

These are the minutes of the regular meeting of the Texas Transportation Commission held on February 22, 2024, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 12:544 p.m. on February 14, 2024, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

ITEM 1. Safety Briefing

Executive Director Marc Williams directed that the Greer building safety video be shown on the screens in the Ric Williamson hearing room.

ITEM 2. Opening Comments from Commissioners and Executive Director

The commissioners made opening remarks.

ITEM 3. Consider the approval of the Minutes of the January 17, 2024, regular meeting of the Texas Transportation Commission

Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the January 17, 2024, regular meeting by a vote of 5 - 0.

ITEM 4. Acknowledgment of Service

Recognize by resolution Fleet Operations Division Director Dalton Pratt for over 17 years of service to the department.

This resolution was presented by Chief Administrative Officer Rich McMonagle. Mr. Pratt thanked the commission and department for the opportunities that he had at TxDOT. The commissioners thanked Dalton and made additional remarks.

ITEM 5. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)

a. Highway Improvement and Other Transportation Facilities (MO)

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

116641
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 February 1 and 2, 2024, as well as WACO DISTRICT, MCLENNAN COUNTY, Job Number 3038, Project Number STP 2024(653)HES, and BRYAN DISTRICT, ROBERTSON COUNTY, Project Number STP 2024(610)VRU, Job Number 3036, which were publicly read on January 4, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

b. Routine Maintenance (MO)

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

116642
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 February 1 and 2, 2024, as well as DALLAS DISTRICT, DALLAS COUNTY, Project Number RMC 643172001, Job Number 4218, which was publicly read on January 5, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

This item was presented by Support Services Director Brian Sweat. Commissioner Meade made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5 - 0.

116643
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 February 6 and February 7, 2024, as shown on exhibit A.

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

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

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

IT IS THEREFORE ORDERED by the commission that the contracts described in exhibit A, be awarded to the lowest bidder, or rejected 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 6. Aviation

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

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

116644
AVN

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

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

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

On January 26, 2024, a public hearing was held. No comments were received.

Pursuant to Transportation Code §§201.943 and 201.946, the commission finds that the public transportation projects in exhibit A to be in the best interests of the state in its major goal of improving the mobility of the residents of the state and are eligible for TMF funds.

IT IS THEREFORE ORDERED by the commission that the executive director, or the director's designee, subject to applicable federal and state requirements, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in exhibit A.

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

ITEM 7. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Rule Adoptions

a Chapter 2 - Environmental Review of Transportation Projects - Repeal of §2.132 (Gulf Intracoastal Waterway Projects) and replacement with proposed new §§2.351-2.364 (Gulf Intracoastal Waterway Projects) (MO)

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

116645
MRD

The Texas Transportation Commission (commission) finds it necessary to repeal §2.132 and adopt new §§2.351-2.364 relating to Gulf Intracoastal Waterway Projects to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the repeal of §2.132 and new §§2.351-2.364 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

b Chapter 4 - Employment Practices - Amendments to §4.10 (Purpose) and §4.15 (Preferences) (MO)

This item was presented by Human Resources Division Director David McMillan. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5 - 0.

116646
HRD

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§4.10 and 4.15, relating to job application procedures, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§4.10 and 4.15, are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

ITEM 8. Water Supply Service Corporation Utility Relocation Reimbursement Williamson County - Consider the approval of a request from the Coupland Water Supply Corporation to make the relocation of the Coupland Water Supply Corporation's utility facilities required by the FM 1466 highway improvement project 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 Vaughn, and the commission approved the following minute order by a vote of 5 - 0.

116647
ROW

The Texas Department of Transportation (department) has a state highway project in Williamson County, on Highway FM 1466, that requires the relocation of utility facilities. The Coupland Water Supply Corporation owns certain of those utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly owned utilities are eligible for utility facility relocation at the expense of the state. The Coupland Water Supply Corporation has requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department estimates the amount of expense will be \$60,000.00.

The commission finds and determines that the Coupland Water Supply Corporation meets 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 the request by the Coupland Water Supply Corporation, 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 Coupland Water Supply Corporation utility facility required by the improvement of the state highway system is an expense of the state to be paid by the department.

ITEM 9. Eminent Domain Proceedings

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

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

116648
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening, constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of

the parcels of land listed below, and more particularly described in the attached exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to acquire fee simple title in the parcels or such lesser property interests as set forth in the attached exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached exhibits A-AA. 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 1-164 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Angelina	US 69	56	0200-01-096	P00065653
Angelina	US 69	134	0200-01-096	P00065655
Angelina	US 69	87	0200-01-096	P00065657
Angelina	US 69	88	0200-01-096	P00065660
Angelina	US 69	135	0200-01-096	P00065661
Angelina	US 69	136	0200-01-096	P00065662
Angelina	US 69	137	0200-01-096	P00065666
Angelina	US 69	138	0200-01-096	P00065667
Collin	SH 5	103	0047-09-038	P00055201.001
Collin	US 380	67	0047-10-004	P00069744
Collin	SS 399	16	0047-10-004	P00069751
Collin	SS 399	57	0047-10-004	P00069761
Collin	SS 399	17	0047-10-004	P00069770
Collin	US 380	10	0135-02-074	P00074407
Collin	US 380	9	0135-02-074	P00074455.001-.002
Collin	US 380	97	0135-05-031	P00072908
Collin	US 380	152	0135-15-003	P00068386.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	US 380	156	0135-15-003	P00068389.001
Collin	US 380	157	0135-15-003	P00068390.001
Collin	US 380	162	0135-15-003	P00068391.001
Collin	US 380	155	0135-15-003	P00068395.001
Collin	US 380	163	0135-15-003	P00068396.001
Collin	US 380	164	0135-15-003	P00068404.001
Collin	US 380	7	0135-15-003	P00068405.001
Collin	US 380	158	0135-15-003	P00068407.001
Collin	US 380	159	0135-15-003	P00068410.001
Collin	US 380	160	0135-15-003	P00068418.001
Collin	US 380	132	0135-15-003	P00068421.001
Collin	US 380	21	0135-15-003	P00068454.001
Collin	US 380	161	0135-15-003	P00068455.001
Collin	US 380	66	0135-15-003	P00068456.001
Collin	US 380	8	0135-15-003	P00074487
Collin	US 380	55	0135-15-003	P00074535
Collin	US 380	41	0135-15-003	P00074546
Collin	US 380	22	0135-15-003	P00068438
Collin	US 380	23	0135-17-003	P00072889
Collin	FM 428	104	2678-01-015	P00067648.001
Collin	FM 428	65	2678-01-015	P00067652.001
Collin	FM 428	147	2678-01-015	P00067655.001
Collin	FM 428	93	2678-03-003	P00080985.001-.005
Collin	FM 428	94	2678-03-003	P00080987.001
Collin	FM 428	95	2678-03-003	P00080988.001-.002
Dallas	SL 12	53	0581-02-116	P00073157
Dallas	SL 12	52	0581-02-116	P00073158
Dallas	SL 12	51	0581-02-116	P00073159
Dallas	SL 12	50	0581-02-116	P00073175
Dallas	SL 12	49	0581-02-116	P00073176
Dallas	SL 12	48	0581-02-116	P00073177
Dallas	SL 12	47	0581-02-116	P00073178
Dallas	SL 12	46	0581-02-116	P00073183
Dallas	SL 9	149	2964-10-007	P00071877
Denton	US 377	18	0081-06-043	P00024371
Denton	US 377	153	0081-06-043	P00024374
Denton	US 377	91	0081-06-043	P00024377
Denton	US 377	107	0081-06-043	P00024400
Denton	US 377	131	0081-06-043	P00024401
Denton	US 377	133	0081-06-043	P00024402
Denton	US 377	20	0081-06-043	P00024416
Denton	US 377	19	0081-06-043	P00024417
Denton	US 377	54	0081-06-043	P00061860
Denton	FM 1171	98	1311-01-059	P00061168.001
Denton	FM 1171	100	1311-01-059	P00061170.001
Denton	FM 1171	146	1311-01-059	P00061174.001
Denton	FM 1171	139	1311-01-059	P00061175.001-.002
Denton	FM 1171	148	1311-01-059	P00061178.001
Denton	FM 2931	140	2979-01-012	P00055767.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	FM 2931	141	2979-01-012	P00055768.001
Galveston	FM 646	2	0978-02-073	401
Galveston	FM 646	3	0978-02-073	402
Galveston	FM 646	1	0978-02-073	403
Galveston	FM 646	86	0978-02-073	404
Galveston	FM 646	6	0978-02-073	405
Galveston	FM 646	4	0978-02-073	408
Galveston	FM 646	99	0978-02-073	409
Galveston	FM 646	5	0978-02-073	410
Galveston	FM 646	68	0978-02-073	416
Galveston	FM 646	69	0978-02-073	417
Galveston	FM 646	70	0978-02-073	418
Galveston	FM 646	85	0978-02-073	419
Galveston	FM 646	71	0978-02-073	422
Galveston	FM 646	92	3049-01-033	300
Galveston	FM 646	89	3049-01-033	333A
Galveston	FM 646	90	3049-01-033	333B
Galveston	FM 646	64	3049-01-033	345A
Galveston	FM 646	63	3049-01-033	345B
Gregg	SH 42	38	0545-04-053	P00057902.001
Harris	SH 35	11	0178-09-030	110
Harris	SH 35	96	0271-16-154	202
Harris	FM 2100	151	1062-04-053	151 Pt 1,2
Hidalgo	US 281	24	0255-06-076	P00079165
Hidalgo	US 281	25	0255-06-076	P00079166
Hidalgo	US 281	26	0255-06-076	P00079167
Hidalgo	US 281	27	0255-06-076	P00079168
Hidalgo	US 281	28	0255-06-076	P00079169
Hidalgo	US 281	29	0255-06-076	P00079170
Hidalgo	US 281	30	0255-06-076	P00079171
Hidalgo	US 281	31	0255-06-076	P00079172
Hidalgo	US 281	32	0255-06-076	P00079173
Hidalgo	US 281	33	0255-06-076	P00079174
Hidalgo	US 281	34	0255-06-076	P00079175
Hidalgo	US 281	35	0255-06-076	P00079176
Hidalgo	FM 2061	61	1939-01-066	133
Kaufman	FM 741	79	1092-01-023	P00056587
Kaufman	FM 741	73	1092-01-023	P00056592
Kaufman	FM 741	74	1092-01-023	P00056598
Kaufman	FM 741	75	1092-01-023	P00056599
Kaufman	FM 741	76	1092-01-023	P00056605.001
Kaufman	FM 741	77	1092-01-023	P00056607.001
Kaufman	FM 741	78	1092-01-023	P00056608.001
Kaufman	FM 741	15	1092-01-023	P00056629.001
Kaufman	FM 741	80	1092-01-023	P00056643.001
Lampasas	US 183	109	0272-06-041	P00071467.001-.002
Lampasas	US 183	110	0272-06-041	P00071468.001
Lampasas	US 183	111	0272-06-041	P00071469.001
Lampasas	US 183	113	0272-06-041	P00071470.001

NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Lampasas	US 183	114	0272-06-041	P00071471.001
Lampasas	US 183	115	0272-06-041	P00071472.001
Lampasas	US 183	116	0272-06-041	P00071473.001
Lampasas	US 183	117	0272-06-041	P00071474.001
Lampasas	US 183	118	0272-06-041	P00071476.001-.002
Lampasas	US 183	119	0272-06-041	P00071477.001
Lampasas	US 183	120	0272-06-041	P00071478.001
Lampasas	US 183	121	0272-06-041	P00071480.001-.002
Lampasas	US 183	122	0272-06-041	P00071481.001
Lampasas	US 183	123	0272-06-041	P00071483.001
Lampasas	US 183	124	0272-06-041	P00071484.001
Lampasas	US 183	125	0272-06-041	P00071485.001
Lampasas	US 183	45	0272-06-041	P00071486.001-.003
Lampasas	US 183	44	0272-06-041	P00071487.001
Lampasas	US 183	126	0272-06-041	P00071488.001
Lampasas	US 183	154	0272-06-041	P00071489.001
Lampasas	US 183	43	0272-06-041	P00071490.001
Lampasas	US 183	127	0272-06-041	P00073313.001
Lampasas	US 183	128	0272-06-041	P00073314.001-.002
Lampasas	US 183	42	0272-06-041	P00073315.001-.003
Lampasas	US 183	129	0272-06-041	P00073316.001
Lampasas	US 183	130	0272-06-041	P00073317.001
Lampasas	US 183	40	0272-06-041	P00071475.001
Lampasas	US 183	72	0272-06-042	P00071455.001
Lampasas	US 183	105	0272-06-042	P00071456.001
Lampasas	US 183	106	0272-06-042	P00071457.001
Lampasas	US 183	142	0272-06-042	P00071458.001-.002
Lampasas	US 183	108	0272-06-042	P00071460.001
Lampasas	US 183	112	0272-06-042	P00071462.001
Montgomery	FM 1488	14	0523-07-003	18
Montgomery	FM 1488	13	0523-07-003	20
Montgomery	FM 1488	12	0523-07-003	21
Polk	FM 350	62	0928-01-016	P00076326
Polk	FM 350	84	0928-01-016	P00076327
Polk	FM 350	83	0928-01-016	P00076328
Polk	FM 350	82	0928-01-016	P00076329
Polk	FM 350	81	0928-01-016	P00076330
San Jacinto	FM 1725	145	1582-01-030	P00071961
San Jacinto	FM 1725	144	1582-01-031	P00072124
San Jacinto	FM 1725	143	1582-01-031	P00072126
Smith	FM 2493	101	0191-03-088	P00070560.001
Smith	FM 2493	102	0191-03-088	P00070587.001
Smith	FM 756	36	0492-04-040	P00063743.001
Smith	FM 756	37	0492-04-040	P00063753.001
Smith	FM 756	58	0492-04-040	P00063787.001
Smith	FM 756	59	0889-05-011	P00063856.001
Smith	FM 756	60	0889-05-011	P00063896.001
Wichita	US 82	39	0156-04-124	P00005507
Wichita	US 82	150	0156-04-124	P00005518

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Colorado	IH 10	W	0271-01-084	24
Denton	IH 35W	T	0081-13-067	P00055481
Denton	IH 35E	X	0196-01-100	5
Ellis	IH 45	S	0092-04-083	P00072641
Ellis	IH 45	U	0092-04-083	P00072650
Ellis	IH 45	K	0092-05-059	P00072607
Ellis	IH 45	G	0092-05-059	P00072608
Ellis	IH 45	D	0092-05-059	P00072616
Ellis	IH 45	L	0092-05-059	P00072620
Ellis	IH 45	M	0092-05-059	P00072621.001-.002E
Ellis	IH 45	N	0092-05-059	P00072623.001-.002
Ellis	IH 45	O	0092-05-059	P00072627.001-.002E
Ellis	IH 45	V	0092-05-059	P00072631
Ellis	IH 45	R	0092-05-059	P00072634E
Harris	IH 45	P	0500-03-608	311
Harris	IH 45	A	0500-03-608	328
Harris	IH 45	Q	0500-03-608	413
Harris	IH 45	AA	0500-03-608	441
Midland	IH 20	B	0005-14-099	P00056474.001
Travis	IH 35	E	0015-13-434	P00064453
Travis	IH 35	I	0015-13-434	P00064455
Travis	IH 35	J	0015-13-434	P00064456
Travis	IH 35	F	0015-13-434	P00064462
Travis	IH 35	C	0015-13-434	P00064464
Travis	IH 35	H	0015-13-434	P00064503
Travis	IH 35	Z	0015-13-443	P00071191
Travis	IH 35	Y	0015-13-443	P00071192

Note: Exhibits A - AA and 1 - 164 are on file with the commission chief clerk.

ITEM 10. Routine Minute Orders and Reports

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

a. Donations to the Department

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

116649
CSD

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

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

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

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

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

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

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

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

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
AAAA Texas Inc	BRY	Milam	Funds to construct a right turn lane on US 79 into the donor's property located in Milano.
Beazer Homes Texas, L.P.	HOU	Brazoria	Design and construction of roadway improvements on SH 35 that will serve Laurel Landing development in Alvin.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Continental Homes of Texas, L.P.	SAT	Bexar	Design and construction of a traffic signal at SH 211 and Reeves Loop and roadway widening consisting of left and right turn lanes on SH 211 at Reeves and Goodenough Lane in San Antonio.
Eden Farms Ltd	WAC	Bell	Design and construction of one deceleration and right turn lane eastbound on FM 2286 into the proposed subdivision Friedrich Estates Phase 2B in Salado.
Jade Development, LLC	AUS	Burnet	Design and funds towards the construction of a left turn lane and right turn lane at the intersection of SH 29 on Creekfall Road in Burnet.
Junction at 1460, LLC	AUS	Williamson	Design and construction for the widening of FM1460 to provide one southbound hooded left turn lane and one northbound deceleration lane at the intersection of FM1460 and Coach Light Drive in Georgetown.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Atascosa	Design and construction of an eastbound right turn lane on FM 3350 at the FM 3510 intersection, a northbound right turn lane on FM 3510 at the FM 3350 intersection, a northbound right turn lane on FM 3510 at the subdivision driveway, a southbound left turn lane on FM 3510 at the subdivision driveway, and restriping of southbound Oakhaven Road to include new through lane, right turn lane, and left turn lane markings in Pleasanton.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Comal	Design and construction of northbound/southbound U-Turn, right turn lane, and street connection on US 281 approximately 0.8 miles south of FM 306 in Comal County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Lennar Homes of Texas Land Construction, Ltd.	SAT	Guadalupe	Design and construction of roadway and widening for left and right turn deceleration lanes on FM 758 in Guadalupe County.
Medina Revitalization Initiative, LLC	SAT	Bexar	Design and construction for the installation of left turn deceleration lanes and right turn deceleration lanes on SH 211 located from Tamaron Valley Drive to 0.8 miles south of Tamaron Valley Drive and in San Antonio.
Meritage Homes of Texas, LLC	HOU	Montgomery	Design and construction of three left turn and two right turn deceleration lanes, two street tie-ins, and a traffic signal from northbound and southbound FM 3083 into the Granger Point development in Conroe.
Noon Whistle LLC	WAC	McLennan	Design and construction to expand the SH 6 frontage road for the installation of a right turn lane and the associated striping to service a new subdivision named Lake Waco Business Park in McLennan County.
Odessa Development Corporation	ODA	Ector	Funds towards improvements of constructing a new interchange at the intersection of US 385 and South Loop 338 in Ector County.
Oncor Electric Delivery Company LLC	WFS	Clay	Funds sufficient to cover design and construction of a concrete pad and crash cushion at approximately 100 feet west of Betz Street and 50 linear feet of concrete curb along with removing and replacing a sign at FM 1288 on US 287 frontage road in Bellevue.
OP III ATX Ledgestone	AUS	Travis	Design and construction of a traffic I, LP signal on US 290 and Ledgestone Terrace in Austin.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Rabb's Construction, LLC	WAC	Bell	Design and construction of a right turn deceleration lane along the I-35 northbound frontage road into the entrance of Atwood's Ranch and Home in Temple.
San Antonio LD, LLC	SAT	Bexar	Design and construction of a left turn lane on Loop 1604 (Rockport Road) located approximately 1,700 feet east of SH 16 south in San Antonio.
Starlight Homes Texas L.L.C.	SAT	Bexar	Design and construction of a westbound deceleration right turn lane and one eastbound left turn lane on FM 1346 at Stuart Road in San Antonio.
Texas DPS Troopers Foundation, Inc.	TRF	Hidalgo	Funds to design, fabricate, and install two memorial highway designation signs on the portion of I-69C between FM 925 and Trenton Road, designated as the Trooper Moises Sanchez Memorial Highway within Hidalgo County.
TX-290-1031, LLC	AUS	Blanco	Design and construction for widening of US 290 and extension of a left turn lane in Johnson City.
Vulcan Materials Company	SAT	Uvalde	Design and construction of a single 12'x8' box culvert and drainage channel improvements on US 90 located 1.5 miles east of RM 1022 in Uvalde County.
Woodmere Development Co., Ltd.	HOU	Harris	Design and construction of a street tie-in and roadway improvements along SH 99 underpass at Stockdick School Road that will serve The Crossing at Grand Mason development in Houston.
Continental Homes of Texas, L.P., a Texas Limited Partnership	AUS	Hays	Donation of 0.640 acres of land on FM 2001. The property being donated will be utilized to install right-in and right-out turning lanes on FM 2001 at Phantom Hill Blvd. in Hays County.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Continental Homes of Texas, L.P., a Texas Limited Partnership	AUS	Hays	Donation of 0.267 acres of land on FM 2001. The property being donated will be utilized to install right-in and right-out turning lanes on FM 2001 at Phantom Hill Blvd. in Hays County.
QT South, LLC, a Texas Limited Liability Company	DAL	Dallas	Donation of 0.032 acres of land on FM 1382. The property being donated will be utilized to construct a northbound deceleration lane.
Andria Babineaux dba In Honor of Michael J. Babineaux, MD	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Elephant Insurance Services, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Precedent Wealth Partners. LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Zeus Mortgage, LTD (dba) ZeusLending.com	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
James Mears Motors, Inc.	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
AFO-BOSS, LLC (Disregarded entity-Buchanan Oilfield Services, LLC) dba Buchanan Disposal Solutions	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Pioneer Natural Resources Company	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Thomas OilField Services, LLC	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Fort Bend County - FM 359 - Consider the exchange of a drainage channel easement as part of a transaction to acquire a drainage channel easement needed for a state highway purpose (MO)

116650
ROW

Near the city of Brookshire, Fort Bend County, on FM 359, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 264, at Page 316, of the Deed Records of Fort Bend 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 in exhibit A, (tract) is no longer needed for a state highway purpose. The value of the easement is \$66,539.

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 Century Land Holdings of Texas, LLC, a Colorado limited liability company. The value of the easement encumbering the parcel is \$66,539.

Century Land Holdings of Texas, 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 Century Land Holdings of Texas, LLC, a Colorado limited liability company, as consideration for the easement encumbering the parcel.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the easement to Century Land Holdings of Texas, LLC, a Colorado limited liability company, in exchange and as consideration for the easement encumbering the parcel.

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

(2) Hays County - FM 1626 - Consider the sale of right of way to an abutting landowner (MO)

116651
ROW

Near the city of Buda, Hays County, on FM 1626, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 211, at Page 639, of the Official Public Records of Hays 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.

Matthew Ocker is an abutting landowner and has requested to purchase the tract for \$127,600.00.

The commission finds \$127,600.00 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 Matthew Ocker for \$127,600.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(3) Tarrant County - I-30 - Consider the sale of right of way to the city of Arlington, Texas (MO)

116652
ROW

In the city of Arlington, Tarrant County, on I-30, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 2927, at Page 199, of the Deed Records of Tarrant County, Texas.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the sale of any interest in real property no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The city of Arlington is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$1,102,150.00.

The commission finds \$1,102,150.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the city of Arlington for \$1,102,150.00; 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) Tarrant County - I-35W - Consider the sale of right of way to an abutting landowner (MO)

116653
ROW

In the city of Fort Worth, Tarrant County, on I-35W, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 3692, Page 678, Volume 3380, Page 372, Volume 3799, Page 335, Volume 3396, Page 432, Volume 3397, Page 261, and Volume 3452, Page 477, of the Deed Records of Tarrant 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.

Cidema II Limited Partnership, a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$517,500.00.

The commission finds \$517,500.00 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 Cidema II Limited Partnership, a Texas limited partnership, for \$517,500.00; 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 commission (Report)

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

(3) Grimes and Montgomery Counties

Quarterly Traffic and Revenue Report for the State Highway 249 System (Report)

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

(4) Travis and Williamson Counties

Voluntary Quarterly Report of Actual Traffic and Toll Revenue for the Central Texas Turnpike System (Report)

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

(5) Grand Parkway Transportation Corporation

Annual report on the status of projects and activities undertaken by the Grand Parkway Transportation Corporation (Report)

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

d. Transportation Planning

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)

116654
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.

e. Speed Zones

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

116655
TRF

Transportation Code, §545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets, and highways.

Transportation Code, §545.353 empowers the Texas Transportation Commission (commission) to alter those prima facie limits on any part of the state highway system as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the commission.

The Texas Department of Transportation (department) has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those segments of the state highway system shown in exhibits A and B.

Exhibit A lists construction speed zones in effect when signs are displayed within construction projects. The completion and/or acceptance of each project shall cancel the provision of this minute order applying to said project and any remaining construction speed zone signs shall be removed.

Exhibit B lists speed zones for sections of highways where engineering and traffic investigations justify the need to alter the speeds.

It has also been determined that the speed limits on the segments of the state highway system, previously established by the commission by minute order and listed in exhibit C, are no longer necessary or have been incorporated by the city which has the authority to set the speed limits on these sections of the highway.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached exhibits A and B are declared as tabulated in those exhibits. The executive director is directed to implement this order for control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing speed zones shown on the attached exhibit C are canceled.

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

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission received comments from Rep. Joe Moody and El Paso Metropolitan Planning Organization (MPO) Executive Director Eduardo Calvo about El Paso MPO priorities. Private citizen Santiago voiced concerns with I-35 and the environmental impact statement, specifically the pecan grove at Town Lake and I-35. The commission received no further comments.

ITEM 11. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071

Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

The commission recessed to executive session at 11:22 a.m. and returned from executive session at 12:55 p.m.

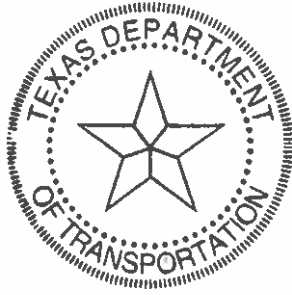
Commissioner Vaughn motioned adjournment and Commissioner Meade seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:57 p.m.

APPROVED by the Texas Transportation Commission on March 28, 2024:



J. Bruce Bugg, Jr., Chairman
Texas Transportation Commission

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on February 22, 2024, in Austin, Texas.



Amanda Brown
Amanda Brown, Commission Chief Clerk
Texas Department of Transportation