

These are the minutes of the regular meeting of the Texas Transportation Commission held on August 22, 2024, in Austin, Texas. The meeting was called to order at 1:05 p.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
 Emily Clisby, Commission Policy Analyst

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 3:41 p.m. on August 14, 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 Landgraf on the UTP and LAR.

ITEM 3. Consider the approval of the Minutes of the July 30, 2024, regular meeting of the Texas Transportation Commission

Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the minutes of the July 30, 2024, regular meeting by a vote of 5-0.

ITEM 4. Acknowledgment of Service

Recognize by resolution Yoakum District Engineer Martin C. Horst for over 38years of service to the department.

This resolution was presented by Chief Engineer Lance Simmons. Mr. Horst thanked the commission and department for the opportunities that he had at TxDOT. The commissioners thanked Mr. Horst 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 New made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5-0.

116749
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 August 1 and 2, 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 Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5-0.

116750
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 August 1 and 2, 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.

ITEM 6. Legislative Appropriations Request

Consider the adoption of the Texas Department of Transportation's Fiscal Year 2026-2027 Legislative Appropriations Request (Presentation) (MO)

This item was presented by Financial Management Division Director Amanda Landry. The commission heard comments from Representative Jill Dutton, Texas Ports Association Executive Director and CEO Glenna Bruun, and Kirby Corporation Vice President Matt Woodruff. 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.

116751
FIN

The Government Code provides the statutory basis for each agency to submit a biennial request for legislative appropriations. The funds shown in exhibit A are necessary to effectively accomplish the mission, goals, objectives, and strategies of the Texas Department of Transportation's (department) strategic planning and budget structure previously approved by the Office of the Governor, Division of Budget and Policy and the Legislative Budget Board. The Texas Transportation Commission (commission) supports the mission, goals, objectives, strategies, and funding requirements contained in exhibit A.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to submit a Legislative Appropriations Request to the Office of the Governor, Budget Division, and the Legislative Budget Board in accordance with all prescribed guidelines in the amounts outlined in exhibit A for Fiscal Year 2026 and Fiscal Year 2027.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make adjustments to the requested levels as may be necessary in operations of the department.

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

ITEM 7. Unified Transportation Program

Consider the approval of the 2025 Unified Transportation Program (Presentation) (MO)

This item was presented by Transportation Planning & Programming Division Director Humberto Gonzalez, Jr. The commission heard comments from Collin County Commissioner Precinct 4 Duncan Webb, North Central Texas Council of Governments Director of Transportation Michael Morris, city of Midland Assistant City Manager José Ortiz, Laredo and Webb County Area Metropolitan Planning Organization Director Juan Mendive, city of Laredo Council Member Melissa Cigarroa, Nathaniel Fagelson, Defenders of Wildlife Senior Texas Representative Sharon Wilcox, El Paso Downtown Management District Board Member Nadia Baem, El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo. 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.

116752
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects.

Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a public hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions. The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects, which include guidance regarding public involvement related to the project selection process and the development of the UTP. These rules also require the commission to review both the transportation allocation funding formulas and criteria for allocation of funds at least as frequently as every four years and adopt the UTP not later than August 31 of each year.

The commission has reviewed the formulas and criteria set out in the rules and determined that both continue to be appropriate. The department conducted a statewide virtual public meeting on July 2, 2024, and a statewide virtual public hearing on July 31, 2024, to receive comments and testimony concerning the development of the 2025 UTP and the project selection process.

The 2025 UTP, which is attached as exhibit A, authorizes funding for each of the twelve funding categories established by the rules and outlines the various project selection methods. The 2025 UTP lists the connectivity and new capacity roadway projects that the department intends to develop and potentially let during the 10-year period and references for each listed project the funding category to which it is assigned. The funds and projects listed for aviation, public transportation, rail, and state waterways and coastal waters are authorized by separate minute orders and this UTP does not supersede those prior actions.

IT IS THEREFORE ORDERED by the commission that the 2025 UTP, including the project selection process, as shown in exhibit A, is hereby approved and supersedes the previously approved 2024 UTP for Fiscal Years 2025-2034.

IT IS FURTHER ORDERED that the executive director is hereby authorized to develop the projects funded in the UTP to the appropriate level of authority, to include any necessary agreements, right of way acquisitions, utility adjustments, and relocation assistance, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property.

IT IS FURTHER ORDERED that pursuant to Transportation Code, §222.052, the commission may accept financial contributions from political subdivisions of the state for development of projects in the 2025 UTP.

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

The commission recessed for break at 3:02 p.m. and reconvened the meeting at 3:13 p.m.

ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

a. Rules Proposal

Chapter 15 - Financing and Construction of Transportation Projects - Amendments to §15.188 concerning the County Transportation Infrastructure Fund Grant Program (MO)

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

116753
TPD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §15.188 relating to Application Procedure to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as exhibits A 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 §15.188 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

a. Rules Adoption

(1) Chapter 27 - Toll Projects - Amendments to §27.80 (Definitions), §27.81 (Free Use of Turnpike Project by Military Vehicles), and §27.82 (Toll Operations) and repeal of §27.86 (Veteran Discount Program) (MO)

This item was presented by Project Finance & Debt Section Director Jennifer Wright. Commissioner Vaughn made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5-0.

116754
PFD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§27.80-27.82 and the repeal of §27.86 to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§27.80-27.82 and the repeal of §27.86 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 28 - Oversize and Overweight Vehicles and Loads - Amendments to §28.102 (Authority's Powers and Duties) (MO)

This item was presented by Engineering and Safety Operations Director Jessica Butler. 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.

116755
MNT

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §28.102, Authority's Powers and Duties, 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 §28.102, 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 9. Aviation**a. Aviation Capital Improvement Program - Consider the approval of the Aviation Capital Improvement Program (MO)**

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

116756
AVN

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

In July 2024, the draft Fiscal Year 2025-Fiscal Year 2027 Aviation CIP was submitted to the sponsors of airports included in the Texas airport system for review. Comments received have been evaluated and, when appropriate, have been addressed in the CIP. The Texas Aviation Advisory Committee recommended approval of the Fiscal Year Fiscal Year 2025-Fiscal Year 2027 CIP at its July 2024 meeting.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the Fiscal Year 2025-Fiscal Year 2027 Aviation Capital Improvement Program, as shown in exhibit A, is hereby adopted, and the executive director is authorized to proceed with the development of the airport facilities included in the program.

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

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

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

116757
AVN

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

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

Due to the success of this program, the department requests continuation of the program by providing funds for airport maintenance and small capital improvements on a 90-10 basis up to a maximum of \$100,000 in state funds for Fiscal Year 2025.

A public hearing regarding the funding of RAMP was held on July 29, 2024, and no comments were received.

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

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

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

This item was presented by Aviation Division Director Dan Harmon. The commission heard comments from Maverick County Judge Ramsey Cantú and Maverick County Commissioner Precinct 3 Olga Ramos. 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.

116758
AVN

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

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

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

On July 29, 2024, 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 10. State Infrastructure Bank

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

This item was presented by Project Finance, Debt & Strategic Contracts Section Director Patrick Marotta. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5-0.

116759
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 town of Addison 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.

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 city of Valley View project listed in exhibit A is not in a Clean Air non-attainment area;
3. the town of Addison and city of Cleveland projects listed in exhibit A are in Clean Air Act non-attainment areas and are 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;
4. the projects listed in exhibit A will improve the efficiency of the state's transportation systems;
5. the projects listed in exhibit A will expand the availability of funding for transportation projects or reduce direct state costs;
6. the applications submitted show that the applicants listed in exhibit A are likely to have sufficient revenues to assure repayment of the financial assistance;
7. 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
8. 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.

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 11. Ship Channel Improvement Revolving Fund

Jefferson County - Sabine-Neches Navigation District - Consider approval of a request from Sabine-Neches Navigation District for a Ship Channel Improvement Revolving Fund loan in the amount of up to \$357,000,000 to provide revenue or security for its local share of qualified costs necessary to widen or deepen the Sabine Neches Waterway in Jefferson County, Texas (MO)

This item was presented by Maritime Planning and Development Section Director Travis Milner. The commission heard comments from Texas Ports Association Executive Director and CEO Glenna Bruun. Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5-0.

116760
MRD

Sabine-Neches Navigation District (District) has submitted an application for financial assistance in the form of a loan of up to \$357,000,000 from the Ship Channel Improvement Revolving Fund (SCIRF) under Transportation Code, Chapter 56 and Title 43, Texas Administrative Code (TAC), Chapter 15 (Financing and Construction of Transportation Projects), Subchapter P (SCIRF Rules). The application satisfies all requirements of the SCIRF 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 SCIRF. The district intends to use the financial assistance to provide revenue or security for its local share of qualified costs necessary to widen or deepen the Sabine Neches Waterway in Jefferson County, Texas (project).

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

The district has proposed a pledge of User Fee revenues as a security for repayment of the SCIRF loan.

The executive director or his designee implemented actions authorized and required by the SCIRF Rules for application approval. The executive director recommends that the commission grant approval of the application listed in exhibit A for financial assistance from the SCIRF up to the amount listed for the project.

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

1. the project will deepen or widen a ship channel;
2. the ship channel is authorized by the United States Congress; and
3. the district is likely to have sufficient revenues to assure repayment of the SCIRF loan.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the district for financial assistance in the form of a loan from the SCIRF meets the applicable requirements of the SCIRF Rules and, in accordance with those provisions, the commission grants approval of the district's application for a SCIRF loan under the terms attached hereto as exhibit A in an amount not to exceed \$357,000,000 in order for the district to provide revenue or security for its local share of qualified costs necessary for the project.

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 district which complies with the SCIRF Rules and which contains the terms attached hereto as exhibit A.

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

ITEM 12. Advanced Acquisition by Purchase of Right of Way
Comal County - Consider authorizing the negotiation and advance acquisition by purchase of right of way for possible use in, or in connection with, a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property or environmental clearance has been issued for the transportation facility by the appropriate federal or state authority (MO)

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

116761
ROW

In Comal County a project has been proposed to convert a section of US 281, a non-freeway to a freeway section from Bexar/Comal County Line to SH 46, a distance of approximately 6.7 miles (CSJ 0253-03-076).

Transportation Code, §201.103 requires the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads. Transportation Code, §§203.051 and 203.052 authorize the commission to acquire an interest in real property that the commission determines is necessary or convenient to a state highway project, including property necessary or convenient to protect a state highway project or to accomplish any other purpose related to the project location, construction, improvement, maintenance, beautification, preservation, or operation.

Transportation Code, §202.112 authorizes the commission to acquire real property or an interest in real property for possible use in, or in connection with, a transportation facility before a final decision has been made as to whether the transportation facility will be located on that property or environmental clearance has been issued for the transportation facility by the appropriate federal or state authority.

The commission finds and determines that the acquisition of property along US 281, from Bexar/Comal County Line to SH 46 in Comal County, is necessary or convenient for possible use in, or in connection with, a transportation facility to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved).

The commission is prohibited from using the authority provided by §202.112 to acquire property by condemnation.

IT IS THEREFORE ORDERED by the commission that the Texas Department of Transportation (department) is authorized to negotiate the purchase of fee simple title or such lesser property interests and to expend funds for surveys, title examinations, appraisals, purchase, relocation assistance, and other expenses reasonably necessary for the acquisition of those properties, subject to the policies of the department and all applicable federal and state laws governing the acquisition of real property for the US 281 project.

ITEM 13. 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 recused himself from voting on this item. Commissioner Meade 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 New, and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, and Commissioner Meade (a vote of 4-0).

116762
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-PP. 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 1-216 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Brazoria	SH 332	25	1524-01-058	118
Brazoria	SH 332	88	1524-01-058	121
Brazoria	SH 332	172	1524-01-058	203
Brazoria	SH 332	147	1524-01-058	211
Brazoria	SH 332	148	1524-01-058	216

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Brazoria	SH 332	171	1524-01-058	218
Brazoria	SH 332	34	1524-01-058	100
Brazoria	SH 332	30	1524-01-058	111
Brazoria	SH 332	35	1524-01-058	201
Brazoria	SH 332	36	1524-01-058	208
Brazoria	SH 332	29	1524-01-058	209
Brazoria	SH 332	38	1524-01-058	219
Brazoria	SH 332	39	1524-01-058	220
Brazos	SH 6	65	0049-12-138	P00061252
Brazos	SH 6	80	0049-12-138	P00061253
Brazos	SH 6	86	0049-12-138	P00061263
Brazos	SH 6	87	0049-12-138	P00061264
Brazos	SH 6	67	0049-12-138	P00061270
Brazos	SH 6	26	0050-02-120	P00061284
Brazos	SH 6	64	0050-02-120	P00061285
Cameron	FM 508	105	0342-04-039	P00080587.001
Cameron	FM 508	106	0342-04-039	P00080588.001
Cameron	FM 508	107	0342-04-039	P00080589.001
Collin	US 380	153	0047-10-004	P00069747
Fort Bend	SH 36	169	0188-01-037	P00073805.001
Fort Bend	SH 36	155	0188-01-037	P00073807.001
Fort Bend	SH 36	168	0188-01-037	P00073809.001
Fort Bend	SH 36	154	0188-01-037	P00073810.001
Fort Bend	SH 36	167	0188-01-037	P00073812.001
Fort Bend	SH 36	166	0188-01-037	P00073814.001
Fort Bend	SH 36	164	0188-01-037	P00073816.001
Fort Bend	SH 36	163	0188-01-037	P00073817.001
Fort Bend	SH 36	161	0188-01-037	P00073819.001
Fort Bend	SH 36	160	0188-01-037	P00073821.001
Fort Bend	SH 36	159	0188-01-037	P00073825.001
Fort Bend	SH 36	157	0188-01-037	P00073851.001
Fort Bend	SH 36	156	0188-01-037	P00073852.001
Fort Bend	SH 36	165	0188-01-037	P00073815.001
Fort Bend	SH 36	162	0188-01-037	P00073818.001
Fort Bend	SH 36	158	0188-01-037	P00073849.001
Galveston	FM 646	28	0978-02-073	403
Galveston	FM 646	185	0978-02-073	407
Galveston	FM 646	186	0978-02-073	414
Galveston	FM 646	184	0978-02-073	420
Galveston	FM 517	63	1002-02-022	141
Galveston	FM 517	61	1002-02-022	144
Galveston	FM 517	62	1002-02-022	158B
Galveston	FM 517	60	1002-02-022	159

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Galveston	FM 517	59	1002-02-022	161
Galveston	FM 517	58	1002-02-022	162
Galveston	FM 517	56	1002-02-022	163
Galveston	FM 517	57	1002-02-022	170
Galveston	FM 517	55	1002-02-022	180
Galveston	FM 517	54	1002-02-022	192
Galveston	FM 517	53	1002-02-022	193
Galveston	FM 517	52	1002-02-022	194
Galveston	FM 517	51	1002-02-022	195
Galveston	FM 517	50	1002-02-022	196
Galveston	FM 517	49	1002-02-022	202
Harris	SH 6	8	1685-05-136	2
Harris	SH 6	20	1685-05-136	3
Harris	SH 6	1	1685-05-136	P00065206
Harris	SH 6	7	1685-05-136	P00065207
Harris	SH 6	2	1685-05-136	P00065208
Harris	SH 6	9	1685-05-136	P00065209
Harris	SH 6	17	1685-05-136	P00065211.001-.002
Harris	SH 6	10	1685-05-136	P00065213
Harris	SH 6	18	1685-05-136	P00065214.001-.002
Harris	SH 6	14	1685-05-136	P00065215
Harris	SH 6	27	1685-05-136	P00065216
Harris	SH 6	11	1685-05-136	P00065217
Harris	SH 6	13	1685-05-136	P00065218
Harris	SH 6	12	1685-05-136	P00065219.001-.002
Harris	SH 6	23	1685-05-136	P00065220
Harris	SH 6	3	1685-05-136	P00065221
Harris	SH 6	19	1685-05-136	P00065222
Harris	SH 6	15	1685-05-136	P00065223
Harris	SH 6	24	1685-05-136	P00065224
Harris	SH 6	16	1685-05-136	P00065225
Harris	SH 6	21	1685-05-136	P00065227
Harris	SH 6	22	1685-05-136	P00065228
Harris	SH 6	4	1685-05-136	P00065229
Harris	SH 6	5	1685-05-136	P00065230
Harris	SH 6	6	1685-05-136	P00065231
Hidalgo	FM 2220	194	2094-01-069	P00086245
Hidalgo	FM 2220	193	2094-01-069	P00086283
Hood	US 377	173	0080-03-056	P00075275.001
Hood	US 377	179	0080-03-056	P00075276.001
Hood	US 377	180	0080-03-056	P00075277.001
Hood	US 377	177	0080-03-056	P00075279.001
Hood	US 377	174	0080-03-056	P00075282.001

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Hood	US 377	183	0080-03-056	P00075284.001
Hood	US 377	182	0080-03-056	P00075285.001
Hood	US 377	181	0080-03-056	P00075286.001
Hood	US 377	175	0080-03-056	P00075287.001
Hood	US 377	176	0080-03-056	P00075288.001
Hood	US 377	178	0080-03-056	P00075289.001
Hood	US 377	104	0080-03-056	P00075634.001
Lavaca	US 90A	187	0445-02-070	P00081161
Lavaca	US 90A	188	0445-02-070	P00081162.001-.002
Lavaca	US 90A	189	0445-02-070	P00081163.001-.002
Lavaca	US 90A	190	0445-02-070	P00081164
Leon	US 79	37	0205-04-052	P00060994.001
Montgomery	SH 105	209	0338-02-043	P00063618.001
Montgomery	SH 105	202	0338-02-043	P00063627.001
Montgomery	SH 105	208	0338-02-043	P00063629.001-.002
Montgomery	SH 105	201	0338-02-043	P00063631.001
Montgomery	SH 105	192	0338-02-043	P00073120.001
Montgomery	SH 105	210	0338-02-043	P00073127.001
Montgomery	SH 105	203	0338-02-043	P00073128.001-.002
Montgomery	SH 105	206	0338-02-043	P00073129.001
Montgomery	SH 105	213	0338-02-043	P00073130.001
Montgomery	SH 105	204	0338-02-043	P00073131.001
Montgomery	SH 105	212	0338-02-043	P00073132.001
Montgomery	SH 105	205	0338-02-043	P00073133.001-.003
Montgomery	SH 105	207	0338-02-043	P00073134.001
Montgomery	SH 105	211	0338-02-043	P00073135.001
Montgomery	SH 105	216	0338-02-043	P00073136.001
Montgomery	SH 105	214	0338-02-043	P00073137.001
Montgomery	SH 105	215	0338-02-043	P00073139.001
Montgomery	SH 105	93	0338-02-043	P00063621.001
Montgomery	SH 105	98	0338-02-043	P00063622.001
Montgomery	SH 105	142	0338-02-043	P00063623.001
Montgomery	SH 105	96	0338-02-043	P00063624.001
Montgomery	SH 105	97	0338-02-043	P00063625.001
Montgomery	SH 105	73	0338-02-043	P00063636.001
Montgomery	SH 105	143	0338-02-043	P00063639.001
Montgomery	SH 105	48	0338-02-043	P00063640.001
Montgomery	SH 105	47	0338-02-043	P00063642.001
Montgomery	SH 105	46	0338-02-043	P00063646.001
Montgomery	SH 105	40	0338-02-043	P00063647.001
Montgomery	SH 105	72	0338-02-043	P00063649.001
Montgomery	SH 105	45	0338-02-043	P00063650.001
Montgomery	SH 105	41	0338-02-043	P00063651.001

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Montgomery	SH 105	42	0338-02-043	P00063652.001
Montgomery	SH 105	44	0338-02-043	P00063653.001
Montgomery	SH 105	43	0338-02-043	P00073107.001
Montgomery	SH 105	71	0338-02-043	P00073111.001
Montgomery	SH 105	94	0338-02-043	P00073112.001
Montgomery	SH 105	74	0338-02-043	P00073113.001
Montgomery	SH 105	95	0338-02-043	P00073115.001
Montgomery	SH 105	90	0338-02-043	P00073117.001
Montgomery	SH 105	91	0338-02-043	P00073118.001
Montgomery	SH 105	92	0338-02-043	P00073119.001
Montgomery	SH 105	151	0338-02-043	P00073121.001
Montgomery	SH 105	89	0338-02-043	P00073123.001-.002
Montgomery	SH 105	149	0338-02-043	P00073125.001
Montgomery	SH 105	150	0338-02-043	P00073126.001
Montgomery	SH 105	144	0338-02-043	P00080613.001
Smith	FM 2493	31	0191-03-088	P00070530.001
Smith	FM 2493	32	0191-03-088	P00070536.001
Smith	FM 2493	103	0191-03-088	P00070565.001-.002
Smith	FM 2493	70	0191-03-088	P00070570.001
Smith	FM 2493	145	0191-03-088	P00070581.001
Smith	FM 2493	68	0191-03-088	P00070592.001
Smith	FM 2493	126	0191-03-088	P00070597.001
Smith	FM 2493	195	0191-03-088	P00070603.001
Smith	FM 2493	69	0191-03-088	P00070611.001
Smith	FM 2493	125	0191-03-088	P00070645.001
Smith	FM 2493	191	0191-03-088	P00070647.001
Smith	SH 31	111	0424-01-059	P00066920.001
Smith	SH 31	112	0424-01-059	P00066931.001
Smith	SH 31	129	0424-01-059	P00066933.001
Smith	SH 31	108	0424-01-059	P00066940.001
Smith	SH 31	109	0424-01-059	P00066944.001
Smith	SH 31	130	0424-01-059	P00066945.001
Smith	SH 31	110	0424-01-059	P00066946.001
Smith	SH 31	131	0424-01-059	P00066949.001
Smith	SH 31	113	0424-01-059	P00066951.001
Smith	SH 31	118	0424-01-059	P00066975.001-.004
Smith	SH 31	119	0424-01-059	P00066980.001
Smith	SH 31	120	0424-01-059	P00066986.001
Smith	SH 31	114	0424-01-059	P00066990.001
Smith	SH 31	115	0424-01-059	P00066992.001
Smith	SH 31	121	0424-01-059	P00066993.001
Smith	SH 31	117	0424-01-059	P00067005.001
Smith	SH 31	116	0424-01-059	P00067015.001

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Smith	SH 31	128	0424-01-059	P00067018.001
Smith	SH 31	127	0424-01-059	P00067022.001
Smith	SH 31	122	0424-01-059	P00067024.001
Smith	SH 31	123	0424-01-059	P00067025.001
Smith	SH 31	124	0424-01-059	P00067026.001
Smith	SH 31	134	0424-01-059	P00067031.001
Smith	SH 31	137	0424-01-059	P00067033.001
Smith	SH 31	139	0424-01-059	P00067034.001
Smith	SH 31	140	0424-01-059	P00067044.001
Smith	SH 31	170	0424-01-060	P00067194.001
Smith	FM 756	66	0492-04-040	P00063747.001
Smith	FM 756	152	0492-04-040	P00063791.001-.002
Smith	FM 756	85	0492-04-040	P00063801.001
Smith	FM 756	84	0492-04-040	P00063802.001
Smith	FM 756	83	0492-04-040	P00063803.001
Smith	FM 756	82	0492-04-040	P00063804.001
Smith	FM 756	81	0492-04-040	P00063805.001
Smith	FM 756	146	0889-05-011	P00063881.001-.002
Travis	RM 620	33	0683-02-081	37
Travis	RM 620	101	0683-02-083	160
Travis	RM 620	100	0683-02-083	162
Travis	RM 620	99	0683-02-083	193
Travis	RM 620	102	0683-02-083	200
Victoria	FM 236	132	0842-03-041	P00071206.001
Victoria	FM 236	138	0842-03-041	P00071208.001
Victoria	FM 236	133	0842-03-041	P00071224.001
Victoria	FM 236	136	0842-03-041	P00071227.001
Victoria	FM 236	135	0842-03-041	P00071231.001
Victoria	FM 236	141	0842-03-041	P00071291.001
Zapata	US 83	75	0038-05-047	13
Zapata	US 83	76	0038-05-047	14
Zapata	US 83	77	0038-05-047	15
Zapata	US 83	78	0038-05-047	16
Zapata	US 83	79	0038-05-047	18
Zapata	US 83	200	0038-05-047	P00067701
Zapata	US 83	199	0038-05-047	P00067702
Zapata	US 83	198	0038-05-047	P00067703
Zapata	US 83	197	0038-05-047	P00067704
Zapata	US 83	196	0038-05-047	P00067705

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Denton	I-35W	T	0081-13-067	P00055463
Denton	I-35W	AA	0081-13-067	P00055467
Denton	I-35W	BB	0081-13-067	P00055468
Ector	I-20	N	0005-13-066	P00056508.001
Ector	I-20	J	0005-13-066	P00056510.001
Ector	I-20	O	0005-13-066	P00056511.001
Ector	I-20	K	0005-13-066	P00056512.001
Ector	I-20	L	0005-13-066	P00056515.001
Ector	I-20	M	0005-13-066	P00056517.001
Ector	I-20	P	0005-13-066	P00056519.001
Ector	I-20	B	0005-13-066	P00056520.001
Ector	I-20	A	0005-13-066	P00056523.001
El Paso	SS 320	S	0665-02-007	2
El Paso	SS 320	R	0665-02-007	9
El Paso	SS 320	Q	0665-02-007	12
Galveston	I-45	Y	0500-01-148	106
Harris	I-45	DD	0500-08-002	626
Harris	I-45	KK	0500-08-002	703
Hood	US 377	EE	0080-03-056	P00075274.001
Maverick	SL 480	U	0299-14-021	P00025988.001-.002
Tarrant	SH 121	V	0363-03-055	P00070239
Travis	I-35	GG	0015-13-434	P00064488
Travis	I-35	II	0015-13-434	P00064489
Travis	I-35	NN	0015-13-435	P00064602 TCE
Travis	I-35	FF	0015-13-444	P00071174
Travis	I-35	HH	0015-13-444	P00071176
Travis	I-35	LL	0015-13-444	P00071179
Travis	I-35	JJ	0015-13-444	P00071182
Travis	I-35	MM	0015-13-444	P00071185
Travis	I-35	OO	0015-13-434	P00064468
Travis	I-35	X	0015-13-434	P00064476
Travis	I-35	W	0015-13-434	P00064490
Travis	I-35	H	0015-13-444	P00071172
Travis	I-35	I	0015-13-444	P00071177
Travis	I-35	G	0015-13-444	P00071178
Travis	I-35	PP	0015-13-444	P00071183
Travis	I-35	Z	0015-13-444	P00071186
Travis	I-35	CC	0015-13-444	P00071187
Washington	US 290	C	0186-06-094	P00065019
Washington	US 290	D	0186-06-094	P00065035
Washington	US 290	F	0186-06-094	P00065060
Washington	US 290	E	0186-06-094	P00065062

Note: Exhibits A-PP and 1-216 are on file with the commission chief clerk.

ITEM 14. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute orders by a vote of 5-0.

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

116763
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>
916 Real Estate, LLC	WAC	Bell	Design and construction of a right turn lane into the two commercial lots on FM 2410 in Harker Heights.
Continental Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of traffic signal, pedestrian ADA ramps, and roadway widening improvements on FM 1103 at Knights Crossing in the Cibolo.
Jen Texas 26 LLC	SAT	Bexar Medina	Design and construction of left and right turn lanes on SH 211 located approximately 0.63 miles north of Tamaron Valley to 1.03 miles north of Tamaron Valley. Improvements also include pavement widening on Tamaron Valley and full depth reconstruction on Tamaron Valley located approximately 0.11 miles west of SH 211 to 0.03 miles east of SH 211 in San Antonio.
Maxwell Leased Housing Associates I, Limited Partnership	AUS	Caldwell	Design and construction of roadway improvements to FM 1966 that will serve the Sunset Oaks Multifamily Subdivision in Caldwell County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Pflugerville Community Development Corporation	AUS	Travis	Design and construction of a right turn lane and an acceleration lane on the Southbound frontage road of SH 130 in Pflugerville.
Precast/Prestressed Concrete Institute	BRG	N/A	Travel costs airfare, ground transportation, registration, lodging at the hotel, meals, and other directly-related expenses for Courtney Holle, P.E. Transportation Engineer Supervisor to attend the 2024 PCI Committee Days, September 23–26, 2024 in Nashville, TN.
Taylor Morrison of Texas, Inc.	AUS	Hays	Design and construction of pavement, drainage, and signal for new intersection of Village Grove Parkway at RM 12 in Dripping Springs.
Blaze School	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Kerbey Lane Cafe, Inc.	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Pool Lux, LLC	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Kerbey Lane Cafe, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Skyline Technology Solutions, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Kerbey Lane Cafe, Inc.	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Budd Van Lines, Inc.	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Loung Law Firm, PLLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Zebel Holdings, LLC DBA Ameritex Movers	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Ameritex Movers, Inc.	HOU	Harris	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.
Excargo Services, Inc	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
J & E Cleaning Services LLC dba Dust Buster Cleaning Services	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Diamondback E&P LLC	ODA	Midland	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) Anderson County - SH 294 - Consider the sale of right of way to an abutting landowner (MO)**116764
ROW

Near the city of Elkhart, Anderson County, on SH 294, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume E, at page 195, of the civil minutes of Anderson 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.

Jenny Mays Spear Cunningham is an abutting landowner and has requested to purchase the tract for \$8,450.00.

The commission finds \$8,450.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the tract to Jenny Mays Spear Cunningham for \$8,450.00; 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.

(2) Sherman County - US 287 - Consider an easement release to the underlying fee owner (MO)116765
ROW

Near the city of Stratford, Sherman County, on US 287, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 54, at page 49, of the Deed Records of Sherman 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.

J.D. Heiskell Holdings, LLC, a California limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$3,870.00.

The commission finds \$3,870.00 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 J.D. Heiskell Holdings, LLC, a California limited liability company, for \$3,870.00.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Quarterly Investment Report

Quarterly Investment Report for all of the funds invested at the direction of the Texas Transportation Commission (Report)

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

d. Finance

(1) Grimes and Montgomery Counties

Consider the approval of the SH 249 System annual budget of revenues, operating and maintenance expenses, major maintenance expenditures, and capital expenditures (MO)

116766
PFD

Transportation Code, Chapter 228 and other applicable law authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, bond anticipation notes, and other obligations to finance turnpike projects on the state highway system, and to enter into trust agreements securing the obligations and indentures of trust governing matters related to the issuance of such obligations.

The commission issued revenue bonds and other obligations to finance a portion of the costs of the SH 249 System (system), comprised of Segment 1 of the SH 249 extension, which is approximately 15 miles of four new toll lanes from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Grimes County near Todd Mission, as an all-electronic, open road toll facility.

Pursuant to Minute Order 115393, dated December 13, 2018, the commission issued toll revenue obligations (obligations) to finance a portion of the costs of the system, pursuant to a master trust agreement and first supplemental agreement (indenture) which prescribe the terms, provisions and covenants related to the issuance of the obligations.

Pursuant to Section 505 of the indenture, the commission has covenanted that on or before the end of each fiscal year (or such other date as is consistent with the commission's policies then in effect), it will adopt an annual budget for the

system. The annual budget includes revenues, operating and maintenance expenses, major maintenance expenditures, and capital expenditures for the system. The annual budget has been completed and is attached as exhibit A. In accordance with the indenture the annual budget was provided to the general engineering consultant for review and comment prior to adoption by the commission.

IT IS THEREFORE ORDERED by the commission that the annual budget for the SH 249 System for Fiscal Year 2025 attached hereto as exhibit A is adopted.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

(2) Dallas and Denton Counties

Consider the approval of the I-35E Managed Lanes Project annual budget of revenues, operating and maintenance expenses, and capital expenditures (MO)

116767
PFD

Transportation Code, Chapter 228 and other applicable law, including Government Code, Chapter 1371, authorizes the Texas Transportation Commission (commission) to issue toll revenue bonds, notes, and other obligations to finance toll projects or systems on the state highway system, and to enter into trust agreements governing matters relating to the issuance of such obligations.

In Minute Order 113350 dated November 15, 2012, the commission designated the I-35E Managed Lanes Project (project), from I-635 to US 380 in Dallas and Denton counties, including all managed lane connections, as a toll project on the state highway system.

Pursuant to Minute Order 114424 dated November 19, 2015 and the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA), the commission entered into a TIFIA Loan Agreement, dated November 3, 2016, with the United States Department of Transportation, for a loan in the amount of \$285,000,000 to pay a portion of the eligible project costs of the project (Loan Agreement), and executed a Trust Agreement dated November 1, 2016 securing the I-35E Managed Lanes Project Toll Revenue Obligations (Trust Agreement) and a First Supplemental Agreement dated November 1, 2016 securing the Loan Agreement and the Texas Transportation Commission Toll Revenue Converting Tier Note (I-35E Managed Lanes Project), Series 2016.

Pursuant to Section 505 of the Trust Agreement, the commission has covenanted that, on or before the 30th day prior to the end of each fiscal year, it will direct the Texas Department of Transportation (department) to prepare a preliminary budget for the ensuing fiscal year, and that, on or before the business day preceding the first day of each fiscal year, it will adopt an annual budget of revenues, operating and maintenance expenses, and capital expenditures for the project and deliver copies of the budget to the trustee and the general engineering consultant.

The department has completed the budget, which is attached as exhibit A. In accordance with Section 505 of the Trust Agreement, the preliminary budget was

provided to the Trustee and general engineering consultant prior to consideration by the commission.

IT IS THEREFORE ORDERED by the commission that the commission adopts the annual budget for the I-35E Managed Lanes Project for fiscal year 2025 attached hereto as exhibit A.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the Trust Agreement as may be necessary in the operation of the project.

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

(3) Travis and Williamson Counties

Consider the approval of the Central Texas Turnpike System annual operating, maintenance, and capital budgets (MO)

116768
PFD

Transportation Code Section 228.051 provides that the Texas Transportation Commission (commission) by order may designate one or more lanes of a segment of the state highway system as a toll project or system.

By Minute Order 108873, dated April 25, 2002, SH 130 was designated as a toll project and a controlled access state highway from I-35 north of Georgetown to the intersection of US 183 and SH 130 at SH 45 Southeast (SH 130) as part of the Central Texas Turnpike System (system).

By Minute Order 108896, dated May 30, 2002, SH 45 N was designated as a toll project and a controlled access state highway from west of US 183 to SH 130/SH 45 North interchange (SH 45 N) as part of the system.

By Minute Order 108896, dated May 30, 2002, Loop 1 was designated as a toll project and a controlled access state highway from the existing Loop 1 and FM 734 (Parmer Lane) to the Loop 1/SH 45 North interchange (Loop 1) as part of the system.

By Minute Order 109729 dated July 29, 2004, SH 45 Southeast was designated as a toll project and a controlled access state highway from I-35 at FM 1327 South of Austin to the SH 130/US 182 interchange (SH 45 SE) and by Minute Order 113243 dated August 30, 2012, SH 45 SE was designated as part of the system.

The commission has outstanding system toll revenue bonds issued to finance or refinance a portion of the costs of the system, pursuant to an Indenture of Trust dated as of July 15, 2002 (master indenture) and supplemental indentures (together, the "indenture"). Any terms not otherwise defined in this order have the meaning given in the indenture.

Pursuant to Section 702 of the master indenture, the commission has covenanted that on or before August 31 in each year, it will adopt an annual budget which includes operating expenses, maintenance expenses, and capital expenditures for the system and payments into the debt service funds, reserve funds and the rate stabilization fund for the then beginning fiscal year. The annual budget has been completed and is attached as exhibit A.

IT IS THEREFORE ORDERED by the commission that the annual budget for the Central Texas Turnpike System for Fiscal Year 2025 attached hereto as exhibit A is adopted.

IT IS FURTHER ORDERED that the executive director is hereby authorized to make necessary adjustments to spending levels in accordance with the indenture as may be necessary in the operation of the system.

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

(4) Debt Management Policy

Consider the approval of the Debt Management Policy for financing programs of the Texas Transportation Commission (MO)

116769
PFD

Pursuant to various provisions of Texas law, the Texas Transportation Commission (commission) is authorized to issue and incur obligations for transportation and other projects.

To ensure that all financings undertaken by the commission and/or the Texas Department of Transportation (department) are effected in accordance with the highest standards of industry, law, and government practice, and to confirm the intent of the commission and the department to adhere to sound financial management practices, the commission initially adopted a Debt Management Policy in Minute Order 110656 on August 24, 2006. The Debt Management Policy establishes parameters within which to administer the commission's financing programs, and such parameters focus on acceptable levels of risk, minimizing interest costs, optimizing future flexibility, and achieving and maintaining the best possible credit ratings. As required by the Debt Management Policy, the commission reviews the Debt Management Policy annually and has amended it as necessary. The Debt Management Policy attached hereto has been reviewed and presented to the commission for consideration.

IT IS THEREFORE ORDERED by the commission that the Debt Management Policy attached hereto is hereby approved.

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

(5) Investment Policy and Investment Strategies

Consider the annual review and approval of the investment policy and investment strategies applicable to all funds of the Texas Transportation Commission not otherwise required to be invested by the comptroller (MO)

116770
PFD

The Public Funds Investment Act (Government Code, Chapter 2256) authorizes the Texas Transportation Commission (commission) to purchase, sell, and invest its funds and funds under its control in investments that comply with the Public Funds Investment Act.

Government Code §2256.005 requires that the commission adopt a written investment policy regarding the investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds.

Government Code §2256.005(e) and Section 20.0 of the commission's investment policy require that the commission review the investment policy and investment strategies on an annual basis, and to approve by order any modifications to the investment policy and investment strategies. The investment policy and investment strategies that are attached include revisions to update them in accordance with legislative changes to the Public Funds Investment Act and other minor revisions.

IT IS THEREFORE ORDERED by the commission that the investment policy and investment strategies applicable to all funds of the commission and funds under the commission's control not otherwise required to be invested by the comptroller, attached, have been reviewed and are hereby approved in accordance with Government Code §2256.005(e) and Section 20.0 of the investment policy.

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

(6) Annual Budget

Consider the adoption of the Fiscal Year 2025 Texas Department of Transportation budget (MO)

116771
FIN

The General Appropriations Act of the 88th Legislature, Regular Session, has appropriated funds for the operations of the Texas Department of Transportation (department) for Fiscal Year 2025.

The funds appropriated are necessary to effectively operate the activities of the department in accordance with the guidelines set forth in the General Appropriations Act.

IT IS THEREFORE ORDERED by the Texas Transportation Commission that a cash operating budget of \$18,683,509,447 be authorized for the operations of the department for Fiscal Year 2025; and the executive director or designee is hereby ordered to administer this cash operating budget in the most feasible and economical manner within the guidelines prescribed by the 88th Legislature, Regular Session.

IT IS FURTHER ORDERED that the executive director or designee is hereby authorized to make necessary adjustments to spending levels in accordance with the General Appropriations Act or other legislation as may be necessary in the operations of the department.

e. Designation of Access Control

Denton County - SH 114, in the city of Fort Worth- Consider the designation of one location on the south side of SH 114 at which access will be permitted to the abutting property (MO)

116772
DES

In DENTON COUNTY, on State Highway 114 (SH 114), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes, as filed in Instrument #2012-79998 of the Deed Records of Denton County, Texas (D.R.D.C.T.), with denial of access to the abutting remainder property as described in the instrument.

Northwest Independent School District, the current owner of the abutting property, has requested designated access to and from the south side of SH 114 for proposed access at one location along the property line described in exhibit A.

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

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

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

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

IT IS HEREBY ORDERED by the commission that designates the new access point described in exhibit A as a location where egress is permitted to and from SH 114.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

f. Transportation Planning

(1) SH 121 - Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

116773
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in exhibit A. The RTC has also identified changes to the list of previously approved projects, which are shown in exhibit B. A summary of funds associated with the SH 121 work program is set forth in exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and

procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously approved projects as shown in exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

(2) **SH 161 - Various Counties** - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 161 Toll Project Agreement (MO)

116774
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (SH 161 payments).

Pursuant to Transportation Code, §228.012, the SH 161 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 161 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 161 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 161 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 161 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments and approved the placement of those projects in the work program. The RTC has identified changes to the list of previously approved projects, which are shown in exhibit A. A summary of funds associated with the SH 161 work program is set forth in exhibit B, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the changes to the list of previously approved projects shown in exhibit A.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the project for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 161 payments subaccounts will not themselves be funded from the SH 161 payments subaccounts. Funds from the SH 161 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

g. Speed Zones

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

116775

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.

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 North Central Texas Council of Governments Director of Transportation Michael Morris about advanced

funding agreements, safety projects, and SH 183 section 2E; Rene Ramirez spoke about HWY 83 expansion in Zapata County affecting his 200 year old historic ranch; city of Eagle Pass Community Development Director and Eagle Pass Metropolitan Planning Organization (MPO) Director Placido Madera spoke about the newly established Eagle Pass MPO and Loop 480; and Dewitt Greer Professor of Engineering Kara Kockel spoke about her work in transportation at UT at Austin 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 Meade motioned adjournment and Commissioner Alvis seconded the motion. The commission voted 5-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 3:52 p.m.

APPROVED by the Texas Transportation Commission on September 26, 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 August 22, 2024, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation