

These are the minutes of the regular meeting of the Texas Transportation Commission held on April 25, 2024, 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 2:11 p.m. on April 17, 2024, 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. The commission heard comments from Representative Claudia Ordaz about El Paso priorities.

ITEM 3. Consider the approval of the Minutes of the March 18, 2024, special meeting, the March 27, 2024, special meeting, and the March 28, 2024, 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 March 18, 2024, special meeting, the March 27, 2024, special meeting, and the March 28, 2024, 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.

116677
 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 April 4 and 5, 2024, as well

as AMARILLO DISTRICT, DEAF SMITH COUNTY, Project Number C 168-7-43, Job Number 3003, which was publicly opened and read on March 5, 2024, 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 Meade, and the commission approved the following minute order by a vote of 5 - 0.

116678
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 April 4 and 5, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

116679
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly read on April 3, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

ITEM 5. Discussion Item

Connecting Texas 2050 (Presentation)

This discussion was led by Chief Engineer Lance Simmons. The commission asked questions and discussed the topic. The commission received comments from Alliance for I-69 Texas Executive Director Jennifer Shepard. The commission received no further comments.

ITEM 6. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a Rules Review

Consider the re-adoption of Title 43 Texas Administrative Code Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27 Toll Projects, in accordance with Government Code, §2001.039 (MO)

This item was presented by General Counsel Jeff Graham. 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.

116680
GCD

Government Code, §2001.039, requires state agencies to review each of their rules every four years to consider whether the reason for adopting each rule continues to exist. If as the result of the review an agency determines that the reasons for initially adopting the rule continue to exist, the agency may readopt the rule in accordance with §2001.039.

During January and February 2024, the Texas Department of Transportation (department) reviewed Title 43 Texas Administrative Code, Part 1, Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27, Toll Projects. The Notice of Intent to review was published in the *Texas Register* on February 2, 2024 (49 TexReg 571).

The department received no comments relating to the reviewed rules.

The Texas Transportation Commission (commission) finds that the reasons for initially adopting these rules continue to exist.

IT IS THEREFORE ORDERED by the commission that the executive director provide for filing with the Office of the Secretary of State, Texas Register Division, a notice readopting these rules.

b Rule Adoptions

(1) Chapter 7 - Rail Facilities - The repeal of §§7.82, 7.83, and 7.86, enactment of new §§7.82, 7.83, and 7.86, and amendments to §§7.80, 7.84-7.85, 7.87-7.95, all concerning the Rail Fixed Guideway System State Safety Oversight Program (MO)

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

116681
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §§7.82, 7.83, and 7.86, new §§7.82, 7.83, and 7.86, and amendments to §§7.80, 7.84-7.85, and 7.87-7.95, relating to Rail Fixed Guideway System State Safety Oversight Program 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, 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 §§7.82, 7.83, and 7.86, new §§7.82, 7.83, and 7.86, and amendments to §§7.80, 7.84-7.85, and 7.87-7.95, are adopted and are authorized for filing with the Office of the 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, B, and C are on file with the commission chief clerk.

(2) Chapter 9 - Contract and Grant Management - Amendments to §§9.11-9.12, §§9.15-9.18, §§9.23-9.25, and §9.27 concerning contracts for highway projects (MO)

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

116682
CST

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§9.11, 9.12, 9.15-18, and 9.23-25, and new §9.27, relating to Highway Improvement Contracts 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 §§9.11, 9.12, 9.15-18, and 9.23-25, and new §9.27 are adopted and are authorized for filing with the Office of the 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.

(3) Chapter 31 - Public Transportation - Amendments to §§31.11 and 31.13 concerning state funding programs (MO)

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

116683
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §31.11 and §31.13, relating to State Programs 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 §31.11 and §31.13, are adopted and are authorized for filing with the Office of the 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 7. Public Transportation

Various counties - Consider the award of Federal Section 5339 Bus and Bus Facilities Formula Program funds to rural transit districts (MO)

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

116684
PTN

The Texas Transportation Commission (commission) desires to award a total of \$8,313,752 in Federal Transit Administration (FTA) §5339 Bus and Bus Facilities Formula program funds to support a variety of capital needs in rural areas of the state.

Title 43, Texas Administrative Code (TAC), §31.30(e)(1) establishes a formula by which public transportation funds shall be distributed under the FTA Bus and Bus Facilities Formula Grant program (49 U.S.C. §5339). An award of \$8,313,752 in federal Fiscal Year 2023 and 2024 §5339 funds and residual funds from prior years is shown in exhibit A and has been determined in accordance with §31.30(e)(1).

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 in exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

ITEM 8. State Infrastructure Bank (Presentation)

Various Counties - Consider approval of applications for State Infrastructure Bank loans from various applicants (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Section Director Patrick Marotta. The commission heard comments from El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo and American Structurepoint Principal Will Conley. 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.

116685
PFD

The applicants listed in exhibit A have each submitted an application for financial assistance in the form of a loan from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). Each application satisfies all requirements of the rules, including passage 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. Each applicant intends to use the financial assistance to pay for eligible project costs to perform work on various projects in various counties in Texas, as detailed in exhibit A.

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

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement with each applicant 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 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 for the Village of Vinton SIB loan application as listed in exhibit A.

The SIB Rules also allow for final approval by the commission of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB Rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies required by the SIB Rules have been completed and approved by the department. The executive director recommends that the commission grant final approval of the applications listed in exhibit A for financial assistance from the SIB up to the amount listed for each project, with approval of the application for the El Sauz Water Supply Corporation, as listed in exhibit A, being contingent on the execution of a standard utility agreement with the department.

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

1. the projects listed in exhibit A are consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the projects listed in exhibit A are not in a Clean Air non-attainment area;
3. the projects listed in exhibit A will improve the efficiency of the state's transportation systems;
4. the projects listed in exhibit A will expand the availability of funding for transportation projects or reduce direct state costs;

5. the applications submitted show that the applicants listed in exhibit A are likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance to each applicant listed in exhibit A 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 projects listed in exhibit A 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 each application listed in exhibit A submitted for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the applications for SIB loans under the terms contained within exhibit A up to the amount listed for each project to pay for the eligible project costs necessary for the projects, with approval of the application for the El Sauz Water Supply Corporation, as listed in exhibit A, being contingent on the execution of a standard utility agreement with the department prior to entering into a financial assistance agreement.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into financial assistance agreements for each of the attached SIB loan requests, which comply 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. 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 Project Delivery Division Director Lezlie Kirby. 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 Vaughn and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, Commissioner Meade, and Commissioner Alvis (a vote of 5 - 0).

116686
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-CCC. 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 1-218 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 parcels.

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

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 69	14	0200-01-096	P00065652
Brazoria	SH 332	78	1524-01-058	102
Brazoria	SH 332	73	1524-01-058	103
Brazoria	SH 332	74	1524-01-058	104
Brazoria	SH 332	75	1524-01-058	105
Brazoria	SH 332	76	1524-01-058	106
Brazoria	SH 332	77	1524-01-058	107
Brazoria	SH 332	79	1524-01-058	109
Brazoria	SH 332	80	1524-01-058	112
Brazoria	SH 332	81	1524-01-058	113
Brazoria	SH 332	82	1524-01-058	115
Brazoria	SH 332	83	1524-01-058	116
Brazoria	SH 332	84	1524-01-058	117
Brazoria	SH 332	85	1524-01-058	118
Brazoria	SH 332	86	1524-01-058	119
Collin	SH 5	114	0047-05-056	P00054402.001
Collin	US 380	196	0135-02-072	P00069669
Collin	US 380	197	0135-02-072	P00069672
Collin	US 380	56	0135-15-003	P00068413.001
Collin	US 380	214	0135-15-003	P00068429.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	US 380	215	0135-15-003	P00074488.001-.002
Collin	US 380	216	0135-15-003	P00074490
Collin	US 380	213	0135-15-003	P00074506
Collin	US 380	217	0135-15-003	P00074523
Collin	US 380	218	0135-15-003	P00074524
Collin	US 380	69	0135-15-003	P00074533.001-.002
Dallas	SL 12	200	0581-02-116	P00073157
Dallas	SL 12	201	0581-02-116	P00073158
Dallas	SL 12	202	0581-02-116	P00073159
Dallas	SL 12	203	0581-02-116	P00073160
Dallas	SL 12	204	0581-02-116	P00073165
Dallas	SL 12	205	0581-02-116	P00073166
Dallas	SL 12	206	0581-02-116	P00073167
Dallas	SL 12	207	0581-02-116	P00073168
Dallas	SL 12	208	0581-02-116	P00073169
Dallas	SL 12	209	0581-02-116	P00073174
Dallas	SL 12	210	0581-02-116	P00073175
Dallas	SL 12	211	0581-02-116	P00073176
Dallas	SL 12	146	0581-02-116	P00073177
Dallas	SL 12	145	0581-02-116	P00073178
Dallas	SL 12	147	0581-02-116	P00073182
Dallas	SL 12	154	0581-02-116	P00073183
Dallas	SL 12	123	0581-02-116	P00073185
Denton	US 377	1	0081-06-043	P00024389, P00024389E
Denton	US 377	89	0081-06-043	P00024404
Denton	US 377	2	0081-06-043	P00024407
Denton	US 377	3	0081-06-043	P00024409
Denton	US 377	4	0081-06-043	P00024424
Denton	US 377	5	0081-06-043	P00024426
Denton	FM 1171	148	1311-01-059	P00061176.001
Denton	FM 1171	149	1311-01-059	P00061180.001
Denton	FM 1171	150	1311-01-059	P00061181.001
Denton	FM 1385	6	1315-01-031	P00057145
Denton	FM 1385	7	1315-01-031	P00057146
Denton	FM 1385	8	1315-01-031	P00057147
Denton	FM 1385	115	1315-01-031	P00057148
Denton	FM 1385	116	1315-01-031	P00057149
Denton	FM 1385	117	1315-01-031	P00057150
Denton	FM 1385	118	1315-01-031	P00057151
Denton	FM 1385	119	1315-01-031	P00057152
Denton	FM 1385	120	1315-01-031	P00057153
Denton	FM 1385	121	1315-01-031	P00057156
Denton	FM 1385	122	1315-01-031	P00057157
Denton	FM 1385	124	1315-01-031	P00057158
Denton	FM 1385	125	1315-01-031	P00057160
Denton	FM 1385	126	1315-01-031	P00057161
Denton	FM 1385	127	1315-01-031	P00057162
Denton	FM 1385	128	1315-01-031	P00057164
Denton	FM 1385	129	1315-01-031	P00057165

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	FM 1385	130	1315-01-031	P00057166
Denton	FM 1385	131	1315-01-031	P00057179
Denton	FM 1385	132	1315-01-031	P00057180
Denton	FM 1385	133	1315-01-031	P00058154
Denton	FM 1385	134	1315-01-031	P00058156
Denton	FM 1385	9	1315-01-031	P00058175
Denton	FM 1385	10	1315-01-031	P00058184
Denton	FM 1385	135	1315-01-031	P00058186
Denton	FM 1385	136	1315-01-031	P00058189
Denton	FM 1385	137	1315-01-031	P00058190
Denton	FM 1385	138	1315-01-031	P00058191
Denton	FM 1385	139	1315-01-031	P00058203
Denton	FM 1385	11	1315-01-031	P00058227
Denton	FM 1385	140	1315-01-031	P00058228
Denton	FM 1385	12	1315-01-031	P00058229
Denton	FM 1385	176	1315-01-031	P00066108
Denton	FM 1385	177	1315-01-031	P00066109.001-.002
Denton	FM 1385	15	1315-01-031	P00066113
El Paso	US 62	90	0374-02-104	P00053949.001
El Paso	US 62	91	0374-02-104	P00053950.001
El Paso	US 62	92	0374-02-104	P00053956.001
El Paso	US 62	93	0374-02-104	P00053958.001
El Paso	US 62	70	0374-02-104	P00053961.001
El Paso	US 62	71	0374-02-104	P00053963.001
El Paso	US 62	94	0374-02-104	P00053969.001
El Paso	US 62	95	0374-02-104	P00053972.001
El Paso	US 62	96	0374-02-104	P00053977.001
El Paso	US 62	97	0374-02-104	P00053979.001
El Paso	US 62	98	0374-02-104	P00053986.001
El Paso	US 62	99	0374-02-104	P00053989.001
El Paso	US 62	100	0374-02-104	P00053990.001
El Paso	US 62	101	0374-02-104	P00053994.001
El Paso	US 62	102	0374-02-104	P00053996.001
El Paso	US 62	103	0374-02-104	P00053997.001
El Paso	US 62	104	0374-02-104	P00054003.001
El Paso	US 62	105	0374-02-104	P00054004.001
El Paso	US 62	106	0374-02-104	P00054005.001
El Paso	US 62	212	0374-02-104	P00054008.001
El Paso	US 62	107	0374-02-104	P00054009.001
El Paso	US 62	108	0374-02-104	P00054010.001
El Paso	US 62	109	0374-02-104	P00054012.001
El Paso	US 62	110	0374-02-104	P00054013.001
El Paso	US 62	111	0374-02-104	P00054015.001
El Paso	US 62	112	0374-02-104	P00054016.001
El Paso	US 62	113	0374-02-104	P00054018.001
El Paso	US 62	151	0374-02-104	P00061925.001
El Paso	SH 178	152	3592-01-012	P00062254.001
El Paso	SH 178	153	3592-01-012	P00062260.001
El Paso	SH 178	172	3592-01-012	P00062261.001

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
El Paso	SH 178	155	3592-01-012	P00062264.001
El Paso	SH 178	156	3592-01-012	P00062265.001
El Paso	SH 178	157	3592-01-012	P00062266.001
El Paso	SH 178	158	3592-01-012	P00062267.001
El Paso	SH 178	159	3592-01-012	P00062268.001
El Paso	SH 178	160	3592-01-012	P00062269.001
El Paso	SH 178	161	3592-01-012	P00062270.001
El Paso	SH 178	162	3592-01-012	P00062271.001
El Paso	SH 178	163	3592-01-012	P00062273.001
El Paso	SH 178	164	3592-01-012	P00062274.001
El Paso	SH 178	165	3592-01-012	P00062275.001
El Paso	SH 178	166	3592-01-012	P00062276.001
El Paso	SH 178	167	3592-01-012	P00062277.001
El Paso	SH 178	168	3592-01-012	P00062278.001
El Paso	SH 178	169	3592-01-012	P00062279.001-.002
El Paso	SH 178	170	3592-01-012	P00062280.001
El Paso	SH 178	171	3592-01-012	P00062281.001
El Paso	SH 178	173	3592-01-012	P00062282.001
El Paso	SH 178	178	3592-01-012	P00066680.001
El Paso	SH 178	179	3592-01-012	P00066681.001
El Paso	SH 178	180	3592-01-012	P00066682.001
El Paso	SH 178	181	3592-01-012	P00066687.001
Galveston	FM 646	88	0978-02-073	411
Galveston	FM 646	87	3049-01-033	344
Gregg	SH 31	24	0424-02-049	P00067257.001-.002
Gregg	SH 31	25	0424-02-049	P00067258.001
Gregg	SH 31	26	0424-02-049	P00067259.001
Gregg	SH 31	27	0424-02-049	P00067260.001-.002
Gregg	SH 31	28	0424-02-049	P00067261.001
Gregg	SH 31	29	0424-02-049	P00067262.001
Gregg	SH 31	30	0424-02-049	P00067264.001
Gregg	SH 31	31	0424-02-049	P00067266.001
Gregg	SH 31	32	0424-02-049	P00067267.001
Gregg	SH 31	33	0424-02-049	P00067270.001
Gregg	SH 31	34	0424-02-049	P00067271.001-.003
Gregg	SH 31	35	0424-02-049	P00067272.001
Gregg	SH 31	36	0424-02-049	P00067273.001
Gregg	SH 31	37	0424-02-049	P00067274.001
Gregg	SH 31	38	0424-02-049	P00067277.001
Gregg	SH 31	39	0424-02-049	P00067287.001
Gregg	SH 31	40	0424-02-049	P00067288.001
Gregg	SH 31	41	0424-02-049	P00067293.001-.002
Gregg	SH 31	42	0424-02-049	P00067294.001
Gregg	SH 31	43	0424-02-049	P00067295.001
Gregg	SH 31	44	0424-02-049	P00067296.001
Gregg	SH 31	45	0424-02-049	P00067299.001
Gregg	SH 31	46	0424-02-049	P00067301.001
Gregg	SH 31	47	0424-02-049	P00067303.001
Gregg	SH 31	48	0424-02-049	P00067306.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Gregg	SH 31	49	0424-02-049	P00067308.001
Gregg	SH 31	50	0424-02-049	P00067309.001
Gregg	SH 31	51	0424-02-049	P00067311.001
Gregg	SH 31	52	0424-02-049	P00067313.001
Gregg	SH 31	53	0424-02-049	P00067314.001
Gregg	SH 31	54	0424-02-049	P00067320.001
Gregg	SH 31	55	0424-02-049	P00067322.001
Harris	SL 8	72	3256-04-082	100
Leon	US 79	141	0205-04-052	P00058836
Leon	US 79	142	0205-04-052	P00058844
Leon	US 79	143	0205-04-052	P00058884
Leon	US 79	144	0205-04-052	P00058889
San Patricio	US 77	174	0372-01-113	P00062824
Smith	FM 2493	198	0191-03-088	P00070542
Smith	FM 2493	199	0191-03-088	P00070555.001
Smith	SH 31	182	0424-01-059	P00066941
Smith	SH 31	183	0424-01-059	P00066943
Smith	SH 31	184	0424-01-059	P00066950
Smith	SH 31	185	0424-01-059	P00066958
Smith	SH 31	186	0424-01-059	P00066959
Smith	SH 31	187	0424-01-059	P00066960
Smith	SH 31	188	0424-01-059	P00066961
Smith	SH 31	189	0424-01-059	P00066962
Smith	SH 31	190	0424-01-059	P00066965
Smith	SH 31	191	0424-01-059	P00066967
Smith	SH 31	192	0424-01-059	P00066970
Smith	SH 31	193	0424-01-059	P00066973
Smith	SH 31	194	0424-01-059	P00066974
Smith	SH 31	195	0424-01-059	P00066978
Smith	SH 31	16	0424-01-060	P00067167.001
Smith	SH 31	17	0424-01-060	P00067178.001
Smith	SH 31	18	0424-01-060	P00067191.001
Smith	SH 31	19	0424-01-060	P00067203.001
Smith	SH 31	20	0424-01-060	P00067213.001
Smith	SH 31	21	0424-01-060	P00067214.001-.002
Smith	SH 31	22	0424-01-060	P00067215.001
Smith	SH 31	23	0424-01-060	P00067217.001
Smith	FM 756	13	0492-04-040	P00063737.001
Smith	FM 756	175	0492-04-040	P00063787.001
Victoria	FM 236	57	0842-03-041	P00071204.001
Victoria	FM 236	58	0842-03-041	P00071228.001
Victoria	FM 236	59	0842-03-041	P00071239.001
Victoria	FM 236	60	0842-03-041	P00071247.001
Victoria	FM 236	61	0842-03-041	P00071252.001
Victoria	FM 236	62	0842-03-041	P00071256.001
Victoria	FM 236	63	0842-03-041	P00071269.001
Victoria	FM 236	64	0842-03-041	P00071271.001
Victoria	FM 236	65	0842-03-041	P00071273.001
Victoria	FM 236	66	0842-03-041	P00071274.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Victoria	FM 236	67	0842-03-041	P00071278.001
Victoria	FM 236	68	0842-03-041	P00071288.001

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
El Paso	SH 178	Q	3592-01-012	P00062251.001-.002
El Paso	SH 178	R	3592-01-012	P00062255.001-.002
El Paso	SH 178	S	3592-01-012	P00062256.001-.002
El Paso	SH 178	T	3592-01-012	P00062257.001-.002
Ellis	IH 45	AAA	0092-04-083	P00072643
Ellis	IH 45	YY	0092-05-059	P00072625
Ellis	IH 45	ZZ	0092-05-059	P00072633
Galveston	IH 45	A	0500-01-148	P00068724
Galveston	IH 45	B	0500-01-148	P00068729
Galveston	IH 45	C	0500-01-148	P00068732
Galveston	IH 45	D	0500-01-148	P00068733
Galveston	IH 45	E	0500-01-148	P00068735
Galveston	IH 45	F	0500-01-148	P00068736
Galveston	IH 45	G	0500-01-148	P00068740
Galveston	IH 45	H	0500-01-148	P00068741
Galveston	IH 45	I	0500-01-148	P00068744
Galveston	IH 45	J	0500-01-148	P00068745
Galveston	IH 45	K	0500-01-148	P00068746
Galveston	IH 45	L	0500-01-148	P00068748
Galveston	IH 45	HH	0500-01-148	P00068750
Galveston	IH 45	II	0500-01-148	P00068751
Galveston	IH 45	JJ	0500-01-148	P00068752
Galveston	IH 45	KK	0500-01-148	P00068753
Galveston	IH 45	LL	0500-01-148	P00068754
Galveston	IH 45	MM	0500-01-148	P00068755
Galveston	IH 45	NN	0500-01-148	P00068756
Galveston	IH 45	OO	0500-01-148	P00068757
Galveston	IH 45	PP	0500-01-148	P00068758
Galveston	IH 45	QQ	0500-01-148	P00068759
Galveston	IH 45	RR	0500-01-148	P00068762
Galveston	IH 45	SS	0500-01-148	P00068765
Galveston	IH 45	TT	0500-01-148	P00068766
Galveston	IH 45	UU	0500-01-148	P00071522
Galveston	IH 45	VV	0500-01-148	P00071523
Galveston	IH 45	WW	0500-01-148	P00071528
Galveston	IH 45	XX	0500-01-148	P00071529
Galveston	IH 45	M	0500-01-148	P00072548
Galveston	IH 45	N	0500-01-148	P00072551
Midland	IH 20	P	0005-14-099	P00056475
Smith	SH 31	GG	0424-01-059	P00066948
Tarrant	IH 30	O	1068-01-231	23E
Travis	IH 35	V	0015-13-434	P00064449
Travis	IH 35	W	0015-13-434	P00064452

CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Travis	IH 35	X	0015-13-434	P00064460
Travis	IH 35	Y	0015-13-434	P00064461
Travis	IH 35	BBB	0015-13-434	P00064463
Travis	IH 35	Z	0015-13-434	P00064485
Travis	IH 35	EE	0015-13-434	P00066351
Travis	IH 35	AA	0015-13-435	P00064562
Travis	IH 35	BB	0015-13-435	P00064590
Travis	IH 35	CC	0015-13-435	P00064596
Travis	IH 35	DD	0015-13-435	P00064597
Travis	IH 35	CCC	0015-13-435	P00064599
Travis	IH 35	U	0015-13-435	P00066418
Travis	IH 35	FF	0015-13-435	P00066419

Note: Exhibits A - CCC and 1 - 218 are on file with the commission chief clerk.

ITEM 10. 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)

116687
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 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 B 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 and B.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Abilene Convention and Visitors Bureau a division of the Abilene Chamber of Commerce	TRV	N/A	In-kind donation of educational and promotional tours during the 67th Annual Texas Travel Counselors Conference on April 15-18, 2024, in Abilene.
APT Avalon Park Holding L.P.	SAT	Wilson	Design and construction of widening existing two lane roadway with left and right turn lanes, resurface driveway, installation of flashing beacon and metal beam guard fence on Loop 181 from County Road 130 to River Bend Parkway in Wilson County.
ATX Elgin Dev LLC	AUS	Travis	Design and construction of a right turn lane and a left turn lane along FM 1100 to accommodate a residential development in Elgin.
Black Eye Properties LLC	HOU	Montgomery	Design and construction of a traffic signal from eastbound FM 2432 into the Express Mart #21 in Willis.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Boomerang Interests, LLC	SAT	Comal	Design and construction of road widening to create a two-way left turn lane on FM 2252 approximately 0.38 miles north I-35 and approximately 0.17 miles north of FM 482 in Schertz.
Burton Truck Stop LLC	BRY	Walker	Design and construction of a left turn bay extension on FM 290 adjacent to the donor's property located in Huntsville.
Compass Rose Education, Inc.	SAT	Bexar	Design and construction for installation of right deceleration lane on I-10 located approximately at the intersection of I-10 and First Park Ten Boulevard in San Antonio.
Continental Homes Texas, L.P.	SAT	Bexar	Design and construction for of installation of roadway drainage, signing and pavement marking, and traffic signal improvements at US 90 and Stonehill Arterial in San Antonio.
Core5 Industrial Partners LLC	SAT	Bexar	Design and construction of pavement widening, right turn deceleration lane, and acceleration at the intersection of Loop 1604 and the proposed Viewpoint Ridge Road approximately 3,500 feet north of I-10 in San Antonio.
Double L Development, LLC	AUS	Hays	Design and construction of a center turn lane on RM 12 in Dripping Springs.
D-W North Tract, LLC	HOU	Fort Bend	Design construction of a deceleration lane from eastbound FM 1093 into the District West development in Richmond.
Engineers' Society of Western Pennsylvania	BRG	N/A	Registration fees for 10 TxDOT employees to attend the International Bridge Conference in San Antonio, Texas on June 3-5, 2024.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
F3 Lockhart Owner LLC	AUS	Caldwell	Design and construction of 3 deceleration lanes on FM 2001 0.23 miles north of SH130 and on FM 2001, 1.20 miles west from CR 235 in Lockhart.
Hill Country Real Estate - San Marcos, LLC	AUS	Hays	Design and construction of roadway improvements to RM 12 that will serve Dark Monday in San Marcos.
J.D. Heiskell Holdings, LLC	AMA	Sherman	Design and construction of a new 12 foot wide deceleration/acceleration lane on northbound US 287 at County Road R in Sherman County.
JDS Nursery Tract South LLC	HOU	Fort Bend	Design and construction of a left turn lane from southbound FM 359 and a right turn lane from northbound FM 359 into the Candela South development in Fort Bend County.
KB HOME Lone Star Inc.	SAT	Bexar	Design and construction of modifications to the existing traffic signal at SH 211 and Lambda Drive in Bexar County.
Odessa Development Corporation	ODA	Ector	Funds towards the state's cost of improvements of constructing a new interchange at the intersection of 56/52nd and Loop 338 in Odessa.
Odessa Development Corporation	ODA	Ector	Funds towards the state's cost of improvements of constructing a new interchange at the intersection of BI-20 and Faudree Road in Odessa.
Outback Services, Inc.	AUS	Burnet	Design and construction of two right hand turn lanes on US 281 in Burnet.
PrimaVesta Land Company LLC	AUS	Bastrop	Design and construction of roadway improvements on FM 1100, Wilderness Trail in Elgin.
South Hub Austin Industrial, LLC	AUS	Travis	Design and construction of roadway improvements to FM 812 that will serve South Hub Industrial Park in Travis County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Teague Seniors, Ltd	BRY	Freestone	Design and construction of a two-way left turn lane including the associated widening and striping on US 84 adjacent to the donor's property located in Teague.
Thomas Winters	AMA	Hamilton	Design and construction of roadway improvements on US 281 and US 84 to support the development of a new truck stop in Evant.
Timber Pointe, Ltd.	HOU	Montgomery	Design and construction of a traffic signal and deceleration lane from westbound and eastbound FM 2854 into the Timber Pointe development in Conroe.
Waterstone Opportunity Fund, LLC	BRY	Walker	Design and construction of a two-way left turn lane including the associated widening and striping on FM 1791 adjacent to the donor's property located in Huntsville.
Waverly Manors at High Meadow Development LLC	BRY	Walker	Design and construction of left turn lanes including the addition of culverts, regrading, and vegetation of roadside ditches, striping and signage on SH 150 adjacent to the donor's property located in Walker County.
Cunningham Orthodontics, P.C.	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Ownwell, Inc	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Republic Services, Inc.	DAL	Denton	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Maverick Driving Academy, LLC	FTW	Tarrant	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>
Patterson Law Group	FTW	Tarrant	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.
James Mears Motors, Inc.	LBB	Lubbock	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.
Total Primary Care	SAT	Bexar	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Collin County - SH 5 - Consider an easement release to the underlying fee owner (MO)

116688
ROW

In the city of McKinney, Collin County, on SH 5, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 452, at Page 194, of the Deed Records of Collin 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.

McKinney Hwy 5 Residential, L.P., a Delaware limited partnership, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$11,400.00.

The commission finds \$11,400.00 to be a fair and reasonable value of the state’s right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state’s right, title, and interest in the easement interest to McKinney Hwy 5 Residential, L.P., a Delaware limited partnership for \$11,400.00.

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

(2) Harris County - FM 521 - Consider the sale of right of way to an abutting landowner (MO)

116689
ROW

Near the city of Houston, Harris County, on FM 521, the State of Texas acquired certain land for highway purposes by instruments recorded in File Nos. H688056, H522352, H522353, H776122, H452926, H490087, H603916, H565921, H606093, H526456, and H522351, of the Official Public Records of Real Property of Harris 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.

Houston, We Have A Solution, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$430,000.00.

The commission finds \$430,000.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Houston, We Have A Solution, LLC, a Texas limited liability company, for \$430,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Harris County - US 290 - Consider the exchange of right of way as part of a transaction to acquire real property needed for a state highway purpose (MO)

116690
ROW

Near the unincorporated community of Cypress, Harris County, on US 290, the state of Texas acquired certain land by an instrument recorded in Volume 5370, at Page 30, of the Deed Records of Harris 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 land, described in exhibit A, (tract) is no longer needed for a state highway purpose. The value of the tract is \$2,705,076.

The land needed for a state highway purpose, described in exhibit B, (parcel) is to be conveyed to the state by Giro Realty, Inc., a Texas corporation, and Giro Realty Investments, Ltd., a Texas limited partnership. The value of the parcel is \$3,115,080.

Giro Realty, Inc., a Texas corporation, and Giro Realty Investments, Ltd., a Texas limited partnership, are the owners of the parcel and have requested that the tract be conveyed to Giro Realty, Inc., a Texas corporation, in exchange for the parcel. The state of Texas will pay the \$410,004 difference in value between the tract and the parcel, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state convey the tract to Giro Realty, Inc., a Texas corporation, as partial consideration for the parcel.

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 the state's right, title, and interest in the tract to Giro Realty, Inc., a Texas corporation, in exchange and as partial consideration for the parcel; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Harris County - US 290 - Consider the exchange of drainage channel easements as part of a transaction to acquire a drainage channel easement needed for a state highway purpose (MO)

116691
ROW

In the city of Waller, Harris County, on US 290, the State of Texas acquired easement interests in certain lands by instruments recorded in File Nos. R129489, R159523, and S933762, of the Official Public Records of Real Property of Harris 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 easements encumbering a portion of the land, described in exhibit A, (tract) are no longer needed for a state highway purpose. The value of the easements is \$269,985.

A drainage channel easement needed for a state highway purpose, encumbering the land described in exhibit B, (parcel) is to be conveyed to the state by Sealy Great 290, L.L.C., a Georgia limited liability company. The value of the easement encumbering the parcel and its associated improvements is \$388,895.

Sealy Great 290, L.L.C. is the owner of the fee interest in the tract and has requested that the easement encumbering the tract be released to it in exchange for an easement encumbering the parcel, and Sealy Great 290, L.L.C. will donate the \$118,910 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 Sealy Great 290, L.L.C. as partial consideration for the improved easement encumbering the parcel and accept the donation of \$118,910 value difference from Sealy Great 290, L.L.C.

IT IS THEREFORE ORDERED by the commission that the easement interests encumbering the tract, described in exhibit A, 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 easement interests to Sealy Great 290, L.L.C., a Georgia limited liability company, 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.

(5) Wharton County - US 59 - Consider the sale of right of way to an abutting landowner (MO)

116692
ROW

In the city of El Campo, Wharton County, on US 59, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 388, at Page 373, of the Deed Records of Wharton 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.

Premier Executive Partners, LP, a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$165,000.00.

The commission finds \$165,000.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to Premier Executive Partners, LP, a Texas limited partnership, for \$165,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Letting Allocation Status Report - Quarterly status report on the Fiscal Year 2024-25 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 Fiscal Year 2024 State Highway Fund 6 cash status (Report)

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

d. Consultation and Review - Department of Motor Vehicles, Chapter 219

Consultation on Department of Motor Vehicles rule amendments regarding overweight/oversize vehicles (MO)

116693
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 February 28, 2024. The proposed rule amendments were published in the *Texas Register* on February 23, 2024.

To comply with the statutory requirements, the board consulted with the commission on the amendments to 43 TAC §§219.41, 219.42, 219.43, 219.44, 219.45, 219.60, 219.61, 291.62, 291.63, and 219.64. 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.

e. Land Acquisitions for Facilities

Various Counties - Consider the grant of authority to the department to acquire real property for facilities (MO)

116694
SSD

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

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

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

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

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

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

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to close the acquisition of the properties and execute any related closing documents, to expend funds for the applicable purchase prices, surveys, due diligence, title insurance, and any other necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the properties, consistent with the provisions of this minute order.

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

f. Speed Zones

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

116695
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.

The commission recessed for break at 11:18 a.m. and reconvened from break at 11:27 a.m.

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 El Paso County Commissioner Precinct 2 David Stout, Greater El Paso Association of Realtors Governmental Affairs Director Ernesto Garcia, Boarder Trucking Compliance Group Director Alexis Reza, Farm & City Executive Director Jay Blazek Crossley, Leslie Vasquez, Miriam Schoenfield, Kelsey Huse, Ian Johnson, John Nicks, Rethink Board Chair Adam Greenfield, Alessandra Vennema, Liz Nguyen, Natalie Moreno, and StopTxDOTI45 Organizer Stephanie Valdez on TxDOT projects; Camino Real Regional Mobility Authority

Director of Finance Robert Studor thanked the commission for their approval of the SIB loan for the Village of Vinton; and El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo gave updates on the El Paso Mobility program. The commission received no further comments.

ITEM 11. 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.

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 12:01 p.m.

APPROVED by the Texas Transportation Commission on May 23, 2024:

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 April 25, 2024, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation