

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 26, 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 11:59 a.m. on October 18, 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 September 27, 2023, special meeting and the September 28, 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 September 27, 2023, special meeting and the September 28, 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 New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116570
 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 October 5 and 6, 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 Vaughn made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5 - 0.

116571
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 October 5 and 6, 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.

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

a. Rule Proposals

Chapter 2 - Environmental Review of Transportation Projects (MO)

This item was presented by Maritime Division Director Geir Kalhagen. 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.

116572
MRD

The Texas Transportation Commission (commission) finds it necessary to repeal §2.132 and propose new §§2.351-2.364 relating to Gulf Intracoastal Waterway Projects to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed repeal and new sections, 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 repeal of §2.132 and new §§2.351-2.364 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.

b. Rule Adoption

Chapter 1 - Management (MO)

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

116573
ADM

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§1.84 and 1.88, are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 6. Advisory Committee Appointment

Advanced Air Mobility Committee - Consider the appointment of members to the Advanced Air Mobility Committee (MO)

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

116574
AVN

Transportation Code §21.0045(b) provides that the Texas Transportation Commission (commission) shall appoint an advisory committee (committee) to assess current state law and any potential changes to state law that are needed to facilitate the implementation of advanced air mobility technology in this state.

Transportation Code §21.0045(c) provides that the commission shall appoint to the committee members to represent diverse geographic regions of the state, state and local law enforcement, the advanced air mobility industry, transportation experts, commercial airport representatives, vertical takeoff and landing operators, local governments, and the general public.

Transportation Code §21.0045(d) provides that the committee shall hold public hearings in locations across the state or via electronic means, and receive comments through an internet website, by mail, and by other methods, if appropriate.

Transportation Code §21.0045(e) provides that not later than November 1, 2024, the advisory committee shall report to the commission and to the members of the legislature the committee's findings and recommendations on any changes to state law that are needed to facilitate the development of advanced air mobility technology in this state.

Transportation Code §21.0045(f) provides that the advisory committee is abolished, and this section of the Transportation Code expires on January 1, 2025.

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 until the committee's abolishment, 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 Appointments with Terms Expiring on January 1, 2025:

John Ackerman, Texas Commercial Airport Association
 Jeff Bilyeu, AAE, Texas Gulf Coast Regional Airport (Brazoria County)
 Maruthi R. Akella, University of Texas at Austin
 Andrew Chang, United Airlines
 Ahsan Choudhuri, University of Texas El Paso

Cade Clark, Helicopter Association International
 Jason L. Day, Texas Department of Public Safety
 David Fields, AICP, City of Houston
 Grant Guillot, Drone Up
 Ernest Huffman, North Central Texas Council of Governments
 Gus Khankarli, PE, PMP, CLTD, City of Dallas
 George Kivork, Joby Aviation
 Brent Klavon, ANRA Technologies
 Amanda Nelson, Bristow Group Inc.
 Angel Newhart, Texas State Technical College
 Mark Ozenik, Whirl Aviation
 Jim Perschbach, Port San Antonio
 Kendal Prosack, Wing
 Sergio Saenz, New Mexico Salt
 Michael Sanders, Lone Star UAS Center of Excellence and Innovation
 Brent Skorup, Mercatus Center at George Mason University
 Thomas Swoyer, Thales
 Nathan Trail, Hyundai Motor Group, UAM Division
 Cameron Walker, Permian Basin MPO
 Kimberly Williams, Houston METRO

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

ITEM 7. Public Transportation Alternatives Program

Various Counties - Consider the approval of the Aviation Capital Improvement Program (MO)

This item was presented by Public Transportation Division Director Eric Gleason. The commission heard comments from El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo. Commissioner Vaughn made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5 - 0.

116575
PTN

The Texas Transportation Commission (commission) desires to award federal funds and transportation development credits (TDC) to support a variety of bicycle and pedestrian planning and infrastructure projects throughout the state. A total of \$345,110,072 in federal funds and up to 35,543,677 TDCs are awarded in this minute order.

The Transportation Alternatives Set-Aside (TA) Program is authorized under Section 11109 of Infrastructure Investment and Jobs (IIJA) Act and codified at 23 U.S.C. §133(h). The commission adopted administrative rules that establish the guidelines under which the TA Program is administered by the Texas Department of Transportation (department), located at Title 43, Texas Administrative Code (TAC), §§11.400 - 11.418. TA funds available for this action are associated with fiscal years 2022 - 2026 federal appropriations, anticipated future distributions of TA funds, and project underruns. An award of \$345,110,072 of federal TA funds is shown in exhibit A.

This award distributes funds available for projects in nonurban areas, with a population of 5,000 or less, in small urban areas with a population of 5,001 to 50,000, and medium urban areas with a population of 50,001 to 200,000, located outside Transportation Management Areas. Additionally, this award distributes funds available for projects in communities of any size throughout Texas located inside or outside Transportation

Management Areas, referred to as any area funds. Exhibit A lists the projects recommended for funding using suballocated TA funds for nonurban, small urban, and medium urban areas, as well as projects recommended for funding using TA funds available for any area. Suballocated or any area TA funds may be applied to any project on exhibit A, when eligible, depending on project readiness, cost underruns/overruns, and actual funds available.

The commission recognizes that federal legislation requires the state to have a competitive process to allow eligible entities to submit projects for funding. Pursuant to program rules, a Notice of Call for Projects for TA funds was published in the *Texas Register* on December 2, 2022. TA project applications were received by the department on or before June 5, 2023. Projects were evaluated for eligibility, technical standards, and specific selection criteria as set forth in the 2023 TA Program Guide. In accordance with 43 TAC §11.411, the commission will select TA projects for funding based on recommendations from the director of the division responsible for administering the TA Program, the potential benefit of the projects to the state, and their value as enhancements to the surface transportation system.

In making this award, the commission has considered the potential to expand the availability of funding for bicycle and pedestrian infrastructure projects and finds that the award of TDCs for eligible program expenditures meets the established program goals set forth in 43 TAC §5.102 to maximize the use of available federal funds, particularly in situations in which federal funds otherwise would be unused because of the inability of local governments to provide the non-federal share.

IT IS THEREFORE ORDERED by the commission that the projects listed in exhibit A are hereby selected and designated for funding under the TA Program, pending availability of funds, and that the executive director or the director's designee is authorized to proceed with the award and execution of local agreements, as required by the program rules.

IT IS FURTHER ORDERED that for the TA funds applied to the projects listed in exhibit A and subsequently verified as eligible for development, the total amount in federal funds must be locally matched by a minimum of 20 percent, unless the project is determined eligible for TDCs. For projects eligible for TDCs, the amount of TA funds awarded represents 100 percent federal funds and no local match is required. Any required local match must be 100 percent in cash.

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those project nominations submitted in the 2023 TA Call for Projects.

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

ITEM 8. Public Transportation

a. Various Counties - Consider the award of federal \$5310 funds to two transit providers for program eligible projects (MO)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

116576
PTN

The Texas Transportation Commission (commission) desires to award a total of \$2,421,778 in Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in urbanized and non-urbanized areas of the state.

Title 43, Texas Administrative Code (TAC), §31.31 establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310). An award of \$2,421,778 of federal §5310 funds, consisting of \$2,100,000 to Capital Area Rural Transportation System (CARTS) and \$321,778 to Mounting Horizons, Inc., has been determined in accordance with §31.31.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards as shown, submit the necessary state application to the FTA, and enter into the necessary contracts.

b. Various Counties - Consider the award of state funds to rural transit providers for service expansion eligible projects (MO)

This item was presented by Public Transportation Division Director Eric Gleason. 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.

116577
PTN

The Texas Transportation Commission (commission) desires to award a total of \$12,000,000 in state funds to support service expansion projects in non-urbanized areas of the state.

Of the amounts appropriated to the Texas Department of Transportation (department) for the 2024-2025 biennium by the General Appropriations Act of the 88th Texas Legislature, Regular Session, \$12,000,000 was appropriated for rural public transportation service expansion projects. Service expansion includes additional service times, areas, and frequency. The rural transit districts must meet agreed upon performance expectations to secure ongoing funding support.

Title 43, Texas Administrative Code (TAC), §31.11 establishes a process by which state public transportation funds shall be distributed. An award of \$12,000,000 of FY 2024 and FY 2025 state funds to rural transit districts has been determined in accordance with §31.11 and is shown in exhibit A.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards as shown in the exhibit and enter into the necessary contracts.

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

ITEM 9. Aviation

Various Counties - Consider the award of federal non-primary entitlement grant funding, federal apportionment 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 New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116578
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471 and Texas Transportation Code, Chapter 21, to award federal 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, and state grant funds for the improvements.

On September 29, 2023, a public hearing was held. One comment was 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 10. FINANCE

El Paso County - Camino Real Regional Mobility Authority - Consider approval of the conversion of the Loop 375 Border Highway West Extension project to a non-tolled state highway, the removal of the toll project designation for the project, and cancellation of the Camino Real Regional Mobility Authority's obligation to repay financial assistance from the department (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Section Director Patrick Marotta. 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.

116579
PFD

In Minute Order 110573 dated June 30, 2006, the commission authorized the creation of the Camino Real Regional Mobility Authority (CRRMA). The CRRMA operates pursuant to Chapter 370 of the Texas Transportation Code and 43 Tex. Admin. Code §26.01 *et seq.*, as well as its own policies and procedures.

By Board Resolution adopted on May 8, 2013, the Board of Directors of the CRRMA waived and declined to exercise the CRRMA's option to develop, finance, construct, and operate the Loop 375 Border Highway West Extension project from Racetrack Drive near Doniphan Road and New Mexico Highway 273 (west of downtown) to U.S. 54 (east of downtown) in the city of El Paso (project).

In Minute Order 113594 dated May 30, 2013, the commission approved the Texas Department of Transportation's (department) determination to exercise its option to develop, finance, construct, and operate the project.

In Minute Order 113618 dated June 27, 2013, the commission authorized the department to issue a request for qualifications for the development of the project. The department issued the RFQ on July 26, 2013.

In Minute Order 113741 dated October 31, 2013, the commission authorized the department to issue a request for proposals to develop, design, construct, and maintain the project and designated the portion of the project from Racetrack Drive to the terminus of existing Loop 375, in the vicinity of Santa Fe Street in the city, as a toll project with tolls supporting the project by offsetting operations, maintenance and potentially, some capital costs. Pursuant to Minute Order 113911 dated April 24, 2014, and Minute Order 113942 dated May 29, 2014, the department approved the design-build development agreement and accompanying comprehensive maintenance agreement relating to the project.

In Minute Order 113833, dated January 30, 2014, the commission awarded to CRRMA an amount of state participation in the form of a grant of \$600 million in Texas Mobility Fund bond proceeds to pay a portion of the capital costs of the project. In Minute Order 114009 dated July 31, 2014, the commission reduced the amount of the award to \$500 million, to be used to pay capital costs of the project.

The department and CRRMA executed a Memorandum of Understanding (MOU) dated February 26, 2014, as amended by a First Supplement to Memorandum of Understanding dated September 24, 2014 (First Supplement to MOU), concerning the development, delivery, operation, and maintenance of the project.

In Minute Order 113909, dated April 24, 2014, the commission authorized the department to charge tolls on the project and authorized the executive director to annually escalate the toll rates in accordance with the toll escalation policy adopted for the project.

The department, the CRRMA, and BOKF, NA dba Bank of Texas executed a Border Highway Project Fund Escrow Agreement dated August 15, 2014, and a Border Highway Project Paying Agent Agreement dated as of October 31, 2014, to carry out the responsibilities of the department and CRRMA under the MOU and First Supplement to MOU.

The department and the CRRMA entered into an Assignment and Assumption of Contracts dated August 22, 2014, under which the department granted, transferred, and assigned to CRRMA an undivided Percentage Interest in and to the Development Agreement, Loop 375 - Border Highway West Extension project with Abrams-Kiewit dated August 22, 2014 and a certain Comprehensive Maintenance Agreement for the Loop 375 - Border Highway West Extension project with Abrams-Kiewit dated August 22, 2014.

Pursuant to Minute Order 114979, dated July 27, 2017, the department and CRRMA executed a Second Supplement to Memorandum of Understanding dated May 31, 2019 (Second Supplement to MOU), which evidenced the CRRMA's obligation to repay loan proceeds advanced by the department to the CRRMA for the Loop 375, César Chávez -

Border Highway Managed Lanes toll project by increasing the department's relative interest in the project, consistent with the requirements of Transportation Code §228.207. The commission has determined that it may cancel CRRMA's obligation to repay the loan balance, in accordance with Transportation Code §372.002(d), because the environmental review for the Loop 375, César Chávez - Border Highway Managed Lanes toll project commenced before January 1, 2014.

The project was opened to traffic on October 3, 2019, but tolling has not commenced. By letter dated November 4, 2020, the CRRMA requested that the department consider operating the Border West Expressway as a non-tolled facility, which will allow the facility to be fully available to all motorists in the region. The letter references an updated traffic and revenue study which resulted in a report that identified project revenues which were less than projected expenses for at least 15 years from commencement of toll operations and points out that the department and the CRRMA would be forced to expend public funds on toll operations when there is no financial benefit to the region in doing so.

IT IS THEREFORE ORDERED by the commission that the department is authorized to negotiate and enter into agreements and take all actions necessary to convert the Border Highway West project to a non-tolled state highway under terms agreeable to the department.

IT IS FURTHER ORDERED that the project's toll project designation in Minute Order 113741 and the toll rates and toll rate escalation policy adopted in Minute Order 113909 are rescinded, effective upon the department's completion of all actions necessary to convert the project to a non-tolled state highway, including the termination of the MOU and First Supplement to MOU.

IT IS FURTHER ORDERED that the CRRMA's obligation to repay the loan proceeds identified in Minute Order 114979 dated July 27, 2017, which were advanced by the department to the CRRMA for the Loop 375, César Chávez - Border Highway Managed Lanes toll project, is cancelled, effective upon the department's completion of all actions necessary to convert the project to a non-tolled state highway, including the termination of the Second Supplement to MOU.

ITEM 11. Water Supply Service Corporation Utility Relocation Reimbursement San Jacinto & Liberty Counties - Consider approval of the conversion of the Loop 375 Border Highway West Extension project to a non-tolled state highway, the removal of the toll project designation for the project, and cancellation of the Camino Real Regional Mobility Authority's obligation to repay financial assistance from the department (MO)

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

116580
ROW

The Texas Department of Transportation (department) has a state highway project in San Jacinto and Liberty County, on Highway US 59, that requires the relocation of utility facilities. The Mercy Water Supply Corporation owns certain of those utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly owned utilities are eligible for utility facility relocation at the expense of the state. The Mercy Water Supply Corporation has requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department estimates the amount of expense will be \$1,045,781.49.

The commission finds and determines that the Mercy Water Supply Corporation meets the eligibility standards contained in that statute and that the department's expenditures under Transportation Code, §203.092(a-4) and Texas Administrative Code, Chapter 21, Subchapter

B, Rule 21.25, including the request by the Mercy Water Supply Corporation, will not exceed the fiscal year limitation contained in Transportation Code, §203.092(e).

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

ITEM 12. 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).

116581
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-TTT. 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 1-121 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Bowie	US 82	111	0046-03-041	P00059411
Bowie	US 82	112	0046-03-041	P00059413
Bowie	US 82	113	0046-03-041	P00059414
Bowie	US 82	114	0046-03-041	P00059415
Bowie	US 82	115	0046-03-041	P00059417
Bowie	US 82	116	0046-03-041	P00059418
Bowie	US 82	117	0046-03-041	P00059419.001-.002
Bowie	US 82	118	0046-03-041	P00059420
Bowie	US 82	119	0046-03-045	P00073323
Brazoria	SH 36	17	0188-05-031	412
Cameron	US 281	27	0220-04-057	31
Cameron	US 281	25	0220-04-057	77
Collin	SH 5	71	0047-09-038	P00055195.001
Collin	SH 5	72	0047-09-038	P00055196.001
Collin	SH 5	73	0047-09-038	P00055197.001-.002
Collin	SH 5	74	0047-09-038	P00055198.001-.002
Collin	SH 5	75	0047-09-038	P00055199.001
Collin	SH 5	76	0047-09-038	P00055200.001
Collin	SH 5	77	0047-09-038	P00055201.001
Collin	SH 5	78	0047-09-038	P00055202.001
Collin	SH 5	79	0047-09-038	P00055203.001
Collin	SH 5	80	0047-09-038	P00055204.001
Collin	SH 5	81	0047-09-038	P00055205.001
Collin	SH 5	82	0047-09-038	P00055206.001-.002
Collin	SH 5	83	0047-09-038	P00055207.001-.002
Denton	US 377	58	0081-06-043	P00024376
Denton	US 377	18	0081-06-043	P00024387, P00024387E
Denton	FM 407	51	1310-01-052	P00068099
Denton	FM 407	34	1310-01-052	P00068100
Denton	FM 407	35	1310-01-052	P00068101
Denton	FM 407	36	1310-01-052	P00068102
Denton	FM 407	37	1310-01-052	P00068103
Denton	FM 407	38	1310-01-052	P00068104
Denton	FM 407	39	1310-01-052	P00068105
Denton	FM 407	40	1310-01-052	P00068106
Denton	FM 407	52	1310-01-052	P00068107

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Denton	FM 407	41	1310-01-052	P00068108
Denton	FM 407	42	1310-01-052	P00068109
Denton	FM 407	43	1310-01-052	P00068110
Denton	FM 407	44	1310-01-052	P00068111.001-.002
Denton	FM 407	45	1310-01-052	P00068112
Denton	FM 407	46	1310-01-052	P00068113
Denton	FM 407	47	1310-01-052	P00068114
Denton	FM 407	48	1310-01-052	P00068115.001-.002
Denton	FM 407	49	1310-01-052	P00068116
Denton	FM 407	50	1310-01-052	P00068117
Denton	FM 2931	57	2979-01-012	P00055681.001
Denton	FM 2931	68	2979-01-012	P00055683.001
Denton	FM 2931	67	2979-01-012	P00055684.001
Denton	FM 2931	70	2979-01-012	P00055794.001
Denton	FM 2931	69	2979-01-012	P00075766
Ellis	FM 664	84	1051-01-056	P00058109
Ellis	FM 664	85	1051-01-056	P00071518
Ellis	FM 664	86	1051-01-056	P00071519
Ellis	FM 664	56	1051-01-057	P00054251
Guadalupe	FM 1103	108	1268-02-032	17
Guadalupe	FM 1103	107	1268-02-032	14,14E1,14E2
Guadalupe	FM 1103	109	1268-02-032	19E
Guadalupe	FM 1103	110	1268-02-032	20E1,20E2
Guadalupe	FM 1103	105	1268-02-032	6, 6E1,6E2
Guadalupe	FM 1103	106	1268-02-032	7,7E1,7E2
Hidalgo	FM 2220	121	2094-01-069	54
Hidalgo	FM 2220	120	2094-01-070	40
Kaufman	FM 741	12	1092-01-023	P00056564.001
Kaufman	FM 741	8	1092-01-023	P00056572.001
Kaufman	FM 741	9	1092-01-023	P00056574.001
Kaufman	FM 741	10	1092-01-023	P00056576.001
Kaufman	FM 741	11	1092-01-023	P00056577.001
Kaufman	FM 741	13	1092-01-023	P00056578.001
Kaufman	FM 741	7	1092-01-023	P00056584.001
Kaufman	FM 741	14	1092-01-023	P00056586
Kaufman	FM 741	15	1092-01-023	P00056600.001
Kaufman	FM 741	16	1092-01-023	P00056604.001
Kaufman	FM 741	87	1092-01-023	P00056640.001
Kaufman	FM 741	88	1092-01-023	P00056641.001
Kaufman	FM 741	89	1092-01-023	P00056642.001
Kaufman	FM 741	90	1092-01-023	P00056645.001
Kaufman	FM 741	91	1092-01-023	P00056646.001
Kaufman	FM 741	92	1092-01-023	P00056647.001
Kaufman	FM 741	93	1092-01-023	P00056648.001
Kaufman	FM 741	94	1092-01-023	P00056649.001
Kaufman	FM 741	95	1092-01-023	P00056650.001
Nacogdoches	US 259	24	0138-06-050	P00065749
Nacogdoches	US 259	1	0138-06-050	P00065751
Nacogdoches	US 259	23	0138-06-050	P00065752

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Nacogdoches	US 259	19	0138-06-050	P00065753
Nacogdoches	US 259	22	0138-06-050	P00065755
Nacogdoches	US 259	21	0138-06-050	P00065776
Nacogdoches	US 259	20	0138-06-050	P00065789
Nacogdoches	US 259	26	0138-06-050	P00065790
Nueces	SH 286	28	0326-01-072	P00073570.001
Nueces	SH 286	29	0326-01-072	P00073571.001
Nueces	SH 286	33	0326-01-072	P00073572
Nueces	SH 286	55	0326-01-072	P00073573
Nueces	SH 286	30	0326-01-072	P00073574.001
Nueces	SH 286	31	0326-01-072	P00073674.001
Nueces	SH 286	32	0326-01-072	P00073675.001
San Patricio	US 77	96	0371-04-067	P00063176.001
San Patricio	US 77	97	0372-01-113	P00062811.001
San Patricio	US 77	98	0372-01-113	P00062813.001
San Patricio	US 77	99	0372-01-113	P00062814.001
San Patricio	US 77	100	0372-01-113	P00062815.001
San Patricio	US 77	101	0372-01-113	P00062818.001
San Patricio	US 77	102	0372-01-113	P00062824.001
San Patricio	US 77	103	0372-01-113	P00062828.001
San Patricio	US 77	104	0372-01-113	P00063174.001
Smith	SH 31	53	0424-01-060	P00067157.001
Smith	SH 31	54	0424-01-060	P00067158.001-.002
Smith	SH 31	59	0424-01-060	P00067159.001
Smith	SH 31	60	0424-01-060	P00067160.001
Smith	SH 31	61	0424-01-060	P00067161.001
Smith	SH 31	62	0424-01-060	P00067164.001
Smith	SH 31	63	0424-01-060	P00067169.001
Smith	SH 31	64	0424-01-060	P00067170.001
Smith	SH 31	65	0424-01-060	P00067171.001
Smith	SH 31	66	0424-01-060	P00067175.001
Smith	FM 756	6	0492-04-040	P00063731.001
Smith	FM 756	4	0492-04-040	P00063740.001
Smith	FM 756	5	0492-04-040	P00063742.001
Smith	FM 756	3	0492-04-040	P00063746.001
Smith	FM 756	2	0492-04-040	P00063758.001

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 30	CCC	0009-11-258	P00079202.001-.002
Denton	IH 35W	HHH	0081-13-067	P00055473
Denton	IH 35W	III	0081-13-067	P00055490
Denton	IH 35W	FFF	0081-13-067	P00055491
Denton	IH 35W	JJJ	0081-13-067	P00055491
Denton	IH 35W	KKK	0081-13-067	P00055492
Denton	IH 35W	EEE	0081-13-067	P00055494
Denton	IH 35W	LLL	0081-13-067	P00055494
Denton	IH 35W	MMM	0081-13-067	P00055495

CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Denton	IH 35W	NNN	0081-13-067	P00055498
Denton	IH 35W	OOO	0081-13-067	P00055501
Denton	IH 35W	PPP	0081-13-067	P00055504
Denton	IH 35W	QQQ	0081-13-067	P00055505
Denton	IH 35W	GGG	0081-13-067	P00055511
Harris	IH 69	H	0027-13-226	200
Harris	IH 69	A	0027-13-226	204
Harris	IH 45	D	0500-03-608	309
Harris	IH 45	G	0500-03-608	310
Harris	IH 45	B	0500-03-608	312
Harris	IH 45	OO	0500-03-608	316
Harris	IH 45	TTT	0500-03-608	327
Harris	IH 45	E	0500-03-608	330
Harris	IH 45	SS	0500-03-616	801
Harris	IH 45	TT	0500-03-616	802
Harris	IH 45	UU	0500-03-616	804
Harris	IH 45	VV	0500-03-616	805
Harris	IH 45	WW	0500-03-616	806
Harris	IH 45	XX	0500-03-616	807
Harris	IH 45	YY	0500-03-616	808
Harris	IH 45	ZZ	0500-03-616	809
Harris	IH 45	AAA	0500-03-616	810
Harris	IH 45	BBB	0500-03-616	813
Harris	IH 45	BB	0500-08-002	503
Harris	IH 45	DD	0500-08-002	508
Harris	IH 45	CC	0500-08-002	509
Harris	IH 45	EE	0500-08-002	519
Harris	IH 45	SSS	0500-08-002	521
Harris	IH 45	C	0500-08-002	602
Harris	IH 45	F	0500-08-002	604
Midland	IH 20	DDD	0005-14-099	P00063611.001
Midland	IH 20	I	0005-14-099	P00063613.001
San Patricio	US 77	M	0371-04-067	P00062822.001
San Patricio	US 77	N	0371-04-067	P00062823.001
San Patricio	US 77	O	0371-04-067	P00062825.001
San Patricio	US 77	P	0371-04-067	P00063451.001
San Patricio	US 77	Q	0372-01-113	P00062812.001
San Patricio	US 77	R	0372-01-113	P00062820.001
San Patricio	US 77	S	0372-01-113	P00062826.001
San Patricio	US 77	T	0372-01-113	P00062826.001
San Patricio	US 77	Y	0371-04-067	P00062827.001
Tarrant	IH 20	QQ	2374-05-087	61
Travis	IH 35	RR	0015-13-434	P00064482
Travis	IH 35	PP	0015-13-434	P00064494
Travis	IH 35	NN	0015-13-434	P00064500
Travis	IH 35	Z	0015-13-435	P00064582
Travis	IH 35	J	0015-13-435	P00066409
Travis	IH 35	K	0015-13-435	P00066410

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Travis	IH 35	V	0015-13-435	P00066411
Travis	IH 35	W	0015-13-435	P00066412
Travis	IH 35	X	0015-13-435	P00066416
Travis	IH 35	U	0015-13-435	P00066420
Travis	IH 35	RRR	0015-13-435	P00066421
Travis	IH 35	L	0015-13-435	P00066422
Travis	IH 35	AA	0015-13-435	P00066424
Travis	IH 35	MM	0015-13-443	P00071196
Webb	IH 35	FF	0018-05-101	1
Webb	IH 35	GG	0018-05-101	2
Webb	IH 35	HH	0018-05-101	4
Webb	IH 35	II	0018-05-101	5
Webb	IH 35	JJ	0018-05-101	6
Webb	IH 35	KK	0018-05-101	7
Webb	IH 35	LL	0018-05-102	8

Note: Exhibits A - TTT and 1 - 121 are on file with the commission chief clerk.

ITEM 13. Routine Minute Orders and Reports

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

116582
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>
APT Avalon Park Holding , L.P.	SAT	Wilson	Design and construction of widening existing 2 Lane Roadway with left and right turn lanes, resurface driveway, installation of flashing beacon and metal beam guard fence on Loop 181 from CR 130 to River Bend Parkway, in Wilson County.
Blue Wing Trails, Ltd.	SAT	Bexar	Design and construction for the installation of turn lane and flashing signal on I-37 access road located approximately South Presa Street/I-37 access road and I-37 access road/Blue Wing Road in San Antonio.
BGM Land Investments, Ltd.	HOU	Harris	Design and construction of a street tie-in from eastbound SH 99 at Beckendorff Road into the Grand Mason development in Houston.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
BW Ronald Reagan 2243, LLC	AUS	Williamson	Design and construction for widening of RM 2243 at Ronald Reagan Boulevard to provide one westbound left turn lane and one eastbound right turn deceleration lane to the TXB Leander development in Leander.
Century Land Holdings of Texas, LLC	HOU	Fort Bend	Design and construction of street tie-in, left and right turn lanes and traffic signal from northbound and southbound FM 359 into Laurel Farms Development in Fort Bend County.
DHIC - Potranco, LLC	SAT	Bexar	Design and construction of pavement widening, lane striping, sidewalk, and pedestrian ramps. and the modification of a traffic signal to include a fourth leg (northbound approach) on FM 1957 located approximately 1.600 feet east of Redbird Chase/Sebastian Farm Road in San Antonio.
D.R. Horton - Texas, Ltd.	HOU	Galveston	Design and construction of a street tie-in and left turn lane from south bound FM 528 into the Georgetown development in Friendswood.
D.R. Horton - Texas, Ltd.	HOU	Brazoria	Design and construction of a street tie-in, right and left turn lanes from north and south bound FM 528 into the Georgetown development in Alvin.
Greystar Development Central, LLC	AUS	Travis	Design and construction of roadway improvements to FM 812 that will serve Pilot Knob Business Park in Travis County.
Huntsville Land Investments, LP	BRY	Walker	Design and construction of a raised median curb including restriping of the existing two-way left turn lane on SH 30 adjacent to the donor's property located in Walker County.
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Burnet	Design and construction of a right turn and left turn lane on RM 1174 at the entrance of Bertram Oaks in Bertram.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Hays	Design and construction of roadway improvements at new driveways to serve River Bridge Ranch Phase 1 on FM 110 in San Marcos.
LRF2 AUS Meister Lane LLC	AUS	Travis	Design and construction of South Kenney Fort Boulevard extension from SH 45 to New Meister Lane in Pflugerville.
Mercer McMillan, LLC	AUS	McClennan	Design and construction of installing a new signal at the intersection of Bagby Avenue (FM 3476) and Gateway Drive located in Waco.
Olive Development Bond I LLC	AUS	Hays	Design and construction of a striping change of an existing gored area, to a dedicated left turn lane including mill and thin overlay mixture on FM 110 in San Marcos.
Precast/Prestressed Concrete Institute	MTD	N/A	Airfare, ground transportation, lodging at the conference hotel, conference registration and other directly related expenses for Jason Tucker, P.E., Section Director, Prefabricated Structural Materials, Materials and Tests Division to attend the 2023 PCI Committee Days Conference from October 4, 2023-October 6, 2023, in Tampa, FL.
QuikTrip Corporation	SAT	Comal	Design and construction of signing, pavement markings, and signal modifications at I-35 and Solms Road in Comal County.
SSLT, LLC	HOU	Galveston	Design and construction of a street tie-in and left turn deceleration lane from southbound and northbound SH 3 into the Marlow Lake development in Texas City.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Starlight Homes Texas L.L.C.	SAT	Bexar	Design and construction for the installation of right turn deceleration lane, collector connection with culvert, and southbound to northbound turn-around on south Loop 1604 located approximately 1000' south of Martinez Creek in San Antonio.
Texas Travel Alliance	TRV	N/A	In-kind donation of food, beverages, transportation, and admissions to area attractions for the familiarization study tour of the Northeast Texas area during October 22 - 26, 2023.
US Living Bulverde Oaks, LLC	SAT	Bexar	Design and construction of traffic signal work at the intersection of Loop 1604 frontage road and Judson Road and the addition of a deceleration lane and traffic light modification at the intersection of Loop 1604 and O'Connor Road in Bexar County.
WS - COS Investments, LLC	AUS	Travis	Design and construction of an eastbound acceleration lane from the site driveway along SH 71 that extends to the right turn lane at Duke Covert Drive in Austin.
LaFrontera Development, LLC a Texas Limited Liability Company	FTW	Tarrant	Donation of 0.033 acres of land on FM 1220. The property being donated will be utilized to construct control traffic light equipment close to the traffic light intersection.
Corner Green, LLC, a Texas Limited Liability Company	HOU	Waller	Donation of 0.0810 acres of land on US 290. The property being donated will be utilized to construct a west bound frontage road.
Corner Green, LLC, a Texas Limited Liability Company	HOU	Waller	Donation of 0.8947 acres of land on US 290. The property being donated will be utilized to construct a west bound frontage road.
Muse Farms, LLC, a Texas Limited Liability Company	HOU	Waller	Donation of 0.9660 acres of land on US 290. The property being donated will be utilized to construct a west bound frontage road.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Archway Baytown 10 CC, Ltd, a Texas Limited Partnership	HOU	Harris	Donation of 0.0634 acres of land on I-10. The property being donated will be utilized for the design and construction of a deceleration lane from Sjolander Road to West of HWY 6 in Houston, Harris County, Texas.
Luminant Generation Company, LLC, a Texas Limited Liability Company	DAL	Dallas	Donation of 0.0221 acres of land on FM 1382. The property being donated will be utilized to construct a northbound deceleration lane for the primary entrance from Beltline Road.
AM Petroleum, Inc. - DBA JD's Market	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Babs Thirty-Four LLC dba Satellite...Eat. Drink.Orbit	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contact on two existing sign locations.
MATHUE ORTHO, PLLC dba Rise + Smile Orthodontics	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Old Vine Capital, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on two existing sign locations.
Texas Materials Group, Inc. dba Texas Materials	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Department of Veterans Affairs dba Veterans Crisis Line	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	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Total Primary Care	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Triton Networks, 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	DAL	Denton	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.
Wyly & Cook, PLLC	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.
Horizon Merchant, Inc. dba Billy Bob's Beds	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Melinda Cirilo - In Loving Memory of Aaron Michael Espinosa	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bexar County - SH 151 - Consider the conveyance of real property for mitigation of adverse environmental impacts (MO)

116583
ROW

Near the city of San Antonio, Bexar County, the State of Texas acquired certain land for mitigation of adverse environmental impacts by an instrument recorded in Document Number 20230111525 of the Official Public Records of Bexar County, Texas.

All of the land, described in exhibit A (tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, § 201.617, the Texas Department of Transportation may transfer any interest in real property to an appropriate public agency or private entity, as authorized by the regulatory authority that requires the mitigation, with or

without monetary consideration, if the property is used or is proposed to be used for mitigation purposes.

The Texas Cave Management Association, Inc. a Texas nonprofit corporation, (TCMA) has agreed to manage and maintain the property and has requested the transfer of the property to TCMA. Approval of this transfer has been obtained from the U.S. Fish & Wildlife Service.

It is the opinion of the Texas Transportation Commission (commission) that the property should be transferred to the TCMA to maintain the site as a karst preserve.

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 Texas Cave Management Association, Inc., a Texas nonprofit corporation, without monetary consideration; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Burnet County - FM 2147 - Consider the exchange of a drainage channel easement as part of a transaction to acquire a drainage channel easement needed for a state highway purpose (MO)

116584
ROW

In the city of Marble Falls, Burnet County, on FM 2147, the state of Texas acquired a drainage channel easement encumbering certain land by an instrument recorded in Volume 129, at Page 544, of the Deed Records of Burnet County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, §202.024, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The easement encumbering the land, described in exhibit A, (tract) is no longer needed for a state highway purpose. The value of the easement is \$85,516.

A drainage channel easement needed for a state highway purpose, encumbering the land described in exhibit B, (parcel) and its associated improvements is to be conveyed to the state by Seth Matthew Martin and Laura Marie Martin. The value of the easement encumbering the parcel, along with its associated improvements, is \$154,576.

Seth Matthew Martin and Laura Marie Martin are the owners of the fee interest in the tract and have requested that the easement encumbering the tract be released to them in exchange for an easement encumbering the parcel, and Seth Matthew Martin and Laura Marie Martin will donate the \$69,060 difference in value between the easement encumbering the tract and the improved easement encumbering the parcel to the state, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state release the easement encumbering the tract to Seth Matthew Martin and Laura Marie Martin as partial consideration for the improved easement encumbering the parcel and accept the donation of \$69,060 value difference from Seth Matthew Martin and Laura Marie Martin.

IT IS THEREFORE ORDERED by the commission that the easement encumbering the tract 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 releasing all of the state's right, title, and interest in the easement encumbering the tract to

Seth Matthew Martin and Laura Marie Martin in exchange and as partial consideration for the improved easement encumbering the parcel.

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

(3) Chambers County - SH 61 - Consider the conveyance of right of way to Chambers County, Texas (MO)

116585
ROW

In the city of Anahuac, Chambers County, on SH 61, the State of Texas acquired certain land for highway purposes by multiple instruments recorded in the Deed Records of Chambers County, Texas. Those instruments are set out in exhibit A.

That land, along with the right of way of Washington Avenue, as shown on exhibit A (tract), is no longer needed for a state highway purpose.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property equals or exceeds the fair value of the property.

Chambers County, Texas has requested the transfer of the tract to Chambers County, Texas.

The appraised value of the tract is \$331,579 plus \$660,000 for the asphalt improvements. The estimated cost of future maintenance on the tract is \$1,005,124.

IT IS THEREFORE ORDERED by the commission that the tract, as shown on exhibit A, is removed from the state highway system.

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

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

(4) Collin County - SH 5 - Consider the sale of real property interests (easements) to a governmental entity with the authority to condemn the property (MO)

116586
ROW

In the city of McKinney, Collin County, on SH 5, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 5848, at Page 4395, of the Official Public Records of Collin County, Texas.

Easements to be encumbering a portion of the land, which portion is described in exhibit A (tract), 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 real property no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The North Texas Municipal Water District is a governmental entity with the authority to condemn the property and has requested to purchase easements encumbering the tract for \$57,438.00.

The commission finds \$57,438.00 to be a fair and reasonable value of the state's right, title, and interest in easements to be encumbering the tract.

IT IS THEREFORE ORDERED by the commission that easements to be encumbering the tract, described in exhibit A, are 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 easements to be encumbering the tract to the North Texas Municipal Water District for \$57,438.00.

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

(5) Dallas County - I-35E - Consider the sale of real property to a governmental entity with the authority to condemn the property (MO)

116587
ROW

In the city of Farmers Branch, Dallas County, on I-35E, the State of Texas acquired certain land for highway purposes by instruments recorded in Instrument Nos. 20080006733, 20080167860, and 201900306768 of the Official Public Records of Dallas County, Texas.

A portion of the land, which portion is described in exhibit A (tracts), 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 Farmers Branch, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tracts for \$150,000.00.

The commission finds \$150,000.00 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 the city of Farmers Branch, Texas for \$150,000.00; 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.

(6) Dallas County - I-45 - Consider the sale of right of way to an abutting landowner (MO)

116588
ROW

In the city of Hutchins, Dallas County, on I-45, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 3915, at Page 410, and in Volume 3925, at Page 419, of the Deed Records of Dallas 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.

The Erwin-Wolens Partnership is an abutting landowner and has requested to purchase the tract for \$43,984.00.

The commission finds \$43,984.00 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 the Erwin-Wolens Partnership for \$43,984.00; 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.

(7) Tarrant County - SH 121 - Consider the sale of right of way to an abutting landowner (MO)

116589
ROW

In the city of Haltom City, Tarrant County, on SH 121, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 3913, at Page 447, of the Deed Records of Tarrant 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.

Airport Freeway Industrial Investors, LLC, a Delaware limited liability company, is an abutting landowner and has requested to purchase the tract for \$272,292.00.

The commission finds \$272,292.00 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 Airport Freeway Industrial Investors, LLC, a Delaware limited liability company, for \$272,292.00; 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.

(8) Washington County - SH 105 - Consider the sale of right of way to an abutting landowner (MO)

116590
ROW

Near the city of Navasota, Washington County, on SH 105, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 160, at Page 405, of the Deed Records of Washington 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.

Robin Payne Beard and Ann Moore Payne are abutting landowners and have requested to purchase the tract for \$2,600.00.

The commission finds \$2,600.00 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 Robin Payne Beard and Ann Moore Payne for \$2,600.00; 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) Letting Allocation Status Report

Quarterly status report on the FY2023-24 letting allocation, the actual allocation utilized through the quarter, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

(3) State Highway Fund 6 Report

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

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

(4) CTTS Annual Toll Rate Escalation Report

Travis and Williamson Counties - Report of the toll rate escalation percentage and escalated toll rates for the Central Texas Turnpike System, consisting of the SH 130 (Segments 1-4), SH 45N, Loop 1 (from FM 734 to SH 45N), and SH 45SE project elements (Report)

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

(5) Grand Parkway (SH 99) Annual Toll Rate Escalation Report

Various Counties - Report of the toll rate escalation percentage and escalated toll rates for portions of SH 99 (Grand Parkway) consisting of the tolled portion of Segment D in Harris County, Segments E, F-1, F-2, G, H, I-1, and I-2 (Report)

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

(6) SH 249 Annual Toll Rate Escalation Report

Grimes and Montgomery Counties - Report of the toll rate escalation percentage and escalated toll rates for the SH 249 System, comprised of Segment 1 of the SH 249 project extending SH 249 from FM 1774 in Pinehurst, Texas to FM 1774 in Todd Mission, Texas (Report)

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

d. Finance

Chambers County - Consider establishing initial toll rates for new tolling points associated with two ramps on Segment I-2 of the Grand Parkway (SH 99) at the intersection of Johnnie G. Jennings Drive (MO)

116591
PFD

In accordance with the requirements of former Section 228.0111 of the Transportation Code and the policies included in Minute Order 111410 dated June 26, 2008, the Texas Department of Transportation (department) and the seven counties in the Houston area in which SH 99 (Grand Parkway) is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009 (MVWA), in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway project, a toll facility extending from SH 146 in Galveston County to SH 146 in Harris County (Grand Parkway project), agreed to waive the development of a market valuation of the Grand Parkway project, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway project, including terms for establishing initial toll rates and toll escalation policies.

In Minute Order 113046, dated March 29, 2012, the commission adopted a resolution creating the Grand Parkway Transportation Corporation (GPTC) pursuant to Title 43, Texas Administrative Code, § 15.95, approving its certificate of formation and bylaws and appointing the initial directors.

In Minute Order 113202, dated July 26, 2012, and Minute Order 114290, dated June 25, 2015, the commission confirmed that the GPTC is authorized to perform the functions authorized by chapter 431 and any other functions not specified by chapter 431 as necessary in the promotion and development of public transportation facilities and systems of the department by developing, financing, refinancing designing, constructing, reconstructing, expanding, tolling, operating, and/or maintaining some or all of the segments of the Grand Parkway project that are to be developed by the department, including a portion of Segment D located in Harris County and Segments E, F-1, F-2, and G located in Harris and Montgomery counties (Initial System), and Segments H, I-1, and I-2 located in Harris, Montgomery, Liberty and Chambers counties (together with the Initial System, the Grand Parkway System).

In Minute Order 113399, dated December 13, 2012, the Texas Transportation Commission (commission) established a toll rate escalation policy (as amended in Minute Order 116382, dated November 16, 2022, the Toll Rate Escalation Policy), consistent with the terms and conditions of the Market Valuation Waiver Agreement, for the tolled portion of Segment D in Harris County and Segments E, F-1, F-2, and G of the Grand Parkway project, which comprised the initial elements of the Grand Parkway System (system) which is operated by the Grand Parkway Transportation Corporation (GPTC) on behalf of the commission pursuant to a project agreement between the department and GPTC and in accordance with a trust agreement between GPTC and the trustee for the holders of GPTC's toll revenue bonds issued to pay the costs of constructing the system.

The commission and GPTC entered into a Toll Rate Agreement SH 99 (Grand Parkway) Harris and Montgomery County Segments Between Texas Transportation and

Grand Parkway Transportation Corporation dated as of August 1, 2013, pursuant to Minute Order 113399, dated December 13, 2012, and a First Amendment to Toll Rate Agreement effective on June 26, 2015, pursuant to Minute Order 114290, dated June 25, 2015 (as amended, the Toll Rate Agreement), in which the commission (1) covenanted that it will, for the benefit of the GPTC bondholders, adopt and maintain in effect a toll rate schedule for the Grand Parkway System and establish toll rates at a level sufficient to satisfy the toll rate covenant contained in the Toll Rate Agreement; and (2) established a Free Passage Policy for the System.

In Minute Order 113399, dated December 13, 2012, the commission set toll rates and authorized GPTC to charge tolls for the tolled portion of Segment D of the Grand Parkway in Harris County and for Segments E, F-1, F-2, and G of the Grand Parkway in Harris and Montgomery counties as part of the System, and to escalate the toll rates in accordance with the Toll Rate Escalation Policy.

In Minute Order 114290, dated June 25, 2015, and Minute Order 114881, dated March 28, 2017, the commission authorized GPTC, upon substantial completion of the construction of Segments H, I-1 and I-2B, to charge tolls, and also authorized the executive director of the department to annually escalate the toll rates in accordance with established indices and the Toll Rate Escalation Policy, for the tolled portions of Segments H, I-1, and I-2 of the Grand Parkway project in Montgomery, Harris, Liberty and Chambers Counties, and for the portion of Segment I-2A from Fisher Road to FM 1405 in Chambers County.

The commission has also determined that it should adopt initial toll rates, in accordance with the Toll Rate Agreement, for new tolling points associated with two ramps on Segment I-2 of the Grand Parkway (SH 99) at the intersection of Johnnie G. Jennings Drive, as set forth in exhibit A, which will become effective January 1, 2024, and which shall be escalated in accordance with the Toll Rate Escalation Policy. Pursuant to Section 1.1 of the Toll Rate Agreement, prior to adopting any change in the Toll Rate Schedule, the commission shall have obtained and filed with the GPTC and the trustee a certificate by the Traffic Consultant stating, in its opinion, either: (A) that if such proposed Toll Rate Schedule had been in effect during the preceding fiscal year, it would not have caused a decrease in the Senior Net Revenues for such preceding fiscal year; or (B) that the adoption of such proposed toll rate schedule will not materially adversely affect the ability of the commission to comply with its covenants in Section 1.1(b) of the Toll Rate Agreement. The commission has received such certification from the Traffic Consultant and filed it with the GPTC and the trustee, in compliance with the Toll Rate Agreement.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to charge tolls for new tolling points associated with two ramps at the intersection of Johnnie G. Jennings Drive and the Grand Parkway (SH 99), on Segment I-2, in Chambers County, of the Grand Parkway project, at the toll rates set forth in exhibit A, effective on January 1, 2024.

IT IS FURTHER ORDERED that the executive director is authorized annually to escalate the toll rates in exhibit A in accordance with established indices and the Toll Rate Escalation Policy, as amended.

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

e. Consultation and Review - Department of Motor Vehicles, Chapter 219**Consultation on Department of Motor Vehicles rules regarding overweight/oversize vehicles (MO)**116592
BRG

Pursuant to Transportation Code, §623.145 and §623.195, the Department of Motor Vehicles Board (board) must consult with the Texas Transportation Commission (commission) prior to the adoption of rules regarding oversize and overweight permits for the operation of oil well servicing and drilling machinery and unladen lift equipment motor vehicles.

The board proposed changes to 43 TAC Chapter 219, Oversize and Overweight Vehicles and Loads, on August 17, 2023. The proposed rule amendments were published in the *Texas Register* on September 1, 2023.

To comply with the statutory requirements, the board consulted with the commission on the amendments to 43 TAC §§219.41, 219.43, 219.61, and 219.63. Texas Department of Transportation staff reviewed the amendments to those provisions and had no comments to the proposed language.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to provide a copy of this minute order to the board as documentation of the board's consultation with the commission, in accordance with those sections.

f. Highway Designation**Bell & Milam Counties - In the city of Rogers, consider designating US 190/SH 36 on a new location and redesignating a segment of US 190/ SH 36 as BU 190-K (MO)**116593
TPP

The city of Rogers, Bell and Milam Counties, and the Bryan and Waco districts have requested the following actions: (1) designate a segment of US 190/SH 36 on a new location on the state highway system from 1.1 miles east of Knob Hill Road in Bell County, southeastward around the north side of the city of Rogers, to west of County Road 104 in Milam County, a distance of approximately 5.5 miles; and (2) redesignate a segment of US 190/SH 36 as BU 190-K from 1.1 miles east of Knob Hill Road in Bell County, southeastward and through the city of Rogers, to west of County Road 104 in Milam County, a distance of approximately 4.9 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) a segment of US 190/SH 36 is designated on a new location on the state highway system from 1.1 miles east of Knob Hill Road in Bell County, southeastward around the north side of the city of Rogers, to west of County Road 104 in Milam County, a distance of approximately 5.5 miles; and (2) a segment of US 190/SH 36 is redesignated as BU 190-K from 1.1 miles east of Knob Hill Road in Bell County, southeastward and through the city of Rogers, to west of County Road 104 in Milam County, a distance of approximately 4.9 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)

116594
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 14. 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 no further comments.

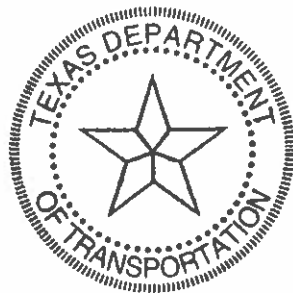
Commissioner New motioned adjournment and Commissioner Alvis seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:46 a.m.

APPROVED by the Texas Transportation Commission on November 16, 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 October 26, 2023, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation