

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 23, 2023, in Austin, Texas. The meeting was called to order at 10:04 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

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

**Administrative Staff:**

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:33 p.m. on February 15, 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.

Following the safety briefing, Chairman Bugg recognized Texas House of Representatives member Ed Thompson. Representative Thompson and a group from Pearland discussed projects in the Houston District. Representative Thompson introduced City of Pearland Mayor Kevin Cole. Mayor Cole introduced his constituents and discussed Pearland Day. Chairman Bugg then recognized Texas House of Representatives member Brooks Landgraf. Representative Landgraf discussed the House Transportation Committee, and thanked TxDOT for the continued work in the Permian Basin.

**ITEM 2. Opening Comments from Commissioners and Executive Director**

The commissioners made opening remarks.

**ITEM 3. Consider the approval of the Minutes of the January 25, 2023, special meeting and the January 26, 2023, 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 January 25, 2023, special meeting and the January 26, 2023, regular meeting by a vote of 3 - 0.

**ITEM 4. Contracts**

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

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

This item was presented by Construction Division Director Duane Milligan. The commission heard comments from private citizen Don Dixon who asked the department

to look into safety along SH 21 from San Marcos to College Station Texas. Mr. Dixon also asked the commission to consider turning the 130 toll road into a regular state highway. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

116425  
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 February 1 and 2, 2023, as shown on Exhibit A.

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

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

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

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

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

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

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

**b. Routine Maintenance (MO)**

This item was presented by Construction Division Director Duane Milligan. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

116426  
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 February 1 and 2, 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.

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

This item was presented by Facilities Planning and Management Section Director Warren Rose. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

116427  
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 January 3, 2023, TxDOT Flight Services HVAC and Roof Replacement, as well as projects publicly opened and read February 7 and 8, 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 5. Discussion Item**

Update to the 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. The commission also heard comments from private citizen Molly Cook offering comments on projected Houston District projects, and Jay Crossley, Executive Director for Farm & City, asking for more funding to public transportation.

**ITEM 6. Approval of Connection of Sam Houston Tollway to SH 225**

Harris County - Consider approval of the request by Harris County to connect the Sam Houston Tollway to non-tolled SH 225 in Harris County by means of five direct connectors to be constructed by Harris County at the interchange of the Sam Houston Tollway and non-tolled SH 225; consider the granting of permission to Harris County to use state highway right-of-way as necessary to construct, operate, and maintain the five direct connectors; consider granting authority to the executive director to take all actions necessary to carry out the purposes of this minute order (Presentation) (MO)

This item was presented by Transportation Planning and Programming Division Deputy Director Mildred Litchfield. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

116428  
TPP

Harris County (county) operates a toll road system under Chapter 284 of the Texas Transportation Code (code), which includes the Sam Houston Tollway. The Texas Department of Transportation (department) and the county wish to provide for the design, construction, operation, and maintenance of five direct connectors (DC) at the interchange of the non-tolled SH 225 and the Sam Houston Tollway.

Pursuant to Chapter 373, Subchapter C of the code, the department shall allow a local toll project entity, including the county, to use state highway right-of-way and to access the state highway system as necessary to construct and operate a toll project. Transportation Code § 373.103 provides that a local toll project entity, such as the county, and the department shall enter into an agreement for any toll project for which the entity intends to use state highway right-of-way necessary to protect the interests of the

Texas Transportation Commission (commission) and the department in the use of state highway right-of-way for operations of the department.

The five DCs with one DC connecting northbound Sam Houston Tollway with westbound non-tolled SH 225, one DC connecting westbound non-tolled SH 225 with northbound Sam Houston Tollway, one DC connecting northbound Sam Houston Tollway with eastbound non-tolled SH 225, one DC connecting southbound Sam Houston Tollway with eastbound non-tolled SH 225, and one DC connecting southbound Sam Houston Tollway with westbound non-tolled SH 225, will be designed, constructed, operated and maintained by the county as a project under Chapter 284 of the code, and subject to the requirements of § 284.008 of the code, will not be on the state highway system. The construction, operation, and maintenance of the five DCs will involve work by the county within the limits of state-owned right-of-way. The county also wishes to include within an agreement with the department provisions relating to the design of the remaining three DCs at this interchange.

Title 43 Texas Administrative Code, (TAC)§ 11.58, provides that a public or private entity may not connect a regionally significant highway to a segment of the state highway system without the approval of the commission, and provides the criteria for that approval. Pursuant to that provision, the county has submitted a request to the executive director to connect the Sam Houston Tollway to the state highway system by means of the five DCs. The commission has determined that all criteria and conditions for the connection of the Sam Houston Tollway to the state highway system by means of the five DCs, including the criteria for approval of a request under TAC § 11.58 have been met or satisfied.

IT IS THEREFORE ORDERED by the commission that the county is permitted to use state highway right-of-way as necessary to develop, construct, operate, and maintain the five DCs, subject to terms that the executive director may include in an agreement with the county that are in furtherance of the state's interests and are consistent with this minute order and applicable law, which agreement may also include terms related to the design of the three future DCs.

IT IS FURTHER ORDERED that pursuant to TAC § 11.58, the connection of the Sam Houston Tollway by means of the five DCs with a segment of the state highway system is approved, subject to terms that the executive director may include in an agreement with the county that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

IT IS FURTHER ORDERED that any agreement between the department and the county governing the use of state-owned right-of-way and the county's development, design, construction, operation, and maintenance of the DCs shall include any provisions necessary to carry out the purposes of this minute order.

IT IS FURTHER ORDERED that the executive director is authorized to take all actions necessary to carry out the purposes of this minute order.

#### **ITEM 7. Aviation**

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

This item was presented by Aviation Division Director Dan Harmon. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

116429  
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 January 27, 2023, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation 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. Advisory Committee Appointment**

Consider the appointment of members to the Port Authority Advisory Committee (MO)

This item was presented by Maritime Division Director GeirEilif Kalhagen. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 3 - 0.

116430  
MRD

Transportation Code, §55.006(a), requires the Texas Transportation Commission (commission) to appoint seven members to the Port Authority Advisory Committee (committee). The purpose of the committee is to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department, and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports. Transportation Code, §55.006(b) provides that a committee member serves at the pleasure of the commission.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members appointed by the commission serve staggered three-year terms unless removed sooner at the discretion of the commission.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Reappointment with a Term Expiring on February 28, 2026

Phyllis Saathoff, Executive Director/CEO, Port of Freeport – Upper Coast

New Appointment with a Term Expiring on February 28, 2026

Walker Smith, Port Director, Port of Harlingen – Lower Coast

IT IS THEREFORE ORDERED by the commission that these individuals be appointed as members of the Port Authority Advisory Committee for the term specified.

**ITEM 9. Texas Private Activity Bond Surface Transportation Corporation****Appoint directors to the Texas Private Activity Bond Surface Transportation Corporation (MO)**

This item was presented by Project Finance, Debt & Strategic Contracts, Project Finance & Debt Section Director Jennifer Wright. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

116431  
PFD

By Minute Order 111551 dated October 30, 2008, the Texas Transportation Commission (commission) authorized the creation of the Texas Private Activity Bond Surface Transportation Corporation (corporation) under the authority of Transportation Code, Chapter 431, Subchapters A through C, as further authorized by Title 43, Texas Administrative Code (TAC), Section 15.94; and approved the corporation's articles of incorporation and bylaws; and appointed the corporation's initial directors. The corporation was created to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems through the issuance of bonds for transportation projects developed or to be developed under comprehensive development agreements.

Under the articles of incorporation, as approved by the commission, the powers of the corporation are exercised through its board of directors consisting of three employees of the Texas Department of Transportation (department) appointed by the commission (board of directors). In Minute Order 111551, dated October 30, 2008, the commission duly appointed three initial directors.

In Minute Order 112797 dated August 25, 2011, the commission appointed three directors to six-year terms, each expiring on August 31, 2017. Due to subsequent vacancies on the corporation's board of directors, the commission appointed the following department employees as replacement directors: Lauren Garduño (Minute Order 113816 dated January 30, 2014); Richard McMonagle (Minute Order 114042 dated August 28, 2014); and Brian Ragland (Minute Order 114540 dated March 31, 2016), each serving the remaining term expiring on August 31, 2017.

In Minute Order 115017 dated August 31, 2017, the commission re-appointed Lauren Garduño, Richard McMonagle, and Brian Ragland, employees of the department, to the board of directors of the corporation to each serve a new six-year term commencing September 1, 2017, and ending August 31, 2023.

In Minute Order 115246 dated June 28, 2018, the commission appointed Brian Barth to the board of directors for the remainder of Lauren Garduño's term ending August 31, 2023.

In Minute Order 116040 dated June 30, 2021, the commission appointed Stephen Stewart to the board of directors for the remainder of Brian Ragland's term ending August 31, 2023.

The commission has determined that it will replace Brian Barth with Mohamed Bur, an employee of the department, to serve as a director on the corporation's board of directors for the remainder of the term ending August 31, 2023.

The commission has also determined that it will re-appoint Rich McMonagle, Stephen Stewart, and Mo Bur as directors on the corporation's board of directors for a six-year term running from September 1, 2023, through August 31, 2029.

IT IS THEREFORE ORDERED by the commission that, effective as of the date of this minute order, the commission rescinds Brian Barth's appointment to the board of

directors and appoints Mohamed Bur, an employee of the department, to the board of directors to replace Brian Barth for the remainder of his term ending August 31, 2023.

IT IS FURTHER ORDERED by the commission that, effective as of September 1, 2023, the commission re-appoints Richard McMonagle, Stephen Stewart, and Mohamed Bur, each as a director on the corporation's board of directors to serve a six-year term expiring on August 31, 2029, provided that the commission's re-appointment of any director shall not become effective if that director is not employed by the department on September 1, 2023.

**ITEM 10. Grand Parkway Transportation Corporation**

**Appoint a director to the Grand Parkway Transportation Corporation (MO)**

This item was presented by Project Finance, Debt & Strategic Contracts, Project Finance & Debt Section Director Jennifer Wright. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

116432  
PFD

In Minute Order 113046 dated March 29, 2012, the Texas Transportation Commission (commission) authorized the creation of the Grand Parkway Transportation Corporation (corporation) under the authority of Transportation Code, Chapter 431, Subchapters A through C, as further authorized by Title 43, Texas Administrative Code (TAC), Section 15.95; and approved the corporation's articles of incorporation and bylaws; and appointed the corporation's initial directors. The corporation was created to facilitate the developing, financing, refinancing, designing, constructing, reconstructing, expanding, operating, and maintaining of various segments of State Highway 99 (Grand Parkway) and act on behalf of the commission to promote and develop various segments of the Grand Parkway.

Under the articles of incorporation, as approved by the commission, the powers of the corporation are exercised through its board of directors consisting of three employees of the Texas Department of Transportation (department) appointed by the commission (board of directors). The commission duly appointed three initial directors in Minute Order 113046 to serve an initial term expiring on August 31, 2015. In Minute Order 114306 dated July 30, 2015, the commission reappointed James Bass, Lauren Garduño, and Richard McMonagle to six-year terms commencing September 1, 2015, and ending August 31, 2021.

In Minute Order 114539 dated March 31, 2016, the commission appointed Brian Ragland to the board of directors for the remainder of James Bass's term ending August 31, 2021.

In Minute Order 115246 dated June 28, 2018, the commission appointed Brian Barth to the board of directors for the remainder of Lauren Garduño's term ending August 31, 2021.

In Minute Order 116039 dated June 30, 2021, the commission appointed Stephen Stewart to the board of directors for the remainder of Brian Ragland's term ending August 31, 2021, and re-appointed Stephen Stewart, Richard McMonagle, and Brian Barth to the board of directors to serve a six-year term effective September 1, 2021, and ending August 31, 2027.

The commission has determined that it will replace Brian Barth with Mohamed Bur, an employee of the department, to serve as a director on the corporation's board of directors for the remainder of the term ending August 31, 2027.

IT IS THEREFORE ORDERED by the commission that, effective as of the date of this minute order, the commission rescinds Brian Barth's appointment to the board of



directors and appoints Mohamed Bur, an employee of the department, the board of directors to serve Brian Barth's remaining term expiring August 31, 2027.

**ITEM 11. Eminent Domain Proceedings**

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

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Vaughn made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner New and the following minute order was approved by Chairman Bugg, Commissioner New, and Commissioner Vaughn (a vote of 3 - 0).

116433  
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-KK. 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 1-147 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**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Angelina	FM 324	60	0176-08-027	P00061828
Bexar	FM 1560	145	2230-01-024	73
Bexar	FM 1560	146	2230-01-024	74
Bowie	US 82	9	0046-04-068	P00027218
Bowie	US 82	10	0046-04-068	P00027219
Bowie	US 82	13	0046-04-068	P00027220
Bowie	US 82	17	0046-04-068	P00027221
Bowie	US 82	11	0046-04-068	P00027222
Bowie	US 82	7	0046-04-068	P00027223
Bowie	US 82	8	0046-04-068	P00027224
Bowie	US 82	5	0046-04-068	P00027225
Bowie	US 82	3	0046-04-068	P00027226
Bowie	US 82	4	0046-04-068	P00027227
Bowie	US 82	14	0046-04-068	P00027228
Bowie	US 82	6	0046-04-068	P00027229
Bowie	US 82	15	0046-04-068	P00027231
Bowie	US 82	16	0046-04-068	P00027232.001-.002
Bowie	US 82	12	0046-04-068	P00027233
Brazoria	SH 36	61	0188-04-041	28B
Calhoun	FM 1593	141	1090-05-021	5
Calhoun	FM 1593	140	1090-05-021	6
Calhoun	FM 1593	139	1090-05-021	7
Clay	US 82	2	0044-03-053	24
Collin	US 380	18	0135-03-055	82
Collin	US 380	19	0135-03-055	88,90
Ellis	FM 664	86	1051-01-054	18
Ellis	FM 664	85	1051-01-054	30
Ellis	FM 664	129	1051-01-056	P00054120
Ellis	FM 664	134	1051-01-056	P00054121, P00054121E
Ellis	FM 664	87	1051-01-056	P00054122
Ellis	FM 664	130	1051-01-056	P00054123
Ellis	FM 664	132	1051-01-056	P00054124E
Ellis	FM 664	88	1051-01-056	P00054125
Ellis	FM 664	89	1051-01-056	P00054126
Ellis	FM 664	90	1051-01-056	P00054127
Ellis	FM 664	91	1051-01-056	P00054128
Ellis	FM 664	92	1051-01-056	P00054129
Ellis	FM 664	93	1051-01-056	P00054130
Ellis	FM 664	131	1051-01-056	P00054131

**NON-CONTROLLED ACCESS cont'd**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Ellis	FM 664	94	1051-01-056	P00054132
Ellis	FM 664	95	1051-01-056	P00054133
Ellis	FM 664	96	1051-01-056	P00054152
Ellis	FM 664	97	1051-01-056	P00054153
Ellis	FM 664	98	1051-01-056	P00054154
Ellis	FM 664	99	1051-01-056	P00054155
Ellis	FM 664	100	1051-01-056	P00054156
Ellis	FM 664	101	1051-01-056	P00054157
Ellis	FM 664	102	1051-01-056	P00054158
Ellis	FM 664	103	1051-01-056	P00054159
Ellis	FM 664	104	1051-01-056	P00054160
Ellis	FM 664	105	1051-01-056	P00054161
Ellis	FM 664	106	1051-01-056	P00054162
Ellis	FM 664	107	1051-01-056	P00054163
Ellis	FM 664	108	1051-01-056	P00054164
Ellis	FM 664	109	1051-01-056	P00054165
Ellis	FM 664	110	1051-01-056	P00054166
Ellis	FM 664	111	1051-01-056	P00054167
Ellis	FM 664	112	1051-01-056	P00054168
Ellis	FM 664	113	1051-01-056	P00054169
Ellis	FM 664	114	1051-01-056	P00054170
Ellis	FM 664	115	1051-01-056	P00054171
Ellis	FM 664	133	1051-01-056	P00054296
Ellis	FM 664	117	1051-01-056	P00054297
Ellis	FM 664	116	1051-01-056	P00054298
Ellis	FM 664	118	1051-01-056	P00054299
Ellis	FM 664	119	1051-01-056	P00054300
Ellis	FM 664	120	1051-01-056	P00054301
Ellis	FM 664	121	1051-01-056	P00054302
Ellis	FM 664	122	1051-01-056	P00054303.001-.002
Ellis	FM 664	123	1051-01-056	P00054304
Ellis	FM 664	124	1051-01-056	P00054305
Ellis	FM 664	136	1051-01-056	P00054306
Ellis	FM 664	135	1051-01-056	P00054308
Ellis	FM 664	125	1051-01-056	P00057326
Ellis	FM 664	126	1051-01-056	P00057328
Ellis	FM 664	127	1051-01-056	P00057329
Ellis	FM 664	128	1051-01-056	P00057330
Ellis	FM 664	138	1051-01-057	P00054141
Ellis	FM 664	137	1051-01-057	P00054323.001-.002
Fort Bend	FM 723	1	0188-09-052	120
Galveston	FM 646	147	3049-01-032	217
Gregg	US 271	52	0165-03-038	P00061536.001
Gregg	US 271	59	0165-03-038	P00061537.001
Gregg	US 271	53	0165-03-038	P00061538.001
Gregg	US 271	48	0165-03-038	P00061539.001
Gregg	US 271	49	0165-03-038	P00061541.001
Gregg	US 271	50	0165-03-038	P00061544.001
Gregg	US 271	51	0165-03-038	P00061546.001

**NON-CONTROLLED ACCESS cont'd**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Gregg	US 271	58	0165-03-038	P00061547.001
Gregg	US 271	54	0165-03-038	P00061548.001
Gregg	US 271	56	0165-03-038	P00061549.001
Gregg	US 271	55	0165-03-038	P00061550.001
Gregg	US 271	57	0165-03-038	P00061551.001
Gregg	SH 42	72	0545-04-053	P00057839.001
Gregg	SH 42	65	0545-04-053	P00057842
Gregg	SH 42	76	0545-04-053	P00057849.001
Gregg	SH 42	79	0545-04-053	P00057857.001
Gregg	SH 42	66	0545-04-053	P00057863.001-.005
Gregg	SH 42	71	0545-04-053	P00057873.001
Gregg	SH 42	70	0545-04-053	P00057875.001-.002
Gregg	SH 42	69	0545-04-053	P00057880.001
Gregg	SH 42	68	0545-04-053	P00057881.001
Gregg	SH 42	73	0545-04-053	P00057883
Gregg	SH 42	67	0545-04-053	P00057894.001
Gregg	SH 42	75	0545-04-053	P00057900.001
Gregg	SH 42	74	0545-04-053	P00057909.001
Gregg	SH 42	78	0545-04-053	P00057916.001
Gregg	SH 42	77	0545-04-053	P00057925.001
Kaufman	FM 1641	142	1217-01-020	P00063171
Kaufman	FM 1641	143	1217-01-020	P00063172
Kaufman	FM 1641	144	1217-01-020	P00063173
Montgomery	SH 105	64	0338-04-074	425
Smith	US 271	34	0165-02-068	P00061465.001
Smith	US 271	33	0165-02-068	P00061466.001
Smith	US 271	20	0165-02-068	P00061467.001
Smith	US 271	21	0165-02-068	P00061470
Smith	US 271	35	0165-02-068	P00061471.001
Smith	US 271	40	0165-02-068	P00061472.001
Smith	US 271	22	0165-02-068	P00061473.001
Smith	US 271	36	0165-02-068	P00061474.001
Smith	US 271	37	0165-02-068	P00061475.001
Smith	US 271	38	0165-02-068	P00061477.001
Smith	US 271	46	0165-02-068	P00061478.001
Smith	US 271	23	0165-02-068	P00061483
Smith	US 271	24	0165-02-068	P00061484.001
Smith	US 271	25	0165-02-068	P00061485.001
Smith	US 271	26	0165-02-068	P00061486.001
Smith	US 271	39	0165-02-068	P00061488.001
Smith	US 271	27	0165-02-068	P00061490.001
Smith	US 271	28	0165-02-068	P00061491.001
Smith	US 271	29	0165-02-068	P00061492.001
Smith	US 271	44	0165-02-068	P00061494.001
Smith	US 271	30	0165-02-068	P00061501.001
Smith	US 271	45	0165-02-068	P00061502.001
Smith	US 271	41	0165-02-068	P00061505.001
Smith	US 271	31	0165-02-068	P00061509.001
Smith	US 271	47	0165-02-068	P00061514.001

Smith	US 271	32	0165-02-068	P00061515.001
Smith	US 271	42	0165-02-068	P00061517.001
Smith	US 271	43	0165-02-068	P00061526.001
Travis	RM 620	84	0683-02-083	62
Travis	RM 620	80	0683-02-083	81
Travis	RM 620	81	0683-02-083	102
Travis	RM 620	83	0683-02-083	132
Travis	RM 620	82	0683-02-083	156
Tyler	US 69	63	0200-08-058	83
Tyler	US 69	62	0200-08-058	85

**CONTROLLED ACCESS**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Colorado	IH 10	DD	0271-01-081	61
Colorado	IH 10	CC	0271-01-081	88
Colorado	IH 10	EE	0271-01-081	89
Colorado	IH 10	GG	0535-08-090	2
Colorado	IH 10	HH	0535-08-090	19
Colorado	IH 10	FF	0535-08-090	86
Cooke	IH 35	BB	0194-02-096	43
Denton	IH 35W	Y	0081-13-067	P00055458
Denton	IH 35W	Z	0081-13-067	P00055460
Denton	IH 35W	U	0081-13-067	P00055464
Denton	IH 35W	V	0081-13-067	P00055499
Denton	IH 35W	X	0081-13-067	P00055500
Denton	IH 35W	W	0081-13-067	P00055510
Freestone	IH 45	JJ	0675-02-093	P00060406
Freestone	IH 45	II	0675-02-093	P00060413
Hunt	IH 30	H	0009-13-185	P00063116.01-.02
Hunt	IH 30	E	0009-13-185	P00063117.01-.02
Hunt	IH 30	D	0009-13-185	P00063118
Hunt	IH 30	C	0009-13-185	P00063119
Hunt	IH 30	F	0009-13-185	P00063120
Hunt	IH 30	G	0009-13-185	P00063121
Hunt	IH 30	I	0009-13-185	P00063122
Hunt	IH 30	J	0009-13-185	P00063123
Hunt	IH 30	K	0009-13-186	P00063124.01-.02
Hunt	IH 30	L	0009-13-186	P00063125
Hunt	IH 30	M	0009-13-186	P00063127
Hunt	IH 30	N	0009-13-186	P00063128
Hunt	IH 30	O	0009-13-186	P00063129
Hunt	IH 30	P	0009-13-186	P00063130
Hunt	IH 30	Q	0009-13-186	P00063131
Hunt	IH 30	R	0009-13-188	P00063132
Hunt	IH 30	S	0009-13-188	P00063133
Hunt	IH 30	T	0009-13-188	P00063134
Midland	IH 20	KK	0005-14-097	P00056497.001
Midland	IH 20	A	0005-14-098	P00056491.001
Randall	IH 27	AA	0168-09-188	21
Tarrant	IH 20	B	0008-13-241	844E

Note: Exhibits A - KK and 1 - 147 are on file with the commission chief clerk.

## **ITEM 12. Routine Minute Orders and Reports**

This item was presented by Executive Director Marc Williams. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute orders by a vote of 3 - 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)**

116434  
CSD

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

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

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

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

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43

TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

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

**Donations to the Department**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Ansley Corporation	WAC	Bell	Design and construction for widening, milling, inlaying a section of SH 36 to add a left turn lane at the intersection Blanco Springs Road and SH 36 in Temple.
Abiso Potranco, LP	SAT	Bexar	Design and construction for installation of pavement widening to allow for a left turn lane on SH 211 located south of the Potranco Road (FM 1957) and SH 211 intersection in Bexar County.
Barkley Meadows, LLC AUS		Travis	Design and a fixed amount to cover the state's cost to construct a right turn deceleration lane on SH 71 at the entrance of the Barkley Meadows Development in Del Valle.
Benchmark Acquisitions, LLC	SAT	Guadalupe	Design and construction of left and right turn lanes and overhead flashing beacon for Panther Ridge a new public street serving the Jaro North subdivision approximately 0.34-mile north of FM 758 on SH 123 in Guadalupe County.
Clay Partners – Mustang Ridge Land #1 L.P.		AUS	Travis Design and construction of roadway improvements at new driveway to the Mustang Ridge Business Park at 6925 FM 1327 in Creedmoor.

**Donations to the Department**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Colbear, LLC	SAT	Atascosa	Design and construction for installation of new traffic signal heads and radar detector on existing TxDOT poles and span wire located 6 miles south of Loop 1604 at the intersection of SH 16 and Stacey Road in Atascosa County.
D.R. Horton – Texas, Ltd.	HOU	Fort Bend	Design and construction of a traffic signal at FM 359 at Sorrento Drive in Richmond.
Golden Triangle Polymers Company LLC	BMT	Orange	Design and construction of several roadway improvements on SH 62, FM 1006, FM 105, SH 87, and Business 90 in the Orange.
J.E. Properties, L.P.	SAT	Comal	Design and construction of one turn lane, signs, pavement markings, and pavement widening for the new Prose New Braunfels Multi-Family subdivision entrance on I-35 northbound frontage road in New Braunfels.
Landmark Industries, LLC	HOU	Harris	Design and construction of the Mason Road tie-in from westbound and eastbound FM 529 as well as roadway median modifications at the Mason Road and FM 529 intersection into the Grand Mason development in Cypress.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Guadalupe	Design and construction of widening FM 758 to install eastbound right turn, culvert extension, pedestrian ramp and pole relocation, pavement markings, and roadside drainage on FM 758 at the intersection with SH 123 in Guadalupe County.
Lorena Travel Center Property LLC	WAC	McLennan	Design and construction of a right turn deceleration lanes on I-35 frontage road at the entrance of the new Roadster Travel Center in Lorena.



**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Madrone Ranch Property Owners Association	AUS	Travis	Funds for construction of a westbound right turn lane into Madrone Ranch Trail along RM 3238 in Austin.
Meritage Homes of Texas, LLC	SAT	Bexar	Design and construction for installation of left turn and right turn lanes on FM 1560 located approximately 2,500 feet north of the intersection of FM 1560 and Galm Road in Bexar County.
P&L Investor Group, LP	AUS	Williamson	Design and construction of widening along Ranch Road 1869 for one left turn lane and one right turn lane including pavement widening, driveway improvements, pavement markings, and drainage improvements in Liberty Hill.
Escuela Hispanoamericana de Texas (EHAT)	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
JJR Moving LLC dba Unicorn Moving and Storage	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on multiple existing sign locations.
Adventure Forest LLC dba Go Ape	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
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.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>District</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Total Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Best Western Plus Lake Worth Inn & Suites	FTW	Tarrant	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.
FW River Plaza LP	FTW	Tarrant	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	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Texas Turbine LLC	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Holdsworth & Nicholas, Inc. f.b.o. Texas MedClinic	SAT	Comal	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
PAX Financial Group	SAT	Comal	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) Andrews County - FM 1788 - Consider the quitclaim of right of way no longer needed for a highway purpose to the county that acquired the property in its own name for use by the state (MO)**

116435  
ROW

Near the City of Andrews, Andrews County, on FM 1788, the State of Texas used certain land for highway purposes that was acquired in the name of Andrews County

by instruments recorded in Volume 166, at Page 308, Volume 198, at Page 322, and in Volume 205, at Page 218, of the Deed Records of Andrews 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.

Andrews County has requested the quitclaim of the tract to Andrews County.

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 Andrews County.

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 Andrews County, Texas.

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

(2) Dallas County - US 67 - 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)

116436  
ROW

In the City of Cedar Hill, Dallas County, on US 67, the state of Texas acquired drainage channel easements encumbering certain land by instruments recorded in Volume 2135, at Page 248, and in Volume 70178, at Page 1068, 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 easements encumbering the land, described in Exhibits A (only that portion now owned by Wilshire Cedar Hill Owner LLC, a Delaware limited liability company) and B (tracts), are no longer needed for a state highway purpose. The value of the easements is \$16,465.

A drainage channel easement needed for a state highway purpose, encumbering the land described in Exhibit C (parcel) and its associated improvements, is to be conveyed to the state by Wilshire Cedar Hill Owner LLC, a Delaware limited liability company. The value of the easement encumbering the parcel, along with its associated improvements, is \$428,947.

Wilshire Cedar Hill Owner LLC is the owner of the fee interest in the tracts and has requested that the easements encumbering the tracts be released to it in exchange for an easement encumbering the parcel, and Wilshire Cedar Hill Owner LLC will donate the \$412,482 difference in value between the easements encumbering the tracts 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 easements encumbering the tracts to Wilshire Cedar Hill Owner LLC as partial consideration for the improved easement encumbering the parcel and accept the donation of \$412,482 value difference from Wilshire Cedar Hill Owner LLC.

IT IS THEREFORE ORDERED by the commission that the easements encumbering the tracts is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all the state's right, title, and interest in the easements encumbering the tracts to Wilshire Cedar Hill Owner LLC, a Delaware limited liability company, in exchange and as partial consideration for the improved easement encumbering the parcel.

Note: Exhibits A-C are on file with the commission chief clerk.

**(3) Ector County - FM 2227 - Consider the sale of right of way to an abutting landowner (MO)**

116437  
ROW

Near the City of Odessa, Ector County, on FM 2227, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 247, at Page 302, of the Deed Records of Ector County, Texas.

All of the land, which 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.

Michael J. Thompson is an abutting landowner and has requested to purchase the tract for \$111,240.70.

The commission finds \$111,240.70 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 Michael J. Thompson for \$111,240.70; 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) Montgomery County - SH 99 - Consider the designation of one location on the SH 99 westbound off-ramp at FM 1314 at which access will be permitted to the abutting property (MO)**

116438  
ROW

Near the unincorporated community of Porter, Montgomery County, on SH 99, a new designated controlled-access highway, the State of Texas acquired certain land for highway purposes by an instrument recorded as Document No. 2014116514 in the Official Public Records of Montgomery County, Texas, with denial of access to the abutting remainder property per Transportation Code, §203.034(a).

1314 and 99 LP, a Texas limited partnership, the current owner of abutting property, has requested designated access to and from the SH 99 westbound off-ramp for

proposed access at one location along the property line at a new access point described in Exhibit A.

1314 and 99 LP, a Texas limited partnership, has committed to purchase the access for \$257,515.83.

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

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

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

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

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

The commission further finds \$257,515.83 to be a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated access, described in Exhibit A, is no longer needed for a state highway purpose. It is recommended by the commission, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access as described in Exhibit A to 1314 and 99 LP, a Texas limited partnership, for \$257,515.83.

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

**(5) Smith County - FM 15 - Consider the quitclaim of right of way to an abutting landowner (MO)**

116439  
ROW

In the City of Troup, Smith County, on FM 15, the State of Texas used certain land for highway purposes that was granted and dedicated to the public as highways by an instrument recorded in Volume 75, at Page 492, of the Deed Records of Smith 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 abutting property owners of any interest in real property that might have accrued to the state by use if there is no record title to the property and the county or municipality has requested the conveyance to the abutters.

There is no record title to the property and the City of Troup has requested the quitclaim of the tract to the abutters.

Joseph Andrew Carlyle, individually and as Independent Executor of the Estate of James M. Carlyle, Deceased; Catherine Lippincott and Linda Draper, both individually, are abutters and have requested to purchase the interest for \$950.00.

The commission finds \$950.00 to be a fair and reasonable value of the state's right and interest in the tract.

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 Joseph Andrew Carlyle, individually and as

Independent Executor of the Estate of James M. Carlyle, Deceased; Catherine Lippincott and Linda Draper, both individually.

IT IS THEREFORE ORDERED by the commission that the tract 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 quitclaiming the state's right and interest in the tract to Joseph Andrew Carlyle, individually and as Independent Executor of the Estate of James M. Carlyle, Deceased; Catherine Lippincott and Linda Draper, both individually, for \$950.00.

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

**(6) Tarrant County - Trinity Boulevard near FM 157 - Consider the sale of right of way to an abutting landowner (MO)**

116440  
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 instruments recorded in Instrument No. D199304593 and Instrument No. D200041066 of the Deed Records of Tarrant County, Texas.

All of the land, which is described in Exhibit A as TRACT 14-07 PART 2 (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.

Harold D. Pierce and Carolyn Pierce, Co-Trustees of the H & C Pierce Family Trust, is an abutting landowner and has requested to purchase the tract for \$206,000.

The commission finds \$206,000 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 Harold D. Pierce and Carolyn Pierce, Co-Trustees of the H & C Pierce Family Trust, for \$206,000; 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.

**(7) Travis County - SH 130 - Consider the sale of right of way to the City of Pflugerville, Texas (MO)**

116441  
ROW

In the City of Pflugerville, Travis County, on SH 130, the State of Texas acquired certain land for the Central Texas Turnpike System (CTTS) for highway purposes by an instrument recorded in Instrument Number 2004188029 of the Official Public Records of Travis County, Texas.

In accordance with 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 real property described in Exhibit A (Real Property) is no longer needed for a state highway purpose.

Under Section 713 of the Indenture of Trust, dated as of July 15, 2002, between the Texas Transportation Commission and The Bank of New York Mellon Trust Company, National Association, as Trustee (successor in interest to JP Morgan Trust Company as successor to Bank One, National Association), as supplemented and amended (CTTS Indenture of Trust), which secures the Commission's toll revenue obligations issued for the CTTS, in order to sell any CTTS real estate with a value in excess of \$1 million, the commission must determine that the property is no longer used or useful in the operation of the CTTS or in the generation of revenues.

The City of Pflugerville, Texas, is a governmental entity with the authority to condemn the property and has requested to purchase the Real Property for \$5,800,000.

The commission finds \$5,800,000 to be a fair and reasonable value of the state's right, title, and interest in the Real Property.

IT IS THEREFORE ORDERED by the commission that the Real Property, described in Exhibit A, is no longer needed for a state highway purpose and, specifically, is no longer used or useful in the operation of the CTTS or in the generation of revenues, and it may be sold in accordance with Section 713 of the CTTS Indenture of Trust. 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 Real Property to the City of Pflugerville, Texas, for \$5,800,000; 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.

IT IS FURTHER ORDERED that all sales proceeds from the sale of the Real Property to the City of Pflugerville, Texas, shall be deposited and used in accordance with the terms of the CTTS Indenture of Trust, and the executive director of the Texas Department of Transportation (department) or the executive director's designee, the Chief Financial Officer of the department, and the Director, Project Finance, Debt and Strategic Contracts Division of the department, are authorized to perform all actions necessary to comply with the terms of the CTTS Indenture of Trust in the management of the sales proceeds.

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

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

116442  
ROW

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

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

Under Section 713 of the Indenture of Trust, dated as of July 15, 2002, between the Texas Transportation Commission and The Bank of New York Mellon Trust Company, National Association, as Trustee (successor in interest to JP Morgan Trust

Company as successor to Bank One, National Association), as supplemented and amended (CTTS Indenture of Trust), which secures the Commission's toll revenue obligations issued for the CTTS, in order to sell any CTTS real estate with a value in excess of \$1 million, the commission must determine that the property is no longer used or useful in the operation of the CTTS or in the generation of revenues.

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

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

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

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

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

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

The commission further finds, in accordance with the standard established by Transportation Code, §202.021(j), that \$1,535,000 is a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the portion of the designated access, described in Exhibit A, is no longer needed for a state highway purpose and, specifically, is no longer used or useful in the operation of the CTTS or in the generation of revenues, and it may be sold in accordance with Section 713 of the CTTS Indenture of Trust. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access described in Exhibit A to Texas Essential Housing Public Facility Corporation, a Texas public facility corporation, for \$1,535,000.

IT IS FURTHER ORDERED by the commission that all proceeds from the sale of the access to the Texas Essential Housing Public Facility Corporation shall be deposited and used in accordance with the terms of the CTTS Indenture of Trust, and the executive director of the Texas Department of Transportation (department) or the executive director's designee, the Chief Financial Officer of the department, and the Director, Project Finance, Debt and Strategic Contracts Division of the department, are authorized to perform all actions necessary to comply with the terms of the CTTS Indenture of Trust in the management of the sales proceeds.

IT IS FURTHER ORDERED by the commission that Minute Order 116287, dated July 12, 2022, is rescinded and replaced by this order.

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

(9) Williamson County - SH 130 - Consider an easement release to the underlying fee owner (MO)

116443  
ROW

In the City of Georgetown, Williamson County, on SH 130, the State of Texas acquired an easement interest in certain land by an instrument recorded in Document No. 2004076752, of the Official Public Records of Williamson County, Texas.



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

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

Titan Gateway III, 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 \$64,125.

The commission finds \$64,125 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 Titan Gateway III, LLC, a Texas limited liability company, for \$64,125.

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

**c. Reports**

**(1) Compliance Division report**

Note: Confidential report to commission.

**(2) Quarterly Investment Report**

**Quarterly Investment Report for all of the funds invested at the direction of the commission (Report)**

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

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

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

**(4) Travis and Williamson Counties - Voluntary Quarterly Report of Actual Traffic and Toll Revenue for the Central Texas Turnpike System (Report)**

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

**(5) Grand Parkway Transportation Corporation Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)**

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

**d. Economically Disadvantaged Counties Program**

**Various Counties - Consider the approval of the Fiscal Year 2022 Annual Report on the Economically Disadvantaged Counties Program (MO)**

116444  
TPP

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

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

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

Section 222.053(e) further directs the commission to report annually to the governor, the lieutenant governor, and the speaker of the house of representatives on the use of matching funds and local incentives and the ability of the commission to ensure that political subdivisions located in economically disadvantaged counties have equal ability to compete for highway funding with political subdivisions in counties that are not economically disadvantaged.

The Texas Department of Transportation has completed the Fiscal Year 2022 Annual Report on the Economically Disadvantaged Counties Program, which is attached as Exhibit A.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2022 Annual Report on the Economically Disadvantaged Counties Program, as shown in Exhibit A, is approved by the commission and shall be presented to the governor, the lieutenant governor, and the speaker of the house of representatives as required by Section 222.053(e), Transportation Code.

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)**

116445  
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 - 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 comments from Mustafa Tamez Transportation Advocacy Group (TAG) Houston Board Chair who introduced new executive director for TAG Christina Cabral. TAG thanked TxDOT and expressed excitement in working together. The commission then heard comments from Amy Skicki representing BAYTRAN and Green Light Houston. 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 Vaughn motioned adjournment and Commissioner New seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:49 a.m.

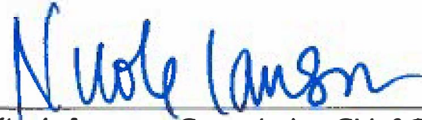
APPROVED by the Texas Transportation Commission on March 30, 2023:



J. Bruce Bugg, Jr., Chairman  
Texas Transportation Commission

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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 February 23, 2023, in Austin, Texas.



Nicole Lawson, Commission Chief Clerk  
Texas Department of Transportation

