Tyler	US 69	256	0200-08-058	45
Tyler	US 69	258	0200-08-058	54
Tyler	US 69	259	0200-08-058	59
Wilson	US 87	123	0143-03-052	1
Wilson	US 87	149	0143-03-052	3
Wilson	US 87	161	0143-03-052	4
Wilson	US 87	131	0143-03-052	5
Wilson	US 87	133	0143-03-052	7
Wilson	US 87	124	0143-03-052	8
Wilson	US 87	162	0143-03-052	9
Wilson	US 87	140	0143-03-052	10
Wilson	US 87	129	0143-03-052	11
Wilson	US 87	141	0143-03-052	12
Wilson	US 87	163	0143-03-052	13
Wilson	US 87	150	0143-03-052	14
Wilson	US 87	128	0143-03-052	15
Wilson	US 87	125	0143-03-052	16
Wilson	US 87	139	0143-03-052	17
Wilson	US 87	126	0143-03-052	18
Wilson	US 87	127	0143-03-052	19
Wilson	US 87	148	0143-03-052	20
Wilson	US 87	142	0143-03-052	21
Wilson	US 87	152	0143-03-052	22
Wilson	US 87	151	0143-03-052	23
Wilson	US 87	153	0143-03-052	24
Wilson	US 87	154	0143-03-052	25
Wilson	US 87	155	0143-03-052	26
Wilson	US 87	156	0143-03-052	27
Wilson	US 87	157	0143-03-052	28
Wilson	US 87	158	0143-03-052	29
Wilson	US 87	159	0143-03-052	30
Wilson	US 87	160	0143-03-052	31
Wilson	US 87	164	0143-03-052	32
Wilson	US 87	165	0143-03-052	33
Wilson	US 87	166	0143-03-052	34
Wilson	US 87	208	0143-03-052	35
Wilson	US 87	205	0143-03-052	36
Wilson	US 87	203	0143-03-052	37
Wilson	US 87	132	0143-03-052	38
Wilson	US 87	261	0143-03-052	39
Wilson	US 87	262	0143-03-052	40
Wilson	US 87	263	0143-03-052	41
Wilson	US 87	264	0143-03-052	42

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Wilson	US 87	265	0143-03-052	43
Wilson	US 87	266	0143-03-052	44
Wilson	US 87	260	0143-03-052	45
Wilson	US 87	267	0143-03-052	46
Wilson	US 87	268	0143-03-052	47
Wilson	US 87	198	0143-03-052	48
Wilson	US 87	189	0143-03-052	49
Wilson	US 87	187	0143-03-052	50
Wilson	US 87	130	0143-03-052	51
Wilson	US 87	183	0143-03-052	52
Wilson	US 87	181	0143-03-052	53
Wilson	US 87	179	0143-03-052	54

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Colorado	IH 10	UU	0271-01-084	23
Colorado	IH 10	TT	0271-01-084	26
Colorado	IH 10	VV	0535-08-090	18
Colorado	IH 10	SS	0535-08-090	22
Dallas	IH 35	II	0196-03-248	31
Freestone	IH 45	WW	0675-01-076	P00058795
Freestone	IH 45	XX	0675-01-076	P00058796
Freestone	IH 45	YY	0675-01-076	P00058806
Jackson	SH 35	MM	0179-09-039	1
Jackson	SH 35	NN	0179-09-039	2
Jackson	SH 35	OO	0179-09-039	3
Kaufman	IH 20	JJ	0095-14-032	P00060966
Kaufman	IH 20	KK	0095-14-032	P00060967
Kaufman	IH 20	LL	0095-14-032	P00061190
Midland	IH 20	Y	0005-14-097	P00056494
Tarrant	IH 820	X	0008-13-242	438AC
Tarrant	IH 30	W	1068-01-231	2AC,2E
Tarrant	IH 30	C	1068-01-231	4
Tarrant	IH 30	K	1068-01-231	5AC,5E
Tarrant	IH 30	P	1068-01-231	6E
Tarrant	IH 30	R	1068-01-231	7E
Tarrant	IH 30	E	1068-01-231	8E
Tarrant	IH 30	F	1068-01-231	9,9TE
Tarrant	IH 30	Q	1068-01-231	14AC
Tarrant	IH 30	G	1068-01-231	17AC, 17E
Tarrant	IH 30	O	1068-01-231	18AC,18E
Tarrant	IH 30	S	1068-01-231	19E
Tarrant	IH 30	N	1068-01-231	20E
Tarrant	IH 30	V	1068-01-231	21E
Tarrant	IH 30	M	1068-01-231	22E
Tarrant	IH 30	L	1068-01-231	23E
Tarrant	IH 30	J	1068-01-231	25E
Tarrant	IH 30	I	1068-01-231	26AC,26E
Tarrant	IH 30	H	1068-01-231	27AC

CONTROLLED ACCESS cont'd

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Tarrant	IH 30	U	1068-01-231	28AC,28E
Tarrant	IH 30	T	1068-01-231	29TE
Tarrant	IH 30	D	1068-01-231	32E
Travis	IH 35	A	0015-13-406	P00056294
Van Zandt	IH 20	AA	0495-02-067	P00065267.001
Van Zandt	IH 20	BB	0495-02-067	P00065268.001
Van Zandt	IH 20	CC	0495-02-067	P00065270.001
Van Zandt	IH 20	DD	0495-02-068	P00065272.001
Van Zandt	IH 20	EE	0495-02-068	P00065274.001
Van Zandt	IH 20	FF	0495-02-068	P00065275.001
Van Zandt	IH 20	GG	0495-03-069	P00065278.001
Van Zandt	IH 20	HH	0495-03-069	P00065279.001
Waller	US 290	B	0114-11-089	76
Wharton	US 59	PP	0089-08-104	10
Wharton	US 59	QQ	0089-08-104	13
Wharton	US 59	RR	0089-08-104	14
Wilson	US 87	Z	0143-03-052	2

Note: Exhibits A - YY and 1 - 271 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 New, 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)

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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>
Continental Homes of Texas, L.P.	AUS	Hays	Design and Construction of an eastbound left turn lane into Phantom Hill Boulevard, associated bridge widening, and westbound right turn lane along FM 2001 in Kyle.
Davaus Three, LP	AUS	Travis	Design and construction to install traffic striping and restriping on FM 1327 to provide left turn lanes west of Evelyn Road in Creedmoor.
Dilley Development LLC	AUS	Williamson	Design and construction of a left turn lane on RM 1869, 0.2 mile east of SH 29 in Liberty Hill.
Empire Continental Land LP	HOU	Galveston	Design and construction of a traffic signal and both a right and left turn lane from SH 646 into the Coastal Point development in League City.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Excelite Development Ventures LLC	SAT	Atascosa	Design and construction of a right turn lane along FM 2790 to provide for safe right turn movements into the proposed development in Atascosa County.
H-E-B, LP	HOU	Harris	Design and construction of a 240-foot left turn lane from southbound Cullen Boulevard into the Astrodome EFC development in Houston.
Hunt Communities Bastrop, LLC	AUS	Bastrop	Design and construction of deceleration lanes on FM 969 from 0.9 miles east of FM 1209 to 1.4 miles east of FM 1209 in Bastrop.
Kampgrounds of America, Inc.	AUS	Gillespie	Design and construction of right turn and left lanes on SH 16 in Fredericksburg.
KB Homes Lone Star Inc.	HOU	Galveston	Design and construction of a left turn lane from northbound SH 3 into the Vida Costera development, and median modifications along SH 3 in Texas City.
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Gillespie	Design and construction of a left turn on US 87 in Fredericksburg.
M.I.S.N, LLC	BMT	Liberty	Upgrade and installation of an existing signal at the intersection of SH 105 and SH 321 in Cleveland.
NSJ Enterprises Inc	AUS	Tavis	Design and construction of intersection capacity improvements on US 290 at existing intersection Bios-D-Arc Road in Manor.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Samsung Austin Semiconductor, LLC	AUS	Williamson	Design and construction of widening the west side of FM 973 from County Rad 404 to .75 miles south of County Rod 404 to include three left turn lanes and three right turn lanes to the temporary construction driveways including pavement widening, driveway improvements, pavement markings, and drainage improvements in Taylor.
Southerland Muy Alto Ranch, LLC	AUS	Gillespie	Design and construction of left and right turn deceleration lanes for the Loma Vista Ranch subdivision on RM 783 in Gillespie County.
SPE 3 MH, LP	AUS	Bastrop	Design and construction of deceleration lanes on FM 812 from 0.35 miles west of SH 21 to 0.7 miles west of SH 21 in Cedar Creek.
Suburban LLC	HOU	Galveston	Design and construction of a right turn lane from northbound I-45 into the West Walker Street extension development in League City.
TPHTM 1464, LLC	HOU	Fort Bend	Design and construction of a left turn lane from northbound FM 1464 into the Trillium development in Richmond.
Triquetra Holdings Company, LLC	WAC	Bell	Design and construction of two deceleration lanes into the proposed driveways off SH 36 near Temple in Bell County.
Valor Texas Education Foundation	AUS	Travis	Design and construction of a westbound right turn deceleration lane and a westbound acceleration lane at the site driveway on the frontage road from Loop 1 to SH 45 and includes improvements to the existing storm drainage system and relocated illumination in Austin.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
AESA Prep Academy, Inc	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Babs Thirty-Four LLC dba Satellite...Eat. Drink.Orbit	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Deep Relief, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Kidd Roofing	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Total Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on four existing sign locations.
AEDO, LLC dba Hot Shot Auto Glass & Calibration	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Holdsworth & Nicholas, Inc. dba Texas MedClinic	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Golden Tree Restaurants LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
The Inspection House	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Weatherford CE LLC Chicken Express	FTW	Parker	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Law Firm of Roger "Rocky" Walton, P.C.	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
McLane Arlington	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Tripoli LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Bell & Crocker LLC dba Bell Dental	HOU	Brazoria	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Autobyzack, Inc	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
World Travel Holdings Inc. dba Cruises.com	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Autobyzack, Inc	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.
Pelican Insurance Agency, LLC	HOU	Harris	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) Austin County - Loop 497 - Consider the quitclaim of any interest that might have accrued to the state by use of former right of way to Austin County, Texas (MO)

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ROW

Near the unincorporated community of Kenney, Austin County, on Loop 497, the State of Texas used certain land for highway purposes that was acquired in the name of Road District No. 4 of Austin County, Texas by an instrument recorded in Volume 67, at Page 619, of the Deed Records of Austin County, Texas.

A portion of the land, which portion is described on 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 quitclaim to a county or municipality of any interest in real property that might have accrued to the state by use if the interest in the real property was acquired and held by the county or municipality in its own name for use by the state.

Austin County, Texas has requested the quitclaim of the tract to Austin County, Texas.

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

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 quitclaiming the state’s right and interest in the tract to Austin County, Texas.

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

(2) Brazos County - FM 2223 - Consider an easement release to the underlying fee owner (MO)

116417
ROW

Near the City of Bryan, Brazos County, on FM 2223, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 198, at Page 576, of the Deed Records of Brazos County, Texas.

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

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

Circle P Enterprises 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 \$4,423.80.

The commission finds \$4,423.80 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 authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Circle P Enterprises LLC, a Texas limited liability company, for \$4,423.80.

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

(3) Brazos County - FM 2223 - Consider an easement release to the underlying fee owner (MO)

116418
ROW

Near the City of Bryan, Brazos County, on FM 2223, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 198, at Page 576, of the Deed Records of Brazos County, Texas.

A portion of the easement, which portion encumbers the real property described in Exhibits A, B, and C (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.

Nick and Anna Marie Philipello, Jr. are the owners of the fee interest in the property and have requested to purchase the easement interest for \$31,011.04.

The commission finds \$31,011.04 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 Exhibits A, B, and C, 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 Nick and Anna Marie Philipello, Jr. for \$31,011.04.

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

(4) Brazos County - FM 2223 - Consider an easement release to the underlying fee owner (MO)

116419
ROW

Near the City of Bryan, Brazos County, on FM 2223, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 198, at Page 576, of the Deed Records of Brazos County, Texas.

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

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

Tabor Road Joint Venture, 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 \$4,965.16.

The commission finds \$4,965.16 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 authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Tabor Road Joint Venture, LLC, a Texas limited liability company, for \$4,965.16.

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

(5) Denton County - US 380 - Consider an easement release to the underlying fee owner (MO)

116420
ROW

In the City of Little Elm, Denton County, on US 380, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 334, at Page 93, of the Real Property Records of Denton County, Texas.

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

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

MM Little Elm 43, LLC is the owner of the fee interest in the property and has requested to purchase the easement interest for \$27,803.

The commission finds \$27,803 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 MM Little Elm 43, LLC for \$27,803.

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

(6) Harris County - I-69 - Consider the sale of right of way to an abutting landowner (MO)

116421
ROW

In the City of Houston, Harris County, on I-69, the State of Texas acquired certain land for highway purposes by instruments recorded in Clerk's File No. E674603 and Film Code No. 135-08-1814 and Clerk's File No. E730959 and Film Code No. 138-20-0138, of the Official Records of Harris 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.

Bonoan Ventures, Inc., a Texas corporation, is an abutting landowner and has requested to purchase the tract for \$120,845.

The commission finds \$120,845 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 Bonoan Ventures, Inc., a Texas corporation, for \$120,845; 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.

(7) Tarrant County - on Trinity Boulevard near FM 157 - Consider the sale of right of way to the Trinity River Authority of Texas (MO)

116422
ROW

Near the City of Euless, Tarrant County, on Trinity Boulevard near FM 157, the State of Texas acquired certain land for highway purposes by an instrument recorded in Instrument No. D200030382, of the Deed Records of Tarrant County, Texas.

All of the land, which is described in Exhibit A as TRACT 14-07 PART 1 (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 real property no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The Trinity River Authority of Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$144,000.

The commission finds \$144,000 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the Trinity River Authority of Texas for \$144,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Letting Allocation Status Report - Quarterly status report on the FY 2023 letting allocation, the actual allocation utilized through the current month, and proposed

remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

(3) Quarterly Cash Report - Quarterly report on FY 2023 State Highway Fund 6 cash status (Report)

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

(4) Annual Financial Report - Texas Department of Transportation Annual Comprehensive Financial Report (with Independent Auditor's Report) for the Fiscal Year Ended August 31, 2022 (Report)

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

(5) Texas Mobility Fund - Audited financial statements of the Texas Mobility Fund as required by the governing master resolution (Report)

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

(6) Central Texas Turnpike System - Travis and Williamson Counties- Audited financial statements of the Central Texas Turnpike System (CTTS), as required by the CTTS Indenture of Trust (Report)

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

d. Land Acquisitions for Facilities

Various Counties - Consider the grant of authority to the department to acquire real property for facilities (MO)

116423
SSD

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

Transportation Code Chapter 203 authorizes the commission to acquire an interest in real property that the commission determines is necessary or convenient to construct or operate a facility used in connection with the construction, maintenance or operation of a state highway or toll project, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation or operation of a state highway.

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached Exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by 87th Legislature, Supplemental Appropriations Act for the 2022-23 Biennium.

The commission finds that the acquisition of the properties listed in Exhibit A is necessary for the overall efficiency of the construction, maintenance and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the purchase prices for the individual properties listed on Exhibit A may be expended to pay for such properties, together with such additional funds as may be required to pay any necessary and customary incidental expenses of performing due diligence and acquiring fee simple title to the properties.

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to negotiate and execute earnest money contracts or purchase agreements containing such terms as determined necessary to purchase the properties. The executive director, or his designee, may terminate such contracts or agreements in the event that the department determines that one or more of the properties is unsuitable for its intended purpose.

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to close the acquisition of the properties and execute any related closing documents, to expend funds for the applicable purchase prices, surveys, due diligence, title insurance, and any other necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the properties, consistent with the provisions of this minute order.

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

e. Speed Zones

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

116424
TRF

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

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

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

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

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

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

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

implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

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

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

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

The commission did not meet in executive session.

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

The commission received comments from El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo Thanking Commissioner Ryan for her service, and extending an invite to the commission to visit the El Paso District. The commission also heard comments from citizen Larry Deavers about ongoing construction on US 59 in Fort Bend County. 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 1:02 p.m.

APPROVED by the Texas Transportation Commission on February 23, 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 January 26, 2023, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk
Texas Department of Transportation

