

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 27, 2023, in Austin, Texas. The meeting was called to order at 10:01 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
Alex Meade	Commissioner

Administrative Staff:

Marc Williams, Executive Director
 Jeff Graham, General Counsel
 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 2:36 p.m. on April 19, 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 welcomed Commissioner Alex Meade to the Texas Transportation Commission.

ITEM 2. Opening Comments from Commissioners and Executive Director

The commissioners made opening remarks.

ITEM 3. Consider the approval of the Minutes of the March 29, 2023, special meeting and March 30, 2023, regular meeting of the Texas Transportation Commission

Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the March 29, 2023, special meeting and March 30, 2023, regular meeting by a vote of 4 - 0.

ITEM 4. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Duane Milligan. The commission heard comments from private citizen Don Dixon who asked the department to upgrade US 281 to freeway status, to improve SH 21, to make the 130 toll road a regular state highway, and to leave charging stations for electric vehicles to the private sector. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116466
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 April 4 and 5, 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 MPO.

The 2023 UTP includes projects that are funded with categories 2, 4 and 12, and those projects that received bids in excess of the 2023 UTP funding are shown on Exhibit B.

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

The department also recommends that the commission respectively consider to increase funding, reject or defer, as indicated, for those highway construction contracts identified on attached Exhibit B to this order.

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

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

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

IT IS FURTHER ORDERED by the commission that the category funding to projects described in Exhibit B, be and are hereby respectively approved for increase or rejected or deferred as awarded as indicated therein.

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

b. Routine Maintenance (MO)

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

116467
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 April 4 and 5, 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 New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4 - 0.

116468
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 March 7, 2023, San Angelo Security Upgrades, as well as projects publicly opened and read April 4 and April 5, 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. Aviation

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

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

116469
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 March 31, 2023, and April 11, 2023, public hearings were 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 6. State Infrastructure Bank (MO)

a. Hidalgo County - City of Edinburg - Consider final approval of a request from the City of Edinburg for a State Infrastructure Bank loan in the amount of up to \$14,500,000 to pay for the costs of utility relocation and a contribution to the department necessary for a non-tolled on-system project to make improvements to US 281 (future I-69) in Hidalgo County, Texas (MO)

This item was presented by Project Finance, and Enterprise Operations Division Director Patrick Marotta. Commissioner Meade made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4 - 0.

116470
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 the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The City intends to use the financial assistance to pay 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.

In Minute Order No. 116452, dated March 30, 2023, the commission granted preliminary approval of the City's application and, in accordance with the SIB Rules, found that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air non-attainment area; (3) the project will improve the efficiency of the state's transportation systems; (4) the project will expand the availability of funding for transportation projects or reduce direct state costs; and (5) the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance.

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

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

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

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A 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 state highway improvement project.

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

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

b. Ellis County - City of Ovilla - Consider final approval of a request from the City of Ovilla for a State Infrastructure Bank loan in the amount of up to \$4,000,000 to pay for the costs of utility relocation necessary for a non-tolled on-system project to widen FM 664 in Ellis County, Texas (MO)

This item was presented by Project Finance, and Enterprise Operations Division Director Patrick Marotta. Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4 - 0.

116471
PFD

City of Ovilla (City) has submitted an application for financial assistance in the form of a loan of up to \$4,000,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the City of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The city intends to use the financial assistance to pay the City's costs of utility relocation for a non-tolled state highway improvement project to widen FM 664 in Ellis 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 water and wastewater revenues as security for repayment of the loan.

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

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

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

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

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the City is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the City for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the City's application for a SIB loan under the terms in the Term Sheet attached hereto as Exhibit A in an amount not to exceed \$4,000,000 to pay the City's costs of utility relocation necessary for the non-tolled project.

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

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

ITEM 7. 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 Meade 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 Vaughn and the following minute order was approved by

Chairman Bugg, Commissioner New, Commissioner Vaughn, and Commissioner Meade (a vote of 4 - 0).

116472
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-K. 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 1-69 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

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	15	0188-04-040	103
Brazoria	SH 36	14	0188-04-040	132
Brazoria	SH 36	26	0188-06-052	1
Brazoria	FM 518	1	3416-01-014	104
Brazoria	FM 518	18	3416-01-014	107
Brazoria	FM 518	3	3416-01-014	112

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Clay	US 82	4	0044-03-052	5
Clay	US 82	11	0044-03-052	12,12E
Clay	US 82	12	0044-03-052	14
Clay	US 82	13	0044-03-052	15
Clay	US 82	5	0044-03-053	19
Collin	FM 455	68	0816-04-110	P00059529
Collin	FM 455	67	0816-04-110	P00059530
Collin	FM 455	66	0816-04-110	P00059532
Denton	FM 1173	2	1059-01-048	P00054992.001
Denton	SL 288	16	2250-02-024	19
Ellis	FM 878	37	0596-04-047	P00065409.001
Ellis	FM 878	40	0596-04-047	P00065410.001
Ellis	FM 878	41	0596-04-047	P00065411.001
Ellis	FM 664	25	1051-01-056	30
Ellis	FM 664	24	1051-01-057	P00054202
Galveston	FM 646	27	3049-01-033	301
Galveston	FM 646	42	3049-01-033	302
Galveston	FM 646	43	3049-01-033	303
Galveston	FM 646	44	3049-01-033	304
Galveston	FM 646	45	3049-01-033	305
Galveston	FM 646	46	3049-01-033	306
Galveston	FM 646	47	3049-01-033	307
Galveston	FM 646	48	3049-01-033	308
Galveston	FM 646	49	3049-01-033	309
Galveston	FM 646	50	3049-01-033	310
Galveston	FM 646	51	3049-01-033	311
Galveston	FM 646	52	3049-01-033	312
Galveston	FM 646	53	3049-01-033	313
Galveston	FM 646	54	3049-01-033	314
Galveston	FM 646	55	3049-01-033	316
Galveston	FM 646	56	3049-01-033	318
Galveston	FM 646	57	3049-01-033	319
Galveston	FM 646	58	3049-01-033	320
Galveston	FM 646	59	3049-01-033	321
Galveston	FM 646	60	3049-01-033	322
Galveston	FM 646	61	3049-01-033	323
Galveston	FM 646	62	3049-01-033	324
Galveston	FM 646	63	3049-01-033	325
Galveston	FM 646	64	3049-01-033	326
Galveston	FM 646	65	3049-01-033	327
Galveston	FM 646	69	3049-01-033	328
Gregg	US 271	17	0165-03-038	P00061545.001
Hidalgo	FM 2220	28	2094-01-070	56
Hidalgo	FM 2220	29	2094-01-070	58
Hidalgo	FM 2220	31	2094-01-070	59
Hidalgo	FM 2220	32	2094-01-070	60
Hidalgo	FM 2220	38	2094-01-070	61
Hidalgo	FM 2220	39	2094-01-070	62
Hidalgo	FM 2220	33	2094-01-070	64

NON-CONTROLLED ACCESS cont'd

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Hidalgo	FM 2220	30	2094-01-070	79
Hidalgo	FM 2220	34	2094-01-070	80
Hidalgo	FM 2220	35	2094-01-070	82
Smith	US 271	19	0165-02-068	P00061476.001
Smith	US 271	20	0165-02-068	P00061480.001
Smith	US 271	21	0165-02-068	P00061495.001
Smith	US 271	22	0165-02-068	P00061496.001
Smith	US 271	23	0165-02-068	P00061510.001
Travis	RM 620	36	0683-02-081	45
Travis	RM 620	7	0683-02-083	93
Travis	RM 620	10	0683-02-083	95
Travis	RM 620	6	0683-02-083	100
Travis	RM 620	8	0683-02-083	116
Tyler	US 69	9	0200-08-058	15

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bexar	IH 410	E	0521-04-286	P00056252.001
Bexar	IH 410	D	0521-04-286	P00056257.001
Cameron	IH 69E	F	0039-07-259	1
Colorado	IH 10	I	0271-01-084	24
Colorado	IH 10	H	0535-08-090	84
Colorado	IH 10	J	0535-08-090	87
Colorado	IH 10	G	0535-08-090	85
Cooke	IH 35	K	0195-01-113	78,86E
Gregg	IH 20	C	0495-07-085	P00064918.001
Gregg	IH 20	B	0495-07-085	P00064919.001
Gregg	IH 20	A	0495-07-085	P00064920.001

Note: Exhibits A - K and 1 - 69 are on file with the commission chief clerk.

ITEM 8. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute orders by a vote of 4 - 0.

a. Donations to the Department

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

116473
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>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
2701 Gtown LLC	AUS	Williamson	Design and construction for the widening of SH 29 to provide an eastbound left turn lane and two westbound deceleration lanes in Georgetown.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Alterman, Inc.	SAT	Bexar	Design and construction for the installation of a 90-foot extension of an existing deceleration lane on North Loop 1604 westbound frontage road located at intersection with Gateway Boulevard in Live Oak.
A-S 155 SEC Hwy 6-Fort Bend Tollway, L.P.	HOU	Fort Bend	Design and construction of a roadway for public use on eastbound SH 6 which includes a street tie in and right turn lane into the Fort Bend Town Center III development in Missouri City.
B/CS Leasing, LLC	BRY	Brazos	Design and construction of an R-cut including any associated widening and striping on US 190 into Gulfstream Drive located in Brazos County.
Bee Cave Parkway Owner, LLC	AUS	Travis	Design and construction of a slotted concrete median with mountable flexible posts at the centerline of RM 620 in Bee Cave.
Berry Place Holdings, LP	HOU	Fort Bend	Design and construction of a right turn deceleration lane, re-striping, and signal upgrades at FM 762 and proposed Manford Boulevard in Richmond.
Bridge Engineering Association	BRG	N/A	Lodging and registration fees for Jamie Farris, Bridge Division Deputy Director, to attend the 2023 New York City Bridge Conference in New York, NY on August 20-24, 2023.
Chick-Fil-A, Inc.	HOU	Montgomery	Design and construction of raised medians from eastbound Loop 336 into the Chick-Fil-A, Inc. #05250 on Loop 3365 and North Frazier Street Drive-Thru Only (DTO) development in Conroe.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
City Street Residential, Inc.	HOU	Fort Bend	Design and construction of a left turn lane from northbound FM 359 and a right turn lane from southbound FM 359 into the future Domain at Candela Apartment development in Fort Bend County.
Dominik Developments, LLC	BRY	Brazos	The removal of a sound wall between 100 George Bush Drive East (FM 2347) and Texas Avenue (BS 6R) adjacent to the donor's property located in College Station.
FM 2920 Land Company, Ltd.	HOU	Harris	Design and construction of a right turn Land and roadway widening/modifications from east to westbound FM 2920 into the Spring Creek MHP development in Houston.
FM 973 Building LLC	AUS	Travis	Design and reconstruction of Suncrest Road at FM 973 in Manor.
Forestar (USA) Real Estate Group, Inc.	HOU	Montgomery	Design and construction of a street tie-in, traffic signal and turn lanes/median striping on FM 2090 in Montgomery County.
Harris Hill Commercial Land Holdings, Ltd	AUS	Hays	Design and construction of a new driveway access on south I-35 frontage road turnaround in San Marcos.
HLH Development, LLC	SAT	Bexar	Design and construction for roadway widening to install a left turn lane on FM 1957 east of FM 471 located in Bexar County.
K.L. Comfort Park, Ltd.	FTW	Tarrant	Design and construction for the widening of an approximately 195 feet of East Belknap Street to accommodate a right turn lane into the donor's property at 5800 East Belknap Street in Fort Worth.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Kyle 57 Development, Inc.	AUS	Hays	Design and construction of left turn lane improvements and two new development driveways at the intersection of RM 150 at Rocking M Road and 250 ft southeast of Dove Hollow Drive in Kyle.
LIT IDV 130 Ranch Land LLC	AUS	Travis	Design and construction of 1.25 miles of a new SH 130 northbound frontage road in Pflugerville.
LMTXLP LLC	WAC	Hamilton	Funds sufficient to cover the State's cost for design and construction of a southbound right turn lane on FM 1602 located at the entrance to the Lone Mountain Ranch development project in Hamilton.
MDH F2 AUS Norwood, LLC	AUS	Travis	Design and construction of one westbound right turn lane and one eastbound left turn lane on SH 71 at Norwood Lane in Garfield.
M/I Homes of Austin, LLC	AUS	Travis	Design and construction of a traffic signal at the intersection of RM 12 and Roger Hanks Parkway in Dripping Springs.
OP III ATX Hog Eye, LP	AUS	Travis	Funds towards the state's cost to design and construct one left turn lane and one right turn lane on FM 3177 (Decker Lane) in Austin.
Patton 3, LLC	AUS	Caldwell	Design and construction of one left turn lane and one right turn lane on FM 20 at Patton Road in Lockhart.
PHAU – Lockhart 450, LLC	AUS	Caldwell	Design and construction of deceleration lanes on SH 142 from 0.45 miles east of Borchert Loop to 0.45 miles east of Borchert Loop in Lockhart.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Prose New Braunfels Owner, LLC	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.
REG Lockhart Retail 183, Ltd	AUS	Caldwell	Funds towards the state's cost to design and construct a continuous left turn lane on FM 20 from US 183 to FM 1322 in Lockhart.
Sanctuary Development Company, 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.
Sensato, LLC	ABL	Taylor	Funds to cover the state's cost to relocate an electrical service pedestal and removal of a ground box within state right-of-way to allow for intersection in Abilene.
Spirit Realty, L.P. and Off Lease Only LLC	HOU	Waller	Design and construction of a deceleration lane from northbound FM 362 into the Off Lease Only - Vehicle Recon Facility development in Brookshire.
T.A. Unlimited, Inc.	AUS	Travis	Design and construction of a 12' wide deceleration lane approximately 650' long for a right-in/right-out commercial driveway on FM 734 at 5800 Parmer Lane in Pflugerville.
The Brownstone Group, Inc.	SAT	Bexar	Design and construction of traffic signal improvements at SH 211 and US 90, including new signal heads, radar detection, signs, and pavement markings and the addition of a left turn lane on Masterson Road southbound into proposed driveway in Lacoste.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Triquetra Holdings Company, LLC	WAC	Bell	Design and construction of a 370' sidewalk within the TxDOT right-of-way on SH 36 near Airport Trail in Temple.
West FM 517, Ltd.	HOU	Galveston	Design and construction of a right turn lane from westbound FM 517 into the Pedregal development in League City.
M.D. Abel Co., a Texas Corporation	BWD	Lampasas	Donation of 0.0128 acres of land on US 281. The property being donated will be utilized to widen the road and add a right turn lane.
Redpoint Insurance Group, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Dallas Basketball Limited d/b/a Dallas Mavericks	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Kidd Roofing	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Island Peak Group, LLC d/b/a Texas Tax Protest	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Primary Care	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Island Peak Group, LLC d/b/ Texas Tax Protest	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

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Total Primary Care	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Farah Law Group, PLLC	HOU	Brazoria	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
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.
Southstar at Verano, LLC d/b/a Verano Developer, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Southstar at Verano, LLC d/b/a Verano Developer, LLC	SAT	Comal	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 - Loop 1781 - Consider the sale of right of way to an abutting landowner (MO)

116474
ROW

Near the City of Rockport, Aransas County, on Loop 1781, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 294, at Page 338, of the Deed 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.

Cleve Wesley Purdy is an abutting landowner and has requested to purchase the tract for \$225,100.

The commission finds \$225,100 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 Cleve Wesley Purdy for \$225,100, 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) Brazos County - FM 60 Consider the sale of right of way to an abutting landowner (MO)

116475
ROW

In the City of College Station, Brazos County, on FM 60, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 245, at Page 577, of the Deed Records of Brazos 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.

Chad Baccus Real Estate, LLC - 203 University Series is an abutting landowner and has requested to purchase the tract for \$120,000.

The commission finds \$120,000 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 Chad Baccus Real Estate - 203 University Series for \$120,000, 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.

(3) Erath County - SH 108 - Consider an easement release to the underlying fee owner (MO)

116476
ROW

Near the City of Stephenville, Erath County, on SH 108, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 301, at Page 154, of the Deed Records of Erath 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.

Ian W. Welles is the owner of the fee interest in the property and has requested to purchase the easement interest for \$3,638.48.

The commission finds \$3,638.48 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of

Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Ian W. Welles for \$3,638.48.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Letting Allocation Status Report - Quarterly status report on the FY 2023 letting allocations, the actual allocation utilized through the current month, and proposed remaining highway maintenance and construction letting for the fiscal year (Report)

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

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

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

d. Speed Zones

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

116477
TRF

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

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

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

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

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

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

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

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

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

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

ITEM 9. 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 Cameron County Judge Eddie Trevino, Jr, Cameron County Commissioner Precinct 3 David Garza, Chief of Staff to Cameron County Commissioner Precinct 4 Velinda Reyes, City of Brownsville Commissioner Nurith Galonsky, and Multimodal Transportation Director Joel Garza congratulating Commissioner Alex Meade on his appointment to the Texas Transportation Commission. The commission also heard comments from City of Eagle Pass Bridge Director Homero Balderas about an update on the Port of Eagle Pass and asked for the consideration of the completion of Loop 480. Mr. Balderas also invited the commission to the Port of Eagle Pass Trade Summit on June 22, 2023; and finally, City of Eagle Pass City Engineer Danny Magee commented about looking to expand the message of the Ports to Plains system and hopes to get it on the Unified Transportation Program (UTP) this year.

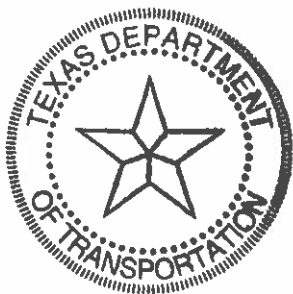
Commissioner Meade motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:58. a.m.

APPROVED by the Texas Transportation Commission on May 25, 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 April 27, 2023, in Austin, Texas.



Amanda Brown

Amanda Brown, Commission Chief Clerk
Texas Department of Transportation