

These are the minutes of the regular meeting of the Texas Transportation Commission held on May 25, 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
W. Alvin New	Commissioner
Robert C. Vaughn	Commissioner
Alex Meade	Commissioner
Steven D. Alvis	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 2:42 p.m. on May 17, 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 Steven Alvis 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 April 27, 2023, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the April 27, 2023, regular meeting by a vote of 5 - 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 congratulated the department on the completion of the I-10 project in Boerne. Mr. Dixon also asked the department to look into safety concerns along SH 21 and SH 535 south of Bastrop. Commissioner New made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5 - 0.

116478
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 May 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 Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5 - 0.

116479
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 May 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 Meade made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5 - 0.

116480
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 read on May 2 and May 3, 2023, as shown on exhibit A.

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

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

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

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

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

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

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

ITEM 5. Discussion Item

Update to the Multimodal Freight Transportation Plan (Presentation)

This discussion was led by Transportation Planning and Programming Division Director Humberto Gonzalez, Jr. The commission asked questions and discussed the topic. The commission also heard comments from National Parks Conservation Association Associate Director Erika Pelletier, private citizen Janis Holt, Vice Chairman of Hardin County Republican Party Sue Cleveland, National Association of Realtors Representative Jeanie Turk, Big Thicket Natural Heritage Trust President Ellen Buchanan, and Southeast Texas Clean Air & Water, Inc. President Terry Stelly requesting the department to leave the trees in place along highway 69 in the Big Thicket National Preserve. The commission also heard comments from Ports to Plains Chairman John Osborne, City of San Angelo Mayor Brenda Gunter, City of San Angelo Economic Development Vice President Michael Looney, and Ports to Plains Alliance President and CEO Lauren Garduño, supporting I-27 and the positive economic impact it will have.

The commission recessed for break at 11:39 a.m. and reconvened the meeting at 11:49 a.m.

ITEM 6. Design - Build Contract (MO)

Bexar County - Consider approving the selection of the proposer who submitted the best value proposal and the conditional award of a design-build contract and a corresponding capital maintenance contract to the selected proposer, for the design, construction and maintenance of the I-35 Northeast Expansion (NEX) South Project, consisting of non-

tolled improvements along I-35 from approximately I-410 South to I-410 North, including transitions along I-35 from Petroleum Drive to I-410 South, and along the portion of I-410 South from the I-35/I-410 South Interchange to 0.3 miles north of Seguin Road/FM 78 in Bexar County, Texas. Additionally, consider approving an increase in funds for the I-35 NEX South Project if the price included in the proposal of the apparent best value proposer exceeds the funds authorized for the Project (MO)

This item was presented by Alternative Delivery Division Director Greg Snider. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116481
ALD

Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On March 31, 2022, by Minute Order 116217, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and potentially maintain the I-35 Northeast Expansion (NEX) South Project (project). The project includes non-tolled improvements along I-35 from approximately I-410 South to I-410 North, including transitions along I-35 from Petroleum Drive to I-410 South, and along the portion of I-410 South from the I-35/I-410 South Interchange to 0.3 miles north of Seguin Road/FM 78, in Bexar County, Texas. The department issued the RFQ on April 15, 2022. Following the department's evaluation of the qualifications statements, the best qualified teams were short-listed and requested to submit detailed proposals to design, construct, and maintain the project.

Transportation Code § 223.246 and 43 TAC § 9.153(d) provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short list. On August 30, 2022, by Minute Order 116305, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to design, construct, and maintain the project, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the design-build contract (DBC).

On November 9, 2022, the department issued the final RFP. On March 28, 2023, proposals were received from Alamo South Construction, Archer Western / Sundt Joint Venture and Lone Star Constructors, NEX. From March 29, 2023, until May 12, 2023, the department evaluated the technical, financial, and price proposals received from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included: (1) consideration of performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, (2) other performance evaluations as deemed relevant by the department, and (3) oral presentations given by each proposer in response to TxDOT-developed questions seeking to clarify information provided in proposers' technical proposals. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number

of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: Lone Star Constructors, NEX, Alamo South Construction, Archer Western / Sundt Joint Venture. The proposal submitted by Lone Star Constructors, NEX was accordingly determined to provide the apparent best value.

On August 30, 2022, the commission approved the 2023 Unified Transportation Program (UTP), which includes language providing that, for projects requiring an increase in funding, the commission may approve additional funding 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 project is included in the 2023 UTP and is funded with funding from categories 3 and 12.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Lone Star Constructors, NEX provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Lone Star Constructors, NEX necessary to finalize the DBC and the corresponding capital maintenance contract (CMC) to design, construct and maintain the project, and to modify the DBC and CMC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the corresponding CMC are awarded to Lone Star Constructors, NEX subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC and CMC by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Lone Star Constructors, NEX cannot be successfully completed, and that therefore the proposal submitted by Lone Star Constructors, NEX will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Alamo South Construction, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

ITEM 7. Annual Highway Safety Plan

Consider approval of funding for the 2024 Highway Safety Plan (MO) (Presentation)

This item was presented by Traffic Safety Division Director Michael Chacon. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116482
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and their related deaths, injuries, and property damage.

The Bipartisan Infrastructure Law (BIL) Act will appropriate various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the Executive Director is authorized to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$95,101,726 as shown in exhibit A.

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

ITEM 8. 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 Alvis 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 Meade and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, Commissioner Meade, and Commissioner Alvis (a vote of 5 - 0).

116483
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-C. 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 1-111 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
Cameron	US 281	14	0220-04-057	17
Cameron	US 281	107	0220-04-057	18
Cameron	US 281	106	0220-04-057	19
Cameron	US 281	105	0220-04-057	20
Cameron	US 281	15	0220-04-057	21
Cameron	US 281	104	0220-04-057	22
Cameron	US 281	16	0220-04-057	23
Cameron	US 281	17	0220-04-057	24
Cameron	US 281	18	0220-04-057	25
Cameron	US 281	19	0220-04-057	26
Cameron	US 281	103	0220-04-057	27
Cameron	US 281	102	0220-04-057	28
Cameron	US 281	25	0220-04-057	30
Cameron	US 281	20	0220-04-057	31
Cameron	US 281	21	0220-04-057	34
Cameron	US 281	108	0220-04-057	35
Cameron	US 281	22	0220-04-057	36
Cameron	US 281	23	0220-04-057	40
Cameron	US 281	24	0220-04-057	42
Cameron	US 281	26	0220-04-057	44
Cameron	US 281	27	0220-04-057	47
Cameron	US 281	28	0220-04-057	50
Cameron	US 281	98	0220-04-057	52
Cameron	US 281	29	0220-04-057	55
Cameron	US 281	30	0220-04-057	56
Cameron	US 281	31	0220-04-057	57
Cameron	US 281	32	0220-04-057	58
Cameron	US 281	33	0220-04-057	60
Cameron	US 281	34	0220-04-057	62
Cameron	US 281	100	0220-04-057	64
Cameron	US 281	35	0220-04-057	65
Cameron	US 281	36	0220-04-057	66
Cameron	US 281	37	0220-04-057	67
Cameron	US 281	38	0220-04-057	68
Cameron	US 281	39	0220-04-057	69

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Cameron	US 281	40	0220-04-057	70
Cameron	US 281	41	0220-04-057	71
Cameron	US 281	42	0220-04-057	72
Cameron	US 281	43	0220-04-057	73
Cameron	US 281	44	0220-04-057	74
Cameron	US 281	101	0220-04-057	75
Cameron	US 281	45	0220-04-057	76
Cameron	US 281	46	0220-04-057	77
Cameron	US 281	70	0220-04-058	1
Cameron	US 281	71	0220-04-058	2
Cameron	US 281	72	0220-04-058	4
Cameron	US 281	73	0220-04-058	5
Cameron	US 281	74	0220-04-058	7
Cameron	US 281	75	0220-04-058	8
Cameron	US 281	76	0220-04-058	9
Cameron	US 281	77	0220-04-058	10
Cameron	US 281	78	0220-04-058	11
Cameron	US 281	94	0220-04-058	12
Cameron	US 281	95	0220-04-058	13
Cameron	US 281	96	0220-04-058	15
Cameron	US 281	97	0220-04-058	16
Cameron	US 281	99	0220-04-058	53
Clay	US 82	110	0044-03-052	4
Collin	FM 1461	61	1973-01-018	P00066748
Denton	US 377	84	0081-06-043	P00024556
Denton	US 377	83	0081-06-043	P00024558
Denton	US 377	82	0081-06-043	P00024559
Denton	US 377	85	0081-06-043	P00024560
Denton	US 377	86	0081-06-043	P00024561
Denton	US 377	87	0081-06-043	P00024562
Denton	US 377	88	0081-06-043	P00024563
Denton	US 377	89	0081-06-043	P00024566
Denton	US 377	81	0081-06-043	P00024567
Galveston	FM 646	1	3049-01-033	329
Galveston	FM 646	3	3049-01-033	330
Galveston	FM 646	2	3049-01-033	331
Galveston	FM 646	4	3049-01-033	332
Galveston	FM 646	5	3049-01-033	334
Galveston	FM 646	6	3049-01-033	335
Galveston	FM 646	7	3049-01-033	336
Galveston	FM 646	8	3049-01-033	337
Galveston	FM 646	9	3049-01-033	338
Galveston	FM 646	10	3049-01-033	339
Galveston	FM 646	11	3049-01-033	340
Galveston	FM 646	12	3049-01-033	341
Galveston	FM 646	13	3049-01-033	342
Galveston	FM 646	48	3049-01-033	343
Galveston	FM 646	47	3049-01-033	344
Galveston	FM 646	49	3049-01-033	346

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Galveston	FM 646	50	3049-01-033	348
Galveston	FM 646	51	3049-01-033	349
Galveston	FM 646	52	3049-01-033	350
Galveston	FM 646	53	3049-01-033	351
Galveston	FM 646	54	3049-01-033	352
Galveston	FM 646	55	3049-01-033	353
Galveston	FM 646	56	3049-01-033	354
Galveston	FM 646	57	3049-01-033	355
Galveston	FM 646	58	3049-01-033	356
Galveston	FM 646	59	3049-01-033	357
Galveston	FM 646	60	3049-01-033	358
Galveston	FM 646	62	3049-01-033	359
Hidalgo	FM 2220	79	2094-01-070	15
Hidalgo	FM 2220	63	2094-01-070	27
Hidalgo	FM 2220	64	2094-01-070	45
Hidalgo	FM 2220	65	2094-01-070	55
Hidalgo	FM 2220	66	2094-01-070	83
Hidalgo	FM 2220	67	2094-01-070	90
Hidalgo	FM 2220	68	2094-01-070	92
Hidalgo	FM 2220	69	2094-01-070	98
Hidalgo	FM 2220	80	2094-01-070	106
Smith	FM 756	92	0492-04-044	P00063836.001
Smith	FM 756	91	0492-04-044	P00063842.001
Smith	FM 756	90	0492-04-044	P00063853.001
Smith	FM 756	93	0492-04-044	P00063854.001
Travis	RM 620	111	0683-02-083	64
Travis	RM 620	109	0683-02-083	110

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Colorado	IH 10	B	0271-01-081	90
Gregg	IH 20	C	0495-07-085	P00064913.001
Travis	IH 35	A	0016-01-122	P00001336

Note: Exhibits A - C and 1 - 111 are on file with the commission chief clerk.

ITEM 9. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. The commission heard comments from City of Laredo Planning Director Orlando Navarro on item 9c2. Commissioner Alvis recused himself from voting on the routine minute order concerning donations, item 9a. Commissioner Vaughn left the meeting and was not in attendance to vote on these items. Commissioner Meade made a motion, which was seconded by Commissioner New, and the commission approved the following minute orders by a vote of 4 - 0.

a. Donations to the Department

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

116484
CSD

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

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

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

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

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

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

DONATIONS TO THE DEPARTMENT

<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 64 CR 119-HWY 79, L.P.	AUS	Williamson	Design and construction of a westbound right turn lane into Alliance Boulevard, eastbound hooded left into Alliance Boulevard, and westbound to eastbound turnaround lane along US 79 in Hutto.
BCS Conroe 336 LLC	HOU	Montgomery	Design and construction of raised medians from eastbound Loop 336 into the Chick-Fil-A, Inc. #05250 Drive-Thru only on Loop 336 and North Frazier Street development in Conroe.
Cactus Jack Development, Inc.	WAC	Bell	Design and construction of a right turn deceleration lane and right turn acceleration lane on SH 195 into the entrance of Victory Ranch in Killeen.
Carson 288, LLC	HOU	Harris	Funds sufficient to cover the state's costs to construct a northbound frontage road on SH 288, from north of Sims Bayou to Airport Boulevard in Harris County.
Caviness Beef Packers, Ltd.	AMA	Deaf Smith	Funds towards the state's cost to design and construct a right turn deceleration lane and improve the median crossovers on US 60 at the entrance to the Caviness Beef facility in Deaf Smith County.
CF CSLK Carter LLC	AUS	Hays	Design and construction of a traffic signal at RM 12 and Caliterra Parkway intersection in Dripping Springs.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Colorado River Project, LLC and its parent company Tesla, Inc.	AUS	Travis	Design, construction, and construction engineering inspections of as follows: 1) northbound and southbound frontage roads and improvements between the Tesla Road and the Colorado River connected by a U-turn under the SH 130 main lanes north of the river; 2) braided entrance/exit bridge ramps connecting the proposed northbound frontage road with the existing northbound main lane south of Tesla Road including the removal and replacement of existing toll gantries and proposed illumination; and 3) widening of the existing bridge northbound main lane at Tesla Road in Austin.
EastGroup Properties, L.P.	SAT	Bexar	Design and construction for the installation of an access driveway and associated exit ramp improvements on I-35 located approximately 1,450 linear feet north of Eisenhower Road in San Antonio.
FM 2920 Land Company, Ltd.	HOU	Harris	Design and construction of a right turn lane, a left turn lane, roadway widening, and other modifications from east to westbound FM 2920 into the Spring Creek MHP development in Houston.
Higdon Road Land Company, Ltd.	SAT	Bexar	Design and construction of 1) an exclusive eastbound left turn lane and exclusive westbound right turn lane at the intersection of Green Lake Drive at Spur 122; 2) an additional southbound left turn lane on Green Lake Drive at the intersection of Spur 122; and 3) an eastbound dual left turn lane and traffic signal modifications at the intersection of Spur 122 and US 181 in San Antonio.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
International Leadership of Texas, Inc.	HOU	Fort Bend	Design and construction of a traffic signal at FM 359 and Del Agua Drive and a right turn lane from northbound FM 359 into the International Leadership of Texas - Richmond K8 development in Richmond.
Kartik LLC	AUS	Hays	Design and construction of roadway improvements on RM 12 consisting of pavement widening, thin overlay mixture, and striping overlay to add center turn lane section/left turn lane section that will serve Cortaro Subdivision in Dripping Springs.
LMTXLP LLC	WAC	Hamilton	Funds to cover the state's cost to 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.
Magnolia 221 Development Partners LP	HOU	Montgomery	Design and construction of a three-leg traffic signal and a westbound right turn deceleration lane on FM 1488 into Emmory Glen Development in Montgomery County.
Meritage Homes of Texas, LLC	AUS	Hays	Design and construction of a traffic signal and roadway improvements at the new intersection on US 290 for the Wildridge subdivision in Dripping Springs.
Northridge Development Company, Inc.	WAC	Bell	Design and construction of a right turn lane on FM 439 into the entrance of Reynolds Crossing in Killeen.
OCI Clean Ammonia LLC	BMT	Jefferson	Design and construction of a northbound left turn deceleration lane on SH 347 and a crossover between the northbound and southbound lanes of SH 347 at Lonestar Drive in the Nederland.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
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.
PHAU – Lockhart 450, LLC	AUS	Caldwell	Design and construction of deceleration and acceleration lanes on SH 142 from 0.45 miles east of Borchert Loop to 0.85 miles east of Borchert Loop in Lockhart.
Sienna Plantation Property Owners Association, Inc.	HOU	Fort Bend	Design and construction of a signal modification and two additional turn lanes from northbound and southbound of Sienna Parkway into the SH 6 and Sienna Parkway intersection development in Missouri City.
Silvestri Investments of Florida, Inc.	HOU	Montgomery	Design and construction of a southbound left turn lane, northbound right turn lane and associated right of way work consisting of entrance road culverts, extension of existing 30” culvert, regrading, and re-vegetation of the roadside ditches, striping and signage on FM 1486 into the High Meadow West Section 1 residential development in Montgomery County.
TC Austin Acquisitions, LLC	AUS	Hays	Design and construction of a striping change of an existing gored area, to a dedicated left turn lane including mill and thin overlay mixture on FM 110 in San Marcos.
Wright Road 1327, LLC	AUS	Travis	Design and construction of roadway improvements on FM 1327 consisting of thin overlay mixture, and striping overlay to add center turn lane section that will serve multiple developments in Creedmoor.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Guttes Airwerks LLC fbo Tracy Guttes Realtor	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
M & D Holdings, LLC dba Driftwood Builders Roofing	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
SM Switchback, LLC dba Smokey Mo's Bar-B-Q	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Total Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Primary Care	DAL	Dallas	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.
Maggiano's Holding Corporation dba Maggiano's Little Italy	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
World Travel Holdings Inc. dba Cruises.com	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Mokaram and Associates PC dba Mokaram Law Firm	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
University of Houston- Clear lake	HOU	Harris	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>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
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.

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

b. Reports**(1) Compliance Division Report**

Note: Confidential report to commission.

(2) Central Texas Turnpike System**Travis and Williamson Counties - Fiscal Year 2023 Central Texas Turnpike System Annual Inspection Report (Report)**

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

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

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

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

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

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

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

c. Highway Designations**(1) Angelina County - In the cities of Burke and Diboll, consider designating US 59 along a new location and redesigning the old alignment of US 59 as Business US Highway 59-H on the state highway system (MO)**

116485
TPP

The cities of Burke and Diboll, Angelina County, and the Lufkin District have requested the following actions: (1) designation of US 59 along a new location on the state highway system from the intersection of US 59 and FM 2108 southward to existing US 59, approximately 1.15 miles south of White Oak Creek, a total distance of approximately 7.5 miles; and (2) redesignation of the old alignment of US 59 as Business US Highway 59-H (BU 59-H) on the state highway system from the intersection of US 59

and FM 2108 southward to approximately 1.15 miles south of White Oak Creek, a distance of approximately 6.7 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

The Texas Transportation Commission (commission) finds that these actions will facilitate the flow of traffic, promote public safety, maintain the continuity of the state highway system, and are necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that: (1) US 59 is designated along a new location on the state highway system from the intersection of US 59 and FM 2108 southward to existing US 59, approximately 1.15 miles south of White Oak Creek, a total distance of approximately 7.5 miles; and (2) the old alignment of US 59 is redesignated as BU 59-H on the state highway system from the intersection of US 59 and FM 2108 southward to approximately 1.15 miles south of White Oak Creek, a distance of approximately 6.7 miles, as shown on exhibit A.

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

(2) Webb County - In the city of Laredo, consider designating SH 84 along a new location (MO)

116486
TPP

The city of Laredo, Webb County, and the Laredo District have requested the designation of SH 84 on the state highway system along a new location from FM 1472 eastward to I-35, a distance of approximately 8.0 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended this action.

The Texas Transportation Commission (commission) finds that this action will facilitate the flow of traffic, promote public safety, maintain the continuity of the state highway system, and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that SH 84 is designated on the state highway system along a new location from FM 1472 eastward to I-35, a distance of approximately 8.0 miles, as shown on exhibit A.

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

d. Designation of Access Control

Tarrant County - SH 183, in the City of Bedford - Consider the redesignation of one location on the westbound frontage road of SH 183 at which access will be permitted to the abutting property (MO)

116487
DES

In TARRANT COUNTY, on SH 183, a designated controlled-access highway, the State of Texas acquired certain land for highway purposes pursuant to the instrument recorded in the Agreed Judgement to the State of Texas, recorded in Instrument No. D213050478, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.) with denial of access to the abutting remainder property as described in the instruments. Centerpoint Properties Trust, a Maryland real estate investment trust, the current owners of the abutting property, have requested a re-designation of control of access along their property line. The current designated access to and from the westbound frontage road of SH 183 will become controlled whereby access is denied and be re-designated west of its current designated access for a new permitted access point at one location along the property line, as described in exhibit A.

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 determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and authorizes re-designation of permitted access from its original permitted access point to the new access point described in exhibit A as a location where ingress and egress are permitted to and from the westbound frontage road of SH 183.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

e. Rail Clearance Deviations

Gonzales County - Consider the approval of rail clearance deviations (MO)

116488
RRD

Transportation Code, §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Texas Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may, by order, permit a railroad company or other corporation, firm, partnership, or individual, or county or municipality to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Texas Gonzales and Northern Railway (TXGN) requesting two clearance deviations for their railroad tracks under the I-10 bridge structure located in Gonzales County, Texas; clearance deviations specifics detailed in exhibit A. The department investigated the location to determine whether good cause could be shown and whether the deviations could be operated in a reasonable and safe manner.

In determining whether the new structure demonstrates good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements;
- (2) the safety of employees working near railroad tracks; and
- (3) limited clearances.

The department reviewed facility plans, visited the site, and determined the requested clearance deviations are reasonable, safe, and include sufficient:

- (1) warning signs at limited clearance locations; and
- (2) safety rules, operational requirements, and training to address employee safety.

Based on the investigations, the department determined that the clearance deviations as listed in exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The department notified the Attorney General of Texas as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviations as described in exhibit A are approved.

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

f. Speed Zones

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

116489
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 10. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071

Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission did not meet in executive session.

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action

will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission received comments from El Paso Metropolitan Planning Organization (MPO) Executive Director Eduardo Calvo who gave an update on the downtown priority project and the mega grant and federal grant applications for this year, and the I-10 corridor study. The commission also heard from private citizen Jim Christianson about the Jorgensen contract on the 130 toll road, and Larry Deavers on the construction on US-59 in Fort Bend County. The commission received no further comments.

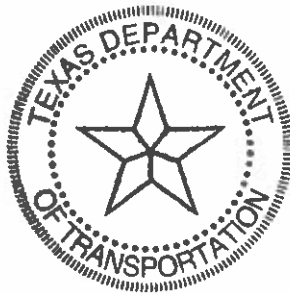
Commissioner Meade motioned adjournment and Commissioner Alvis seconded the motion. The commission voted 4 - 0 to adjourn. Commissioner Vaughn left the meeting and was not in attendance to vote on adjournment. The regular meeting of the Texas Transportation Commission was adjourned at 12:25 p.m.

APPROVED by the Texas Transportation Commission on June 29, 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 May 25, 2023, in Austin, Texas.




Amanda Brown, Commission Chief Clerk
Texas Department of Transportation