

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 17, 2024, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
Alvin New	Commissioner
Robert C. Vaughn	Commissioner
Alex Meade	Commissioner
Steven D. Alvis	Commissioner

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 2:17 p.m. on December 9, 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.

ITEM 3. Consider the approval of the Minutes of the November 14, 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 November 14, 2024, regular meeting by a vote of 5-0.

ITEM 4. Contracts

Consider the award or rejection of contracts for highway construction, including a protest of the rejection of a contract bid and the exclusion from eligibility to bid, and maintenance, and construction and rehabilitation of buildings (Presentation)

a. Highway Improvement and Other Transportation Facilities (MO)

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

116847
CST

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly opened and read on December 3 and 4, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

b Routine Maintenance (MO)

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

116848
MNT

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for maintenance of the State Highway System, which were publicly opened and read on December 3 and 4, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

116849
SSD

Pursuant to Transportation Code, Chapter 223, Subchapter A, and Title 43, Texas Administrative Code, Chapter 9, Subchapter B, the Texas Department of Transportation (department) solicited and received sealed competitive bid proposals for improvement of the State Highway System, which were publicly read on November 5, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

ITEM 5. Discussion Item

Artificial Intelligence Strategic Plan

Discussion regarding the development and publication of the Texas Department of Transportation's Artificial Intelligence (AI) Strategic Plan. Staff will provide a general overview of the AI strategic plan, covering the principles, governance and future use of AI for enhanced data-driven decision making (Presentation)

This discussion was led by Strategy and Innovation Director Darran Anderson. The commission asked questions and discussed the topic. The commission received no further comments.

ITEM 6. Design Build Contract

Brazoria and Galveston Counties - Consider authorizing the Texas Department of Transportation to issue a request for qualifications to design, construct, and maintain the SH 99 Grand Parkway Segment B-1 Design-Build Project. The SH 99 Grand Parkway Segment B-1 Design-Build Project consists of two tolled lanes in each direction along SH 99 from south of FM 2403 to FM 646, and non-tolled operational improvements along SH 99 and SH 35 in Brazoria and Galveston counties (Presentation) (MO)

This item was presented by Alternative Delivery Division Director Greg Snider. The commission heard comments from Farm and City Executive Director Jay Blazek Crossley. 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.

116850
ALD

Subchapter F, Chapter 223, Transportation Code prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

Transportation Code §§ 223.245-223.250 prescribe requirements for a design-build contract procurement. Pursuant to those provisions, the department must issue a request for qualifications that includes, among other things, the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received. The department is also required to publish a notice advertising the issuance of the request for qualifications in the *Texas Register* and on the department's website.

Planning and development of SH 99 (Grand Parkway), a proposed 180-mile circumferential highway traversing seven counties and serving the Houston area has been underway since the 1980s. During that time, the department and the counties in which the highway is proposed to be located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Harris County.

In accordance with the requirements of Transportation Code, §228.0111 and the policies included in Minute Order 111410, the department and the counties in which the Grand Parkway is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway as a toll project (Grand Parkway Project), agreed to waive the development of a market valuation of the Grand Parkway Project, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway Project. Per the agreement, each of the counties has the right to develop, construct, and operate the portion of the Grand Parkway Project located within the territory of the county unless such right is waived.

The department entered into a Toll Project Agreement with Galveston County, effective February 7, 2023, reflecting the waiver of primacy by Galveston County for

the portion of Segment B of the Grand Parkway Project located within Galveston County. In addition, the department entered into a Toll Project Agreement with Brazoria County effective February 7, 2023, which was amended effective February 26, 2024, reflecting the waiver of primacy by Brazoria County for the portion of Segment B of the Grand Parkway Project from the Brazoria/Galveston County line west to south of FM 2403 just south of Alvin. Both agreements together provide the department with the authority to develop, finance, refinance, construct, reconstruct, toll, maintain and/or operate the portion of Segment B from I-45 south to south of FM 2403 for a total distance of 14.2 miles (Segment B-1).

In Minute Order 116626, dated January 17, 2024, the Texas Transportation Commission (commission) designated Segment B-1 as a toll project on the state highway system.

There exists the potential for expedition of the development and completion of a portion of Segment B-1 in Brazoria and Galveston counties, through the use of a design-build agreement, and the employment of innovative methods for the development and financing of projects that are available with a design-build agreement. The SH 99 Grand Parkway Segment B-1 Design-Build Project is comprised of two tolled lanes in each direction along SH 99 from south of FM 2403 to FM 646, and certain non-tolled operational improvements along SH 99 and SH 35, including around the SH 35 / SH 99 interchange.

Development of Segment B-1 is a crucial element to responding to growing traffic congestion throughout the Houston metropolitan area. The planned improvements will increase safety and mobility, provide an emergency evacuation route, and provide increased capacity by creating a circumferential route that relieves traffic congestion and facilitates the efficient movement of people and goods within the developing communities of the Houston metro core. The project meets the requirements for design-build delivery.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue a request for qualifications to design, construct, and maintain the SH 99 Grand Parkway Segment B-1 Design-Build Project, and to publish in the *Texas Register* and on the department's website a notice advertising the issuance of the request for qualifications.

ITEM 7. 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 Meade, and the commission approved the following minute order by a vote of 5-0.

116851
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 city of Marshall 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 recommends that the commission grant final approval of the applications listed in exhibit A for financial assistance from the SIB up to the amount listed for each project, with approval of the application for EL Sauz Water Supply Corporation, as listed in exhibit A, being contingent on the execution of a standard utility agreement with the department.

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

1. the projects listed in exhibit A are consistent with the metropolitan transportation plan developed by the applicable metropolitan planning organization, if appropriate;
2. the projects listed in exhibit A will improve the efficiency of the state's transportation systems;
3. the projects listed in exhibit A will expand the availability of funding for transportation projects or reduce direct state costs;

4. the applications submitted show that the applicants listed in exhibit A are likely to have sufficient revenues to assure repayment of the financial assistance; and
5. 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.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that each application listed in exhibit A submitted for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the applications for SIB loans under the terms contained within exhibit A up to the amount listed for each project to pay for the eligible project costs necessary for the projects, with approval of the application for El Sauz Water Supply Corporation, as listed in exhibit A, being contingent on the execution of a standard utility agreement with the department prior to entering into a financial assistance agreement.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into financial assistance agreements for each of the attached SIB loan requests, which comply with the SIB Rules, and which contains the terms attached hereto as exhibit A.

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

ITEM 8. Aviation

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. 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.

116852
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 November 18, 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 9. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Rules Adoption

a Chapter 9 - Contract and Grant Management - Amendments to §9.152, General Rules for Design-Build Contracts, and §9.153, Solicitation of Proposals, concerning Design-Build Contracts (MO)

This item was presented by Alternative Delivery Division Director Greg Snider. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5-0.

116853
ALD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.152, relating to General Rules for Design-Build Contracts, and §9.153, relating to Solicitation of Proposals, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.152 and §9.153 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

b Chapter 9 - Contract and Grant Management - Amendments to §§9.2, 9.15, 9.17, 9.23, and 9.24 concerning contract claims and contracts for highway projects (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.

116854
CST

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §9.2, relating to Contract Claim Procedure and §9.15, §9.17, §9.23, and §9.24, relating to Contracts for Highway Projects to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §9.2, §9.15, §9.17, §9.23, and §9.24 are adopted and are authorized for filing with the Office of Secretary of State.

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

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

c Chapter 13 – Materials Quality - The repeal of §13.8 concerning testing asphalt (MO)

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

116855
MTD

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §13.8 relating to Testing Asphalt to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted repeal, 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 repeal of §13.8 is adopted and is authorized for filing with the Office of Secretary of State.

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

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

d Chapter 21 – Right of Way - Amendments to §21.25, Selection (Utility Adjustment, Relocation, or Removal) (MO)

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

116856
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §21.25, relating to State Participation in the Relocation of Certain Publicly Owned Utility Facilities 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 §21.25, are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 10. Real Estate Disposition

Travis County - US 183 - Authorize the Texas Department of Transportation to enter into a lease agreement with The Other Ones Foundation, Inc., a domestic nonprofit corporation, to lease land on US 183 (MO)

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

116857
ROW

In the city of Austin, Travis County, on US 183, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 871, at page 632, and in Volume 2270, at page 238, of the Deed Records of Travis County, Texas, and in Document No. 2024012020, of the Official Public Records of Travis County, Texas, including that certain real property described in the attached exhibits A and B (the property).

In an effort to mitigate some of the effects of the construction of I-35 in downtown Austin, the Texas Department of Transportation (the department) has allowed the property to be used for sheltering people who are experiencing homelessness. The department now desires to lease the property to The Other Ones Foundation, Inc., a domestic nonprofit corporation, for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

Transportation Code, Chapter 202, Subchapter C, authorizes the department to lease highway assets.

The Texas Transportation Commission (commission) finds that the property to be leased will not be needed for highway purposes during the period of the lease, and that the use of the property by The Other Ones Foundation, Inc. for the purpose of providing a shelter for persons experiencing homelessness in the Austin area will mitigate some of the effects of the construction of I-35 in downtown Austin and be consistent with the safety, maintenance, operation, and beautification of the state highway system. The commission also finds that the lease is in the public interest for social mitigation purposes, and, as such, will be economically beneficial to the department. In accordance with Transportation Code, §202.052 and Title 43, Texas Administrative Code, §21.603, the commission finds that the requirement to charge fair market value for the lease may be waived.

IT IS THEREFORE ORDERED by the commission that the staff of the department is authorized and directed to enter into negotiations and execute a lease agreement for all or a portion of the property with The Other Ones Foundation, Inc., a domestic nonprofit corporation, for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

IT IS ALSO ORDERED by the commission that the fair market value requirement is waived for the lease of all or a portion of the property for social mitigation purposes to The Other Ones Foundation, Inc., a domestic nonprofit corporation, for the purpose of providing a shelter for persons experiencing homelessness in the Austin area.

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

ITEM 11. Eminent Domain Proceedings

Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (MO)

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Alvis made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Meade, and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, Commissioner Meade, and Commissioner Alvis (a vote of 5-0).

116858
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-ZZ. 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 1-74 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:

Eminent Domain

Non-Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Brazoria	FM 518	72	0976-02-097	202
Brazoria	FM 518	70	0976-02-097	203
Brazoria	FM 518	67	0976-02-097	204
Brazoria	SH 332	47	1524-01-058	P00066376.001
Brazoria	SH 332	48	1524-01-058	P00075843.001
Brazos	SH 6	1	0049-12-138	P00061259
Carson	SH 207	71	0275-03-074	P00078441.001
Carson	SH 207	65	0275-03-074	P00078442.001
Collin	US 380	3	0135-02-074	P00074439
El Paso	SS 320	6	0665-02-007	P00066026.001-.002
El Paso	SS 320	7	0665-02-007	P00066027.001
El Paso	SS 320	8	0665-02-007	P00066028.001
El Paso	SS 320	9	0665-02-007	P00066036.001
El Paso	SH 178	63	3592-01-012	P00066687.001
Ellis	FM 875	45	1159-01-032	P00079221.001-.002
Ellis	FM 875	46	1159-01-032	P00079222
Galveston	SH 99	61	3510-01-009	318
Galveston	SH 99	62	3510-01-009	321
Harris	SH 249	10	0720-03-150	4
Harris	SH 249	11	0720-03-150	24
Harris	SH 249	12	0720-03-150	30
Harris	SH 249	13	0720-03-150	31
Harris	SH 249	14	0720-03-150	97
Harris	SH 249	15	0720-03-150	108
Harris	SH 249	16	0720-03-150	109
Harris	SH 249	17	0720-03-150	110
Harris	SH 249	18	0720-03-150	111
Harris	SH 249	19	0720-03-150	112

Eminent Domain**Non-Controlled Access (continued)**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Harris	SH 249	20	0720-03-150	113
Harris	SH 249	21	0720-03-150	114
Harris	SH 249	22	0720-03-150	115
Harris	SH 249	23	0720-03-150	116
Harris	SH 249	24	0720-03-150	117
Harris	SH 249	25	0720-03-150	119
Harris	SH 249	26	0720-03-150	121
Harris	SH 249	27	0720-03-150	122
Harris	SH 249	28	0720-03-150	123
Harris	SH 249	29	0720-03-150	125
Harris	SH 6	51	1685-05-134	P00060731.001
Harris	SH 6	52	1685-05-134	P00060732.001
Harris	SH 6	53	1685-05-134	P00060733.001
Harris	SH 6	54	1685-05-134	P00060736.001
Harris	SH 6	55	1685-05-134	P00060738.001
Harris	SH 6	56	1685-05-134	P00061233.001
Harris	SH 6	57	1685-05-134	P00061236.001
Harris	SH 6	58	1685-05-134	P00061239.001
Harris	SH 6	59	1685-05-134	P00061241.001
Harris	SH 6	60	1685-05-134	P00061242.001
Hood	US 337	2	0080-03-056	P00075289.001
Hood	FM 4	5	0385-02-033	P00080617.001
Lampasas	US 183	74	0272-06-041	P00076307.001-.002
Matagorda	FM 521	41	0847-01-018	P00085202.001
Matagorda	FM 521	42	0847-01-018	P00085203.001-.002
Matagorda	FM 521	43	0847-01-018	P00085204.001
Matagorda	FM 521	44	0847-01-018	P00085205.001
McLennan	FM 434	30	0833-04-047	P00071314.001
McLennan	FM 434	31	0833-04-047	P00071316
Milam	FM 486	4	0337-05-053	P00080882.001
Montgomery	SH 105	73	0338-02-043	P00063635.001
Montgomery	SH 105	68	0338-02-043	P00073124.001
Nueces	FM 70	49	1558-03-113	P00073576.001-.004
Nueces	FM 70	50	1558-03-113	P00073620.001-.003
Sherman	US 54	64	0238-06-038	P00086284.001
Smith	FM 2493	66	0191-03-088	P00070594.001
Travis	RM 620	69	0683-02-083	174
Victoria	FM 236	36	0842-03-044	P00081485.001
Victoria	FM 236	40	0842-03-044	P00081489.001-.002
Victoria	FM 236	35	0842-03-044	P00081490.001
Victoria	FM 236	34	0842-03-044	P00081494.001
Victoria	FM 236	37	0842-03-044	P00081497.001

Eminent Domain**Non-Controlled Access (continued)**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Victoria	FM 236	33	0842-03-044	P00081501.001
Victoria	FM 236	32	0842-03-044	P00081502.001
Victoria	FM 236	38	0842-03-044	P00081509.001
Victoria	FM 236	39	0842-03-044	P00081511.001

Eminent Domain**Controlled Access**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Brazoria	SH 35	II	0178-02-093	1
Brazoria	SH 99	OO	3510-02-009	100
Brazoria	SH 99	JJ	3510-02-009	101
Brazos	SH 6	Y	0049-12-138	P00061258
Brazos	SH 6	Z	0049-12-138	P00061267
Brazos	SH 6	AA	0049-12-138	P00061268
Brazos	SH 6	BB	0049-12-138	P00061273
Brazos	SH 6	CC	0049-12-138	P00061283
Brazos	SH 6	DD	0049-12-138	P00080902
Brazos	SH 6	EE	0049-12-138	P00080903
Brazos	FM 2347	NN	3138-01-026	P00085482
Ector	I-20	UU	0004-07-136	P00056532.001
Ector	I-20	D	0005-13-066	P00056513.001
Ector	I-20	A	0005-13-066	P00056514.001
Ector	I-20	B	0005-13-066	P00056521.001
Ector	I-20	C	0005-13-066	P00056524.001
Galveston	I-45	WW	0500-01-148	109
Harris	I-69	X	0027-13-226	213
Harris	I-45	SS	0500-03-615	910
Harris	I-45	MM	0500-03-615	970
Hood	US 377	ZZ	0080-03-056	P00075273.001
Hunt	I-30	R	0009-13-187	P00063144
Hunt	I-30	S	0009-13-187	P00063145
Hunt	I-30	T	0009-13-187	P00063146
Hunt	I-30	U	0009-13-187	P00063147.001-.002
Hunt	I-30	V	0009-13-187	P00063148
Hunt	I-30	W	0009-13-187	P00063159
Hunt	I-30	RR	0009-13-187	P00087691
Johnson	I-35W	TT	0014-03-097	P00074752.001
Johnson	I-35W	YY	0014-03-097	P00074753.001
Madison	SL 1853	GG	0171-11-005	P00074808.001-.002
Madison	SL 1853	HH	0171-11-005	P00074812
Midland	I-20	VV	0005-15-095	P00056454.001
Midland	I-20	XX	0005-15-095	P00066770.001

Eminent Domain**Controlled Access (continued)**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Smith	I-20	LL	0495-04-075	P00077246.001
Tarrant	I-820	PP	0008-13-242	435E
Tarrant	I-820	P	0008-13-242	448E
Tarrant	I-820	Q	0008-13-242	603E
Tarrant	I-820	QQ	0008-13-242	468E
Taylor	I-20	E	0006-06-113	P00076146.001-.002
Taylor	I-20	F	0006-06-113	P00076147
Taylor	I-20	G	0006-06-113	P00076148
Taylor	I-20	H	0006-06-113	P00076149
Taylor	I-20	I	0006-06-113	P00076150
Taylor	I-20	J	0006-06-113	P00076151
Taylor	I-20	K	0006-06-113	P00076153
Taylor	I-20	L	0006-06-113	P00076162
Taylor	I-20	M	0006-06-113	P00080242
Taylor	I-20	N	0006-06-115	P00083838
Taylor	I-20	O	0006-06-115	P00083839
Washington	US 290	FF	0114-09-096	P00075703
Washington	US 290	KK	0186-06-094	P00065050

Note: Exhibits A-ZZ and 1-74 are on file with the commission chief clerk.

ITEM 12. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, 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)

116859
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation

from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The department also acquires by donation land used for highway improvement projects. Exhibit B lists property donated to the department for that purpose. The department has determined that acceptance of these donations is in the best interest and welfare of the traveling public and will provide a significant public benefit.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit C lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached exhibits A, B, and C.

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
290 WR Holdings LP	HOU	Harris	Design and construction of a highway signage from eastbound and westbound US 290 into the Jubilee development in Hockley.
AmeriPort, LLC	BMT	Chambers	Design and construction of a roadway widening for designated left and right turn lanes on FM 565 from FM 2354 along the Ameriport Business Park frontage road in the EJT of Baytown, Chambers County.
Astro Cypress Green, L.P.	HOU	Harris	Design and construction of a turn lane and signal modification from eastbound FM 2920 into the Cypress Green development in Tomball.
Bellwood 323 2019 LP	TYL	Smith	Design and construction of a traffic signal, median modifications, and associated improvements at the intersection of Loop 323 and Robertson Road in Tyler.
BGM Land Investments, Ltd.	HOU	Harris	Design and construction of a right turn lane from westbound US 90 into the Edgewood East Sec 1 development in Houston.
Castroville 8, LLC	SAT	Medina	Design and construction of a right turn deceleration lane at the new Jagge Ranch Road east of Castroville in Medina County.
Chesmar Home, LLC	SAT	Bexar	Design and construction of a southbound left turn lane and a northbound right turn lane, and a traffic signal on SH 211 located east of the intersection of W Grosenbacher Road and SH 211 in San Antonio.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
CHRISTUS Good Shepherd Medical Center	SAT	Bexar	Design and construction of a median crossover on US 259 to allow access to CHRISTUS Good Shepherd Medical Center in Rusk County.
Colton Development Company LLC	HOU	Montgomery	Design and construction of a right turn lane and left turn lane from southbound and northbound and traffic signal installation at FM 1486 into the Colton Development in Montgomery.
Continental Homes of Texas, L.P.	SAT	Bexar	Design and construction of a right turn lane on N Loop 1604 E located approximately southeast of the intersection of N Loop 1604 E and Schuwirth Road in San Antonio.
Continental Homes of Texas, L.P.	SAT	Bexar	Design and construction of a left turn lane on FM 1937 located approximately north of the intersection of FM 1937 and Blue Wing Road in San Antonio.
Ford Motor Company	FOD	Collin Galveston	Three 48A Series 2 electric vehicle charges. The EV chargers will be used for charging three Ford Lightning all-electric pickup trucks to be piloted at the Collin and Galveston Counties area offices.
Happy Buda on the Creek, LLC	AUS	Hays	Design and construction of roadway improvements to RM 967 that will serve White Oaks Commons in Buda.
Highland Branch, LLC	BRY	Milam	Design and construction of a left turn lane on FM 485 including all associated widening and striping adjacent to the donor's property in Milam County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
JC Shirley, LLC	WAC	Bell	Design and construction of a deceleration right turn lane driveway improvements into the proposed site on FM 2305 in Temple.
JSK Lakeway LLC	AUS	Blanco	Design and funds sufficient to cover the state's cost to construct a right turn deceleration lane on US 281 in Round Mountain.
KSMI Properties LLC	WAC	McClennan	Design and construction of two deceleration lanes associated with two driveway approaches to service a proposed development name HEB in McClennan County.
Lawrence Ragan Communications, Inc.	CMD	N/A	A government rate pass for Becky Ozuna to attend the Ragan Future of Communications Conference on November 13-15, 2024 in Austin.
MissTex Investments, LLC	WAC	Bell	Funds to cover the State's cost to install traffic signals at the intersection of FM 2484 and FM 1670 in Salado.
My Real Life	AUS	Travis	Design and funds to cover the state's cost of construction towards roadway improvements on RM 1826 in Austin.
Orchard Land Holdings LLC	HOU	Fort Bend	Design and construction of mill and overlay of existing asphalt to add three left turn lanes and adding three asphalt transitions with culverts for driveways from east and westbound US 90A into the Holly Ridge development in Rosenberg.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Permian Strategic Partnership Inc.	ODA	Ector Midland	Funds payable over two years to implement the Permian Basin Highway Emergency Response Operator (HERO) Program on I-20 and SH 191 in Ector and Midland counties.
Red Oak Development Group, LLC	AUS	Caldwell	Design and construction of roadway improvements to FM 1322 in Lockhart.
Round Mountain Cider Mill, LLC	AUS	Blanco	Funds to cover the state's cost to construct a right turn deceleration lane on US 281 in Round Mountain.
SPG Land Investors LLC	HOU	Brazoria	Design and construction of a right turn lane from southbound SH 288 into the SPG Manvel development in Manvel.
The Woodlands Group, LLC	SAT	Medina	Design and construction of two driveway connections, a continuous center turn lane, sidewalk improvements, a traffic signal, and drainage improvements at the Limekiln Creek and FM 1283 approximately 0.60 miles west of FM 471 in San Antonio.
Timmermann Commercial Investments, LP	AUS	Travis	Funds towards the state's costs to construct a left turn lane on US 290 at the intersection with FM 973 in Manor.
Timmermann Commercial Investments, LP	AUS	Travis	Design and construction of a northbound right turn lane, southbound left turn lane, and modification to the existing traffic signal at the intersection of FM 973 and Manor Commerce Boulevard in Manor.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Z-Axis, LLC	BRY	Brazos	Donation of 0.2898 acres of land on FM 974. The property being donated will be utilized for a 10' shared use path and storm drainage.
Harris County Municipal Utility District No. 171, a political subdivision of the state of Texas	HOU	Harris	Donation of 2.138 acres of land on SH 99. The property being donated will be utilized to construct a 1.0-mile southbound frontage road from Longenbaugh Road to FM 529 in Houston, Harris County, Texas.
Harris County Municipal Utility District No. 171, a political subdivision of the state of Texas	HOU	Harris	Donation of 4.481 acres of land on SH 99. The property being donated will be utilized to construct a 1.0-mile southbound frontage road from Longenbaugh Road to FM 529 in Houston, Harris County, Texas
Hostin Properties, LLC, a Texas Limited Liability Company	HOU	Harris	Donation of 0.1263 acres of land on FM 2920. The property being donated will be utilized in a future deceleration lane.
PacFin 6, Ltd, a Texas Limited Partnership	HOU	Fort Bend	Donation of 0.1366 acres of land on FM 1093. The property being donated will be utilized in a deceleration lane.
AESA Prep Academy, 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	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>
Golden Tree Restaurants LLC	DAL	Dallas	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
The Inspection House	DAL	Dallas	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Texas Eye and Cataract, PLLC	DAL	Ellis	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Bell & Crocker LLC dba Bell Dental	HOU	Brazoria	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Kinetik Holdings, Inc.	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Nationwide Specialty Finance, Inc (dba) Drive Away	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Precedent Wealth Partners, LLC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
See You at the Top Law Firm, PC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Sudz Washington, LLC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Kinetik Holdings, Inc.	ODA	Midland	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Kinetik Holdings, Inc.	ODA	Reeves	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Kinetik Holdings, Inc.	ODA	Ward	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Alamo Heights Rotary Club	SAT	Bexar	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Dallas County - SH 78 - Consider the quitclaim of right of way to an abutting landowner (MO)

116860
ROW

In the city of Dallas, Dallas County, on SH 78, the state of Texas used certain land for highway purposes for which there is no record title to the property.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim, to an abutting property owner at the request of a county or municipality, of any interest in real property that might have accrued to the state by use if there is no record title to the property.

3 G-SPOT, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the state's interest in the tract for \$72,000.00.

The city of Dallas, Texas, has requested the quitclaim of the tract to 3 G-SPOT, LLC, a Texas limited liability company.

The commission finds \$72,000.00 to be a fair and reasonable value of the state's right and interest in the tract.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in the tract to the 3 G-SPOT, LLC, a Texas limited liability company.

IT IS THEREFORE ORDERED by the commission that the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument quitclaiming all of the state's right and interest in the tract to 3 G-SPOT, LLC, a Texas limited liability company.

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

(2) **Dallas County** - SH 78 - Consider the conveyance of right of way to the city of Sachse, Texas (MO)

116861
ROW

In the city of Sachse, Dallas County, near SH 78, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 4318, at page 173; Volume 4318, at page 168; Volume 2145, at page 381; Volume 2155, at page 19; and Volume 2149, at page 178 of the Deed Records of Dallas County, Texas.

A portion of the land, which portion is shown on exhibit A (tract), is no longer needed for a state highway purpose.

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

The city of Sachse, Texas, has requested the transfer of the tract to the city of Sachse, Texas.

The appraised value of the tract is \$1,166,357.00. The estimated cost of future maintenance on the tract is \$2,034,000.00.

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

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

(3) **Medina County** - FM 462 - Consider the sale of real property to the Hondo Independent School District (MO)

116862
ROW

In the city of Hondo, Medina County, on FM 462, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 210, at page 54; Volume 284, at page 162; Volume 150, at page 135; Volume 285, at page 562; Volume 104, at page 634; Volume 174, at page 502; and Volume 202, at page 279 of the Deed Records of Medina 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 real property no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The Hondo Independent School District is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$777,000.00.

The commission finds \$777,000.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the Hondo Independent School District for \$777,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(4) Rockwall County - FM 550 - Consider the sale of right of way to an abutting landowner (MO)

116863
ROW

In the city of Heath, Rockwall County, on FM 550, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 41, at Page 529; Volume 42, at Page 10; and Volume 41, at Page 530 of the Deed Records of Rockwall County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

The American National Bank of Texas is an abutting landowner and has requested to purchase the tract for \$100,000.00.

The commission finds \$100,000.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the American National Bank of Texas for \$100,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(5) **Williamson County** - US 183 - Consider the sale of right of way to an abutting landowner (MO)

116864
ROW

In the city of Cedar Park, Williamson County, on US 183, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1723, at Page 855 of the Official Records of Williamson County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

The Young Men's Christian Association of Central Texas, a Texas nonprofit corporation, is an abutting landowner and has requested to purchase the tract for \$275,220.00.

The commission finds \$275,220.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the Young Men's Christian Association of Central Texas, a Texas nonprofit corporation, for \$275,220.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Environmental Report

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

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

d. Designation of Access Control

(1) Dallas County - I-635 westbound frontage road (WBFR), approximately 440 feet east of Home Depot Drive - Consider the designation of one location on the north side of I-635 WBFR at which access will be permitted to the abutting property (MO)

116865
DES

In DALLAS COUNTY, on Interstate Highway 635 (I-635), a designated controlled-access highway, the state of Texas acquired certain land for highway purposes by instrument recorded in Volume 73101, page 344 of the Deed Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

LTFI Investors, LLC, the current owner of the abutting property, has requested designated access to and from the north side of the I-635 westbound frontage road 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 HERE BY ORDERED by the commission that the new access point described in exhibit A be designated as a location where ingress and egress are permitted to and from the I-635 westbound frontage road.

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

(2) Fort Bend County - US 59 northbound frontage road (NBFR), east of FM 2759 to 2.7 miles west of SH 6 - Consider the designation of one location on the east side of US 59 NBFR at which access will be permitted to the abutting property (MO)

116866
DES

In FORT BEND COUNTY, on United States Highway 59 (US 59), a designated controlled-access highway, the state of Texas, acting by and through the State Highway and Public Transportation Commission, acquired certain land for highway purposes by an instrument recorded in Volume 1821 at page 962 of the Official Public Records of Fort Bend County, Texas, with denial of access to the abutting property as described in the instrument.

NNP-Telfair, LLC, the current owner of the abutting property, has requested designated access to and from the east side of US 59 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 HERE BY ORDERED by the commission that designates the new access point described in exhibit A as a location where ingress and egress are permitted to and from US 59.

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.

(3) **Titus County** - FM 2348, approximately 50.09 feet southeast of the original designation of access, and approximately 804 feet south of CR 4015, at RM 232, 0.085 on east side of the roadway - Consider the re-designation of one location on the east side of FM 2348 at which access will be permitted to the abutting property (MO)

116867
DES

In TITUS COUNTY, on Farm to Market Road 2348 (FM 2348), a designated controlled-access highway, the state of Texas acquired certain land for highway purposes by instrument recorded in Instrument Number 20134777 of the Real Property Records of Titus County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Gualdina Martinez, the current owner of the abutting property, has requested a re-designation of control of access along their property line. The current designated access to and from the east side of FM 2348 will become controlled whereby the access is denied and be re-designated southeast of its current designated access for a new permitted access point at one location along the property line, as 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 and authorizes re-designation of permitted access from its original permitted access point to the new access point described in exhibit A as a location where ingress and egress are permitted to and from FM 2348.

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.

e. Highway Designation

Ellis County - In the city of Waxahachie, consider designating State Spur 394 on the state highway system (MO)

116868
TPP

The city of Waxahachie, Ellis County and the Dallas District have requested to consider designating State Spur 394 on a new location on the state highway system from I-35E eastward to FM 877, a distance of approximately 1.71 miles.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the Texas Department of Transportation has recommended these actions.

The Texas Transportation Commission (commission) finds that these actions will facilitate the flow of traffic, promote public safety, and maintain the continuity of the state highway system, and are necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that State Spur 394 is designated on a new location on the state highway system from I-35E eastward to FM 877, a distance of approximately 1.71 miles, as shown in exhibit A.

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

f. Speed Zones

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

116869
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 City of Eagle Pass Manager Homero Balderas thanked the Texas Department of Transportation and the Texas Transportation Commission for their help and support for the past year; and The Shepherd Group Director Ron Whitlock on I-2 and I-69 Central. The commission received no further comments.

ITEM 12. 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.

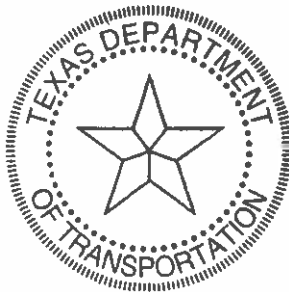
Commissioner Meade motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 5-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:20 a.m.

APPROVED by the Texas Transportation Commission on January 30, 2025:



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 December 17, 2024, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation