

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 28, 2023, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
W. Alvin New	Commissioner
Robert C. Vaughn	Commissioner
Alex Meade	Commissioner
Steven D. Alvis	Commissioner

Administrative Staff:

Marc Williams, Executive Director
 Jeff Graham, General Counsel
 Amanda Brown, Commission Chief Clerk

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:00 p.m. on September 20, 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. Chairman Bugg recognized Senator Robert Nichols. Senator Nichols spoke on the historic amount of funding for TxDOT ports and waterways.

ITEM 3. Consider the approval of the Minutes of the August 15, 2023, special meeting and the August 16, 2023, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the August 15, 2023, special meeting and the August 16, 2023, regular meeting by a vote of 5 - 0.

ITEM 4. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

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

116550
 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 September 6 and 7, 2023 as

well as DALLAS DISTRICT, DALLAS COUNTY, Job Number 3221, Project Number F 2B23(093), which was publicly opened and read on August 3, 2023, as shown on exhibit A.

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

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

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

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

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

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

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

b. Routine Maintenance (MO)

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

116551
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 September 6 and 7, 2023, as shown on exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

This item was presented by Facilities Planning and Management Section Director Warren Rose. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116552
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 for Brine Sheds in Austin and Fort Worth Districts, as well as projects publicly opened and read September 5 and September 6, 2023, as shown on exhibit A.

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

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

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

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

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

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or

concur, or failure to meet other conditions in the contract or an exhibit to this order, the respective award is voided, and the department will return the bid guaranty.

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

ITEM .5 Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedures Act, Government Code, Chapter 2001:

Rule Proposals

Chapter 16 - Planning and Development of Transportation Projects (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.

116553
TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§16.105, Unified Transportation Program and 16.154, Transportation Allocation Funding Formulas, relating to Planning and Development of Transportation projects 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, B, and C 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 §§16.105 and 16.154 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 6. Advisory Committee Appointments

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

This item was presented by Planning and Modal Programs Director Caroline Mays. The commission heard from Texas Ports Association Executive Director and CEO Glenna Bruun and Calhoun Port Authority Director Charles Hausmann. 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.

116554
MRD

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

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

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

New Appointment with a Term Expiring on September 28, 2026

Charles Hausmann, Port Director, Calhoun Port Authority - Lower Coast

IT IS THEREFORE ORDERED by the commission that this individual be appointed as a member of the Port Authority Advisory Committee for the term specified.

ITEM 7. Aviation

a. Aviation Capital Improvement Program - Consider the approval of the Aviation Capital Improvement Program (MO)

This item was presented by Aviation Division Director Dan Harmon. 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.

116555
AVN

Pursuant to Transportation Code, §§21.108 and 21.109, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation prepares and updates a multiyear Aviation Capital Improvement Program (CIP). The CIP is a plan for general aviation airport development in Texas. It is a detailed listing of potential projects based on the anticipated funding levels of the Federal Aviation Administration Airport Improvement Program and the Texas Aviation Facilities Development Program.

In August 2023, the draft Fiscal Year 2024-Fiscal Year 2026 Aviation CIP was submitted to the sponsors of airports included in the Texas airport system for review. Comments received have been evaluated and, when appropriate, have been addressed in the CIP. The Texas Aviation Advisory Committee recommended approval of the Fiscal Year 2024-Fiscal Year 2026 CIP at its August 2023 meeting.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2024-Fiscal Year 2026 Aviation Capital Improvement Program, as shown in exhibit A, is hereby adopted and the executive director is authorized to proceed with the development of the airport facilities included in the program.

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

b. Various Counties - Consider the approval of the Routine Airport Maintenance Program (MO)

This item was presented by Aviation Division Director Dan Harmon. The commission heard from Cameron County Commissioner Precinct 3 David Garza. 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.

116556
AVN

The Texas Department of Transportation (department) is authorized under Texas Transportation Code, Chapter 21 and Chapter 22, to assist in the development and maintenance of airports in the state.

The Routine Airport Maintenance Program (RAMP) provides financial assistance for publicly owned or operated general aviation, reliever and non-hub commercial service airports included in the Texas Airport System Plan.

Due to the success of this program, the department requests continuation of the program by providing funds for airport maintenance and small capital improvements on a 90-10 basis up to a maximum of \$100,000 in state funds for Fiscal Year 2024.

A public hearing regarding the funding of RAMP was held on August 25, 2023, and no comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the airports listed in exhibit A be awarded grants in accordance with RAMP and that the executive director, or the director's designee, is authorized to enter into any necessary grant agreements with the appropriate local government agencies necessary to carry out the directives of this minute order.

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

c. Various Counties - Consider the award of federal non-primary entitlement grant funding, federal apportionment grant funding, Infrastructure and Investment Jobs Act grant funding, and state grant funding for airport improvement projects at various locations (MO)

This item was presented by Aviation Division Director Dan Harmon. Commissioner Alvis made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116557
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471; Division J, Title VIII of the federal Infrastructure and Investment Job Act (IIJA); and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

Further, Texas Constitution, Article 3, §49-k(c) authorizes money in the Texas Mobility Fund (TMF) to be used to provide participation by the state in the payment of a portion of the costs of constructing and providing public transportation projects in accordance with the procedures, standards, and limitations established by law. Texas Transportation Code §201.943 provides that money in the TMF may be used in the payment of a portion of the costs for providing public transportation projects that are determined by the Texas Transportation Commission (commission) to be in the best interests of the state in its major goal of improving the mobility of the residents of the state.

The airports listed in exhibit A are currently in need of improvements to preserve the airports or to meet standards. The department recommends the award of federal non-primary entitlement grant funds, federal apportionment grant funds, federal IIJA grant funds, and state grant funds for the improvements.

On August 25, 2023, a public hearing was held. No comments were received.

Pursuant to Transportation Code §§201.943 and 201.946, the commission finds that the public transportation projects in exhibit A to be in the best interests of the state in its major goal of improving the mobility of the residents of the state and are eligible for TMF funds.

IT IS THEREFORE ORDERED by the commission that the executive director, or the director's designee, subject to applicable federal and state requirements, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in exhibit A.

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

ITEM 8. Maritime

a. Financial Assistance for Seaport Connectivity Program Projects

Various Counties - Consider approval of projects and the financing of state highway improvement projects and participation by the state in the form of grants for the payment of a portion of the costs of constructing public roadway projects (MO)

This item was presented by Maritime Planning & Strategy Section Director Travis Milner. The commission heard from Port Director and CEO of Port of Beaumont and Port Authority Advisory Committee Chair Chris Fisher and Texas Ports Association Executive Director and CEO Glenna Bruun. 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.

116558
MRD

In 2023, the Texas Legislature required that, from any available source of revenue and/or balances in the Texas Mobility Fund, an amount not to exceed \$20,000,000 in each fiscal year of the 2024-2025 biennium shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission) to improve connectivity to Texas ports, under the General Appropriations Act (HB 1, 88th Texas Legislature 2023), Rider 37, page VII-31.

The Port Authority Advisory Committee has approved the projects listed in exhibit A as proposed by each entity listed. Accordingly, the department recommends that the commission approve each project listed in exhibit A, authorize the financing of the state highway improvement projects listed in exhibit A, and authorize the department to participate in each local government project listed in exhibit A in the form of a grant, up to the amount listed for each project from any available source of revenue and/or money from the Texas Mobility Fund other than the proceeds of obligations issued under Transportation Code, Chapter 201, Subchapter M (enabling act), to be used for construction of each project described in exhibit A.

On August 2, 2023, a public hearing was held. Comments were received in support of the action taken.

Article III, Section 49-k of the Texas constitution (constitutional provision) created the Texas Mobility Fund (fund) in the state treasury and provides that the fund shall be administered by the commission as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in the enabling act. Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund General Obligation Bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that each project listed in exhibit A meets the eligibility requirements for financing or state participation under the constitutional provision, the commission approves each project listed in exhibit A, the commission approves the financing of state highway projects listed in exhibit A, and approves state participation in the form of a grant to each local government listed in exhibit A, up to the amount listed for each project, from any available source of revenue and/or money in the fund other than the proceeds of obligations issued under the

enabling act, to be used for construction of each of the projects listed in exhibit A, and authorizes and directs the executive director of the department to take all actions necessary to effect the purposes of this minute order.

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

b. Financial Assistance for Maritime Infrastructure Program Projects

Various Counties - Consider approval of participation by the state in the form of grants for the payment of a portion of the costs of Maritime Infrastructure Program projects to various local governments (MO)

This item was presented by Maritime Planning & Strategy Section Director Travis Milner. 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.

116559
MRD

In 2023, the Texas Legislature reauthorized the Port Access Account Fund in the general revenue fund, originally created in SB 1282, 77th Legislature, 2001, and provides that money in the fund shall fund port development and infrastructure projects and maritime port studies, under SB 1499, 88th Legislature, 2023. An eligible applicant may not receive more than 20 percent of the total amount of money appropriated to the department in a fiscal biennium to fund the applicant's eligible project.

SB 30, 88th Legislature, 2023, page 54-55 required that, from the general revenue fund, an amount of \$200,000,000 shall be transferred to the Port Access Account Fund and be allocated to provide funding for maritime port capital improvement projects. Transportation Code §55.002 and §55.007 outlines that projects shall be selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission).

Certain local governments as set forth in exhibit A have submitted requests to the Texas Department of Transportation (department) for state participation in the form of a grant to pay a portion of the costs of construction of a maritime infrastructure project selected by the Port Authority Advisory Committee.

On August 2, 2023, a public hearing was held. Comments were received in support of the action taken.

The Port Authority Advisory Committee has approved the projects listed in exhibit A as proposed by each of the local governments listed. Accordingly, the department recommends that the commission approve each project listed in exhibit A and authorize the department to participate in each project in the form of a grant to each local government listed in exhibit A up to the amount listed for each project from the Port Access Account Fund to be used for construction of each project described in exhibit A.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that each project listed in exhibit A meets the eligibility requirements for state participation, and the commission approves each project and approves state participation in the form of a grant to each local government listed in exhibit A up to the amount listed for each project from the Port Access Account Fund, to be used for construction of each of the projects listed in exhibit A, and authorizes and directs the executive director of the department to take all actions necessary to effect the purposes of this minute order.

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

ITEM 9. Audit Plan

Consider the approval of the Internal Audit Plan for Fiscal Year 2024 and determine whether adequate resources have been dedicated to the Internal Audit Program (MO)

This item was presented by Internal Audit Division Director Craig Otto. 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.

116560
AUD

The Texas Internal Auditing Act, Government Code, Chapter 2102, requires the internal auditor to create an annual Internal Audit Plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The Internal Audit Plan must be approved by the state agency's governing board. In addition, the governing board must periodically review the resources dedicated to the Internal Audit Program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

The Chief Audit and Compliance Officer has developed an Internal Audit Plan for Fiscal Year (FY) 2024, which is set forth in exhibit A. This Internal Audit Plan includes a list of internal audits aimed at providing assurance and identification for process/program improvement statewide. This Internal Audit Plan identifies the audits to be conducted and the resources available to the Internal Audit Division for FY 2024.

The Chief Audit and Compliance Officer considers the resources for FY 2024 to be adequate to address the risks that warrant audit coverage.

The Internal Audit Plan for FY 2024 is presented to the Texas Transportation Commission (commission) for approval and for a determination that adequate resources exist to ensure that the risks identified are adequately covered.

IT IS THEREFORE ORDERED by the commission that the Internal Audit Plan for FY 2024, as shown in exhibit A, is hereby approved.

FURTHER, the commission finds that adequate resources have been dedicated to the Internal Audit Program to ensure that the risks identified in the annual risk assessment, including fraud risks, are covered within a reasonable time.

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

ITEM 10. 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).

116561
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-CC. 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 1-181 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Brazoria	SH 36	87	0188-05-031	412
Cameron	US 281	88	0220-04-058	3
Collin	SH 5	5	0047-05-056	P00068700
Collin	US 380	6	0047-10-004	P00069734
Collin	US 380	7	0047-10-004	P00069735.001-.002
Collin	US 380	8	0047-10-004	P00069737
Collin	US 380	9	0047-10-004	P00069738
Collin	US 380	10	0047-10-004	P00069739
Collin	US 380	37	0047-10-004	P00069740
Collin	US 380	11	0047-10-004	P00069742
Collin	US 380	12	0047-10-004	P00069743
Collin	US 380	13	0047-10-004	P00069746
Collin	US 380	14	0047-10-004	P00069749
Collin	US 380	15	0047-10-004	P00069752
Collin	US 380	24	0047-10-004	P00069754.001-.002

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Collin	US 380	16	0047-10-004	P00069756
Collin	US 380	19	0047-10-004	P00069757
Collin	US 380	17	0047-10-004	P00069758
Collin	US 380	18	0047-10-004	P00069759
Collin	US 380	20	0047-10-004	P00069762.001-.002
Collin	US 380	21	0047-10-004	P00069763
Collin	US 380	22	0047-10-004	P00069764
Collin	US 380	23	0047-10-004	P00069766
Collin	US 380	25	0047-10-004	P00069769
Collin	US 380	26	0047-10-004	P00069771
Collin	US 380	27	0047-10-004	P00069772
Collin	US 380	28	0047-10-004	P00069773
Collin	US 380	29	0047-10-004	P00069774
Collin	US 380	30	0047-10-004	P00069777
Collin	US 380	31	0047-10-004	P00069778
Collin	US 380	32	0047-10-004	P00069779.001-.002
Collin	US 380	33	0047-10-004	P00069780.001-.002
Collin	US 380	34	0047-10-004	P00069781
Collin	US 380	35	0047-10-004	P00069782
Collin	US 380	36	0047-10-004	P00069783
Collin	US 380	38	0047-10-005	P00069747
Denton	US 377	178	0081-06-043	P00024580E
Ellis	FM 664	180	1051-01-057	P00054263
Ellis	FM 664	181	1051-01-057	P00054338
Ellis	FM 664	179	1051-01-057	P00069078
Ellis	FM 664	118	1051-01-056	P00070509
Ellis	FM 664	119	1051-01-056	P00070511
Ellis	FM 664	123	1051-01-056	P00070512
Ellis	FM 664	122	1051-01-056	P00070513
Ellis	FM 664	121	1051-01-056	P00070514
Ellis	FM 664	120	1051-01-056	P00070515
Galveston	FM 646	177	3049-01-032	213
Galveston	FM 646	176	3049-01-033	347
Harris	FM 2100	124	1062-02-021	208
Harris	FM 2100	126	1062-02-021	235
Harris	FM 2100	125	1062-02-021	236
Hidalgo	FM 2220	167	2094-01-069	54
Hidalgo	FM 2220	169	2094-01-070	71
Hidalgo	FM 2220	170	2094-01-070	74
Hidalgo	FM 2220	168	2094-01-070	85
Hidalgo	FM 2220	55	2094-01-070	87
Hidalgo	FM 2220	171	2094-01-070	99
Hidalgo	FM 2220	172	2094-01-070	100
Hidalgo	FM 2220	1	2094-01-070	104
Jack	US 281	89	0249-07-076	2
Jim Hogg	SH 16	94	0482-01-038	P00072541
Jim Hogg	SH 16	93	0482-01-038	P00072542
Jim Hogg	SH 16	92	0482-01-038	P00072544

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Jones	US 83	2	0033-06-122	P00069009
Karnes	SH 80	3	0348-04-061	P00067558.001
Karnes	SH 80	4	0348-04-061	P00067559.001
Karnes	BUS HWY 181E	90	0348-04-062	P00063460.001
Kaufman	FM 741	127	1092-01-023	P00056538.001
Kaufman	FM 741	140	1092-01-023	P00056539.001
Kaufman	FM 741	149	1092-01-023	P00056540.001
Kaufman	FM 741	150	1092-01-023	P00056542.001
Kaufman	FM 741	128	1092-01-023	P00056543.001
Kaufman	FM 741	141	1092-01-023	P00056544.001
Kaufman	FM 741	138	1092-01-023	P00056545.001
Kaufman	FM 741	139	1092-01-023	P00056546.001
Kaufman	FM 741	131	1092-01-023	P00056548.001
Kaufman	FM 741	151	1092-01-023	P00056550.001
Kaufman	FM 741	142	1092-01-023	P00056552.001
Kaufman	FM 741	143	1092-01-023	P00056553.001
Kaufman	FM 741	159	1092-01-023	P00056554.001
Kaufman	FM 741	152	1092-01-023	P00056555.001
Kaufman	FM 741	160	1092-01-023	P00056558.001
Kaufman	FM 741	161	1092-01-023	P00056559.001
Kaufman	FM 741	162	1092-01-023	P00056560.001
Kaufman	FM 741	163	1092-01-023	P00056561.001
Kaufman	FM 741	144	1092-01-023	P00056562.001
Kaufman	FM 741	130	1092-01-023	P00056563.001
Kaufman	FM 741	145	1092-01-023	P00056567.001
Kaufman	FM 741	146	1092-01-023	P00056568.001
Kaufman	FM 741	132	1092-01-023	P00056569.001
Kaufman	FM 741	147	1092-01-023	P00056579.001
Kaufman	FM 741	166	1092-01-023	P00056591
Kaufman	FM 741	133	1092-01-023	P00056601.001
Kaufman	FM 741	153	1092-01-023	P00056602.001
Kaufman	FM 741	148	1092-01-023	P00056603.001
Kaufman	FM 741	134	1092-01-023	P00056606.001
Kaufman	FM 741	135	1092-01-023	P00056609.001
Kaufman	FM 741	136	1092-01-023	P00056614.001
Kaufman	FM 741	137	1092-01-023	P00056615.001
Kaufman	FM 741	129	1092-01-023	P00056618.001
Kaufman	FM 741	154	1092-01-023	P00056620.001
Kaufman	FM 741	155	1092-01-023	P00056622.001
Kaufman	FM 741	156	1092-01-023	P00056623.001
Kaufman	FM 741	157	1092-01-023	P00056625.001
Kaufman	FM 741	158	1092-01-023	P00056626.001
Kaufman	FM 741	164	1092-01-023	P00056635.001
Kaufman	FM 741	165	1092-01-023	P00056643.001
Montgomery	SH 242	56	3538-01-046	209
Nacogdoches	US 259	64	0138-06-050	P00065730
Nacogdoches	US 259	65	0138-06-050	P00065731

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Nacogdoches	US 259	66	0138-06-050	P00065732
Nacogdoches	US 259	67	0138-06-050	P00065733
Nacogdoches	US 259	68	0138-06-050	P00065734
Nacogdoches	US 259	70	0138-06-050	P00065735
Nacogdoches	US 259	71	0138-06-050	P00065736
Nacogdoches	US 259	72	0138-06-050	P00065739
Nacogdoches	US 259	73	0138-06-050	P00065740
Nacogdoches	US 259	75	0138-06-050	P00065741
Nacogdoches	US 259	76	0138-06-050	P00065742
Nacogdoches	US 259	77	0138-06-050	P00065743
Nacogdoches	US 259	79	0138-06-050	P00065744
Nacogdoches	US 259	80	0138-06-050	P00065745.001-.002
Nacogdoches	US 259	81	0138-06-050	P00065746
Nacogdoches	US 259	84	0138-06-050	P00065747
Nacogdoches	US 259	85	0138-06-050	P00065748
Nacogdoches	US 259	86	0138-06-050	P00065750
Nacogdoches	US 259	69	0138-06-050	P00065754
Nacogdoches	US 259	83	0138-06-050	P00065756
Nacogdoches	US 259	74	0138-06-050	P00065758
Nacogdoches	US 259	82	0138-06-050	P00065759
Nacogdoches	US 259	63	0138-06-050	P00065761
Nacogdoches	US 259	62	0138-06-050	P00065762
Nacogdoches	US 259	61	0138-06-050	P00065763
Nacogdoches	US 259	60	0138-06-050	P00065764
Nacogdoches	US 259	59	0138-06-050	P00065765.001-.002
Nacogdoches	US 259	53	0138-06-050	P00065767
Nacogdoches	US 259	58	0138-06-050	P00065768
Nacogdoches	US 259	57	0138-06-050	P00065769
Nacogdoches	US 259	173	0138-06-050	P00065770.001-.002
Nacogdoches	US 259	174	0138-06-050	P00065771.001-.003
Nacogdoches	US 259	54	0138-06-050	P00065772
Nacogdoches	US 259	52	0138-06-050	P00065774
Nacogdoches	US 259	51	0138-06-050	P00065775
Nacogdoches	US 259	50	0138-06-050	P00065777
Nacogdoches	US 259	49	0138-06-050	P00065778
Nacogdoches	US 259	48	0138-06-050	P00065779
Nacogdoches	US 259	47	0138-06-050	P00065780.001-.002
Nacogdoches	US 259	46	0138-06-050	P00065781
Nacogdoches	US 259	45	0138-06-050	P00065782
Nacogdoches	US 259	44	0138-06-050	P00065783
Nacogdoches	US 259	43	0138-06-050	P00065784
Nacogdoches	US 259	42	0138-06-050	P00065785
Nacogdoches	US 259	78	0138-06-050	P00065786
Nacogdoches	US 259	175	0138-06-050	P00065786
Nacogdoches	US 259	41	0138-06-050	P00065787
Nacogdoches	US 259	40	0138-06-050	P00065788
Nacogdoches	US 259	39	0138-06-050	P00065804
San Saba	FM 45	91	0480-08-035	74
Smith	FM 756	108	0492-04-040	P00063739.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Smith	FM 756	112	0492-04-040	P00063741.001
Smith	FM 756	111	0492-04-040	P00063747.001
Smith	FM 756	109	0492-04-040	P00063756.001
Smith	FM 756	106	0492-04-040	P00063761.001
Smith	FM 756	102	0492-04-040	P00063763.001
Smith	FM 756	110	0492-04-040	P00063764.001
Smith	FM 756	103	0492-04-040	P00063773.001
Smith	FM 756	107	0492-04-040	P00063776.001
Smith	FM 756	97	0492-04-040	P00063781.001
Smith	FM 756	105	0492-04-040	P00063784.001
Smith	FM 756	95	0492-04-040	P00063785.001
Smith	FM 756	99	0492-04-040	P00063786.001
Smith	FM 756	101	0492-04-040	P00063788.001
Smith	FM 756	104	0492-04-040	P00063789.001
Smith	FM 756	100	0492-04-040	P00063790.001
Smith	FM 756	96	0492-04-040	P00063794.001
Smith	FM 756	98	0492-04-040	P00063837.001
Smith	FM 756	117	0889-05-011	P00063855.001
Smith	FM 756	115	0889-05-011	P00063857.001
Smith	FM 756	113	0889-05-011	P00063859.001
Smith	FM 756	116	0889-05-011	P00063860.001
Smith	FM 756	114	0889-05-011	P00063861.001

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35W	E	0081-13-067	P00055490
Denton	IH 35W	AA	0081-13-067	P00055492
Denton	IH 35W	I	0081-13-067	P00055495
Denton	IH 35W	H	0081-13-067	P00055498
Denton	IH 35W	G	0081-13-067	P00055503
Denton	IH 35W	F	0081-13-067	P00055505
Gregg	IH 20	A	0495-07-085	P00064917.001
Jim Hogg	SH 16	V	0482-01-038	P00072543
Midland	IH 20	D	0005-14-099	P00056411.001
Midland	IH 20	B	0005-14-099	P00056467.001
Midland	IH 20	C	0005-14-099	P00056481.001
Tarrant	SH 121	J	0363-03-055	P00070237
Tarrant	SH 121	K	0363-03-055	P00070238
Tarrant	SH 121	L	0363-03-055	P00070240
Tarrant	SH 121	M	0363-03-055	P00070241
Tarrant	SH 121	N	0363-03-055	P00070242
Tarrant	SH 121	O	0363-03-055	P00070243
Tarrant	SH 121	P	0363-03-055	P00070246
Tarrant	SH 121	Q	0363-03-055	P00070248
Tarrant	SH 121	R	0363-03-055	P00070249
Tarrant	SH 121	S	0363-03-055	P00070250
Tarrant	SH 121	T	0363-03-055	P00070253
Tarrant	SH 121	U	0363-03-055	P00070266
Travis	IH 35	BB	0015-13-434	P00064479

CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Travis	IH 35	CC	0015-13-434	P00064483
Travis	IH 35	Z	0015-13-434	P00064487
Walker	IH 45	W	0675-06-111	32
Walker	IH 45	X	0675-06-111	35
Walker	IH 45	Y	0675-06-111	36

Note: Exhibits A - CC and 1 - 181 are on file with the commission chief clerk.

ITEM 11. 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)

116562
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>
2121 Riley Fuzzel, LLC	HOU	Montgomery	Design and construction of a deceleration lane from westbound Riley Fuzzel Road (Grand Parkway feeder road) into The Alcove at Benders Landing development in Spring.
Alpine Start Development LLC	AUS	Hays	Design and construction of a left turn lane on FM 2001 into proposed Sunfield-Alpine Start Phase 1 development in Buda.
Cullen McHard Corner LLC	HOU	Brazoria	Design and construction of a left turn lane from southbound Cullen Boulevard into the future commercial development in Pearland.
Dale C. Rogers	TRF	Hood Somervell	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 144 between US 67 and Mitchell Bend Highway, designated as the Ed Shipman Memorial Highway within Hood and Somervell Counties.
David Garrett	TRF	Rains	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 19 at the bridge crossing Lake Fork Reservoir, designated as the Mildred McMillan Garrett Memorial Bridge in Rains County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
D. R. Horton, Inc.	HOU	Brazoria	Design and construction of a street tie-in, right and left turn lanes from northbound and southbound FM 528 into the Georgetown development in Alvin.
D.R. Horton-Texas, Ltd.	HOU	Galveston	Design and construction of a traffic signal from north, south, east, and west bound FM 528 at Country Club Drive into the Friendswood Trails development in Friendswood.
Dripping Springs Partners, LLC	AUS	Hays	Design and construction of pavement, drainage, and signal for new intersection of Village Grove Parkway at RM 12 in Dripping Springs.
Forestar (USA) Real Estate Group Inc.	HOU	Galveston	Design and construction of a street tie-in with right turn deceleration lane from westbound FM 517 into the Westland Ranch development in League City.
Gulfbelt Logistics Park Phase I, LLC	HOU	Harris	Design and construction of a right turn lane from northbound I-45 into the Gulfbelt Logistics Park Industrial development in Houston.
Higdon Road Land Company, Ltd.	SAT	Bexar	Design and construction for an exclusive eastbound left turn lane and exclusive westbound right turn lane at the intersection of Green Lake Drive at Spur 122, an additional southbound left turn lane on Green Lake Drive at the intersection of Spur 122, an eastbound dual left turn lane and traffic signal modifications at the intersection of Spur 122 and US 181 in San Antonio.
HLH Properties, LLC	SAT	Guadalupe	Design and construction to widen pavement and install pavement markings to accommodate a left turn lane on US 90 located approximately one mile east of SH 123 Bypass in Guadalupe County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Kosmos LC GP, LLC	HOU	Galveston	Design and construction of two deceleration lanes, three left turn lane modifications, and one signal modification from east and west bound FM 518 into the League City mixed use development in League City.
Landwehr Construction, Inc.	WFS	Wichita	Design and construction of a temporary turning radius involving the modification of concrete curb and dirt work in TxDOT right of way in order to safely transport wind turbine components at the intersection of northbound I-44 frontage road and Daniels Road near the city of Burkburnett, Wichita County.
LSLP Centerville Land, LLC	BRY	Leon	Design and construction of a left turn lane on FM 811 into the donor's property located in Leon County.
LIT IDV 130 Ranch Land, LLC	AUS	Travis	Design and construction of 1.25 miles of a new SH 130 northbound frontage road in Pflugerville.
Microsoft Corporation	SAT	Medina	Design and construction of median left turn lanes on FM 471 approximately 0.6 miles south of FM 1957 in Medina County.
National Association of State Procurement Officials (NASPO)	PRO	N/A	Travel expenses to include airfare, transportation, two nights' lodging and meals for Kenneth Wood, Procurement Division Director, to attend and participate as a speaker at the NASPO 2023 Annual Conference in Atlanta, Georgia on September 17-19, 2023.
Neu Community Austin LLC	AUS	Bastrop	Design and construction of left and right turn lanes on FM 812 approximately 1.04 miles west of SH-21 and 0.47 miles east of Cabana Vista Drive in Cedar Creek.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Neu Community Austin LLC	AUS	Bastrop	Design and construction of left and right turn lanes on SH 21 approximately 1.08 miles east of FM 812 and 1.19 miles west of 250 CR in Cedar Creek.
Pacfin 6, Ltd	HOU	Fort Bend	Design and construction of a deceleration lane from eastbound FM 1093 into the District East development in Richmond.
Pacfin 6, Ltd Pacific Peek, Ltd	HOU	Fort Bend	Design and construction of a deceleration lane from eastbound FM 1093 into the District East development in Richmond.
Pulte Homes of Texas, L.P.	SAT	Bexar	Design and construction of two turn lanes on SH 211 and Mansions Bluffs in San Antonio.
Ranch Road Cornerstone, LLC	BRY	Milam	Design and construction of left turn lanes including the associated widening and striping on FM 487 into future Cornerstone Boulevard and future Pickett Drive located on the donor's property in Milam County.
Roper West Marble Falls, LLC	AUS	Burnet	Design and construction of traffic signal improvements on US 281 in Marble Falls.
Seguin, Fortune LLC	SAT	Guadalupe	Design and construction provides for right turn lane for the new Roadster Travel Center entrance on I-10 eastbound frontage road in Seguin.
SouthStar at Vintage Oaks, LLC	SAT	Comal	Design and construction of an overhead flashing beacon at SH 46 and Via Principale in Comal County.
Southstar Communities, LLC	SAT	Comal	Design and construction of the installation of a traffic signal at the intersection of SH 46 and Bordeaux Lane approximately 7.25 miles west of Loop 337 in Comal County.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Sun Bluebonnet LLC	AUS	Travis	Design and construction to widen FM 3177 for one southbound right turn lane and one northbound left turn lane in Austin.
Tejal & Payal III, LLC	HOU	Galveston	Design and construction of median modifications from eastbound FM 2351 into the 2351 Garden Homes development in Friendswood.
Texas DPS Troopers Foundation, Inc.	TRF	Williamson	Funds to design, fabricate, and install two memorial highway designation signs on the portion of I-35 between Mile Marker 268 and Mile Marker 272, designated as the Trooper Billy D. Howry Memorial Highway within Williamson County.
Texas MFH, LLC	BRY	Burleson	Design and construction of concrete curb and gutter along SH 36 adjacent to the donor's property in Caldwell.
US Living Bulverde Oaks, LLC	SAT	Bexar	Design and construction of pavement widening on Loop 1604 eastbound frontage road at O'Connor Road in San Antonio.
Denver Dunlap Real Estate	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
The Carlson Law Firm	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 four existing sign locations.
Total Primary Care	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Elephant Insurance Services, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Farah Law Group, PLLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
The Hadi Law Firm	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) ZeusLending.com	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Oil Patch Group, Inc dba Centurion US Rental & Services	ODA	Ector	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Coastal ER VIII, LLC dba Physicians Premier	SAT	Comal	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Muse Farms, LLC, a Texas Limited Liability Company	HOU	Waller	Donation of 0.062 acres of land on US 290. The property being donated will be utilized to construct a west bound frontage road.
Beacon Hill, LLC, a Texas Limited Liability Company	HOU	Waller	Donation of 4.750 acres of land on US 290. The property being donated will be utilized to construct a west bound frontage road.

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

b. Real Estate Dispositions**(1) Burnet County - RM 2342 - Consider an easement release to the underlying fee owner (MO)**

116563
ROW

In the city of Kingsland, Burnet County, on RM 2342, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 116, at Page 365, of the Deed Records of Burnet County, Texas.

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

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

Clearwater Landing 2007, LLC, a Texas limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$8,550.00.

The commission finds \$8,550.00 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Clearwater Landing 2007, LLC, a Texas limited liability company for \$8,550.00.

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

(2) Tom Green County - RM 584 - Consider the sale of right of way to an abutting landowner (MO)

116564
ROW

Near the city of San Angelo, Tom Green County, on RM 584, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 462, at Page 125, 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 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.

Christy L. Adair is an abutting landowner and has requested to purchase the tract for \$47,000.00.

The commission finds \$47,000.00 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 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 Christy L. Adair for \$47,000.00; 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) Travis County - SH 130 - Consider the designation of one location on the SH 130 northbound frontage road at which access will be permitted to the adjoining private real property (MO)

116565
ROW

In the city of Pflugerville, Travis County, on SH 130, a new designated controlled-access highway, the State of Texas acquired certain land for the Central Texas Turnpike

System (CTTS) for highway purposes with a denial of access to the adjoining private real property per Transportation Code, §203.031(a).

H-E-B, LP, a Texas limited partnership, the current owner of the adjoining private real property, has requested designated access to and from the SH 130 northbound frontage road for proposed access at one location along the property line at new access point described in exhibit A (access).

H-E-B, LP, a Texas limited partnership, has committed to purchase the access for \$230,000.00.

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

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

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

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

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

The commission further finds, in accordance with the standard established by Transportation Code, §202.021(j), that \$230,000.00 is a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated access, described in exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access described in exhibit A to H-E-B, LP, a Texas limited partnership, for \$230,000.00.

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

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

c. Reports
Compliance Division Report

Note: Confidential report to commission.

d. Project Finance

Tarrant County - Consider authorizing the Private Activity Bond Surface Transportation Corporation (corporation) to take all actions necessary for the issuance of one or more series of bonds to refund bonds issued for a portion of the North Tarrant Express (NTE) managed lanes project (Segments 3/I-35W Facility), and to loan the proceeds to the NTE Mobility Partners Segments 3 LLC (developer) to: i) refund the outstanding corporation bonds issued to finance a portion of the Segments 3/I-35W Facility and ii) pay for the costs of issuing the bonds. The department will share in the refinancing gains, if any, in accordance with the terms of the facility agreement, as amended and restated (agreement), between the department and the developer (MO)

116566
PFD

On October 30, 2008, pursuant to Chapter 431, Texas Transportation Code (chapter 431), and by Minute Order 111551, the Texas Transportation Commission (commission) authorized the creation of the Private Activity Bond Surface Transportation Corporation (corporation) to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems including the issuance of bonds for comprehensive development agreements with private developers.

Pursuant to the act and rules adopted by the commission, the corporation may perform the functions specified in the act and, at the request of the commission, any other functions not specified by the act necessary to promote, develop, finance and refinance the transportation facilities and systems being developed under concession agreements.

Pursuant to Minute Order 113159 approved by the commission on June 28, 2012, the Texas Department of Transportation (department) entered into a Facility Agreement with an affiliate of NTE Mobility Partners (NTEMP), to develop, design, construct, finance, maintain and operate a portion of the North Tarrant Express managed lanes project (Segments 3/I-35W Facility).

On September 19, 2013, at the request of NTE Mobility Partners Segments 3 LLC, an affiliate of NTEMP (developer), the corporation issued \$274,030,000 in private activity bonds (2013 Bonds) to finance, among other improvements, the construction of a portion of the Segments 3/I-35W Facility in accordance with Minute Order 1113495 approved by the commission on February 28, 2013.

Pursuant to the Facility Agreement, as amended and restated (agreement), the developer has now further requested the corporation issue one or more series of tax-exempt private activity bonds and/or taxable bonds (Bonds) to refund the 2013 Bonds for debt service savings and pay for the costs of issuing the Bonds. If Bonds are issued, the corporation will loan the Bond proceeds to the developer as part of the plan of finance pursuant to the agreement to refund the 2013 Bonds and finance the costs of issuance all in accordance with and subject to the terms of the agreement. Under the terms of the agreement the developer will pay the department a percentage of the refinancing gains, if any, as specified in the agreement and the department's costs of rendering any assistance or performing any requested activity in connection with the financing. The developer shall be solely obligated to repay the Bonds, and any bonds issued by the corporation shall not constitute a debt or liability of, or pledge by, the state, the commission, or the department.

IT IS THEREFORE ORDERED by the commission that, with respect to the issuance of the Bonds by the corporation described above, the corporation is authorized to perform any function authorized by Subchapters A - C of chapter 431 and to perform

any function not specified by chapter 431 but necessary to promote, finance, refund and refinance as requested by the developer, including the issuance of the Bonds and the lending of the Bond proceeds to the developer as part of the plan of finance to refund the 2013 Bonds and finance the costs of issuance, all in accordance with and subject to the terms of the agreement, any related agreement regarding the issuance of such Bonds and the corporation's authorizing resolutions and bond financing documents.

IT IS FURTHER ORDERED by the commission that the Executive Director; the Chief Financial Officer; Director, Project Finance, Debt and Strategic Contracts Division; the General Counsel of the department; and the board of directors and officers of the corporation are authorized to execute and deliver any and all financing and other documents necessary for the issuance of such Bonds by the corporation, and take any and all actions necessary or appropriate to effect the delivery of such Bonds in accordance with the terms and conditions of the agreement, any related agreement with respect to the issuance of the Bonds and the financing documents.

e. Economically Disadvantaged Counties Program (EDCP) 2024

Various Counties - Consider the certification of eligible counties for the 2024

Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

116567
TPP

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

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

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

Transportation Code, §222.053(f), requires the commission to certify a county as economically disadvantaged on an annual basis as soon as possible after the Comptroller of Public Accounts (comptroller) provides reports on the economic indicators listed above.

Title 43 TAC §15.55(b)(2) provides that, for a county described by Transportation Code, §222.053(a), in determining the adjustment to the local matching funds requirement, and the local government's efforts and ability to meet the requirement, the commission will consider a local government's: (A) population level; (B) bonded indebtedness; (C) tax base; (D) tax rate; (E) extent of in-kind resources available; and (F) economic development sales tax. Title 43 TAC §15.55(b)(3) provides that, for a county described by Transportation Code, §222.053(a-1), the adjustment will be equivalent to the highest adjustment rate set in the last year the county was considered to meet the criteria set out in Transportation Code, §222.053(a).

The comptroller has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for FY 2024. The commission has considered the counties' efforts and ability to provide a local match using the criteria set forth in 43 TAC §15.55(b)(2). In addition, the department has reviewed disaster declarations issued by the Federal Emergency Management Agency through the month of August 2023 in order to comply with the requirements of Transportation Code, §222.053(a-1). Exhibit A lists the eligible counties and the respective recommended local match adjustments. Exhibit B establishes additional local match adjustments for cities within these counties participating in the program.

IT IS THEREFORE ORDERED by the commission that the list of counties eligible for the FY 2024 Economically Disadvantaged Counties Program is certified and the local match adjustment for each county is established, as shown in exhibit A, as well as additional adjustments for cities participating in the program, as shown in exhibit B.

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

f. Land Acquisitions for Facilities

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

116568
SSD

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

Transportation Code Chapter 203 authorizes the commission to acquire an interest in real property that the commission determines is necessary or convenient to construct or operate a facility used in connection with the construction, maintenance or operation of a state highway or toll project, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway.

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by 88th Legislature, General Appropriations Act for the 2024-25 Biennium.

The commission finds that the acquisition of the properties listed in exhibit A is necessary for the overall efficiency of the construction, maintenance, and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the purchase prices for the individual properties listed on exhibit A may be expended to pay for such properties, together with such additional funds as may be required to pay any necessary and customary incidental expenses of performing due diligence and acquiring fee simple title to the properties.

IT IS FUTHER ORDERED by the commission that the executive director, or his designee, is authorized to negotiate and execute earnest money contracts or purchase agreements containing such terms as determined necessary to purchase the properties. The executive director, or his designee, may terminate such contracts or agreements in the event that the department determines that one or more of the properties is unsuitable for its intended purpose.

I T IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to close the acquisition of the properties and execute any related closing documents, to expend funds for the applicable purchase prices, surveys, due diligence, title insurance, and any other

necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the properties, consistent with the provisions of this minute order.

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

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)

116569
TRF

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

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

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

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

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

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

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

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

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

ITEM 12. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071

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

The commission did not meet in executive session.

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission heard comments from The Shepherd Group Director Ron Whitlock thanking the commission for repairing and constructing the seawall bulkhead as recommended by the TxDOT Maritime Division. The commission received no further comments.

Commissioner Meade motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:39 a.m.

APPROVED by the Texas Transportation Commission on October 26, 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 September 28, 2023, in Austin, Texas.




Amanda Brown, Commission Chief Clerk
Texas Department of Transportation