

**TEXAS TRANSPORTATION COMMISSION
MINUTE ORDER**

HARRIS County

HOUSTON District

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This minute order considers a donation by Greenroad Media, Inc. to the Texas Department of Transportation (department) to perform installation and maintenance activities under landscape partnership agreements along various highway locations in the Houston District. The breakdown of the potential donation is as follows: for each site, a guaranteed \$810, a potential revenue of up to \$19,200 per site if landscaping on the site is installed, and up to \$230,000 per site in donated materials and services to install and maintain landscaping on the site if the site is developed. Potentially, this could equate to up to \$1,000,500 ($\{ \$810 + \$19,200 \} \times 50$ sites) in revenue to the state, and up to \$11.5 million ($\$230,000 \times 50$ sites) for material and maintenance, for a potential maximum value of \$12.5 million. The various highways and specific coordinates are attached to this minute order as Exhibit A.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and will provide a significant public benefit.

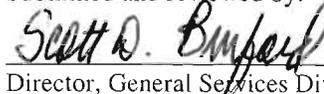
Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th 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 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 commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it 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.

The commission finds that the donation will further the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days. The commission also finds that some of the sponsors may be interested in or likely to become interested in a contract, purchase, payment, or claim with or against the department. Nonetheless, the commission finds that this donation will not influence or reasonably appear to influence the department in the performance of its duties.

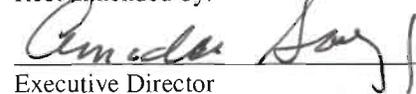
IT IS THEREFORE ORDERED by the commission that the donation worth up to \$12.5 million by Greenroad Media, Inc., is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acceptance of the donation.

Submitted and reviewed by:



Director, General Services Division

Recommended by:



Executive Director

112408 AUG 26 10

Minute	Date
Number	Passed

EXHIBIT A

Location Number	Type	Location	Coordinates
1	(2D)	I-10 Eastbound - East I-610	N29.77342 W95.45185
2	(2D)	I-10 Eastbound - West of TC Jester	N29.77428 W95.45151
3	(2D)	I-10 Westbound - East of TC Jester	N29.77783 W95.39616
4	(2D)	I-10 Westbound - West of TC Jester	N29.77786 W95.39060
5	(2D)	I-10 Westbound - East of Washington	N29.77779 W95.39679
6	(2D)	I-10 Eastbound - East of Washington	N29.77682 W95.39619
7	(2D)	I-10 Eastbound - West of Durham	N29.77716 W95.41162
8	(2D)	I-10 Westbound - East of Durham	N29.77682 W95.41318
9	(2D)	I-10 Eastbound - Exit 770A	N29.76993 W95.34964
10	(2D)	I-10 Eastbound - East Exit 770A	N29.77125 W95.32972
11	(2D)	I-10 Eastbound - East of Exit 770A	N29.77204 W95.32775
12	(2D)	I-10 Eastbound - East of Exit 770A	N29.77399 W95.32165
13	(2D)	I-10 Eastbound - East of Exit 770A	N29.77405 W95.31339
14	(2D)	I-10 Eastbound - McCarthy Exit 773	N29.77781 W95.28599
15	(2D)	I-10 Eastbound - Mile Marker 775	N29.77575 W95.26590
16	(2D)	SH 288 Northbound - at I-610 Interchange	N29.68370 W95.37904
17	(2D)	SH 288 Northbound - at I-610 Interchange	N29.68466 W95.37895

Location Number	Type	Location	Coordinates
18	(2D)	SH 288 Northbound - South of Yellowstone	N29.69114 W95.37747
19	(2D)	SH 288 Northbound - South of Yellowstone	N29.69729 W95.37575
20	(2D)	SH 288 Northbound - South of Yellowstone	N29.69875 W95.37634
21	(2D)	US 59 Southbound - at 11919 US 59 South	N29.89766 W95.31422
22	(2D)	SH 288 Southbound - North of Southmore	N29.72043 W95.37673
23	(2D)	SH 288 Southbound - South of Southmore	N29.71856 W95.37846
24	(2D)	SH 288 Southbound - Macgregor Exit	N29.71665 W95.37904
25	(2D)	SH 288 Southbound - South of Holcombe	N29.70020 W95.37569
26	(2D)	SH 288 Southbound - North of Holly Hall	N29.69543 W95.37711
27	(2D)	SH 288 Southbound - North of I-610	N29.68439 W95.38076
28	(3D)	I-10 Eastbound - Mile Marker 754	N29.77966 W95.11915
29	(3D)	I-10 Eastbound - East of Exit 785	N29.78735 W95.09907
30	(3D)	I-10 Westbound - West of Exit 787	N29.79075 W95.05084
31	(3D)	I-10 Westbound - East of Fry	N29.78660 W95.67878
32	(3D)	I-10 Westbound - West of Park Ten	N29.78552 W95.67453
33	(3D)	I-10 Westbound - West of Fry	N29.78572 W95.72608
34	(3D)	I-10 Eastbound - East of Fry	N29.78463 W95.69803

Location Number	Type	Location	Coordinates
35	(3D)	I-610 Eastbound - At Ella Blvd.	N29.81052 W95.43665
36	(3D)	I-610 Eastbound - West of Durham	N29.81257 W95.42131
37	(3D)	I-610 Westbound - East of Shepard	N29.81323 W95.40863
38	(3D)	I-610 Westbound - West of Shepard	N29.81318 W95.42372
39	(3D)	US 59 Northbound - North of Rankin	N29.97330 W95.28027
40	(3D)	US 59 Southbound - South of FM 1960	N29.98665 W95.27612
41	(3D)	US 59 Southbound - BW 8 South Interchange	N29.93819 W95.29751
42	(3D)	BW 8 Eastbound - West of I-45	N29.93850 W95.37200
43	(3D)	BW 8 Eastbound - East of Aldine Westfield	N29.93857 W95.36297
44	(3D)	BW 8 Eastbound - East of Aldine Westfield	N29.93860 W95.36089
45	(3D)	BW 8 Westbound - West of Aldine Westfield	N29.93957 W95.34269
46	(3D)	BW 8 Westbound - West of Vantage PKY	N29.93930 W95.36435
47	(3D)	BW 8 Westbound - East of Greenspoint Dr.	N29.93907 W95.38602
48	(3D)	I-45 Northbound - North of FM 1960	N29.02756 W95.42844
49	(3D)	I-45 Southbound - North of Richey	N29.00258 W95.42689
50	(3D)	I-45 Southbound - South of BW 8	N29.92640 W95.41260