

These are the minutes of the regular meeting of the Texas Transportation Commission held on August 21, 2025, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Acting Chairman New with the following commissioners present:

Texas Transportation Commission:

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 3:41 p.m. on August 13, 2025, 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 July 31, 2025, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the July 31, 2025, regular meeting by a vote of 4-0.

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 Meade, and the commission approved the following minute order by a vote of 4-0.

116994
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 7 and 8, 2025, as well as HOUSTON DISTRICT, GALVESTON COUNTY, Project Number F 2025(218), Job Number 3201, which was publicly open and read on July 2, 2025 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 Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

116995
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 7 and 8, 2025, 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 Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116996
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 August 5, 2025, 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 approve, 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 approved 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. Unified Transportation Program**Consider the approval of the 2026 Unified Transportation Program (Presentation) (MO)**

This item was presented by Transportation Planning & Programming Division Director Humberto Gonzalez, Jr. The commission heard comments from El Paso Metropolitan Planning Organization (MPO) Executive Director Eduardo Calvo. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116997
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 June 25, 2025, and a statewide virtual public hearing on July 23, 2025, to receive comments and testimony concerning the development of the 2026 UTP and the project selection process.

The 2026 UTP, which is attached as exhibit A, authorizes funding for each of the 12 funding categories established by the rules and outlines the various project selection methods. The 2026 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 2026 UTP, including the project selection process, as shown in exhibit A, is hereby approved and supersedes the previously approved 2025 UTP for Fiscal Years 2026-2035.

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 2026 UTP.

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

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

Rule Proposal

Chapter 1 – Management - Amendments to §1.84 and §1.88 concerning Advisory Committees (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116998
ADM

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§1.84 and 1.88 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 §§1.84 and 1.88 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.

ITEM 7. Advisory Committees

a. Aviation Advisory Committee - Consider the appointment of members to the Aviation Advisory Committee (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116999
AVN

Transportation Code §21.003(a) provides that the Aviation Advisory Committee (committee) consists of members appointed by the Texas Transportation Commission (commission) to advise the commission and the Texas Department of

Transportation on aviation matters. The commission by rule shall determine the number of members of the committee. Transportation Code §21.003(b) provides that a majority of the members of the committee must have five years of successful experience as an aircraft pilot, an aircraft facilities manager, or a fixed-base operator. Transportation Code §21.003(c) provides that a committee member serves at the pleasure of the commission.

Title 43, Texas Administrative Code, §1.84(a)(2) provides that the commission will appoint nine members to staggered terms of three years with three members' terms expiring August 31 of each year. Title 43, Texas Administrative Code, §1.82(c)(4) provides that a committee member may be removed at any time without cause by the person or entity that appointed the member.

The commission charges the committee with the following priorities: 1) provide input for assessment of general aviation airports statewide to help identify benefits of the system, along with deficiencies, and long-term needs for funding to maintain the system; and 2) provide advice on the development of the aviation capital improvement program and aviation facilities program.

Two individuals are being reappointed, and one is being appointed to the committee with terms to expire on August 31, 2028.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve on the committee for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Re-appointment with Term Expiring on August 31, 2028:

Justine Ruff, Midland, Texas

Robert Dixon Tips, San Antonio, Texas

New Appointments with Terms Expiring on August 31, 2028:

Pat Kornegay, Harlingen, Texas

IT IS THEREFORE ORDERED by the commission that the individuals identified above are appointed to serve as members of the Aviation Advisory Committee for the term specified.

b. Border Trade Advisory Committee - Consider the appointment of members to the Border Trade Advisory Committee (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

TPP

Commission (commission) to appoint members to the Border Trade Advisory Committee (committee) to assist the commission in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges.

Transportation Code, §201.114, also provides that the committee must include, to the extent practicable: (1) the presiding officers, or persons designated by the presiding officers, of the policy boards of metropolitan planning organizations wholly or partly in the Texas Department of Transportation's Pharr, Laredo, Odessa, or El Paso transportation districts; (2) the person serving, or a person designated by the person serving, in the capacity of executive director of each entity governing a port of entry in this state; (3) a representative each from at least two institutes or centers operated by a university in this state that conduct continuing research on transportation or trade issues; and (4) the port director of the Port of Brownsville or the port director's designee.

Title 43, Texas Administrative Code, §1.84(d), provides that committee members serve staggered three-year terms expiring on August 31 of each year, except that the commission may establish terms of less than three years for some members in order to stagger terms.

Two individuals are new appointments to fill vacancies on the committee with terms to expire on August 31, 2026, one individual is a new appointment to fill a vacancy on the committee with term to expire on August 31, 2027, two individuals are new appointment to fill vacancies on the committee with terms to expire on August 31, 2028, and seven individuals are reappointment with terms to expire on August 31, 2028.

The commission has determined that the individuals or positions listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts.

New Appointments with Terms Expiring on August 31, 2026:

Michael Medina, Rio Grande Valley Metropolitan Planning Organization (RGV MPO)
Aaron Valdez, city of Eagle Pass POE

New Appointment with Term Expiring on August 31, 2027

Susanna L. Gallun, Center for Transportation Research, University of Texas at Austin

New Appointment with Term Expiring on August 31, 2028:

W.C. "Chad" McIntosh, International Border Water Commission (IBWC)
Adriana Cruz, Texas Economic Development and Tourism Office

Re-appointments with Terms Expiring on August 31, 2028:

Jon Barela, Borderplex Alliance
Raquel Espinoza, Union Pacific Railroad
Cynthia Garza-Reyes, Pharr Economic Development Corporation
Jake Giesbrecht, Presidio Bridge

Marga Lopez, Progreso International Bridge
Juan Olaguibel, McAllen, Hidalgo, Anzalduas Port of Entry (POE)
Roberto Tinajero, El Paso International Bridge System

IT IS THEREFORE ORDERED by the commission that the individuals or positions named above are appointed to the Border Trade Advisory Committee for the terms specified.

c. Port Authority Advisory Committee - Consider the appointment of members to the Port Authority Advisory Committee (MO)

This item was presented by Planning and Modal Programs Director Caroline Mays. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

117001
MRD

Transportation Code, §55.006(a), requires the Texas Transportation Commission (commission) to appoint seven members to the Port Authority Advisory Committee (committee). The purpose of the committee is to advise the commission and the Texas Department of Transportation (department) on maritime port issues and to provide a forum for the exchange of information between the commission, the department, and committee members representing the maritime port industry in Texas and others who have an interest in maritime ports. Transportation Code, §55.006(b) provides that a committee member serves at the pleasure of the commission.

Pursuant to Title 43, Texas Administrative Code, §1.84(c), committee members appointed by the commission serve staggered three-year terms unless removed sooner at the discretion of the commission.

Two individuals are reappointments with terms to expire on August 31, 2026, and two individuals are reappointments with terms to expire on August 31, 2028.

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and ongoing contributions to the committee's efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Reappointment with a Term Expiring on August 31, 2026

Phyllis Saathoff, Executive Director & CEO, Port Freeport – Upper Coast
Walker Smith, Port Director, Port of Harlingen Authority – Lower Coast

Reappointment with a Term Expiring on August 31, 2028

Chris Fisher, Port Director & CEO, Port of Beaumont – Upper Coast
Sean Stibich, Executive Director, Port of Victoria – Lower Coast

IT IS THEREFORE ORDERED by the commission that these individuals be appointed as members of the Port Authority Advisory Committee for the term specified.

ITEM 8. Aviation

a. Capital Improvement Program - Consider the approval of the Aviation Capital Improvement 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 4-0.

117002
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 2025, the draft Fiscal Year 2026-Fiscal Year 2028 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 2026-Fiscal Year 2028 CIP at its July 17, 2025 meeting.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2026-Fiscal Year 2028 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. Routine Airport Maintenance Program - Consider the approval of the Routine Airport Maintenance Program (MO)

This item was presented by Aviation Division Director Dan Harmon. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

117003
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 2026. The Texas Aviation Advisory Committee recommended approval of the Fiscal Year 2026 program at its July 17, 2025 meeting.

A public hearing regarding the funding of RAMP was held on July 25, 2025, 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. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

117004
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 Texas Department of Transportation 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 25, 2025, 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. Maritime

Financial Assistance for Seaport Connectivity Program Projects Various Counties

- Consider approval of projects and the financing of state highway improvement projects and participation by the state in the form of grants for the payment of a portion of the costs of constructing public roadway projects (MO)

This item was presented by Maritime Division Director Geir Kalhagen. The commission heard comments from Port of Port Arthur Port Director and Texas Ports Association President Larry Kelley. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

117005
MRD

In 2025, the Texas Legislature required that, from any available source of revenue and/or balances in the Texas Mobility Fund (fund), an amount not to exceed \$40,000,000 in the 2026-2027 biennium shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission) to improve connectivity to Texas ports, under the General Appropriations Act, 89th Texas Legislature, Regular Session, 2025, Rider 36, page VII-26.

On June 26, 2025, the Port Authority Advisory Committee held a public hearing in which no public comments were received and approved the projects listed in exhibit A as proposed by each entity listed. Accordingly, the Texas Department of Transportation (department) recommends that the commission approve each project listed in exhibit A, authorize the financing of the state highway improvement projects listed in exhibit A, and authorize the department to participate in each local government project listed in exhibit A in the form of a grant, up to the amount listed for each project from any available source of revenue and/or money from the fund other than the proceeds of obligations issued under Transportation Code, Chapter 201, Subchapter M (enabling act), to be used for construction of each project described in exhibit A.

Article III, Section 49-k of the Texas constitution (constitutional provision) created the fund in the state treasury and provides that the fund shall be administered by the commission as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways and to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly-owned toll roads and other public transportation

projects, in accordance with the procedures, standards and limitations established by law.

The Texas Legislature implemented the authority granted by this constitutional provision in the enabling act. Transportation Code §201.943 provides that the commission, by order, may issue obligations, including Texas Mobility Fund General Obligation Bonds, secured by and payable from a pledge of and lien on all or part of the money in the fund.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that each project listed in exhibit A meets the eligibility requirements for financing or state participation under the constitutional provision, the commission approves each project listed in exhibit A, the commission approves the financing of state highway projects listed in exhibit A, and approves state participation in the form of a grant to each local government listed in exhibit A, up to the amount listed for each project, from any available source of revenue and/or money in the fund other than the proceeds of obligations issued under the enabling act, to be used for construction of each of the projects listed in exhibit A, and authorizes and directs the executive director of the department to take all actions necessary to effect the purposes of this minute order.

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 State Infrastructure Bank Program Manager Dallas Teston. The commission heard comments from El Paso MPO Executive Director Eduard Calvo. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

117006
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 financial condition of the bank, 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 El Paso 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.

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.

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. Real Estate Disposition

Denton County - FM 156 - Authorize the Texas Department of Transportation to enter into a lease agreement with COTCOH, LLC, a Texas limited liability company to lease land crossing FM 156 (MO)

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

117007
ROW

In or near the city of Fort Worth, Denton County, on FM 156, the state of Texas acquired certain land for highway purposes including that certain real property described in the attached exhibit A (the property).

The department now desires to lease the airspace above the property (along with space on the ground for piers and other improvements) to COTCOH, LLC, a Texas limited liability company for the purpose of constructing, maintaining, and operating a private bridge crossing over FM 156.

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

The Texas Transportation Commission (commission) finds that the airspace and other property to be leased will not be needed for highway purposes during the period of the lease, a term not to exceed 70 years, subject to early termination upon a project to expand FM 156 to more than six lanes in width of traffic, and such expansion necessitates the removal of the bridge, or to terminate for any reason upon 10 years notice after the 10th anniversary of the commencement date of the lease.

It is further found that the use of the property for the purpose of constructing, maintaining, and operating a private bridge will be consistent with the applicable highway use.

The commission also finds that the lease will be economically beneficial to the Texas Department of Transportation (department).

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 COTCOH, LLC, a Texas limited liability company for the purpose of constructing a private bridge crossing over FM 156 for a term not to exceed the duration set forth above.

ITEM 12. Utility Relocation Reimbursement

Various Counties - Consider the approval of requests from certain utilities to make the relocation of utility facilities required by highway improvement projects an expense of the state under Transportation Code §203.092(a-4) (MO)

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

117008
ROW

The Texas Department of Transportation (department) has state highway projects in various counties that require the relocation of utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain utilities are eligible for utility facility relocation at the expense of the state. Exhibit A attached contains a list of such utilities which have requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department's estimates of the amounts of those expenses are contained therein.

The commission finds and determines that the utilities listed in exhibit A meet the eligibility standards contained in that statute and that the department's expenditures under Transportation Code, §203.092(a-4) and Texas Administrative Code, Chapter 21, Subchapter B, Rule 21.25, including said requests, will not exceed the fiscal year limitation contained in Transportation Code, §203.092(e).

IT IS THEREFORE ORDERED by the commission that the relocation of the utility facilities described in exhibit A are required by various improvements of the state highway system and are expenses of the state to be paid by the department.

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

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 (see attached itemized list) (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 a vote of 4-0.

117009
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 §§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, §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-YY. 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 1-52 in accordance with Transportation Code, §§203.002 and 203.003.

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

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

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

Eminent Domain**Non-Controlled Access**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Galveston	SH 99	6	3510-01-008	P00091277
Gonzales	US-90A	11	0025-05-025	P00091201.001
Gonzales	US-90A	10	0025-05-025	P00091202.001-.002
Hood	US 377	31	0080-04-086	P00075313.001
Hood	US 377	32	0080-04-086	P00075314.001
Hood	US 377	16	0080-04-086	P00075315.001
Lamar	US 82	49	0045-08-040	P00078577
Lamar	US 82	50	0045-08-040	P00078585.001-.002
Lamar	US 82	48	0045-08-040	P00078634
Lamar	US 82	12	0045-09-112	P00078678
Lamar	US 82	13	0045-09-112	P00078679.001-.002
Lamar	US 82	1	1690-01-139	P00078493
Lamar	US 82	36	1690-01-139	P00078532
Lamar	US 82	3	1690-01-139	P00082803
Lamar	US 82	2	1690-01-139	P00082813
Nacogdoches	US 259	20	0135-06-051	P00086798
Nacogdoches	US 259	7	0138-06-051	P00086794
Nacogdoches	US 259	22	0138-06-051	P00086801
Nacogdoches	US 259	21	0138-06-051	P00086808
Nacogdoches	US 259	28	0138-06-051	P00086811
Nacogdoches	US 259	29	0138-06-051	P00086814
Nacogdoches	BU 59	9	0175-07-067	P00086827
Nacogdoches	BU 59	51	0175-07-067	P00086829
Nacogdoches	BU 59	30	0175-07-067	P00086836
Nacogdoches	US 59	4	2560-01-090	P00086750
Nacogdoches	US 59	14	2560-01-090	P00086758
Nacogdoches	US 59	18	2560-01-090	P00086759
Nacogdoches	US 59	34	2560-01-090	P00086760
Nacogdoches	US 59	52	2560-01-090	P00086761
Nueces	FM 70	37	1558-03-113	P00073576.001-.004
San Jacinto	US 59	19	0177-02-111	P00088694
San Jacinto	US 59	27	0177-02-111	P00088695
San Jacinto	US 59	5	0177-02-111	P00088700
San Jacinto	US 59	23	0177-02-112	P00088711
San Jacinto	US 59	24	0177-02-112	P00088712
San Jacinto	US 59	25	0177-02-112	P00088713
San Jacinto	US 59	33	0177-02-112	P00088742
San Jacinto	US 59	15	0177-02-112	P00088743
San Jacinto	US 59	47	0177-02-112	P00088744
San Jacinto	US 59	35	0177-02-112	P00088745
San Jacinto	US 59	26	0177-02-112	P00088749.001-.002
Shelby	SH 87	17	0064-01-071	P00091543

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

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Smith	FM 2493	46	0191-03-088	P00070614.001
Smith	FM 2493	45	0191-03-088	P00070615.001
Smith	FM 2493	44	0191-03-088	P00070616.001
Smith	FM 2493	43	0191-03-088	P00070618.001
Smith	FM 2493	42	0191-03-088	P00070631.001-.002
Smith	FM 2493	41	0191-03-088	P00070634.001
Smith	FM 2493	40	0191-03-088	P00070643.001
Smith	FM 2493	39	0191-03-088	P00070652.001
Smith	FM 2493	38	0191-03-088	P00070653.001
Victoria	FM 236	8	0842-03-044	P00081547.001

Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Brazoria	SH 99	EE	3510-02-009	P00088335
Brazoria	SH 99	KK	3510-02-009	P00092501
Brazoria	SH 99	PP	3510-02-009	P00092502
Brazoria	SH 99	OO	3510-02-009	P00092503
Brazoria	SH 99	LL	3510-02-009	P00092505
Brazoria	SH 99	FF	3510-02-009	P00092506
Brazoria	SH 99	V	3510-02-009	P00092944
Colorado	I-10	M	0535-08-096	P00083359.001
Galveston	SH 99	MM	3510-01-008	P00087291
Galveston	SH 99	Q	3510-01-008	P00087292
Galveston	SH 99	P	3510-01-008	P00091276
Galveston	SH 99	L	3510-01-008	P00091280
Galveston	SH 99	U	3510-01-008	P00091286
Galveston	SH 99	HH	3510-01-008	P00091287
Galveston	SH 99	JJ	3510-01-008	P00091288.001-.002
Galveston	SH 99	II	3510-01-008	P00093378
Galveston	SH 99	NN	3510-01-008	P00093713
Galveston	SH 99	N	3510-01-009	P00091290
Galveston	SH 99	O	3510-01-009	P00093060
Grayson	US 75	W	0047-18-097	P00079401
Grayson	US 75	X	0047-18-097	P00079402
Harris	I-69	H	0027-13-227	109
Harris	I-69	I	0027-13-227	110
Harris	I-69	Y	0027-13-227	121,121AC
Harris	I-69	A	0027-13-227	124A
Harris	I-69	B	0027-13-227	124B
Harris	I-69	C	0027-13-227	124C
Harris	I-69	J	0027-13-227	130
Harris	I-69	K	0027-13-227	132

Controlled Access (continued)

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Harris	I-69	AA	0027-13-227	156
Harris	I-69	G	0027-13-227	160
Harris	I-69	F	0027-13-227	163
Harris	I-69	UU	0027-13-227	164
Harris	I-69	VV	0027-13-227	165
Harris	I-69	WW	0027-13-227	167
Harris	I-69	D	0027-13-227	168
Harris	I-69	Z	0027-13-227	171
Harris	I-45	XX	0500-03-608	422
Harris	I-45	YY	0500-03-608	426
Harris	I-45	E	0500-08-002	703
Harrison	I-20	GG	0495-10-106	P00081425
Lamar	US 82	R	1690-01-139	P00078524
Lamar	US 82	S	1690-01-139	P00082812
Nacogdoches	BU 59	CC	0175-07-067	P00086834
Nacogdoches	US 59	RR	2560-01-090	P00086728.001-.002
Nacogdoches	US 59	DD	2560-01-090	P00086743
Nacogdoches	US 59	QQ	2560-01-090	P00086754
Nacogdoches	US 59	TT	2560-01-090	P00086756
Nacogdoches	US 59	SS	2560-01-090	P00086763
San Jacinto	US 59	T	0177-02-112	P00088750
Tarrant	SH 121	BB	0363-03-055	P00070237

Item 14. Routine Minute Orders and Report

This item was presented by Executive Director Marc Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute orders by a vote of 4-0.

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)

117010
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 executive director has determined that the donations identified in the attached exhibit A complies 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 exhibit A.

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Empire Industrial Park LLC	LRD	Maverick	Design and construction for six concrete driveways, striping, signs, and pavement improvements for the acceleration and deceleration lane widening on Loop 480 near the Empire Industrial Park in Eagle Pass.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Viterra USA Grain, LLC	AMA	Dallam	Design and construction of acceleration/deceleration lanes in the eastbound and westbound direction at the intersection of US 54 and Chamberlain Road in Dalhart.
LIT Lovett Park 130 Austin, LLC	AUS	Travis	Design and construction of one southbound to northbound U-turn lane along SH 130 in Austin.
Lennar Homes of Texas Land and Construction, Ltd.	AUS	Hays	Design and construction of roadway improvements to FM 110 that will serve River Bridge Phase II in San Marcos.
PRC 01 Bastrop, LLC	AUS	Bastrop	Design and construction of roadway improvements to FM 969 (north, south) from SH 71 frontage to Blakey Lane in Bastrop.
Lanzola MHP4 LP S1	AUS	Bastrop	Design and construction of one left turn lane, one right turn lane, and a traffic signal at the intersection of FM 1704 and Las Haciendas Boulevard in Bastrop County.
H-E-B, LP	SAT	Bexar	Design and construction of roadway improvements along Loop 1604, north of I-10 in San Antonio.
Lanzola MHP4 LP S1	AUS	Bastrop	Fixed Amount of funds towards the state's cost to design and construct two right turn lanes at FM 1704 and FM 969 and two right turn lanes at the intersection of FM 1704 and Coon Neck Road. The intersections are in Bastrop County.
Pearland Asian Town LLC	HOU	Fort Bend	Design and construction of a left turn lane from eastbound FM 1875 into the Dyer Lakes development in Beasley.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
181 and 1604 Land Development Partners, Ltd.	SAT	Bexar	Design and construction of roadway, drainage, signage and pavement markings on South Loop 1604 E, southwest of US 181 located in Elmendorf.
Folklore Development, LLC	HOU	Fort Bend	Design and construction of a right turn westbound lane and an eastbound left turn lane on FM 360 into the Milo Farms Section One development in Needville.
JCD Killeen, LLC	WAC	Bell	Design and construction of a deceleration right turn lane on SH 195 and two deceleration lanes on FM 3470 for driveways at the proposed entry to the property at 4700 South Fort Hood Boulevard (SH 195) in Killeen.
Fulshear Central LLC	HOU	Fort Bend	Construction of a right turn lane on FM 1093 0.2 miles east of Bois D'Arc Lane into Driveway B and a right turn lane on FM 1093 0.3 miles east of Bois D'Arc Lane into Driveway C at the Fulshear Central development in Fulshear.
Watermill Place, LLC	AUS	Hays	Design and construction of roadway improvements to SH 21 that will serve Watermill Commercial in Uhland.
Houston LD, LLC	HOU	Fort Bend	Design and construction of a left turn lane from eastbound FM 1875 into the Dyer Lakes development in Beasley.
SHJ Development LLC	TYL	Cherokee	Design and construction of improvements to the traffic signal and intersection of US 69 (S. Jackson Street) and Tena Street in Jacksonville.

Donations to the Department (continued)

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
N N B Enterprises, Inc.	BRY	Walker	Design and construction of a median on SH 75 including all associated widening and striping adjacent to the donor's property in Walker County.
Paris Economic Development Corporation	PAR	Lamar	Shaded tent, water, and light snacks for the public, along with audio and visual support for opening celebration activities of the new Paris District HQ facility in Paris.

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

b. Real Estate Dispositions

(1) Atascosa County - SH 97 - Consider the sale of right of way to an abutting landowner (MO)

117011
ROW

Near the city of Pleasanton, Atascosa County, on SH 97, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 129, at page 286, of the Deed Records of Atascosa 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.

Angie L. Cude is an abutting landowner and has requested to purchase the tract for \$1,528.00.

The commission finds \$1,528.00 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 Angie L. Cude for \$1,528.00; 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) **Bexar County** - I-35 - Consider a recommendation to the governor regarding the execution and delivery of a quitclaim deed, correction deed, or other conveyance instrument necessary to resolve an ambiguity or error that conveyed an interest in real property to the state for a highway right of way which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose (MO)

117012
ROW

In Bexar County, on I-35, the state of Texas acquired certain easements for highway purposes by a drainage easement recorded as Document No. 20190017940 of the Official Public Records of Bexar County, Texas.

The drainage easements were conveyed to the state for a highway right of way. However, those easements were intended to be conveyed to the city of Universal City, a Texas home rule municipality, and were not intended to be conveyed to the state resulting in the acquisition of real property interests not intended to be included and not needed for a highway purpose.

In accordance with V.T.C.A., Transportation Code, §202.028, the Texas Transportation Commission (commission) may recommend to the governor the execution and delivery of a quitclaim deed, correction deed, or other conveyance instrument necessary to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way and which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose.

Universal City Affiliates, Ltd., a Texas limited partnership, and the city of Universal City have requested that the state execute a corrective instrument reflecting a release of a portion of the easement interest acquired. The Release of Easement, attached hereto as exhibit A, is such a corrective instrument.

IT IS THEREFORE ORDERED that the commission recommends, subject to approval by the attorney general, that the governor of Texas execute the Release of Easement, attached hereto as exhibit A, in order to resolve some of the error in the earlier easement conveyance.

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

(3) **Brown County** - FM 2524 - Consider the sale of right of way to an abutting landowner (MO)

117013
ROW

In the city of Brownwood, Brown County, on FM 2524, the state of Texas acquired certain land for highway purposes by an instrument recorded in Instrument Number 2020-2007720, of the Official Public Records of Brown 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.

Howard Payne University is an abutting landowner and has requested to purchase the tract for \$28,000.00.

The commission finds \$28,000.00 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, 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 Howard Payne University for \$28,000.00; 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) **DeWitt County** - SH 72 - Consider the quitclaim of right of way no longer needed for a highway purpose to the county that acquired the interest in the property in its own name for use by the state (MO)

117014
ROW

Near the city of Nordheim, DeWitt County, on SH 72, the state of Texas used certain land for highway purposes that was acquired in the name of DeWitt County, Texas by an instrument recorded in Volume 97, at page 546, of the Deed Records of DeWitt 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, § 202.025(4), the Texas Transportation Commission (commission) may recommend the quitclaim to a county or municipality of any interest in real property that might have accrued to the state by use if the interest in the real property was acquired and held by the county or municipality in its own name for use by the state.

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

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

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 quitclaiming the state's right and interest in the tract to the DeWitt County, Texas.

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

(5) **Ector County** - FM 1053 - Consider the exchange of a drainage easement as part of a transaction to acquire a drainage easement needed for a state highway purpose (MO)

117015
ROW

Near the city of Odessa, Ector County, on FM 1053, the state of Texas acquired an easement interest in certain lands by an instrument recorded in Volume 613, at page 441, of the Deed Records of Ector County, Texas.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, §202.024, the Texas Transportation Commission (commission) may recommend the exchange of an interest in real property acquired but not needed for a highway purpose as whole or partial consideration for another interest in real property needed for a state highway purpose.

The easement encumbering a portion of the land, described as Part 2 in exhibit A, (tract) is no longer needed for a state highway purpose. The value of the easement is \$67,000.

A drainage channel easement needed for a state highway purpose, encumbering the land described in exhibit B (parcel), is to be conveyed to the state by BW Gas & Convenience Real Estate, LLC, a Delaware limited liability company. The value of the easement encumbering the parcel is \$67,000.

BW Gas & Convenience Real Estate, LLC is the owner of the fee interest in the tract and has requested that the easement encumbering the tract be released to it in exchange for an easement encumbering the parcel in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state release the easement encumbering the tract to BW Gas & Convenience Real Estate, LLC as full consideration for the easement encumbering the parcel.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described as Part 2 in exhibit A, 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 easement interest to BW Gas & Convenience Real Estate, LLC, a Delaware limited liability company, in exchange for the easement encumbering the Parcel.

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

(6) Grayson County - US 75 - Consider an easement release to the underlying fee owner (MO)

117016
ROW

In the city of Denison, Grayson County, on US 75, the state of Texas acquired an easement interest in certain land by an instrument recorded in Volume 1342, at page 796, of the Deed Records of Grayson County, Texas.

Portions of the easement, which portions encumber the real property described in exhibits A and C (tracts), are 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.

VA 132 Partners, LLC, a Texas limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interests for \$20,689.00.

The commission finds \$20,689.00 to be a fair and reasonable value of the state's right, title, and interest in the easement interests.

IT IS THEREFORE ORDERED by the commission that the easement interests encumbering the tracts described in exhibits A and C, are 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 interests to VA 132 Partners, LLC, a Texas limited liability company, for \$20,689.00.

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

(7) **Gregg County** - SL 281 - Consider an easement release to the underlying fee owner (MO)

117017
ROW

In the city of Longview, Gregg County, on SL 281, the state of Texas acquired an easement interest in certain land by an instrument recorded in Volume 712, at page 580, of the Deed Records of Gregg County, Texas.

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

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

Wal-Mart Real Estate Business Trust, a Delaware statutory trust, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$142,000.00.

The commission finds \$142,000.00 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 recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Wal-Mart Real Estate Business Trust, a Delaware statutory trust, for \$142,000.00.

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

(8) **Harris County** - I-45 - Consider a recommendation to the governor regarding the execution and delivery of a quitclaim deed, correction deed, or other conveyance instrument necessary to resolve an ambiguity or error that conveyed an interest in real property to the state for a highway right of way which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose (MO)

117018
ROW

In Harris County, on I-45, the state of Texas acquired certain land for highway purposes by a deed recorded as Instrument No. RP-2024-429657 of the Official Public Records of Harris County, Texas.

The land (Parcel 1145/P00084117) was conveyed to the state for a highway right of way using an incorrect metes and bounds description resulting in the acquisition of real property not intended to be included and not needed for a highway purpose.

In accordance with V.T.C.A., Transportation Code, §202.028, the Texas Transportation Commission (commission) may recommend to the governor the execution and delivery of a quitclaim deed, correction deed, or other conveyance instrument necessary to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way and which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose.

Mahmoud Harmouche and spouse Hourieh Harmouche have requested that the state execute a corrective instrument reflecting a correct metes and bounds description of the property acquired. The Material Correction Deed, attached hereto as exhibit A, is such a corrective instrument.

IT IS THEREFORE ORDERED that the commission recommends, subject to approval by the attorney general, that the governor of Texas execute the Material Correction Deed, attached hereto as exhibit A, in order to resolve the error in the metes and bounds description.

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

(9) **Hidalgo County** - US 281 - Consider the sale of real property to the successful bidder (MO)

117019
ROW

In the city of Pharr, Hidalgo County, on US 281, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 866, at page 275, of the Deed Records of Hidalgo County, Texas.

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 sale of any interest in real property no longer needed for a state highway purpose to the general public by sealed bid.

The tract was advertised for sale, and Garco, Ltd., a Texas limited partnership, submitted a bid of \$151,000.00, which was the highest valid bid.

The commission finds \$151,000.00 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 Garco, Ltd., a Texas limited partnership, for \$151,000.00; 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.

(10) **Starr County** - US 83 - Consider the sale of real property to the successful bidder (MO)

117020
ROW

In the city of Rio Grande City, Starr County, on US 83, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 187, at page 213, of the Deed Records of Starr County, Texas.

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 sale of any interest in real property no longer needed for a state highway purpose to the general public by sealed bid.

The tract was advertised for sale, and 3BU Family Limited Partnership, a Texas limited partnership, submitted a bid of \$656,000.00, which was the highest valid bid.

The commission finds \$656,000.00 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 3BU Family Limited Partnership, a Texas limited partnership, for \$656,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports**(1) Compliance Division Report**

Note: Confidential report to commission.

(2) 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) 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)

117021
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 (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, 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 2026 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.

(2) 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)

117022
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 system for Fiscal Year 2026 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.

(3) Travis and Williamson Counties

Consider the approval of the Central Texas Turnpike System annual budget of operating and maintenance expenses and capital expenditures (MO)

117023
PFD

Transportation Code §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 2026 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) Annual Budget

Consider the adoption of the Fiscal Year 2026 Texas Department of Transportation budget (MO)

117024
FIN

The General Appropriations Act of the 89th Legislature, Regular Session, 2025, has appropriated funds for the operations of the Texas Department of Transportation (department) for Fiscal Year 2026.

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 \$21,200,203,979 be authorized for the operations of the department for Fiscal Year 2026; 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 89th Legislature, Regular Session, 2025.

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) 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)

117025
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)

117026
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, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with SH 161 payments, as shown in exhibit A. The list of previously approved projects via Minute Order 116952 dated May 21, 2025, is included for informational purposes only, as shown in exhibit B. A summary of funds associated with the SH 161 work program is set forth in exhibit C, which is also 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 has been selected by the RTC to be funded with the SH 161 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 161 payments.

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 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, B, and C are on file with the commission chief clerk.

f. Land Acquisition for Facilities

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

117027
SSD

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

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

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by General Appropriations Act, 88th Legislature, Regular Session, 2023, for the 2024-2025 Biennium.

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

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

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

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

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

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)

117028
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 heard comments from city of Eagle Pass Mayor Aaron Valdez on the Highway 57 Project; Transportation Advocacy Group Executive Director Christina Cabral said her condolences and spoke about Chairman J. Bruce Bugg, Jr. The commission received no further comments.

ITEM 15. 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.

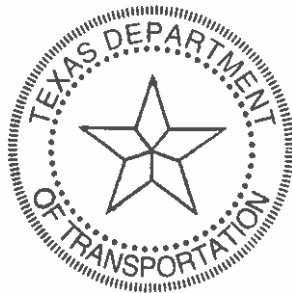
Commissioner Meade motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:44 a.m.

APPROVED by the Texas Transportation Commission on September 25, 2025:



W. Alvin New, Acting 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 21, 2025, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation