

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 30, 2023, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

Marc Williams, Executive Director
 Jeff Graham, General Counsel
 Nicole Lawson, Commission Chief Clerk
 Amanda Brown, 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 1:19 p.m. on March 22, 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 introduced Mr. Alejandro “Alex” Meade III, newly appointed to the Texas Transportation Commission.

ITEM 2. Opening Comments from Commissioners and Executive Director

The commissioners made opening remarks. Deputy Executive Director for Planning and Administration Brandye Hendrickson was called upon to give an update on the North Houston Highway Improvement Project.

ITEM 3. Consider the approval of the Minutes of the February 23, 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 February 23, 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. Deputy Executive Director for Program Delivery Brian Barth was called upon to speak to the 2024 Unified Transportation Program update. 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.

116465
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 March 7 and 8, 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.

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 Metropolitan Planning Organization.

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.

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

b. Routine Maintenance (MO)

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

116446
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 March 7 and 8, 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. 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.

116447
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 8, 2023, 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 February 8 and 9, 2023, by Local Let Project Letters of Award as indicated, those highway maintenance and department 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.

d. 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.

116448
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 March 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. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 200:

Final Rules Adoptions

a. Chapter 9 - Contract and Grant Management (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.

116449
CST

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§9.10-9.20, §9.23, §9.24, and §9.26 relating to Highway Improvement Contracts to be codified under Title 43, Texas Administrative Code, Part 1. The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§9.10-9.20, §9.23, §9.24, and §9.26 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

b. Chapter 28 - Oversized and Overweight Vehicles and Loads (MO)

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

116450
CST

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

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

IT IS THEREFORE ORDERED by the commission that the new to §§28.120 28.127 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

c. Chapter 23 - Texas Highways Magazine (MO)

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

116451
TRV

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

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§23.81 - 23.85 is adopted and is authorized for filing with the Office of the Secretary of State.

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

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

ITEM 6. State Infrastructure Bank (MO)

This item was presented by Project Finance, and Enterprise Operations Division Director Patrick Marotta. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 3 - 0.

116452
PFD

City of Edinburg (City) has submitted an application for financial assistance in the form of a loan of up to \$14,500,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay for the City's costs of utility relocation and a contribution to the department necessary for a non-tolled state highway improvement project to make improvements to US 281 (future I-69) in Hidalgo County, Texas (project).

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

The City has proposed a pledge of ad-valorem taxes and a limited subordinate lien on net waterworks and sewer system revenues as security for repayment of the loan.

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

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

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

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state’s transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs; and
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants preliminary approval of the City’s application for a SIB loan in an amount not to exceed \$14,500,000 to pay the City’s costs of utility relocation and a contribution to the department 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 commence negotiations and other actions with the City authorized and required by its rules.

ITEM 7. Municipal Utility Relocation Reimbursement

Hardin County - Consider the approval of a request from the City of Kountze to make the relocation of the City of Kountze’s utility facilities required by the US 69 highway improvement project an expense of the state under Transportation Code § 203.092(a-4) (MO)

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

116453
ROW

The Texas Department of Transportation (department) has a state highway project in Hardin County, on Highway US 69, that requires the relocation of utility facilities. The City of Kountze owns certain of those utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly owned utilities are eligible for utility facility relocation at the expense of the state. The City of Kountze has requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department estimates the amount of expense will be \$855,341.88.

The commission finds and determines that the City of Kountze meets the eligibility standards contained in that statute and that the department’s expenditures under Transportation Code, §203.092(a-4) and Texas Administrative Code, Chapter 21, Subchapter B, Rule 21.25, including the request by the City of Kountze, will not exceed the fiscal year limitation contained in Transportation Code, §203.092(e).

IT IS THEREFORE ORDERED by the commission that the relocation of the City of Kountze utility facility required by the improvement of the state highway system is an expense of the state to be paid by the department.

ITEM 8. Purchase of Right of Way

Denton and Collin Counties - Consider authorizing the acquisition of right of way, utility adjustments, and relocation assistance in connection with a transportation facility (MO)

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

116454
ROW

In Denton and Collin COUNTIES, thirteen projects have been proposed to improve US Highway 380 (US 380), starting at its intersection with Teel Parkway and continuing east to the Collin County/Hunt County line. The projects consist of the following CSJS: 0135-10-065, 0135-11-024, 0135-02-068, 0135-02-065, 0135-03-053, 0135-15-002, 0135-03-056, 0135-04-036, 0135-16-002, 0135-04-038, 0135-17-002, 0135-05-028, 0135-06-038 (collectively the “US 380 Projects”).

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, §§203.051 and 203.052 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to a state highway project, including property necessary or convenient to protect a state highway project or to accomplish any other purpose related to the project location, construction, improvement, maintenance, beautification, preservation, or operation.

The commission finds the acquisition of the property covered in the environmental review of the US 380 Projects is necessary and convenient for the construction, reconstruction, widening, maintenance straightening and or extension of a state highway.

IT IS THEREFORE ORDERED that the executive director is authorized to proceed with right of way acquisitions, utility adjustments, and relocation assistance, including the authority to expend funds reasonably necessary to and for those activities, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property for the US 380 Projects.

ITEM 9. 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).

116455
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-F. 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 1-138 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

County	Highway	Exhibit	ROW CSJ No.	Parcel
Bexar	FM 1560	125	2230-01-024	121
Bexar	FM 1560	124	2230-01-024	134
Bexar	FM 1560	123	2230-01-024	135
Bexar	FM 1560	122	2230-01-024	136
Bowie	US 82	2	0046-04-068	P00062049
Clay	US 82	64	0044-03-052	8
Clay	US 82	98	0044-03-052	16,16E
Collin	US 380	131	0135-03-055	55
Collin	US 380	132	0135-03-055	P00065688
Collin	US 380	130	0135-03-055	P00066726
Collin	US 380	129	0135-03-055	P00066727
Ellis	FM 664	1	1051-01-056	P00054310
Hartley	US 87	126	0425-01-022	8
Hidalgo	FM 2220	62	2094-01-069	2
Hidalgo	FM 2220	63	2094-01-069	3
Hidalgo	FM 2220	65	2094-01-069	4
Hidalgo	FM 2220	26	2094-01-069	6
Hidalgo	FM 2220	27	2094-01-069	7
Hidalgo	FM 2220	28	2094-01-069	8
Hidalgo	FM 2220	29	2094-01-069	10
Hidalgo	FM 2220	66	2094-01-069	11
Hidalgo	FM 2220	30	2094-01-069	12
Hidalgo	FM 2220	31	2094-01-069	13
Hidalgo	FM 2220	32	2094-01-069	14
Hidalgo	FM 2220	33	2094-01-069	15
Hidalgo	FM 2220	34	2094-01-069	16
Hidalgo	FM 2220	35	2094-01-069	17
Hidalgo	FM 2220	67	2094-01-069	18
Hidalgo	FM 2220	68	2094-01-069	19
Hidalgo	FM 2220	36	2094-01-069	20
Hidalgo	FM 2220	37	2094-01-069	21
Hidalgo	FM 2220	38	2094-01-069	22
Hidalgo	FM 2220	39	2094-01-069	23
Hidalgo	FM 2220	40	2094-01-069	24
Hidalgo	FM 2220	41	2094-01-069	25
Hidalgo	FM 2220	42	2094-01-069	26
Hidalgo	FM 2220	69	2094-01-069	27
Hidalgo	FM 2220	118	2094-01-069	28
Hidalgo	FM 2220	70	2094-01-069	29
Hidalgo	FM 2220	71	2094-01-069	30
Hidalgo	FM 2220	72	2094-01-069	31
Hidalgo	FM 2220	73	2094-01-069	32
Hidalgo	FM 2220	74	2094-01-069	33
Hidalgo	FM 2220	75	2094-01-069	34
Hidalgo	FM 2220	119	2094-01-069	36
Hidalgo	FM 2220	76	2094-01-069	37
Hidalgo	FM 2220	77	2094-01-069	39

NON-CONTROLLED ACCESS cont'd

County	Highway	Exhibit	ROW CSJ No.	Parcel
Hidalgo	FM 2220	43	2094-01-069	40
Hidalgo	FM 2220	44	2094-01-069	41
Hidalgo	FM 2220	45	2094-01-069	42
Hidalgo	FM 2220	46	2094-01-069	43
Hidalgo	FM 2220	78	2094-01-069	44
Hidalgo	FM 2220	47	2094-01-069	45
Hidalgo	FM 2220	48	2094-01-069	46
Hidalgo	FM 2220	49	2094-01-069	47
Hidalgo	FM 2220	50	2094-01-069	48
Hidalgo	FM 2220	51	2094-01-069	49
Hidalgo	FM 2220	79	2094-01-069	50
Hidalgo	FM 2220	80	2094-01-069	51
Hidalgo	FM 2220	52	2094-01-069	52
Hidalgo	FM 2220	53	2094-01-069	53
Hidalgo	FM 2220	54	2094-01-069	54
Hidalgo	FM 2220	55	2094-01-069	55
Hidalgo	FM 2220	56	2094-01-069	56
Hidalgo	FM 2220	81	2094-01-069	59
Hidalgo	FM 2220	120	2094-01-069	60
Hidalgo	FM 2220	121	2094-01-069	61
Hidalgo	FM 2220	82	2094-01-069	62
Hidalgo	FM 2220	83	2094-01-069	63
Hidalgo	FM 2220	84	2094-01-069	64
Hidalgo	FM 2220	85	2094-01-069	65
Hidalgo	FM 2220	86	2094-01-069	66
Hidalgo	FM 2220	87	2094-01-069	67
Hidalgo	FM 2220	88	2094-01-069	68
Hidalgo	FM 2220	89	2094-01-069	69
Hidalgo	FM 2220	90	2094-01-069	70
Hidalgo	FM 2220	91	2094-01-069	71
Hidalgo	FM 2220	92	2094-01-069	72
Hidalgo	FM 2220	57	2094-01-069	73
Hidalgo	FM 2220	58	2094-01-069	74
Hidalgo	FM 2220	59	2094-01-069	75
Hidalgo	FM 2220	60	2094-01-069	76
Hidalgo	FM 2220	93	2094-01-069	78
Hidalgo	FM 2220	94	2094-01-069	80
Hidalgo	FM 2220	61	2094-01-069	81
Hidalgo	FM 2220	3	2094-01-070	4
Hidalgo	FM 2220	4	2094-01-070	5
Hidalgo	FM 2220	5	2094-01-070	6
Hidalgo	FM 2220	6	2094-01-070	8
Hidalgo	FM 2220	7	2094-01-070	9
Hidalgo	FM 2220	8	2094-01-070	10
Hidalgo	FM 2220	9	2094-01-070	12
Hidalgo	FM 2220	10	2094-01-070	13
Hidalgo	FM 2220	11	2094-01-070	14
Hidalgo	FM 2220	12	2094-01-070	18
Hidalgo	FM 2220	13	2094-01-070	20

NON-CONTROLLED ACCESS cont'd

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Hidalgo	FM 2220	24	2094-01-070	21
Hidalgo	FM 2220	23	2094-01-070	22
Hidalgo	FM 2220	22	2094-01-070	24
Hidalgo	FM 2220	21	2094-01-070	25
Hidalgo	FM 2220	20	2094-01-070	26
Hidalgo	FM 2220	19	2094-01-070	28
Hidalgo	FM 2220	18	2094-01-070	29
Hidalgo	FM 2220	17	2094-01-070	30
Hidalgo	FM 2220	133	2094-01-070	31
Hidalgo	FM 2220	16	2094-01-070	32
Hidalgo	FM 2220	134	2094-01-070	34
Hidalgo	FM 2220	15	2094-01-070	35
Hidalgo	FM 2220	14	2094-01-070	36
Hidalgo	FM 2220	108	2094-01-070	37
Hidalgo	FM 2220	109	2094-01-070	39
Hidalgo	FM 2220	110	2094-01-070	41
Hidalgo	FM 2220	111	2094-01-070	42
Hidalgo	FM 2220	135	2094-01-070	47
Hidalgo	FM 2220	136	2094-01-070	48
Hidalgo	FM 2220	112	2094-01-070	49
Hidalgo	FM 2220	113	2094-01-070	50
Hidalgo	FM 2220	137	2094-01-070	51
Hidalgo	FM 2220	114	2094-01-070	52
Hidalgo	FM 2220	115	2094-01-070	53
Hidalgo	FM 2220	116	2094-01-070	54
Hidalgo	FM 2220	117	2094-01-070	67
Hidalgo	FM 2220	138	2094-01-070	88
Limestone	US 84	99	0057-01-032	P00057689.001
Limestone	US 84	100	0057-01-032	P00057691.001
Limestone	US 84	101	0057-01-032	P00057692.001-.002
Limestone	US 84	102	0057-01-032	P00057694.001
Limestone	US 84	103	0057-01-032	P00057700.001
Limestone	US 84	104	0057-01-032	P00057703.001
Limestone	US 84	105	0057-01-032	P00057704.001
Limestone	US 84	106	0057-01-032	P00057706.001
Limestone	US 84	25	0057-01-032	P00057709.001
Limestone	US 84	107	0057-01-032	P00057715.001
Nacogdoches	SH 7	95	0553-03-039	P00066041 TE
Nacogdoches	SH 7	96	0553-03-039	P00066042 TE
Nacogdoches	SH 7	97	0553-03-039	P00066043 TE
Starr	SL 195	127	3632-01-004	127
Webb	US 59	128	0086-14-092	46

CONTROLLED ACCESS

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Colorado	IH 10	F	0271-01-084	26
Colorado	IH 10	D	0535-08-090	9
Colorado	IH 10	C	0535-08-090	16,16OAS
Midland	IH 20	A	0005-14-097	P00056495.001

CONTROLLED ACCESS

County	Highway	Exhibit	ROW CSJ No.	Parcel
Midland	IH 20	B	0005-14-098	P00056493.001
Van Zandt	IH 20	E	0495-02-068	P00065274.001

Note: Exhibits A - F and 1 - 138 are on file with the commission chief clerk.

ITEM 10. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. The commission heard comments from Lance Hamm, Vision Zero, South Texas about safety concerns for construction zones. Commissioner Vaughn made a motion, which was seconded by Commissioner New, 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)

116456
CSD

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

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

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

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

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

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

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

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
13100 FM 973 Inc	AUS	Travis	Design and construction of five right turn lanes, three left turn lanes, two traffic signals, and one U-turn lane extension in Manor.
Atlas 21 Property, LLC R-	BRY	Brazos	Design and construction of an Cut on SH 21 at the intersection of FM 974 to allow the traveling public to safely access the donor's property located in Brazos County.
Berry Place Holdings, LP	HOU	Fort Bend	Design and re-striping of the northbound frontage road of I-69 to allow for a right turn lane into the Circle Oak Development in Richmond.
Colorado River Project, LLC and its parent company Tesla, Inc.	AUS	Travis	Design, construction, and construction engineering inspections of improvements located along SH 130 in Austin.
Deedco Properties Inc.	HOU	Fort Bend	Design and construction , of a deceleration lane from southbound US 59/I-69 into the Deedco Center Street development in Rosenberg.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
GC Magnolia, L.P.	HOU	Montgomery	Design and construction of a traffic signal installations on FM 1488 at Heritage Lane and at Community Road to provide safe access by the traveling public into the proposed Magnolia Village Retail Center development in Magnolia.
HF Management Development Company, LLC	HOU	Montgomery	Design and construction of a traffic signal, left turn lane, right turn lane along FM 830 AT N. Teralyn Hills Drive into the Woodland Hills development in Willis.
Haven at Mission Trace, LLC	HOU	Fort Bend	Design and construction of a median and hooded left turn lane modifications along FM 1464 at Twilight Star Lane (between Beechnut and Bissonet) into the Haven at Mission Trace development in Fort Bend County.
International Leadership of Texas, Inc.	HOU	Brazoria	Funds sufficient to cover the state's cost of the installation of a mast arm signal pole on Liberty Drive in Pearland.
Landmark Industries Development, 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.
League City 210 Development Partners LP	HOU	Galveston	Design and construction of a traffic signal and both a right and left turn lane from FM 646 into the Coastal Point development in League City.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Travis	Design and construction of two westbound right turn lanes, one eastbound left turn lane, and one traffic signal at the intersection of US 290 and the proposed development's driveway in Elgin.
Mesquite Convention and Visitors Bureau	TRV	Dallas	In-kind donation of educational and promotional tours during the 66th Annual Texas Travel Counselors Conference hosted by the Mesquite Convention and Visitors Bureau and TxDOT April 17-20, 2023, in Mesquite.
Prali Business LLC	HOU	Waller	Design and construction of re-striping and associated pavement markings on an existing deceleration lane from eastbound Highway 290 into the 5-ACRE Commercial development in Hempstead.
Precast/Prestressed Concrete Institute	MTD	N/A	Funds for airfare, ground transportation, lodging at the conference hotel, conference registration and other directly-related expenses to attend the 2023 PCI Convention from February 21, 2023-February 25, 2023 in Columbus, OH.
Rockport Terminals Terminals, L.L.C.	CRP	Nueces	Installation of a raised concrete median to facilitate the installation of a signalized railroad crossing by Union Pacific Railroad crossing on SH 361 (Goodnight Avenue) in Port Aransas.
Sanctuary Salado Investment II, LLC	WAC	Bell	Design and construction of full depth pavement widening and pavement resurfacing for the addition of left and right turn deceleration lanes on FM 2268 and I-35 northbound frontage road in Salado.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Starlight Homes Texas, LLC	SAT	Bexar	Design and construction for installation of widening for a westbound deceleration right turn lanes and one eastbound left turn lane on FM 1346 located at Stuart Road in San Antonio.
Starlight Homes Texas, LLC	SAT	Bexar	Design and construction for installation of two southbound deceleration right turn lanes, one southbound acceleration lane, one southbound to northbound turn around, and approximately 1100 feet extension of the northbound main lanes on Loop 1604 located approximately 1228 feet north of Martinez Creek to 3980 feet south of Martinez Creek in San Antonio.
THF Cedar Creek, LLC AUS		Bastrop	Funds towards the state's cost to design and construct crossover improvements on SH 71 from 500ft west of Still Forest Drive to 500ft east of Still Forest Drive in Cedar Creek.
USICVI Beltway 66, Inc.	HOU	Harris	Design and construction of a right turn lane from westbound South Sam Houston Parkway East into the USICVI Beltway 66, Inc. development in Houston.
WCF Development, L.L.C.	HOU	Galveston	Design and construction of a two right turn lanes from eastbound SH 96 and a hooded left turn lane into the Marbella Commercial development in League City.
Z-Modular, LLC	AUS	Travis	Design and reconstruction of the left turn deceleration lane at FM 734 and Bellingham Road and construction of a left turn and right turn deceleration lane on FM 734 at 8020 East Parmer Lane in Austin.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
QT South, LLC, a Texas Limited Liability Company	FTW	Tarrant	Donation of 0.8569 acres of land on US 287. The property being donated will be utilized in the realignment of Loop 820 frontage Road.
Riptide Waters, LLC dba Rambler Sparkling Water	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
RP2B2 Enterprizes, LLC dba Locker Room Haircuts	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on multiple existing sign locations.
Cook DWF Enterprises, DAL LLC dba Cook DFW Roofing & Restoration		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.
Total Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Methodist Hospitals of Dallas - DBA Methodist Midlothian Medical Center	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.
Total Primary Care	FTW	Tarrant	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Farah Law Group, PLLC	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
The University of Texas Medical Branch At Galveston – UTMB Health	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) ZeusLending.com	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
ConocoPhillips Company	ODA	Ector	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
ConocoPhillips Company	ODA	Martin	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Horizon Merchant, Inc. dba Billy Bob's Beds	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Aransas County - near SH 35 Consider the sale of right of way to an abutting landowner (MO)

116457
ROW

Near the City of Rockport, Aransas County, near SH 35, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 480, at Page 368, of the Real Property Records of Aransas 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.

George Strickhausen, IV is an abutting landowner and has requested to purchase the tract for \$55,000.

The commission finds \$55,000 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 George Strickhausen, IV for \$55,000; 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.

(2) Cooke County - FM 372 Consider the conveyance of a tract to the City of Gainesville, Texas (MO)

116458
ROW

In the City of Gainesville, Cooke County, on FM 372, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 196, at Page 246, Volume 196, at Page 247, Volume 196, at Page 250, Volume 201, at Page 391, of the Deed Records of Cooke County, Texas, and a tract noted as “Ben Rogers” Case #4279 (1956 County Court) on a Texas Department of Transportation map.

A portion of the land, which portion is shown 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property exceeds the fair value of the property.

The City of Gainesville has requested the transfer of the tract to the City of Gainesville, Texas.

The appraised value of the tract is \$300,000. The estimated cost of future maintenance on the tract is \$837,819.

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 transferring the state’s right, title, and interest in the tract to the City of Gainesville, Texas and that payment be waived; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Crockett County - RM 1964 and RM 1973 Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to Crockett County (MO)

116459
ROW

Near the City of Ozona, Crockett County, on RM 1964 and RM 1973, the State of Texas acquired right of way easements in certain land for highway purposes by instruments recorded in Volume 124, at Page 221, Volume 222, at Pages 77 and 87, Volume 269, at Pages 474, 482, 488, and 496, Volume 410, at Pages 679, 685, 691, 699, and 707, of the Deed Records of Crockett County, Texas, and Volume 2, at Page 154, of the Probate Minute Records.

All of the right of way easements encumbering the land, described in Exhibits A and B (tracts), are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes. If, in the future, the right of way easements encumbering the tracts are no longer used for public road purposes, the right of way easements encumbering the tracts shall immediately and automatically revert to the State of Texas.

Crockett County is assuming or has assumed jurisdiction, control, and maintenance and has requested that the easements encumbering the tracts be transferred to Crockett County, Texas.

IT IS THEREFORE ORDERED by the commission that the tracts, as shown on Exhibits A and B, are removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the right of way easements encumbering the tracts are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the right of way easements encumbering the tracts to Crockett County, Texas.

IT IS FURTHER ORDERED that, if the tracts cease to be used for public road purposes, the right of way easements encumbering the tracts shall immediately and automatically revert to the state.

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

(4) Dallas County - I-20 Consider the designation of one location on the I-20 eastbound frontage road at which access will be permitted to the adjoining private real property (MO)

116460
ROW

In the City of Dallas, Dallas County, on I-20, the State of Texas acquired certain land for highway purposes with denial of access to the adjoining private real property per Transportation Code, §203.031(a).

RaceTrac, Inc., a Georgia corporation, the current owner of adjoining private real property, has requested designated access to and from the I-20 eastbound frontage road for proposed access at one location along the property line at a new access point described in Exhibit A.

RaceTrac, Inc., a Georgia corporation, has committed to purchase the access for \$186,611.00.

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, in accordance with the standard established by Transportation Code, §202.021(j), \$186,611.00 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. The commission recommends, 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 RaceTrac, Inc., a Georgia corporation, for \$186,611.00.

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

(5) Travis County - SH 130 Consider the designation of one location on the SH 130 northbound frontage road at which access will be permitted to the adjoining private real property (MO)

116461
ROW

Near the City of Austin, Travis County, on SH 130, a new designated controlled-access highway, the State of Texas acquired certain land for the Central Texas Turnpike System (CTTS) for highway purposes with a denial of access to the adjoining private real property per Transportation Code, §203.031(a).

Yisrael Realty (Bergstrom Logistics Center Austin) Limited Partnership, a Delaware limited partnership, the current owner of the adjoining private real property, has requested designated access to and from the SH 130 northbound frontage road for proposed access at one location along the property line at a new access point described in Exhibit A (access).

Yisrael Realty (Bergstrom Logistics Center Austin) Limited Partnership has committed to purchase the access for \$185,000.00.

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, in accordance with the standard established by Transportation Code, §202.021(j), that \$185,000.00 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 designated access, 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 granting the access as described in Exhibit A to Yisrael Realty (Bergstrom Logistics Center Austin) Limited Partnership, a Delaware limited partnership, for \$185,000.00.

IT IS FURTHER ORDERED by the commission that all proceeds from the sale of the access to Yisrael Realty (Bergstrom Logistics Center Austin) Limited Partnership, 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 sale proceeds.

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

(6) Travis County - SH 130 Consider the designation of two locations on the SH 130 northbound frontage road at which access will be permitted to the adjoining private real property (MO)

116462
ROW

In and near the City of Pflugerville, 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 denial of access to the adjoining private real property per Transportation Code, §203.031(a).

Lakeside Meadows, LLC, a Texas limited liability company, the current owner of the adjoining private real property, has requested designated access to and from the SH 130 northbound frontage road for proposed ingress and egress at two locations along the property line at the access points 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.

Lakeside Meadows, LLC has committed to purchase the access for \$1,400,105.

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 \$1,400,105 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 Lakeside Meadows, LLC, a Texas limited liability company, for \$1,400,105.

IT IS FURTHER ORDERED by the commission that all proceeds from the sale of the access to Lakeside Meadows, LLC 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 sale proceeds.

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

c. Reports

(1) Compliance Division report

Note: Confidential report to commission.

(2) Grimes and Montgomery Counties - Annual Continuing Disclosure Report for the State Highway 249 System (Report)

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

(3) Annual Continuing Disclosure Report for the State Highway Fund revenue bond program (Report)

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

(4) Annual Continuing Disclosure Report for the Texas Mobility Fund bond program (Report)

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

(5) Travis and Williamson Counties - Annual Continuing Disclosure Report for the Central Texas Turnpike System (Report)

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

d. Land Acquisitions for Facilities

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

116463
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)

116464
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 11. 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.

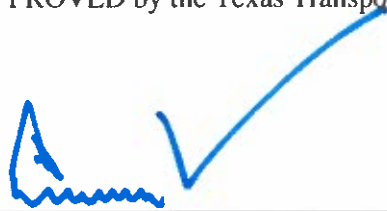
The commission did not meet in executive session.

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 Kelly Wiley, KXAN reporter asking questions about toll charges; private citizen Zack Hamburg commented on the speed limits and safety concerns for I-45 in Houston; Eduardo Calvo, Executive Director, El Paso Metropolitan Planning Organization gave updates on top priorities in El Paso; Lance Hamm, Vision Zero, South Texas commented on Vision Zero/Road Zero Resolution 115481; and Christina Cabral, Executive Director, Transportation Advocacy Group, Houston commented about the I-45 North Houston Highway Improvement Project and the appointment of Mr. Steve Alvis to the Texas Transportation Commission.

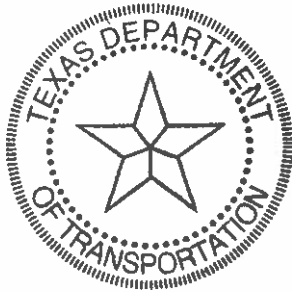
Commissioner New motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 3 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:26. a.m.

APPROVED by the Texas Transportation Commission on April 27, 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 March 30, 2023, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation