

These are the minutes of the regular meeting of the Texas Transportation Commission held on August 16, 2023, in Austin, Texas. The meeting was called to order at 10:03 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
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 4:43 p.m. on August 8, 2023, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Safety Briefing

Executive Director Marc Williams directed that the Greer building safety video be shown on the screens in the Ric Williamson hearing room.

ITEM 2. Opening Comments from Commissioners and Executive Director

The commissioners made opening remarks.

ITEM 3. Consider the approval of the Minutes of the July 11, 2023, regular meeting of the Texas Transportation Commission

Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the July 11, 2023, regular meeting by a vote of 5 - 0.

ITEM 4. Electric Vehicle Charging Stations

Present implementation plan and request approval to issue one or more requests for grant applications and award one or more grants to construct electric vehicle charging stations along the Electric - Alternative Fuel Corridors (MO) (Presentation)

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. The commission heard comments from Texas Department of Licensing and Regulation Executive Director Mike Arismendez, North Central Texas Council of Governments Senior Program Manager Lori Clark, ChargePoint Public Policy Manager Ben Kessler, and Tritium Technologies Senior Manager Jason Cortes. 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.

TPP

funding to deploy electric vehicle charging infrastructure. Texas was allocated \$407.8M in formula funds over five (5) years to develop electric vehicle charging.

Transportation Code 222.034(a) describes the process by which the Texas Transportation Commission (commission) may distribute federal aid funds for transportation purposes.

Transportation Code 222.034(b) authorizes the commission to vary the distribution procedure provided by Subsection (a) if it issues a ruling or minute order identifying the variance and provides a particular justification for the variance.

The Texas Department of Transportation (department) worked cooperatively with the Texas Commission on Environmental Quality, State Energy Conservation Office, and the Joint Office of Energy and Transportation to prepare the Texas Electric Vehicle Infrastructure Plan (EV Plan). The EV Plan was approved by the Federal Highway Administration (FHWA) on September 27, 2022.

The department has developed a competitive grant program to manage implementation of Phase 1 of the EV Plan along the Electric - Alternative Fuel Corridors. Program documents are attached as exhibits (A-G).

Exhibit A - Request for Grant Applications (RFGA), provides information to potential applicants on project scope, eligibility, requirements, timelines, application, scoring, selection, reporting, operation, and maintenance.

Exhibit B - Program Manual, a resource to help department staff manage the competitive grant over the life of the program.

Exhibit C - Grant Application, an electronic document to collect seven (7) qualitative criteria and ten (10) quantitative factors from the applicant on their proposed solution that will be evaluated and scored by the department.

Exhibit D - Site Host form, a document to verify a property owner hosting agreement.

Exhibit E - NEPA Clearance form, a document to collect environmental data about the proposed site from applicants. The department will use the NEPA Clearance form to make the environmental clearance determination.

Exhibit F - Scoring Worksheet, a document developed to evaluate proposal information collected in the Grant Application. Factors in the worksheet were created with input from industry, interested parties, and examples from other states.

Exhibit G - Map of Phase-1 EV Study Areas on the Electric - Alternative Fuel Corridors.

The department will use exhibits C, D, E, and F to score and rank proposals in the manner described in the RFGA and the Program Manual. The highest scoring proposal per EV Study Area will be selected.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue one or more RFGAs substantially in the form attached as exhibit A to construct electric vehicle charging stations along the Electric - Alternative Fuel Corridors, and to award one or more grants in accordance with the evaluation and selection process set forth in the RFGA and Program Manual.

IT IS FURTHER ORDERED that the department shall monitor developments in the EV charging industry and return to the commission for approval of future EV Plan implementation phases in order to advance the program and ensure that future industry changes are incorporated.

IT IS FURTHER ORDERED that the executive director is authorized to enter into grant agreements with the proposers awarded grants and to enter into any other necessary agreements to fulfill the condition of this order.

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

ITEM 5. Highway Designation

Hidalgo County - In and around the city of Donna, consider extending the designation of SH 68 and designating State Spur 81 on the state highway system (MO)

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. 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.

116521
TPP

Minute Order 113515 designated SH 68 on a new location from US 281 approximately 0.4 miles north of FM 2812 in the city of Edinburg eastward and southward to US 83 approximately 0.6 miles east of FM 1423 in the city of Donna, a total distance of approximately 19.9 miles.

The Pharr District has requested the following actions: (1) extend the designation of SH 68 on a new location from the intersection of I-2 southward and westward to FM 3072, then westward concurrent with FM 3072 to the proposed 365 Tollway, a distance of approximately 9.4 miles; and (2) designate State Spur 81 on a new location on the state highway system from the intersection of the proposed extension of SH 68 southward and eastward to FM 493, a distance of approximately 3.3 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, and 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) the designation of SH 68 is extended on a new location from the intersection of I-2 southward and westward to FM 3072, then westward concurrent with FM 3072 to the proposed 365 Tollway, a distance of approximately 9.4 miles; and (2) State Spur 81 is designated on a new location on the state highway system from the intersection of the proposed extension of SH 68 southward and eastward to FM 493, a distance of approximately 3.3 miles, as shown on exhibit A.

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

ITEM 6. Unified Transportation Program (UTP)

Consider the approval of funding adjustments to certain fiscal year 2023 projects in the 2023 Unified Transportation Program (UTP) and the approval of the 2024 UTP (MO) Presentation)

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. The commission heard comments from Rio Grande Valley Metropolitan Planning Organization Executive Director Andrew Canon, El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo, El Paso Chamber of Commerce Government Affairs Director Nicholette Ruiz, Ports to Plains Alliance President/CEO Lauren Garduño, BayTran Executive Director Amy Skicki, Real Estate Council of Austin Vice President of Advocacy Alina Carnahan, and citizen Irby Foster. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116522
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects.

Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a public hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions. The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects, which include guidance regarding public involvement related to the project selection process and the development of the UTP. These rules also require the commission to review both the transportation allocation funding formulas and criteria for allocation of funds at least as frequently as every four years and adopt the UTP not later than August 31 of each year.

The commission has reviewed the formulas and criteria set out in the rules and determined that both continue to be appropriate.

The 2023 UTP was approved by the commission on August 30, 2022, by Minute Order 116292.

The department conducted a statewide virtual public meeting on July 6, 2023, and a statewide virtual public hearing on July 25, 2023, to receive comments and testimony concerning the proposed funding adjustments to certain fiscal year 2023 projects in the 2023 UTP, the development of the 2024 UTP and the project selection process.

The funding adjustments to certain fiscal year 2023 projects in the 2023 UTP, which are attached as exhibit A, include project specific authorizations.

The 2024 UTP, which is attached as exhibit B, authorizes funding for each of the twelve funding categories established by the rules and outlines the various project selection methods. The 2024 UTP lists the connectivity and new capacity roadway projects that the department intends to develop and potentially let during the 10-year period and references for each listed project the funding category to which it is assigned. The funds and projects listed for aviation, public transportation, rail, and state waterways and coastal waters are authorized by separate minute orders and this UTP does not supersede those prior actions.

IT IS THEREFORE ORDERED by the commission that funding adjustments to certain fiscal year 2023 projects in the 2023 UTP, as shown in exhibit A, are hereby approved.

IT IS FURTHER ORDERED that the 2024 UTP, including the project selection process, as shown in exhibit B, is hereby approved and supersedes the previously approved 2023 UTP for fiscal years 2024-2033.

IT IS FURTHER ORDERED that the executive director is hereby authorized to develop the projects funded in the UTP to the appropriate level of authority, to include any necessary agreements, right of way acquisitions, utility adjustments, and relocation assistance, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property.

IT IS FURTHER ORDERED that pursuant to Transportation Code, §222.052, the commission may accept financial contributions from political subdivisions of the state for development of projects in the 2024 UTP.

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

ITEM 7. 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. 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.

116523
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on August 2 and 3, 2023, as well as BRYAN DISTRICT, BRAZOS COUNTY, Job Number 3427, Project Number STP 2022(731)TAPS and LUKFIN DISTRICT, SAN JACINTO COUNTY, Job Number 3402, Project Number F 2023(773) which were publicly read on June 27, 2023, and YOAKUM DISTRICT, COLORADO COUNTY, Job Number 3602 Project Number C 271-1-66, which was publicly open and read on June 28, 2023, as shown on exhibit A.

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

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

On August 30, 2022, the Texas Transportation Commission (commission) approved the 2023 Unified Transportation Program (UTP), which included language that provides that the Commission may approve additional funding to projects up to 25% in categories 2, 4, and 12. The additional funding is subject to the availability of funds for that category and commission approval at the time of award of the contract for the highway construction project. Increases to funding may not impact the total formula allocation to the district or metropolitan planning organization.

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

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

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

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

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

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

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

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

b. Highway Improvement and Other Transportation Facilities (MO)

This item was presented by Construction Division Director Duane Milligan. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116524
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 improvement of the State Highway System, which were publicly opened and read on June 1 and 2, 2023, as shown on exhibit A.

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

The department recommends that the commission respectively rescind the award to the lowest bidder for contracts awarded on June 29, 2023, by Minute Order 116490 as indicated, those highway and transportation enhancement building construction contracts identified on attached exhibit A to this order.

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

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

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

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

c. Routine Maintenance (MO)

This item was presented by Construction Division Director Duane Milligan. Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116525
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 June 1, 2023, as shown on exhibit A.

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

The department recommends that the commission respectively rescind the awards to the lowest bidder for contracts awarded on June 29, 2023, by Minute Order 116491, as indicated, those highway maintenance and department building construction contracts identified on attached exhibit A to this order.

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

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

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

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

d. Routine Maintenance (MO)

This item was presented by Construction Division Director Duane Milligan. 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.

116526
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 August 2 and 3, 2023, as well as FORT WORTH DISTRICT, PALO PINTO COUNTY, Job Number 4418, Project Number RMC - 644015001, FORT WORTH DISTRICT, PARKER COUNTY Job Number 4417, Project number RMC - 643858001, and AMARILLO DISTRICT, RANDALL COUNTY, Job Number 4402, Project Number RMC-644540001 which were opened and read on June 27, 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.

e. 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 Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116527
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 August 1 and August 2, 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, 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 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 .8 Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedures Act, Government Code, Chapter 2001:

Rule Proposals

Chapter 1 - Management: Amendments to §1.84 and §1.88 (Advisory Committees) (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. Commissioner Alvis made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5 - 0.

116528
STR

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§1.84 and 1.88, relating to advisory committees to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§1.84 and 1.88, are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

ITEM 9. Advisory Committee Appointments

a. Aviation Advisory Committee - Consider the appointment of members to the Aviation Advisory Committee (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. 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.

116529
AVN

Transportation Code §21.003(a) provides that the Aviation Advisory Committee (committee) consists of members appointed by the Texas Transportation Commission (commission) to advise the commission and the Texas Department of Transportation on aviation matters. The commission by rule shall determine the number of members of the committee. Transportation Code §21.003(b) provides that a majority of the members of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or a fixed-base operator. Transportation Code §21.003(c) provides that a committee member serves at the pleasure of the commission.

Title 43, Texas Administrative Code, §1.84(a)(2) provides that the commission will appoint nine members to staggered terms of three years with three members' terms expiring August 31 of each year. Title 43, Texas Administrative Code, §1.82(c)(4) provides that a committee member may be removed at any time without cause by the person or entity that appointed the member.

The commission charges the committee with the following priorities: 1) provide input for assessment of general aviation airports statewide to help identify benefits of the system, along with deficiencies, and long term needs for funding to maintain the system; and 2) provide advice on the development of the aviation capital improvement program and aviation facilities program.

One individual is being reappointed and two are being appointed to the committee with terms to expire on August 31, 2026.

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

Re-appointment with Term Expiring on August 31, 2026:

Shelly deZavallos, Houston, Texas

New Appointments with Terms Expiring on August 31, 2026:

Scott Miller, Boerne, Texas
 Joe Casey, Lufkin, Texas

IT IS THEREFORE ORDERED by the commission that the individuals identified above are appointed to serve as members of the Aviation Advisory Committee for the term specified.

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

b. Bicycle and Pedestrian Advisory Committee - Consider the appointment of members to the Bicycle and Pedestrian Advisory Committee (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. 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.

116530
 PTN

The Bicycle and Pedestrian Advisory Committee (committee) advises the Texas Transportation Commission (commission) on bicycle and pedestrian issues. Members of the committee are selected by the commission to serve voluntary terms of up to three years. The committee works with the Texas Department of Transportation (department) staff on important initiatives that include recommendations on selection criteria for project applications for the department's Transportation Alternatives Set-Aside funding; consideration of personal mobility, or micromobility, devices in relation to multimodal roadway users; the development of bicycle tourism trails in this state; and other items of mutual concern between the department and the bicycling and pedestrian communities. The committee functions under Title 43, Texas Administrative Code, §1.85 concerning department advisory committees.

One (1) individual is being re-appointed to the committee with a one-year term to expire on August 31, 2024, one (1) individual is a new appointment to the committee with a one-year term to expire on August 31, 2024, one (1) individual is being re-appointed to the committee with a two-year term to expire on August 31, 2025, and four (4) individuals are new appointments to the committee with terms to expire on August 31, 2026.

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

The commission desires to make the following seven committee appointments:

Re-appointment with Term Expiring on August 31, 2024:

Karla Windsor, Arlington, TX

New Appointment with Term Expiring on August 31, 2024:

Will Parrish, San Marcos, TX

Re-appointment with Term Expiring on August 31, 2025:

Eva Lizette Garcia, Brownsville, TX

New Appointments with Terms Expiring on August 31, 2026:

Andrew Bernet, Austin, TX
 John Brigham, Houston, TX
 Ericka Cornejo, El Paso, TX
 Lynnette Wood, Lindale, TX

IT IS THEREFORE ORDERED by the commission that the seven individuals identified above are appointed as members of the department's Bicycle and Pedestrian Advisory Committee for the terms specified.

c. Border Trade Advisory Committee - Consider the appointment of members to the Border Trade Advisory Committee (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. 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.

116531
 TPP

Transportation Code, §201.114, requires the Texas Transportation Commission (commission) to appoint members to the Border Trade Advisory Committee (committee) to assist the commission in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges.

Transportation Code, §201.114, also provides that the committee must include, to the extent practicable: (1) the presiding officers, or persons designated by the presiding officers, of the policy boards of metropolitan planning organizations wholly or partly in the Texas Department of Transportation's (department's) Pharr, Laredo, Odessa, or El Paso transportation districts; (2) the person serving, or a person designated by the person serving, in the capacity of executive director of each entity governing a port of entry in this state; (3) a representative each from at least two institutes or centers operated by a university in this state that conduct continuing research on transportation or trade issues; and (4) the port director of the Port of Brownsville or the port director's designee.

Title 43, Texas Administrative Code, §1.84(d), provides that committee members serve staggered three-year terms expiring on August 31 of each year, except that the commission may establish terms of less than three years for some members in order to stagger terms.

Four (4) individuals are being re-appointed to the committee with terms to expire on August 31, 2026, four (4) individuals are new appointments to the committee with a term to expire on August 31, 2026, one (1) individual is a new appointment to the committee with a term to expire on August 31, 2025, and three (3) individuals are a new appointment to the committee with a term to expire on August 31, 2024.

The commission has determined that the individuals or positions listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts.

New Appointment with a Term Expiring on August 31, 2024:

Daniel Mendoza, BNSF Railway
 Carlos Yerena, Donna International Bridge
 Kyle Morgan, Canadian Pacific Kansas City Railroad

New Appointment with a Terms Expiring on August 31, 2025:

Roberto Tinajero, El Paso International Bridge

Re-appointments with Terms Expiring on August 31, 2026:

Luis Bazan, Pharr International Bridge
 Eduardo Campirano, Port of Brownsville
 Andrew Canon, Rio Grande Valley MPO
 Sam F. Vale, Starr-Camargo Bridge Co.

New Appointments with a Term Expiring on August 31, 2026

Jason Modglin, Texas Alliance of Energy Producers
 Alvaro "Al" Arreola, city of Del Rio
 Daniel Silva, Rio Grande Valley Partnership
 Victor Treviño, Laredo MPO

IT IS THEREFORE ORDERED by the commission that the individuals or positions named above are appointed to the Border Trade Advisory Committee for the terms specified.

ITEM 10. Financial Management

Consider the adoption of the Fiscal Year 2024 Texas Department of Transportation Budget (MO)

This item was presented by Financial Management Division Director Amanda Landry. 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.

116532
 FIN

The General Appropriations Act of the 88th Legislature, Regular Session, has appropriated funds for the operations of the Texas Department of Transportation (department) for Fiscal Year 2024.

The funds appropriated are necessary to effectively operate the activities of the department in accordance with the guidelines set forth in the General Appropriations Act.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that a cash operating budget of \$18,544,354,551 be authorized for the operations of the department for Fiscal Year 2024; and the executive director or designee is hereby ordered to administer this cash operating budget in the most feasible and economical manner within the guidelines prescribed by the 88th Legislature, Regular Session.

IT IS FURTHER ORDERED that the executive director or designee is hereby authorized to make necessary adjustments to spending levels in accordance with the General Appropriations Act or other legislation as may be necessary in the operations of the department.

ITEM 11. Professional Engineering Contract Extension

Consider approval of a one-time extension of the existing authority to issue work authorizations for specific professional engineering contracts (MO)

This item was presented by Professional Engineering Procurement Services Division Director Martin Rodin. 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.

116533

The Texas Department of Transportation (department) enters into engineering service

PEPS

contracts to help the department design, oversee, manage and inspect transportation highway projects. The Texas Transportation Commission (commission) has adopted rules to regulate the issuance of these consulting contracts in Title 43, Texas Administrative Code (TAC), Chapter 9, Subchapter C. Specifically, §9.32, Selection Process, Contract Types, Selection Types, and Projected Contracts details the types of consulting contracts and the contract terms for those contracts which includes indefinite deliverable (ID), specific deliverable, and multiphase. The rules also provide in §9.32(b)(1)(B) that the contract period in which work authorizations may be issued for ID contracts may not be longer than four years after the date of contract execution, unless approved by the commission.

Federal law, 23 CFR §172.9(a)(3)(i) states that an indefinite delivery contract shall specify a reasonable maximum length of contract period, including the number and period of any allowable contract extensions, which shall not exceed 5 years. The stated purpose for this provision is to limit ID contracts from becoming never ending windfalls for a specific consultant firm. However, by letter dated May 9, 2023, attached as exhibit A, the Federal Highways Administration (FHWA) stated that occasionally circumstances beyond your control can disrupt those contract limits. Due to the challenges associated with work and supply disruptions brought about by the Covid pandemic FHWA agreed to our request and has granted a one-time extension for the Single Discipline Specific Indefinite Delivery contracts to allow contracts expiring in 2024 to extend to 2026 and contracts expiring in 2025 to 2027. The specific single disciplines are Bridge Design, Roadway Design, Complex Geotechnical, Pavement Design, Complex Traffic Control, Drainage, and Signing Pavement Markings and Signalization.

Based on the extension granted by FHWA the department has identified the existing consultant contracts, attached as exhibit B, that meet the requirements set out by FHWA and request the commission approve the extension of the existing authority to issue work authorizations as allowed under 43 TAC §9.32 (b)(1)(B) to meet the extension authorized by the FHWA letter.

IT IS FURTHER ORDERED by the commission to authorize the department to issue work authorizations for the consulting contracts listed in exhibit B to allow contracts that otherwise would expire in 2024 to expire in 2026 and contracts that expire in 2025 to expire in 2027.

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

ITEM 12. State Infrastructure Bank

Hale County - City of Plainview - Consider final approval of a request from the city of Plainview for a State Infrastructure Bank loan in the amount of up to \$2,886,000 to pay for the costs of utility relocation necessary for a non-tolled on-system project for improvements on SH 194 in Hale County, Texas (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Division Enterprise Operations Manager Patrick Marotta. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116534
PFD

The city of Plainview (city) has submitted an application for financial assistance in the form of a loan of up to \$2,886,000 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 for improvements on SH 194 in Hale 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 water and sewer 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 terms 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, contingent on the execution of a utility agreement between the city and the department prior to entering into a financial assistance agreement for the SIB loan.

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

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in a Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
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 attached hereto as exhibit A in an amount not to exceed \$2,886,000 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 attached hereto as exhibit A.

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

ITEM 13. 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).

116535
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-N. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached Exhibits 1-138 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

IT IS FURTHER ORDERED that the executive director is hereby authorized to proceed to condemnation on the parcels and directed to transmit or cause to be transmitted this request of the commission to the Office of the Attorney General to file or cause to be

filed against all owners, lienholders, and any owners of any other interests in the parcels, proceedings in condemnation to acquire in the name of and on behalf of the state, fee simple title to each parcel or such lesser estates or property interests as are more fully described in each of the attached Exhibits, save and excepting oil, gas, and sulfur, as provided by law, as follows:

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Bexar	FM 1560	116	2230-01-024	126
Brazoria	FM 518	131	3416-01-014	107
Collin	SS 399	10	0047-10-004	P00069734
Collin	SS 399	12	0047-10-004	P00069737
Collin	SS 399	11	0047-10-004	P00069738
Denton	FM 2499	118	2681-01-028	P00067684
Denton	FM 2499	119	2681-01-028	P00067685
Denton	FM 2931	134	2979-01-012	P00055716.001
Denton	FM 2931	120	2979-01-012	P00055718.001
Denton	FM 2931	135	2979-01-012	P00055726.001
Denton	FM 2931	126	2979-01-012	P00055727.001
Denton	FM 2931	124	2979-01-012	P00055729.001-.002
Denton	FM 2931	138	2979-01-012	P00055730.001
Denton	FM 2931	125	2979-01-012	P00055733.001
Denton	FM 2931	136	2979-01-012	P00055737.001-.002
Denton	FM 2931	127	2979-01-012	P00055739.001
Denton	FM 2931	129	2979-01-012	P00055741.001
Denton	FM 2931	128	2979-01-012	P00055742.001
Denton	FM 2931	123	2979-01-012	P00055747.001
Denton	FM 2931	121	2979-01-012	P00055754.001
Denton	FM 2931	130	2979-01-012	P00055757.001
Denton	FM 2931	122	2979-01-012	P00055772.001
Gregg	US 271	26	0248-06-018	P00061580.001
Gregg	US 271	27	0248-06-018	P00061582.001
Gregg	US 271	28	0248-06-018	P00061583.001
Gregg	US 271	29	0248-06-018	P00061584.001
Gregg	US 271	30	0248-06-018	P00061585.001
Gregg	US 271	31	0248-06-018	P00061586.001
Gregg	US 271	32	0248-06-018	P00061588.001
Gregg	US 271	33	0248-06-018	P00061589.001
Gregg	US 271	34	0248-06-018	P00061590.001
Gregg	US 271	35	0248-06-018	P00061591.001
Gregg	US 271	36	0248-06-018	P00061592.001
Gregg	US 271	37	0248-06-018	P00061593.001
Gregg	US 271	38	0248-06-018	P00061594.001
Gregg	US 271	39	0248-06-018	P00061595.001
Gregg	US 271	40	0248-06-018	P00061596.001
Gregg	US 271	41	0248-06-018	P00061597.001
Gregg	US 271	42	0248-06-018	P00061598.001
Gregg	US 271	43	0248-06-018	P00061599.001
Gregg	US 271	44	0248-06-018	P00061600.001
Gregg	US 271	45	0248-06-018	P00061601.001
Gregg	US 271	46	0248-06-018	P00061602.001

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Gregg	US 271	47	0248-06-018	P00061603.001
Gregg	US 271	48	0248-06-018	P00061604.001
Gregg	US 271	49	0248-06-018	P00061605.001
Gregg	US 271	50	0248-06-018	P00061606.001
Gregg	SL 485	132	3290-02-011	P00068150.001
Harris	SH 35	23	0178-09-030	101
Harris	SH 35	22	0178-09-030	102
Harris	SH 35	19	0178-09-030	103
Harris	SH 35	21	0178-09-030	104
Harris	SH 35	18	0178-09-030	105
Harris	SH 35	20	0178-09-030	106
Harris	SH 35	15	0178-09-030	107
Harris	SH 35	17	0178-09-030	108
Harris	SH 35	16	0178-09-030	113
Harris	SH 35	14	0178-09-030	115
Harris	SH 35	13	0178-09-030	116
Harris	SH 35	24	0178-09-032	302
Harris	SH 35	25	0178-09-032	303 Pts1,2
Harris	SH 35	55	0271-16-154	201
Harris	SH 35	54	0271-16-154	203
Harris	SH 35	53	0271-16-154	204
Hidalgo	FM 2220	112	2094-01-070	2
Hidalgo	FM 2220	104	2094-01-070	17
Hidalgo	FM 2220	115	2094-01-070	43
Hidalgo	FM 2220	105	2094-01-070	44
Hidalgo	FM 2220	106	2094-01-070	65
Hidalgo	FM 2220	109	2094-01-070	66
Hidalgo	FM 2220	107	2094-01-070	68
Hidalgo	FM 2220	114	2094-01-070	69
Hidalgo	FM 2220	108	2094-01-070	70
Hidalgo	FM 2220	99	2094-01-070	73
Hidalgo	FM 2220	100	2094-01-070	75
Hidalgo	FM 2220	101	2094-01-070	76
Hidalgo	FM 2220	102	2094-01-070	77
Hidalgo	FM 2220	110	2094-01-070	78
Hidalgo	FM 2220	103	2094-01-070	89
Hidalgo	FM 2220	111	2094-01-070	101
Hidalgo	FM 2220	113	2094-01-070	103
Jack	US 281	51	0249-07-076	4
Jack	US 281	52	0249-07-076	9
Jones	US 83	6	0033-05-093	P00068124
Jones	US 83	3	0033-05-093	P00068125
Jones	US 83	4	0033-05-093	P00068126
Jones	US 83	5	0033-05-093	P00068127
Jones	US 83	7	0033-05-093	P00068128
Jones	US 83	8	0033-05-093	P00068129
Jones	US 83	1	0033-05-093	P00068721
Jones	US 83	9	0033-05-093	P00069009
Karnes	SH 80	57	0348-04-061	P00063452.001

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Karnes	SH 80	58	0348-04-061	P00063453.001
Karnes	SH 80	59	0348-04-061	P00063454.001-.002
Karnes	SH 80	60	0348-04-061	P00063455.001
Karnes	SH 80	61	0348-04-061	P00063456.001
Karnes	SH 80	62	0348-04-061	P00063457.001
Karnes	SH 80	63	0348-04-061	P00063458.001
Karnes	SH 80	64	0348-04-061	P00063459.001
Karnes	BUS 181E	72	0348-04-06	P00063461.001
Karnes	BUS 181E	65	0348-04-062	P00063462.001
Karnes	BUS 181E	66	0348-04-062	P00063463.001
Karnes	BUS 181E	67	0348-04-062	P00063464.001
Karnes	BUS 181E	68	0348-04-062	P00063465.001
Karnes	BUS 181E	69	0348-04-062	P00063466.001
Karnes	BUS 181E	70	0348-04-062	P00063467.001
Karnes	BUS 181E	71	0348-04-062	P00063468.001
Kaufman	FM 741	91	1092-01-023	P00056544.001
Kaufman	FM 741	90	1092-01-023	P00056539.001
Kaufman	FM 741	88	1092-01-023	P00056545.001
Kaufman	FM 741	89	1092-01-023	P00056546.001
Kaufman	FM 741	92	1092-01-023	P00056552.001
Kaufman	FM 741	93	1092-01-023	P00056553.001
Kaufman	FM 741	94	1092-01-023	P00056562.001
Kaufman	FM 741	95	1092-01-023	P00056567.001
Kaufman	FM 741	96	1092-01-023	P00056568.001
Kaufman	FM 741	97	1092-01-023	P00056579.001
Kaufman	FM 741	98	1092-01-023	P00056603.001
Parker	FM 51	56	0313-02-061	13-1
Smith	FM 756	76	0492-04-040	P00063734.001
Smith	FM 756	80	0492-04-040	P00063736.001
Smith	FM 756	81	0492-04-040	P00063738.001
Smith	FM 756	77	0492-04-040	P00063751.001
Smith	FM 756	82	0492-04-040	P00063759.001
Smith	FM 756	78	0492-04-040	P00063765.001
Smith	FM756	74	0492-04-040	P00063772.001
Smith	FM756	75	0492-04-040	P00063774.001
Smith	FM 756	83	0492-04-040	P00063775.001
Smith	FM 756	84	0492-04-040	P00063777.001
Smith	FM 756	87	0492-04-040	P00063778.001
Smith	FM 756	73	0492-04-040	P00063779.001
Smith	FM 756	85	0492-04-040	P00063780.001
Smith	FM 756	86	0492-04-040	P00063783.001
Smith	FM 756	79	0492-04-040	P00063792.001
Smith	FM 756	133	0492-04-044	P00063838.001
Smith	FM 2964	137	3021-01-010	P00072158.001
Taylor	US 83	2	0033-06-122	P00068123
Willacy	FM 490	117	1430-01-032	P00065235

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Cooke	IH 35	C	0195-01-113	67,67E,67AC
Denton	IH 35W	D	0081-13-067	P00055454
Denton	IH 35W	N	0081-13-067	P00055507
Randall	IH 27	A	0168-09-188	P00060449.001-.003
Randall	IH 27	B	0168-09-188	P00060450.001,.002, .004,.005,.007
Walker	IH 45	E	0675-06-111	11
Walker	IH 45	M	0675-06-111	18
Walker	IH 45	F	0675-06-111	19
Walker	IH 45	G	0675-06-111	23
Walker	IH 45	I	0675-06-111	24
Walker	IH 45	K	0675-06-111	30
Walker	IH 45	J	0675-06-111	34
Walker	IH 45	L	0675-06-111	38
Walker	IH 45	H	0675-06-111	41

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

ITEM 14. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute orders by a vote of 5 - 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)

116536
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>
13100 FM 973 Inc.	AUS	Travis	Design and reconstruction of five right turn lanes, three left turn lanes, two traffic signals, and one U-turn lane extension on FM 973 and US 290 in Manor.
3811 Main Street LP	AUS	Williamson	Design and construction for the widening of SH 95 to provide one northbound left turn lane and one southbound deceleration lane with associated drainage structures in Taylor.
Afton Oaks Residences LLC	SAT	Bexar	Design and construction for installation of right turn deceleration lane on N Loop 1604 west frontage road located approximately 1 mile from intersection of Loop 1604 and US 281 in San Antonio.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Atlantica at Westover Hills LLC	SAT	Bexar	Design and construction for installation of a right turn lane on SH 151 located approximately at the intersection of SH 151 and Nationwide Drive in San Antonio.
BBQ Equity Partners, LLC	HOU	Montgomery	Design and construction of left and right turn lanes from southbound SPUR 149 into the Magnolia Village South development and adjacent property in Magnolia.
Delaware Basin Midstream LLC	ODA	Loving	Funds towards state's costs to design, let, and construct of improvements to expand a portion of SH 302 in Loving County.
D. R. Horton, Inc.	HOU	Galveston	Design and construction of a street tie-in and left turn lane from southbound FM 528 into the Georgetown development in Friendswood.
Duti RV LLC	AUS	Bastrop	Design and construction of a left and right deceleration turn lanes located approximately 0.15 miles east of FM 672 to 0.30 miles west of FM 672 in Cedar Creek.
GC Magnolia, L.P.	HOU	Harris	Design and construction of a traffic signal from southbound Spur 149 and left turn lane markings into the Magnolia Village Retail Center development in Magnolia.
Gulfbelt Logistics Park Phase I, LLC	HOU	Harris	Design and construction of a right turn lane from northbound I-45 into the TC Houston Industrial development in Houston.
Hannover Estates, Ltd.	HOU	Harris	Design and construction of a three-leg traffic signal and left turn lane from southbound FM 2100 into the Crosby Farms Development in Crosby.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
H-E-B, LP	AUS	Travis	Design and construction of one northbound dedicated right turn/deceleration lane for driveway on SH 130 northbound frontage road south of east Pflugerville Parkway in Pflugerville.
King Fish Development, LLC	SAT	Bexar	Design and construction to widen pavement and install pavement markings to accommodate two right turn lanes and a left turn lane on SH 16 located approximately 1.5 miles north of SL 1604 in southwest San Antonio.
M/I Homes of Houston, LLC	HOU	Montgomery	Design and construction of a left turn lane and traffic signal from northbound SH 75 into the Moran Ranch development in Conroe.
NC4 Management, LLC	HOU	Galveston	Design and construction of a deceleration lane from eastbound FM 1764 into the Gateway Plaza development in Santa Fe.
OC Alvin, Ltd.	HOU	Brazoria	Design and construction of a left-hand turn lane from westbound SH 6 into the Cline Crossing Alvin development in Alvin.
QT South, LLC	HOU	Harris	Design and construction of a 4-way signalized intersection with crosswalks, ADA ramp facilities, and two protected left turn lanes from east and westbound FM 1519 into the QuikTrip 7942 development in Houston.
Ranch Road Bollinger LLC	AUS	Caldwell	Design and construction of two right turn lanes and one left turn lane located approximately .25 miles southeast of County Road 67 on FM 2720 in Maxwell.
SA Creekside Station, Ltd.	SAT	Guadalupe	Design and construction of a left and right turn lane for a new subdivision entrance located approximately 0.89 mile west of SH 123 San Marcos.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Townsend Reserve, Ltd.	HOU	Montgomery	Design and construction of a left turn and right turn lane, and traffic signal along FM 2090 to serve the Townsend Reserve Development in Montgomery County.
TX Estate Development, Inc.	WAC	Bell	Design and construction to widen a non-freeway facility which consists of widening an urban local street to install a new right turn lane and traffic infrastructure on Stan Schlueter Loop (FM 3470) at the entrance of the Roost Addition in Killeen.
Z-Modular Parmer Lane, LLC	AUS	Travis	Design and reconstruction of the left turn deceleration lane at FM 734 and Bellingham Road and construction of a left turn and right turn deceleration lane on FM 734 at 8020 East Parmer Lane in Austin.
AM Petroleum, Inc. DBA JD's Market	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on two existing sign locations.
Austin Zoo, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
South Austin Emergency Center	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on two existing sign locations.
Spanish Oaks Realty	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Total Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Adventure Forest LLC dba Go Ape	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Red Oak Family Dentistry, PLLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Primary Care	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Republic Services, Inc.	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Acme Brick Company	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Machi & Associates, PC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Sereia Skin Lounge, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Moody National Bank	HOU	Galveston	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elite MMA - Baytown, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
23330 Emergency Center, LLC dba Kingwood Emergency Center - Kingwood Emergency Hospital	HOU	Montgomery	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Comal Iron & Metals, Inc.	SAT	Comal	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
K.L. Comfort Park Ltd., a Texas Limited Partnership	FTW	Tarrant	Donation of 0.061 acres of land on SH 183. The property being donated will be utilized for widening a section of East Belknap Street to accommodate a right turn deceleration lane for the entrance of 5800 East Belknap Street in Fort Worth, Tarrant County, Texas.

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

b. Real Estate Dispositions

(1) Bexar County - SL 1604 - Consider the sale of right of way to an abutting landowner (MO)

116537
ROW

In the City of San Antonio, Bexar County, on SL 1604, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 4371, at Page 160, and Volume 4557, at Page 223, of the Deed Records of Bexar County, Texas.

Portions of the land, which portions are described in exhibits A and B (tracts), are no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

Abiso Babcock, LP, a Texas limited partnership, is an abutting landowner and has requested to purchase the tracts for \$148,033.00.

The commission finds \$148,033.00 to be a fair and reasonable value of the state's right, title, and interest in the tracts.

IT IS THEREFORE ORDERED by the commission that the tracts are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tracts to Abiso Babcock, a Texas limited partnership, for \$148,033.00; 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: Exhibits A and B are on file with the commission chief clerk.

(2) Collin County - US 75 - Consider the sale of right of way to an abutting landowner (MO)

116538
ROW

In the City of Melissa, Collin County, on US 75, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 661, at Page 412, of the Deed Records of Collin 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.

Melissa 75 Pads LP, a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$199,000.00.

The commission finds \$199,000.00 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 Melissa 75 Pads LP, a Texas limited partnership, for \$199,000.00 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) Kaufman County - SH 34 - Consider the sale of real property to a governmental entity with the authority to condemn the property (MO)

116539
ROW

In the city of Kaufman, Kaufman County, on SH 34, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 418, at Page 406, of the Deed Records of Kaufman 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 real property no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The city of Kaufman, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$1,002,056.00.

The commission finds \$1,002,056.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the city of Kaufman, Texas for \$1,002,056.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Somervell County - US 67 - Consider the sale of right of way to an abutting landowner (MO)

116540
ROW

In the city of Glen Rose, Somervell County, on US 67, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 39, at Page 268, of the Deed Records of Somervell 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.

Home Town Properties, a Texas general partnership, consisting of Kenneth Hulsey, Eric Hulsey, and Kevin Hulsey, is an abutting landowner and has requested to purchase the tract for \$57,216.00.

The commission finds \$57,216.00 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, 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 tract to Home Town Properties, a Texas general partnership, consisting of Kenneth Hulsey, Eric Hulsey, and Kevin Hulsey, for \$57,216.00; 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.

(5) Tom Green County - South Orient Railroad - Consider the sale of railroad real property to an abutting landowner (MO)

116541
ROW

In the city of San Angelo, Tom Green County, on the South Orient Railroad corridor, the State of Texas acquired certain land for railroad purposes by an instrument recorded in Instrument No. 343950, of the Deed Records of Tom Green County, Texas.

A portion of the land, which portion is described in exhibit A (tract), is no longer needed for Texas Department of Transportation (department) purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 91, Subchapter E, the department may sell any rights or other interests in real property acquired for railroad purposes once the Texas Transportation Commission (commission) has determined that they are no longer needed for department purposes.

Maricela Ovalle is an abutting landowner and has requested to purchase the tract for \$11,000.00.

The commission finds \$11,000.00 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, described in exhibit A, is no longer needed for department purposes. 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 tract to Maricela Ovalle for \$11,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

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

Note: Confidential report to commission.

(2) Grimes and Montgomery Counties**Fiscal Year 2023 SH 249 System Annual Inspection Report (Report)**

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

(3) Dallas and Denton Counties**Annual Inspection Report for the I-35E Managed Lanes Project (Report)**

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

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

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

(5) Grimes and Montgomery Counties**Quarterly Traffic and Revenue Report for the SH 249 System (Report)**

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

(6) 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.

d. Finance**(1) Debt Management Policy - Consider the approval of the Debt Management Policy for financing programs of the commission (MO)**

116542
PFD

Pursuant to various provisions of Texas law, the Texas Transportation Commission (commission) is authorized to issue and incur obligations for transportation and other projects.

To ensure that all financings undertaken by the commission and/or the Texas Department of Transportation (department) are effected in accordance with the highest standards of industry, law, and government practice, and to confirm the intent of the commission and the department to adhere to sound financial management practices, the commission initially adopted a Debt Management Policy in Minute Order 110656 on August 24, 2006. The Debt Management Policy establishes parameters within which to administer the commission's financing programs, and such parameters focus on acceptable levels of risk, minimizing interest costs, optimizing future flexibility, and achieving and maintaining the best possible credit ratings. As required by the Debt Management Policy, the commission reviews the Debt Management Policy annually and has amended it as necessary. The Debt Management Policy attached hereto has been reviewed and presented to the commission for consideration.

IT IS THEREFORE ORDERED by the commission that the Debt Management Policy attached hereto is hereby approved.

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

(2) Investment Policy and Investment Strategies - Consider the annual review and approval of the investment policy and investment strategies applicable to all funds of the commission not otherwise required to be invested by the comptroller (MO)

116543
PFD

The Public Funds Investment Act (Government Code, Chapter 2256) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments that comply with the Public Funds Investment Act.

Government Code §2256.005 requires that the commission adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds.

Government Code §2256.005(e) and Section 20.0 of the commission's investment policy require that the commission review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategies. The investment policy and investment strategies that are attached include revisions to update them in accordance with legislative changes to the Public Funds Investment Act and other minor revisions.

IT IS THEREFORE ORDERED by the commission that the investment policy and investment strategies applicable to all funds of the commission and funds under the commission's control not otherwise required to be invested by the comptroller, attached, have been reviewed and are hereby approved in accordance with Government Code §2256.005(e) and Section 20.0 of the investment policy.

(3) Travis and Williamson Counties - Consider the approval of the Central Texas Turnpike System annual operating, maintenance and capital budgets (MO)

116544
PFD

Transportation Code Section 228.051 provides that the Texas Transportation Commission (commission) by order may designate one or more lanes of a segment of the state highway system as a toll project or system.

By Minute Order 108873, dated April 25, 2002, SH 130 was designated as a toll project and a controlled access state highway from I-35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast (SH 130) as part of the Central Texas Turnpike System (system).

By Minute Order 108896, dated May 30, 2002, SH 45 N was designated as a toll project and a controlled access state highway from west of US 183 to SH 130/SH 45 North interchange (SH 45 N) as part of the system.

By Minute Order 108896, dated May 30, 2002, Loop 1 was designated as a toll project and a controlled access state highway from the existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange (Loop 1) as part of the system.

By Minute Order 109729 dated July 29, 2004, SH 45 Southeast was designated as a toll project and a controlled access state highway from I-35 at FM 1327 South of Austin to the SH 130/US 183 interchange (SH 45 SE) and by Minute Order 113243 dated August 30, 2012, SH 45 SE was designated as part of the system.

The commission has outstanding system toll revenue bonds issued to finance or refinance a portion of the costs of the system, pursuant to an Indenture of Trust dated as of July 15, 2002 (master indenture) and supplemental indentures (together, the "indenture"). Any terms not otherwise defined in this order have the meaning given in the indenture.

Pursuant to Section 702 of the master indenture, the commission has covenanted that on or before August 31 in each year, it will adopt annual operating, maintenance, and capital budgets for the system for the ensuing fiscal year. The annual budgets have been completed and are attached as exhibit A. In accordance with the indenture the annual budgets were provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the annual budgets for the Central Texas Turnpike System for fiscal year 2024 attached hereto as exhibit A are adopted.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

(4) Grimes and Montgomery Counties - Consider the adoption of the SH 249 System annual budget of revenues, operating and maintenance expenses, major maintenance expenditures, and capital expenditures (MO)

116545
PFD

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, bond anticipation notes, and other obligations to finance turnpike projects on the state highway system, and to enter into trust agreements securing the obligations and indentures of trust governing matters related to the issuance of such obligations.

The commission issued revenue bonds and other obligations to finance a portion of the costs of the SH 249 System (system), comprised of Segment 1 of the SH 249 extension, which is approximately 15 miles of four new toll lanes from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Grimes County near Todd Mission, as an all-electronic, open road toll facility.

Pursuant to Minute Order 115393, dated December 13, 2018, the commission issued toll revenue obligations (obligations) to finance a portion of the costs of the system, pursuant to a master trust agreement and first supplemental agreement (indenture) which prescribe the terms, provisions and covenants related to the issuance of the obligations.

Pursuant to Section 505 of the indenture, the commission has covenanted that on or before the end of each fiscal year (or such other date as is consistent with the commission's policies then in effect), it will adopt an annual budget for the system. The annual budget includes revenues, operating and maintenance expenses, major maintenance expenditures, and capital expenditures for the system. The annual budget has been completed and is attached as exhibit A. In accordance with the indenture the annual budget was provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the annual budget for the SH 249 System for fiscal year 2024 attached hereto as exhibit A is adopted.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

(5) Dallas and Denton Counties - Consider the approval of the I-35E Managed Lanes Project annual budget of revenues, operating and maintenance expenses, and capital expenditures (MO)

116546
PFD

Transportation Code, Chapter 228 and other applicable law, including Government Code, Chapter 1371, authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, notes, and other obligations to finance toll projects or systems on the state highway system, and to enter into trust agreements governing matters relating to the issuance of such obligations.

In Minute Order 113350 dated November 15, 2012, the commission designated the I-35E Managed Lanes Project (project), from I-635 to US 380 in Dallas and Denton counties, including all managed lane connections, as a toll project on the state highway system.

Pursuant to Minute Order 114424 dated November 19, 2015 and the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), the commission entered into a TIFIA Loan Agreement, dated November 3, 2016, with the United States Department of Transportation, for a loan in the amount of \$285,000,000 to pay a portion of the eligible project costs of the project (Loan Agreement), and executed a Trust Agreement dated November 1, 2016 securing the I-35E Managed Lanes Project Toll Revenue Obligations (Trust Agreement) and a First Supplemental Agreement dated November 1, 2016 securing the Loan Agreement and the Texas Transportation Commission Toll Revenue Converting Tier Note (I-35E Managed Lanes Project), Series 2016.

Pursuant to Section 505 of the Trust Agreement, the commission has covenanted that on or before the business day preceding the first day of each fiscal year, it will adopt an annual budget of revenues, operating and maintenance expenses, and capital expenditures for the project and deliver copies of the budget to the trustee and the general engineering consultant.

The department has completed the annual budget which is attached as exhibit A. In accordance with Section 505 of the Trust Agreement, the annual budget was provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the commission adopts the annual budget for the I-35E Managed Lanes Project for fiscal year 2024 attached hereto as exhibit A.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the Trust Agreement as may be necessary in the operation of the project.

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

e. Transportation Planning

Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

116547
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be

deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in exhibit A. The RTC has also identified changes to the list of previously approved projects, which are shown in exhibit B. A summary of funds associated with the SH 121 work program is set forth in exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in exhibit A that have been selected by the RTC to be funded with the SH 121 payments and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in exhibit A are transportation or

highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously approved projects as shown in exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

f. Highway Designation

Kaufman County - In the city of Crandall, consider redesignating a segment of FM 148 as FM Spur 148, designating a segment of FM 148 on a new location, designating a segment of FM 148 concurrently with US 175, and redesignating a segment of FM 148 as FM 3039 (MO)

116548
TPP

The city of Crandall and the Dallas District have requested the following actions: (1) redesignation of a segment of FM 148 as FM Spur 148 from the intersection of US 175 southward through the city of Crandall to the intersection of FM 3039, a distance of approximately 0.5 miles; (2) designation of a segment of FM 148 on a new location from the intersection of US 175 south and southeastward to the intersection of existing FM 148, a distance of approximately 1.6 miles; (3) designation of a segment of FM 148 concurrent with US 175 from the intersection of existing FM 148 eastward to the intersection of the proposed new location of FM 148, a distance of approximately 1.2 miles; and (4) redesignation of a segment of FM 148 as FM 3039 from the intersection of existing FM 3039 and existing FM 148, southeastward to the intersection of existing FM 148 and proposed new FM 148, a distance of approximately 1.8 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, and 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) FM 148 is redesignated as FM Spur 148 from the intersection of US 175 southward through the city of Crandall to the intersection of FM 3039, a distance of approximately 0.5 miles; (2) a segment of FM 148 is designated on a new location from the intersection of US 175 south and southeastward to the intersection of existing FM 148, a distance of approximately 1.6 miles; (3) a segment of FM 148 is designated concurrently with US 175 from the intersection of existing FM 148 eastward to the intersection of the proposed new location of FM 148, a distance of approximately 1.2 miles; and (4) a segment of FM 148 is redesignated as FM 3039 from the intersection of existing FM 3039 and existing FM 148, southeastward to the intersection of existing FM 148 and proposed new FM 148, a distance of approximately 1.8 miles, as shown in exhibit A.

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

g. Speed Zones

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

116549
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.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limit on the segment of highway established by Minute Order 109064, dated October 31, 2002, and listed in exhibit D, is no longer necessary.

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 15. 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 resident Bryan Dotson on HSIP Targeted Off-system Funding and City of Eagle Pass Bridge Director Homero Balderas and City Engineer Danny Magee on the Loop 480 completion. The commission received no further comments.

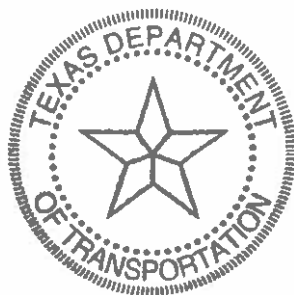
Commissioner Alvis motioned adjournment and Commissioner Meade seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:44 a.m.

APPROVED by the Texas Transportation Commission on September 28, 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 August 16, 2023, in Austin, Texas.




Amanda Brown, Commission Chief Clerk
Texas Department of Transportation