

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 12, 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
Alvin New	Commissioner
Robert C. Vaughn	Commissioner
Alex Meade	Commissioner
Steven D. Alvis	Commissioner

**Administrative Staff:**

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 4:12 p.m. on December 4, 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 November 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 November 16, 2023, regular meeting by a vote of 5 - 0.

**ITEM 4. Acknowledgment of Service**

Recognize by resolution Design Division Director Marisabel Ramthun, P.E. for 25 years of service to the department.

This resolution was presented by Project Development Director Mo Bur. Engineer Ramthun thanked the commission and administration for their leadership and guidance. She also thanked her previous supervisors, mentors and staff, and her family. The commissioners thanked Marisabel and made additional remarks.

**ITEM 5. 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.

116610  
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 December 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 New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116611  
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 December 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 6. Discussion Item**

##### **Energy Sector Update**

This discussion was led by Director of District Operations Carl Johnson. The commission heard comments from Texas Oil and Gas President Todd Staples and Permian Strategic Partnership Chairman Donald Evans. The commission asked questions and discussed the topic.

#### **ITEM 7. 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 Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

116612  
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 November 10, 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. State Infrastructure Bank**

**Ellis County - Sardis Lone Elm Water Supply Corporation - Consider final approval of a request from Sardis Lone Elm Water Supply Corporation for a State Infrastructure Bank loan in the amount of up to \$10,793,000 to pay for the costs of two utility relocations necessary for non-tolled on-system projects to widen farm to market 664 in Ellis County, Texas (MO)**

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

116613  
PFD

Sardis Lone Elm Water Supply Corporation (WSC) has submitted an application for financial assistance in the form of a loan of up to \$10,793,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the WSC of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The WSC intends to use the financial assistance to pay the WSC's costs of two utility relocations for non-tolled state highway improvement project to widen FM 664 in Ellis County, Texas (project).

The present and projected financial condition of the SIB is sufficient to cover the requested financial assistance for the project.

The WSC has proposed a pledge of contract and water revenues as security for repayment of the loan.

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

The SIB Rules provide for both preliminary and final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of more than \$10 million or in which the department does not have primary responsibility, unless the commission waives the preliminary approval requirement for that application.

The commission has considered the complexity and size of the project, the type of infrastructure or asset involved, the type and complexity of the financial assistance

requested, the financial status of the applicant, the financial feasibility of the project, and the need to expedite the financing of the project and has determined to waive the preliminary approval requirement.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies have been completed and approved by the department. The executive director recommends that the commission grant final approval of the WSC's application for financial assistance from the SIB, contingent on the execution of a utility agreement between the WSC and the department prior to entering into a financial assistance agreement for the SIB loan.

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

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

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the WSC for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission waives the preliminary approval requirement and grants final approval of the WSC's application for a SIB loan contingent on the execution of a utility agreement between the WSC and the department prior to entering into a financial assistance agreement for the SIB loan, under the terms attached hereto as exhibit A in an amount not to exceed \$10,793,000 to pay the WSC's costs of two utility relocations necessary for the non-tolled projects.

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

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

#### **ITEM 9. Highway Designations**

**Cameron County - Between the city of Brownsville and South Padre Island, consider designating SH 104 on a new location on the state highway system and redesignating a segment of FM 106 as SH 104 (MO)**

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez Jr. The commission heard comments from Cameron County Judge Eddie Trevino, Jr, and Hidalgo County Commissioner and Rio Grande Valley Metropolitan Organization Chairman David Fuentes. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116614  
TPP

Cameron County and the Pharr District have requested to designate SH 104 on a new location on the state highway system from FM 106 eastward to Park Road 100 on South Padre Island, a distance of approximately 11.1 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 SH 104 is designated on a new location on the state highway system from FM 106 eastward to Park Road 100 on South Padre Island, a distance of approximately 11.1 miles, as shown in exhibit A.

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 Vaughn, Commissioner Meade, and Commissioner Alvis (a vote of 4 - 0).

116615  
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-EEE.

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 1-73 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**

<b><u>COUNTY</u></b>	<b><u>HIGHWAY</u></b>	<b><u>EXHIBIT</u></b>	<b><u>ROW CSJ NO.</u></b>	<b><u>PARCEL</u></b>
Angelina	US 69	51	0200-01-096	P00065653
Angelina	US 69	52	0200-01-096	P00065654
Angelina	US 69	53	0200-01-096	P00065656
Bowie	US 82	62	0046-03-041	P00059421
Brazoria	FM 518	35	0976-02-097	205
Brazoria	FM 518	36	0976-02-097	206
Brazoria	FM 518	33	0976-02-097	208
Cameron	US 281	38	0255-06-076	P00079165
Cameron	US 281	39	0255-06-076	P00079166
Cameron	US 281	40	0255-06-076	P00079167
Cameron	US 281	41	0255-06-076	P00079168
Cameron	US 281	42	0255-06-076	P00079169
Cameron	US 281	43	0255-06-076	P00079170
Cameron	US 281	44	0255-06-076	P00079171
Cameron	US 281	45	0255-06-076	P00079172
Cameron	US 281	46	0255-06-076	P00079173
Cameron	US 281	47	0255-06-076	P00079174
Cameron	US 281	48	0255-06-076	P00079175
Cameron	US 281	49	0255-06-076	P00079176

**NON-CONTROLLED ACCESS (continued)**

<b><u>COUNTY</u></b>	<b><u>HIGHWAY</u></b>	<b><u>EXHIBIT</u></b>	<b><u>ROW CSJ NO.</u></b>	<b><u>PARCEL</u></b>
Collin	US 380	55	0135-17-003	P00072903
Collin	US 380	72	0047-10-004	P00069747
Denton	US 377	70	0081-06-043	P00024397
Denton	US 377	37	0081-06-043	P00024494
Denton	US 377	71	0081-06-043	P00024501
Denton	US 377	5	0081-06-043	P00024566
Denton	US 377	2	0081-06-043	P00024568
Denton	US 377	32	0081-06-043	P00024580
Denton	US 377	3	0081-06-043	P00024605
Denton	US 377	6	0081-06-043	P00024631
Denton	US 377	4	0081-06-043	P00061862.001-.002
Denton	FM 2931	69	2979-01-012	P00055702.001
Fayette	US 77	30	0211-06-066	P00058292
Galveston	FM 646	66	0978-02-073	413
Galveston	FM 646	65	0978-02-073	417
Galveston	FM 646	64	0978-02-073	418
Galveston	FM 646	67	0978-02-073	419
Gregg	SH 42	63	0545-04-053	P00057903.001
Harris	FM 1488	17	0523-07-003	1
Harris	FM 1488	18	0523-07-003	6
Hidalgo	US 281	59	0255-06-076	P00079161
Hidalgo	US 281	58	0255-06-076	P00079162
Hidalgo	US 281	56	0255-06-076	P00079163
Hidalgo	US 281	57	0255-06-076	P00079164
Kaufman	FM 741	16	1092-01-023	P00056556.001
Kaufman	FM 741	8	1092-01-023	P00056557.001
Kaufman	FM 741	9	1092-01-023	P00056589
Kaufman	FM 741	7	1092-01-023	P00056612.001
Kaufman	FM 741	10	1092-01-023	P00056630.001
Kaufman	FM 741	11	1092-01-023	P00056631.001
Kaufman	FM 741	12	1092-01-023	P00056632.001
Kaufman	FM 741	13	1092-01-023	P00056634.001
Kaufman	FM 741	14	1092-01-023	P00056636.001
Kaufman	FM 741	15	1092-01-023	P00056637.001
Lampasas	US 183	54	0272-06-041	P00071474.001
Montgomery	FM 1488	20	0523-07-003	7
Montgomery	FM 1488	19	0523-07-003	8
Montgomery	FM 1488	21	0523-07-003	11
Montgomery	FM 1488	22	0523-07-003	12
Montgomery	FM 1488	23	0523-07-003	13
Montgomery	FM 1488	24	0523-07-003	14
Montgomery	FM 1488	25	0523-07-003	15
Montgomery	FM 1488	34	0523-07-003	16
Montgomery	SH 242	28	3538-01-057	P00073651.001
Montgomery	SH 242	27	3538-01-057	P00073652.001
Montgomery	SH 242	29	3538-01-057	P00073653.001
Nacogdoches	US 259	61	0138-06-050	P00065757.001-.002
Nacogdoches	US 259	60	0138-06-050	P00065766.001-.002
San Patricio	US 77	50	0371-04-067	P00062825.001



**NON-CONTROLLED ACCESS (continued)**

<b><u>COUNTY</u></b>	<b><u>HIGHWAY</u></b>	<b><u>EXHIBIT</u></b>	<b><u>ROW CSJ NO.</u></b>	<b><u>PARCEL</u></b>
San Patricio	US 77	26	0372-01-113	P00062816.001
Smith	FM 756	31	0492-04-040	P00063793.001
Smith	FM 756	73	0492-04-044	P00063837.001
Travis	RM 620	68	0683-02-081	15
Wichita	US 82	1	0156-04-124	P00005589

**CONTROLLED ACCESS**

<b><u>COUNTY</u></b>	<b><u>HIGHWAY</u></b>	<b><u>EXHIBIT</u></b>	<b><u>ROW CSJ NO.</u></b>	<b><u>PARCEL</u></b>
Brazos	FM 158	EEE	0212-03-064	P00010143
Ellis	IH 45	X	0092-04-083	P00072642
Ellis	IH 45	AA	0092-04-083	P00072645
Ellis	IH 45	Z	0092-04-083	P00072646
Ellis	IH 45	W	0092-04-083	P00072647
Ellis	IH 45	P	0092-04-083	P00072648
Ellis	IH 45	Y	0092-04-083	P00072649
Ellis	IH 45	BB	0092-05-059	P00072605
Ellis	IH 45	JJ	0092-05-059	P00072606
Ellis	IH 45	M	0092-05-059	P00072610.001-.002
Ellis	IH 45	N	0092-05-059	P00072612.001
Ellis	IH 45	O	0092-05-059	P00072615
Ellis	IH 45	H	0092-05-059	P00072616
Ellis	IH 45	I	0092-05-059	P00072617.001-.002
Ellis	IH 45	U	0092-05-059	P00072622
Ellis	IH 45	J	0092-05-059	P00072624
Ellis	IH 45	G	0092-05-059	P00072626
Harris	IH 65	CC	0027-13-227	118
Harris	IH 69	II	0027-13-227	135
Harris	IH 69	KK	0027-13-227	138
Harris	IH 45	D	0500-03-608	300
Harris	IH 45	SS	0500-03-608	301
Harris	IH 45	QQ	0500-03-608	303
Harris	IH 45	PP	0500-03-608	304
Harris	IH 45	F	0500-03-608	305
Harris	IH 45	E	0500-03-608	407
Harris	IH 45	AAA	0500-03-608	408
Harris	IH 45	BBB	0500-03-608	409
Harris	IH 45	L	0500-03-608	410
Harris	IH 45	XX	0500-03-608	412
Harris	IH 45	WW	0500-03-608	414
Harris	IH 45	VV	0500-03-608	416
Harris	IH 45	K	0500-03-608	417
Harris	IH 45	YY	0500-03-608	418
Harris	IH 45	ZZ	0500-03-608	420
Harris	IH 45	UU	0500-03-608	428
Harris	IH 45	RR	0500-03-608	430
Harris	IH 45	TT	0500-03-608	431
Harris	IH 45	GG	0500-08-002	529
Harris	IH 45	NN	0500-08-002	531
Midland	IH 20	LL	0005-14-099	P00056471

**CONTROLLED ACCESS (continued)**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Midland	IH 20	MM	0005-14-099	P00056478.001
Montgomery	IH 45	HH	0110-04-206	1
Travis	IH 35	V	0015-13-434	P00064465
Travis	IH 35	DDD	0015-13-434	P00064478
Travis	IH 35	R	0015-13-434	P00064481
Travis	IH 35	Q	0015-13-434	P00064491
Travis	IH 35	DD	0015-13-434	P00064492
Travis	IH 35	C	0015-13-434	P00064493
Travis	IH 35	A	0015-13-434	P00064495
Travis	IH 35	S	0015-13-434	P00064496
Travis	IH 35	T	0015-13-434	P00064497
Travis	IH 35	EE	0015-13-434	P00064499
Travis	IH 35	B	0015-13-434	P00064501
Travis	IH 35	FF	0015-13-434	P00064502
Travis	IH 35	OO	0015-13-435	P00064581
Webb	IH 35	CCC	0018-05-101	P00069950.001

Note: Exhibits A - EEE and 1 - 73 are on file with the commission chief clerk.

**ITEM 11. Routine Minute Orders and Reports**

This item was presented by Executive Director Marc Williams. The commission heard comments from Bobby Levinski for item 11c4. Commissioner New 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)

116616  
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**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Ascendant Development, LLC	HOU	Montgomery	Design and construction of a driveway connection and a two-way left turn lane from northbound and southbound SH 75 into the Preserve at Conroe development in Conroe.
AssetWorks Inc.	FOD	N/A	In-kind donation of registration fees for Josh Morton, System Administrator for the Fleet Navigator System (FNAV) system to attend the annual 2024 AssetWorks Academy Conference in Kansas City, Missouri on March 17-21, 2024.
Chick-Fil-A, Inc.	SAT	Bexar	Funds for the installation of southbound I-410 deceleration lane and associated drainage structures on I-410 located approximately 550 feet north of Rigsby Avenue intersection in San Antonio.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Grapevine Convention & Visitors Bureau	TRV	N/A	Food, beverages, transportation, and admissions to area attractions for the familiarization study tour of Grapevine, Fort Worth, and Arlington during November 13-16, 2023.
Jack's Reserve, Ltd.	AUS	Hays	Design and construction of roadway improvements to FM 110 that will serve Jack's Reserve Subdivision in San Marcos.
JDS Nursery Tract South LLC	HOU	Fort Bend	Design and construction of a traffic signal from north, south, and west bounds FM 359 into the Candela South development in Fort Bend County.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Comal	Design and construction of overhead flashing beacons and left and right turn lanes at the new subdivision intersections of Neumanns Way and Canyon Loop in Comal County, Texas on FM 306.
LS-Anthem LLC	AUS	Hays	Design and construction of roadway improvements to RM 150 that will serve Gregg Gardens Subdivision in Kyle.
Priefert Mfg. Co., Inc.	ATL	Titus	Ditch grading to connect two existing culverts on either side of the ditch into a single drainage system on FM 4000 in Mount Pleasant.
Primoris Services Corporation	AUS	Travis	Design and construction of roadway overlay and pavement marking modifications to create a left turn lane to serve the Creedmoor Ditmar Industrial development driveway at 4620 FM 1327 in Creedmoor.
QT South, LLC	WAC	Bell	Design and construction of a right turn deceleration lane along the I-35 southbound frontage road, northeast of Hart Road in Temple.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Rêve Preparatory, Inc.	HOU	Harris	Design and construction of a traffic signal from north, south, east, and west bounds FM 865 into the Rêve Preparatory Charter School development in Houston.
San Antonio Spurs, L.L.C.	SAT	Bexar	Guide sign modifications at I-35 and AT&T Center Parkway in San Antonio. The modifications include changing the name of the signs from AT&T Center Parkway to Frost Bank Center Drive.
Texas State Technical College	WAC	McLennan	Shoulder/ditch improvements to approximately 700 linear feet of Air Base Road (FM 2418), as well as the extension of East Craven Avenue to the west onto the Texas State Technical College Campus in Waco.
Triquetra Holdings Company, LLC	WAC	Bell	Design and construction of a right turn deceleration lane from eastbound SH 36 onto North Pea Ridge Road in Temple.
TX Conservation, LLC	WAC	Coryell	Design and construction of two right-turn deceleration lanes from eastbound FM 217 into the Hidden Creek Subdivision development in Jonesboro.
Republic EES, LLC, a Louisiana Limited Liability Company	BRY	Grimes	Donation of 0.2295 acres of land on SH 30. The property being donated will be utilized to construct an improvement on a highway right of way that is directly related to improving access to or from the owner's land.
RJS Hospitality Services, Inc dba Chick-fil-A Bastrop	AUS	Bastrop	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 contract on an existing sign location.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Freedom Solar Power	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on four existing sign locations.
Kidd Roofing	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Lamia Kadir M.O., PA Family Medicine Austin	AUS	Travis	Revenue generation through the dba Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Elephant Insurance Services, LLC	DAL	Collin	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Frisco Tint Inc.	DAL	Collin	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.
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.
Elephant Insurance Services, LLC	HOU	Harris	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.
Nationwide Specialty Finance, Inc (dba) Drive Away	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
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.
Stewart Title Company of Montgomery County, Inc.	HOU	Montgomery	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Graco Fishing & Rental Tools, Inc dba Graco Oilfield Services	ODA	Ector	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Thomas OilField Services, LLC	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Graco Fishing & Rental Tools, Inc dba Graco Oilfield Services	ODA	Ward	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Continental Tire the Americas, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Guido Lumber Company, Inc	SAT	Kendall	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

**b. Real Estate Dispositions**

**(1) Grimes County - SL 429 - Consider the quitclaim of right of way no longer needed for a highway purpose to the county where the property is located (MO)**

116617  
ROW

In the city of Anderson, Grimes County, on SL 429, the State of Texas used certain land for highway purposes for which there is no record title to the property.

A portion of the land, which portion is described 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 recommend the quitclaim to a county or municipality of any interest in real property that might have accrued to the state by use if there is no record title to the property.

Grimes County, Texas has requested the quitclaim of the tract to Grimes County, Texas.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in the tract to Grimes County, Texas.

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 quitclaiming all of the state's right and interest in the tract to Grimes County, Texas.

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

**(2) Llano County - RM 2147 - Consider the release of an easement to the underlying fee owner (MO)**

116618  
ROW

In the city of Horseshoe Bay, Llano County, on RM 2147, the State of Texas acquired easement interests in certain land by an instrument recorded in Volume 136, at Page 142, of the Deed Records of Llano County, Texas.

A portion of the easements, which portion 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.

Modern Homestead, 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 \$49,210.00.

The commission finds \$49,210.00 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 releasing all of the state's right, title, and interest in the easement interest to Modern Homestead, LLC, a Texas limited liability company, for \$49,210.00.

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

**(3) Nueces County - FM 624 - Consider the release of an easement to the underlying fee owner (MO)**

116619  
ROW

Near the city of Corpus Christi, Nueces County, on FM 624, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 243, at Page 494, of the Deed Records of Nueces County, Texas.

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

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

James Dean Ranch Development, Ltd., a Texas limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$20,419.00.

The commission finds \$20,419.00 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 releasing all of the state's right, title, and interest in the easement interest to James Dean Ranch Development, Ltd., a Texas limited partnership, for \$20,419.00.



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

**c. Reports**

**(1) Compliance Division Report**

Note: Confidential report to commission.

**(2) Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report**

Consider the acceptance of the Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report for the Spur 399 Extension project in Collin County (Report)

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

**(3) Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report**

Consider the acceptance of the Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report for the Loop 9, Segment A project in Dallas and Ellis Counties (Report)

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

**(4) Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report**

Consider the acceptance of the Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report for the I-35 Capital Express Central project in Travis County (Report)

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

**(5) Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report**

Consider the acceptance of the Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report for the US 380 McKinney project in Collin County (Report)

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

**(6) Environmental Report**

Consider the acceptance of the report on projects being processed under the procedures of Transportation Code, Chapter 201, Subchapter I-1 (Report)

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

**(7) Grimes and Montgomery Counties**

Quarterly Traffic and Operating Report for the State Highway 249 System (Report)

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

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

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

**d. Purchase Order Amendment****Consider the approval of a material change to a purchase order awarded under Chapter 2155 of the Texas Government Code for the services to deploy a multi-modal demand and mobility management platform (MO)**

116620  
HOU

The Texas Department of Transportation (department) issued purchase order 60133000055637 on July 9, 2019, for services to provide and deploy a smartphone application entitled Houston ConnectSmart, to integrate multi-modal demand and mobility management with transportation systems and active demand management in the Houston District, through a competitive solicitation under the authority provided by Chapter 2155, Government Code.

The department proposes to amend the purchase order to allow the department to extend the term of service from January 28, 2024, to July 28, 2025, because the vendor was prevented from providing the service for a period due to conditions created by the COVID-19 pandemic. The Federal Highway Administration has granted extension of funds through the requested extension date. The total contract amount of \$17,403,548.42 remains unchanged. A copy of the proposed amendment is attached as exhibit A.

Subsection (b), Section 2155.088, Government Code requires that the governing body of a state agency, at a meeting, consider a material change to the contract for goods or services awarded under Chapter 2155, Government Code, and consider why the change is necessary. For the purposes of Subsection (b), an extension of the completion of a contract for six months or more under a purchase order is a material change.

The commission, at a meeting, has considered the material change to the purchase order that would be made by the proposed amendment and has determined that change is acceptable and necessary.

IT IS THEREFORE ORDERED by the commission that the material change to the purchase order proposed by the department and set out in exhibit A to this minute order is approved.

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

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

116621  
TRF

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

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

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

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

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

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

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

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

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

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

**ITEM 13. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071**

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

The commission did not meet in executive session.

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

The commission received comments from Representative Lina Ortega's Chief of Staff Brooke Galindo on I-10 in El Paso; El Paso Metropolitan Organization Executive Director Eduardo Calvo on El Paso MPO projects; Texas Rail Advocates President Peter LeCody on the Federal Railroad Administrations awarded corridor ID passenger rail grants to TxDOT. Gonzalo Camacho spoke about the preservation of highway corridors for commuter rail and a Transportation History Museum; Ron Whitlock spoke on the South Padre Island second causeway; and Juan Negrete, representing Senator Cesar Blanco, spoke about discretionary funding for the UTP and I-10. The commission received no further comments.

Commissioner Alvis motioned adjournment and Commissioner Meade seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:54 a.m.

APPROVED by the Texas Transportation Commission on January 17, 2024:



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J. Bruce Bugg, Jr., Chairman  
Texas Transportation Commission

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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 December 12, 2023, in Austin, Texas.



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Amanda Brown, Commission Chief Clerk  
Texas Department of Transportation