

These are the minutes of the regular meeting of the Texas Transportation Commission held on June 27, 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 1:32 p.m. on June 19, 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 May 23, 2024, regular meeting of the Texas Transportation Commission**

Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the minutes of the May 23, 2024, regular meeting by a vote of 5-0.

**ITEM 4. Contracts**

Consider the award or rejection of contracts for highway construction and maintenance,

and construction and rehabilitation of buildings (Presentation)

**a. Highway Improvement and Other Transportation Facilities (MO)**

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

116712  
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 June 5 and 6, 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 New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5-0.

116713  
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 June 5 and 6, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

### **c. Construction and Rehabilitation of Buildings (MO)**

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

116714  
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 June 4, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

**ITEM 5a. Discussion Item**

**Legislative Appropriations Request (Presentation)**

This discussion was led by Financial Management Division Director Amanda Landry. The commission asked questions and discussed the topic. The commission heard comments from Texas Rail Advocates President Peter LeCody and Texas Ports Association Executive Director/Chief Executive Officer Glenna Bruun. The commission received no further comments.

**ITEM 5b. Discussion Item**

**2025 Unified Transportation Program (Presentation)**

This discussion was led by Transportation Planning & Programming Division Director Humberto Gonzalez, Jr. The commission asked questions and discussed the topic. The commission heard comments from Ports to Plains Alliance President/Chief Executive Officer Lauren Garduno, Legislative and District Director for Senator

Blanco Cassandra Urrutia, Horizon City Councilman Walter Miller, and El Paso Metropolitan Planning Organization Executive Director Eduardo Calvo. The commission received no further comments.

**ITEM 6. Public Transportation**

Consider the award of state and federal funds to multiple entities for a variety of program-eligible purposes (MO)

This item was presented by Public Transportation Division Director Eric Gleason. Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5-0.

116715  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$83,773,341 in state and Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in rural and urbanized areas of the state.

Of the amounts appropriated to the Texas Department of Transportation (department) by the General Appropriations Act of the 88th Texas Legislature, Regular Session, \$73,752,134 was appropriated for urban and rural public transportation systems for the 2024-2025 biennium. Title 43, Texas Administrative Code (TAC), §31.11 establishes a formula by which state public transportation funds shall be distributed to the large urban, small urban and rural areas of the state. An award of \$35,857,674 of fiscal year (FY) 2025 state funds to the transit district(s) serving the large and small urbanized areas identified in exhibit A and to rural transit districts included in exhibit A and has been determined in accordance with §31.11. An award of \$583,862 also shown in exhibit A has been determined in accordance with §31.13 to mitigate impacts from the 2020 census and the pandemic in formula calculations.

Title 43, TAC, §31.36(f)(4) establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for Rural Areas program (49 U.S.C. §5311). An award of \$47,331,805 of federal §5311 funds is shown in exhibit B and has been determined in accordance with §31.36(f)(4).

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the department.

Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards in exhibits A and B, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

**ITEM 7. Annual Highway Safety Plan****Various Counties - Consider approval of funding for the 2025 Highway Safety Plan (Presentation) (MO)**

This item was presented by Traffic Safety Division Director Michael Chacon. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5-0.

116716  
TRF

The Texas Traffic Safety Act of 1967 (H.B. 353, 60th Legislature) and the United States Code, Title 23, Section 402, require a highway safety program designed to reduce traffic crashes and their related deaths, injuries, and property damage.

The Infrastructure Investment and Jobs Act (IIJA) will appropriate various traffic safety incentive programs to the states.

The Texas Department of Transportation has, in compliance with these requirements, developed the Highway Safety Plan (HSP).

IT IS THEREFORE ORDERED by the Texas Transportation Commission that the executive director is authorized to enter into any necessary agreements and proceed in the most feasible and economical manner with program development at an estimated total cost of \$103,359,832.26 as shown in exhibit A.

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

**ITEM 8. Aviation****Various Counties - Consider the award of federal non-primary entitlement grant funding, federal apportionment grant funding, Infrastructure and Investment Jobs Act grant funding, and state grant funding for airport improvement projects at various locations (MO)**

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

116717  
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 May 31, 2024, a public hearing was held. No comments were received.

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

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

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

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

**a. Rules Proposal**

**(1) Chapter 6 - State Infrastructure Bank - Amendments to §§6.2-6.4, 6.12, 6.23, 6.32, 6.41-6.43, and 6.45 concerning the State Infrastructure Bank (MO)**

This item was presented by Project Finance, Debt, & Strategic Contracts Section Director Patrick Marotta. 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.

116718  
PFD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§6.2-6.4, 6.12, 6.23, 6.32, 6.41-6.43, and 6.45, concerning the state infrastructure bank.

The preamble and the proposed amendments, attached to this minute order as exhibits A - F 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 §§6.2-6.4, 6.12, 6.23, 6.32, 6.41-6.43, and 6.45 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-F are on file with the commission chief clerk.

**(2) Chapter 11 - Design - The repeal of §§11.200 - 11.221 the federal Transportation Enhancement Program (MO)**

This item was presented by Design Division Director Jason Pike. 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.

116719  
DES

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§11.200-11.221 relating to Transportation Enhancement Program 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 repeal of §§11.200-11.221 is 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.

**(3) Chapter 12 – Traffic Operations - Amendments to §§12.351 - 12.355 concerning sponsorships of the roadside assistance and safety service patrol programs (MO)**

This item was presented by Traffic Safety Division Deputy Director Cathy Kratz. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5-0.

116720  
TRF

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§12.351-12.355, relating to Acknowledgment Program, 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 §§12.351-12.355, 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.

**(4) Chapter 25 – Traffic Operations - The repeal of §25.27 and enactment of new §25.27 concerning the variable speed limit program (MO)**

This item was presented by Traffic Safety Division Deputy Director Cathy Kratz. 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.

116721  
TRF

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §25.27 and propose a new §25.27, relating to Variable Speed Limits 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, 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 §25.27 and new §25.27 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, B, and C are on file with the commission chief clerk.

**b. Rules Adoption****Chapter 1 – Management - Amendments to §1.2, relating to organization of department districts (MO)**

This item was presented by Chief Engineer Lance Simmons. 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.

116722  
TPP

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §1.2, relating to Organization and Responsibilities 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 §1.2, 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 10. 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 Deputy Director Greg Faber. 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).

116723  
ROW

To facilitate the safety and movement of traffic and to preserve the financial investment of the public in its highways, the Texas Transportation Commission (commission) finds that public necessity requires the laying out, opening,

constructing, reconstructing, maintaining, widening, straightening, extending, and operating of the highway facilities listed below as a part of the State Highway System (highway system).

As provided for by Transportation Code, Chapter 203, Subchapter D, including Sections 203.051, 203.052, and 203.054, the commission finds and determines that each of the parcels of land listed below, and more particularly described in the attached exhibits (parcels), are necessary or convenient as a part of the highway system to be constructed, reconstructed, maintained, widened, straightened, or extended (constructed or improved) and it is necessary to acquire fee simple title in the parcels or such lesser property interests as set forth in the attached exhibits.

The commission finds and determines that the highway facilities to be constructed or improved on the parcels identified and listed below under "CONTROLLED ACCESS" are designated as a Controlled-Access Highway in accordance with Transportation Code, Section 203.031; and where there is adjoining real property remaining after acquisition of a parcel, the roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached exhibits A-PP. Where there is adjoining real property remaining after acquisition of a parcel with respect to the highway facilities to be constructed or improved on the parcels identified as listed below under "NON-CONTROLLED ACCESS," roads are to be constructed or improved as a part of the highway facility with the right of ingress and egress to or from the remaining real property adjoining the highway facility to be permitted or denied, as designated and set forth on each of the attached exhibits 1-166 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**NON-CONTROLLED ACCESS**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Brazoria	SH 332	129	1524-01-058	108
Brazoria	SH 332	123	1524-01-058	114
Brazoria	SH 332	133	1524-01-058	119
Brazoria	SH 332	128	1524-01-058	121

**NON-CONTROLLED ACCESS (continued)**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Brazoria	SH 332	126	1524-01-058	202
Brazoria	SH 332	130	1524-01-058	204
Brazoria	SH 332	127	1524-01-058	205
Brazoria	SH 332	121	1524-01-058	206
Brazoria	SH 332	122	1524-01-058	207
Brazoria	SH 332	124	1524-01-058	210
Brazoria	SH 332	132	1524-01-058	212
Brazoria	SH 332	125	1524-01-058	213
Brazoria	SH 332	131	1524-01-058	216
Collin	US 380	2	0135-02-074	P00074381
Collin	US 380	3	0135-02-074	P00074399
Collin	US 380	160	0135-02-074	P00074437
Collin	US 380	4	0135-04-039	P00072853
Collin	US 380	159	0135-04-039	P00072855
Collin	US 380	161	0135-15-003	P00068399.001
Collin	US 380	5	0135-15-003	P00074515
Collin	FM 1138	71	1016-02-022	P00083835
Dallas	SL 12	53	0581-02-116	P00073180
Dallas	SL 12	52	0581-02-116	P00073181
Dallas	SL 9	148	2964-10-007	P00071779.001
Dallas	SL 9	144	2964-10-007	P00071780.001
Dallas	SL 9	145	2964-10-007	P00071781.001
Dallas	SL 9	146	2964-10-007	P00071782.001
Dallas	SL 9	147	2964-10-007	P00071783.001
Dallas	SL 9	149	2964-10-007	P00071786.001
Dallas	SL 9	150	2964-12-008	P00081860.001
Denton	FM 1385	73	1311-01-059	P00061177
Denton	FM 1385	119	1315-01-031	P00057098
Denton	FM 1385	113	1315-01-031	P00057115
Denton	FM 1385	90	1315-01-031	P00057140
Denton	FM 1385	84	1315-01-031	P00057167
Denton	FM 1385	87	1315-01-031	P00057170.001-.002
Denton	FM 1385	79	1315-01-031	P00058152
Denton	FM 1385	78	1315-01-031	P00058153
Denton	FM 1385	76	1315-01-031	P00058155
Denton	FM 1385	77	1315-01-031	P00058158
Denton	FM 1385	89	1315-01-031	P00058159
Denton	FM 1385	80	1315-01-031	P00058162
Denton	FM 1385	75	1315-01-031	P00058163
Denton	FM 1385	100	1315-01-031	P00058165
Denton	FM 1385	104	1315-01-031	P00058166.001-.002
Denton	FM 1385	105	1315-01-031	P00058169
Denton	FM 1385	103	1315-01-031	P00058171

**NON-CONTROLLED ACCESS (continued)**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Denton	FM 1385	102	1315-01-031	P00058173
Denton	FM 1385	101	1315-01-031	P00058176
Denton	FM 1385	99	1315-01-031	P00058178
Denton	FM 1385	118	1315-01-031	P00058179
Denton	FM 1385	116	1315-01-031	P00058183
Denton	FM 1385	107	1315-01-031	P00058187
Denton	FM 1385	97	1315-01-031	P00058193
Denton	FM 1385	95	1315-01-031	P00058194
Denton	FM 1385	86	1315-01-031	P00058195
Denton	FM 1385	120	1315-01-031	P00058197
Denton	FM 1385	74	1315-01-031	P00058198
Denton	FM 1385	96	1315-01-031	P00058199
Denton	FM 1385	98	1315-01-031	P00058201
Denton	FM 1385	94	1315-01-031	P00058202
Denton	FM 1385	108	1315-01-031	P00058205
Denton	FM 1385	88	1315-01-031	P00058207
Denton	FM 1385	92	1315-01-031	P00058210
Denton	FM 1385	91	1315-01-031	P00058215
Denton	FM 1385	93	1315-01-031	P00058217
Denton	FM 1385	109	1315-01-031	P00058221
Denton	FM 1385	114	1315-01-031	P00058222
Denton	FM 1385	82	1315-01-031	P00058224
Denton	FM 1385	83	1315-01-031	P00058225
Denton	FM 1385	111	1315-01-031	P00066110.001-.002
Denton	FM 1385	85	1315-01-031	P00066111
Denton	FM 1385	110	1315-01-031	P00066112
Denton	FM 1385	115	1315-01-031	P00066114
Denton	FM 1385	81	1315-01-031	P00066116
Denton	FM 1385	106	1315-01-031	P00066118
Denton	FM 1385	112	1315-01-031	P00066120
Denton	FM 1385	117	1315-01-031	P00066123
El Paso	US 62	38	0374-02-104	15
El Paso	US 62	164	0374-02-104	54
Ellis	FM 664	22	1051-01-057	P00054338
Ellis	SL 9	152	2964-12-008	P00081849.001
Ellis	SL 9	153	2964-12-008	P00081850.001
Ellis	SL 9	154	2964-12-008	P00081851.001
Ellis	SL 9	155	2964-12-008	P00081852.001
Ellis	SL 9	156	2964-12-008	P00081853.001
Ellis	SL 9	157	2964-12-008	P00081854.001
Ellis	SL 9	158	2964-12-008	P00081855.001-.002
Ellis	SL 9	151	2964-12-008	P00081856.001
Ellis	SL 9	162	2964-12-008	P00081859.001

**NON-CONTROLLED ACCESS (continued)**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Ellis	SL 9	163	2964-12-008	P00081861.001
Hidalgo	FM 1925	139	1803-01-101	13
Hidalgo	FM 1925	138	1803-01-101	27
Hidalgo	FM 1925	134	1803-01-101	29
Hidalgo	FM 1925	140	1803-01-101	32
Hidalgo	FM 1925	141	1803-01-101	33
Hidalgo	FM 1925	135	1803-01-101	35
Hidalgo	FM 1925	137	1803-01-101	40
Hidalgo	FM 1925	136	1803-01-101	49
Hidalgo	FM 1925	142	1803-01-102	30
Hidalgo	FM 2220	143	2094-01-070	74
Jackson	SH 35	13	0179-09-043	P00075316
Jackson	SH 35	11	0179-09-043	P00075319
Jackson	SH 35	12	0179-09-043	P00075320
Jackson	SH 35	14	0179-09-043	P00075321
Jackson	SH 35	15	0179-09-043	P00075322
Kaufman	FM 741	72	1092-01-023	P00056594
Leon	US 79	36	0205-04-052	P00058835
Leon	US 79	29	0205-04-052	P00058848
Leon	US 79	30	0205-04-052	P00058850
Leon	US 79	27	0205-04-052	P00058858
Leon	US 79	32	0205-04-052	P00058881
Leon	US 79	37	0205-04-052	P00058900
Leon	US79	28	0205-04-052	P00058903
Leon	US 79	35	0205-04-052	P00058907
Leon	US 79	31	0205-04-052	P00058915
Leon	US 79	33	0205-04-052	P00060968
Leon	US 79	34	0205-04-052	P00061010
Rockwall	FM 1138	69	1016-03-017	P00083837
Rockwall	FM 1138	70	1016-03-017	P00086221
Smith	FM 2493	23	0191-03-088	P00070521
Smith	FM 2493	18	0191-03-088	P00070533
Smith	FM 2493	24	0191-03-088	P00070535
Smith	FM 2493	26	0191-03-088	P00070545
Smith	FM 2493	16	0191-03-088	P00070546
Smith	FM 2493	19	0191-03-088	P00070547
Smith	FM 2493	25	0191-03-088	P00070548
Smith	FM 2493	21	0191-03-088	P00070561
Smith	FM 2493	20	0191-03-088	P00070562
Smith	FM 2493	17	0191-03-088	P00070565.001-.002
Smith	SH 31	39	0424-01-059	P00066996.001
Smith	SH 31	40	0424-01-059	P00067001.001
Smith	SH 31	41	0424-01-059	P00067003.001

**NON-CONTROLLED ACCESS (continued)**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Smith	SH 31	42	0424-01-059	P00067008.001
Smith	FM 756	51	0492-04-040	P00063795
Smith	FM 756	43	0492-04-040	P00063797
Smith	FM 756	44	0492-04-040	P00063798
Smith	FM 756	45	0492-04-040	P00063799
Smith	FM 756	46	0492-04-040	P00063800
Smith	FM 756	47	0492-04-040	P00063802
Smith	FM 756	48	0492-04-040	P00063803
Smith	FM 756	49	0492-04-040	P00063804
Smith	FM 756	50	0492-04-040	P00063805
Smith	FM 756	54	0889-05-011	P00063877
Ward	FM 516	55	1001-01-016	P00056020
Ward	FM 516	58	1001-01-016	P00056031
Ward	FM 516	57	1001-01-016	P00056034
Ward	FM 516	56	1001-01-016	P00056036
Ward	FM 516	59	1001-01-016	P00056038
Ward	FM 516	60	1001-01-016	P00056046
Ward	FM 516	61	1001-01-016	P00056048
Ward	FM 516	62	1001-01-016	P00056050
Ward	FM 516	63	1001-01-016	P00056052
Ward	FM 516	64	1001-01-016	P00056053
Ward	FM 516	65	1001-01-016	P00056054
Ward	FM 516	66	1001-01-016	P00056055
Ward	FM 516	67	1001-01-016	P00056058
Ward	FM 516	68	1001-01-016	P00056059
Washington	US 290	165	0186-06-094	P00065027
Washington	US 290	166	0186-06-094	P00065038
Wichita	US 82	7	0156-04-124	P00005504
Wichita	US 82	9	0156-04-124	P00005532
Wichita	US 82	8	0156-04-124	P00005536
Wichita	US 82	10	0156-04-124	P00005587
Wichita	US 82	6	0156-04-124	P00005593
Zapata	US 83	1	0038-05-047	1

**CONTROLLED ACCESS**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Culberson	US 62	O	0233-01-054	P00079262.001
Denton	I-35W	I	0081-13-067	P00055495
Galveston	I-45	GG	0500-04-123	235
Harris	I-45	FF	0500-03-616	4
Harris	I-45	EE	0500-03-616	803
Jack	US 281	S	0249-07-076	2
Jack	US 281	R	0249-07-076	4

**CONTROLLED ACCESS (continued)**

<b>COUNTY</b>	<b>HIGHWAY</b>	<b>EXHIBIT</b>	<b>ROW CSJ NO.</b>	<b>PARCEL</b>
Jack	SH 199	P	0249-07-077	P00067594.001-.002
Jack	SH 199	Q	0249-07-077	P00067595.001-.002
Midland	I-20	A	0005-14-099	P00056475.001
Smith	I-20	X	0495-04-075	P00077248.001
Smith	I-20	Y	0495-04-075	P00077249.001
Smith	I-20	DD	0495-04-075	P00077250.001
Smith	I-20	Z	0495-04-075	P00077251.001
Smith	I-20	CC	0495-04-075	P00077254.001
Smith	I-20	BB	0495-04-075	P00077255.001
Smith	I-20	T	0495-04-075	P00077256.001
Smith	I-20	U	0495-04-075	P00077257.001
Smith	I-20	V	0495-04-075	P00077259.001
Smith	I-20	W	0495-04-075	P00077260.001
Smith	I-20	PP	0495-04-075	P00077261.001
Smith	I-20	AA	0495-04-075	P00077264.001
Travis	I-35	C	0015-13-434	P00064451
Travis	I-35	B	0015-13-434	P00066349
Travis	I-35	II	0015-13-435	P00064448
Travis	I-35	H	0015-13-435	P00064560.001-.002
Travis	I-35	F	0015-13-435	P00064561.001
Travis	I-35	E	0015-13-435	P00064568
Travis	I-35	G	0015-13-435	P00064588.001-.002
Travis	I-35	J	0015-13-435	P00064600
Travis	I-35	K	0015-13-435	P00064601
Travis	I-35	M	0015-13-435	P00064602
Travis	I-35	D	0015-13-435	P00066360
Travis	I-35	L	0015-13-435	P00066425.001-.002
Travis	I-35	N	0015-13-435	P00066426.001-.003
Walker	I-45	HH	0675-06-111	12
Washington	US 290	JJ	0186-06-094	P00065020
Washington	US 290	KK	0186-06-094	P00065021
Washington	US 290	LL	0186-06-094	P00065022
Washington	US 290	MM	0186-06-094	P00065024
Washington	US 290	NN	0186-06-094	P00065026
Washington	US 290	OO	0186-06-094	P00065028

Note: Exhibits A-PP and 1-166 are on file with the commission chief clerk.

**ITEM 11. Routine Minute Orders and Reports**

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



**a. Donations to the Department**

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

116724  
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**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Abilene Youth Sports Authority, Inc.	ABL	Taylor	Design and construction of approximately 880 linear feet of 20' wide asphalt paved driveway/access road with prepared base and subgrade at Loop 322 southbound frontage road at SH 36 in Abilene.
AO Lot Development, LLC	SAT	Medina	Design and construction of roadway, drainage, signing and pavement markings, traffic signal improvements at US 90 and FM 471/Alsatian Oaks Boulevard, US 90 and Tondre Parkway, and US 90 at Country Lane in Castroville.
Belton Realestate LLC	WAC	Bell	Design and construction of modifying the ramp and I-35 southbound frontage road to prevent direct access to Laila Street intersection in Belton.
Bridgeland Development, LP	HOU	Harris	Design and construction of a traffic signal at the diamond interchange of Jack Road and SH 99 into the Bridgeland development in Cypress.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
C5LC at Interstate 10, LLC	SAT	Bexar	Design and construction of pavement widening, right turn deceleration lane, and acceleration at the intersection of Loop 1604 and the proposed Viewpoint Ridge Road approximately 3,500 feet north of I-10 in San Antonio.
CMC Railroad, LLC	BMT	Liberty	Design and construction of a new signal at the US 90 and CR 493/Rolke Road intersection; a right turn deceleration lane from eastbound US 90 to CR 493/Rolke Road; and an additional westbound left turn Lane from westbound US 90 to CR 492/Rolke Road in Dayton.
Cypress Creek South Cedar Road LP	WAC	Bell	Design and construction of a right turn deceleration on W Adams Avenue into a proposed multifamily addition named Cypress Creek at South Cedar located in Temple.
Cypress Junction 2 LLC	HOU	Harris	Modification of a traffic signal northbound and striping of a left turn lane westbound from FM 529 into the Cypress Junction 2 development in Cypress.
DPEG Vicksburg, LP	HOU	Fort Bend	Design and construction of a street tie-in and right turn lane from southeast bound SH 6 into the Territory of Missouri City development in Missouri City.
Fikes Wholesale, Inc.	WAC	McLennan	Design and construction of two deceleration lanes of approximately 245' each to accommodate right turn lanes for three driveways and storm water relocation on the I-35 service road at the entrances of the CEFCO located in Bruceville-Eddy.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
IDV Kilgore, LLC	BMT	Chambers	Design and construction of a right and center turn lane on FM 565 from the intersection of FM 3180 to 0.5 Miles west along FM 565 in Baytown.
Lennar Homes of Texas Land and Construction, Ltd	AUS	Hays	Funds towards the donor's share of cost for the new traffic signals at the intersection of SH 21 and Yarrington Road in San Marcos.
Lennar Homes of Texas Land and Construction, Ltd.	SAT	Guadalupe	Design and construction of left and right turn lanes for Panther Ridge, a new public street serving the Jaro North Subdivision North of FM 758 on SH 123 within the ETJ of New Braunfels.
Lubbock Arts Alliance, Inc.	TRF	Lubbock	Funds design, fabricate, and install two memorial highway designation signs on the portion of FM 40 between CR 3300 and CR 3800, designated as The Maines Brothers Band Highway within Lubbock County.
Millican Land Development, LLC	BRY	Brazos	Design and construction of a left turn lane on FM 2154 including all associated widening and striping adjacent to the donor's property in Brazos County.
Permian Basin Medical Center	ODA	Midland	Design and construction of a traffic signal that will be utilized to control the movement of traffic at the intersection of Gateway Boulevard at FM 1788/SH 349 in Midland.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Texas Mutual Insurance Company	TRF	Bastrop Comal Denton Ellis Fort Bend Tarrant	Banker soft silicone cell phone wallets for TxDOT to co-brand with traffic safety messages for the Be Safe. Drive Smart. campaigns.
Texas State Technical College	WAC	McLennan	Design and construction of shoulder/ditch improvements to approximately 700 linear feet of Air Base Road (FM 2418), as well as the entryway portion of the new East Craven Avenue up to the existing Texas State Technical College campus property line in Waco.
TWV NQ Kyle Land, L.L.C.	AUS	Hays	Design and construction of roadway improvements to I-35 frontage road that will serve the Caraway Tract in Kyle.
Virtuo 2920, LLC	HOU	Harris	Design, construction, and installation of a traffic signal on FM 2920 for the proposed driveway into the Virtuo Springs development in Spring.
City of Midland, Texas	ODA	Midland	Donation of 2.8708 acres of land on SH 158. The property being donated will be utilized to construct a new intersection with signals at SH 158 and Wadley Ave.
City of Midland, Texas	ODA	Midland	Donation of 0.2869 acres of land on SH 158. The property being donated will be utilized to construct a new intersection with signals at SH 158 and Briarwood Ave.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
City of Midland, Texas	ODA	Midland	Donation of 0.5845 acres of land on SH 158. The property being donated will be utilized to construct a new intersection with signals at SH 158 and Briarwood Ave.
City of Midland, Texas	ODA	Midland	Donation of 0.2680 acres of land on SH 158. The property being donated will be utilized to construct a new intersection with signals at SH 158 and Briarwood Ave.
C3 Presents, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
South Austin Emergency Center	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Amber Allen - In Memory of Family Member (Dakota)	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Wan Bridge Property Management, LLC	HOU	Brazoria	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elite MMA - Baytown, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Katy Asian Town Retail Condominium Association, Inc	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Monaco Residential, LP	ODA	Midland	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Kidd Roofing	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Kidd Roofing	SAT	Comal	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Lindsey Campbell Realtor dba Scott J. Realtor Group	SAT	Comal	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) Bastrop County - SL 230 - Consider the sale of right of way to the city of Smithville, Texas (MO)**

116725  
ROW

Near the city of Smithville, Bastrop County, on SL 230, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 1373, at page 188, Volume 1379, at page 288, and Volume 1379, at page 282, of the Deed Records of Bastrop County, Texas.

All of the land, which 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 Smithville, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$51,600.00.

The commission finds \$51,600.00 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, 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 the city of Smithville, Texas for \$51,600.00; 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.

**(2) Midland County - SL 250 - Consider the sale of right of way to an abutting landowner (MO)**

116726  
ROW

Near the city of Midland, Midland County, on SL 250, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 677, at page 655, and Volume 681, at page 706, of the Deed Records of Midland 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.

Wrangler MITX 130205 Portfolio Owner LLC, a Delaware limited liability company, is an abutting landowner and has requested to purchase the tract for \$28,790.00.

The commission finds \$28,790.00 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 Wrangler MITX 130205 Portfolio Owner LLC, a Delaware limited liability company, for \$28,790.00; 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: Exhibits A and B are on file with the commission chief clerk.

**(3) Travis County - SH 130 - Consider the designation of one location on the SH 130 southbound frontage road at which access will be permitted to the adjoining private real property (MO)**

116727  
ROW

Near the city of Austin, Travis County, on SH 130, a new designated controlled-access highway, the state of Texas acquired certain land for the Central Texas Turnpike System (CTTS) for highway purposes with a denial of access to the adjoining private real property per Transportation Code, §203.031(a).

Slate Howard, LP, a Texas limited partnership, the current owner of the adjoining private real property, has requested designated access from the SH 130 southbound frontage road for proposed ingress at one location along the property line at the new access point described in exhibit A (access).

Slate Howard, LP, a Texas limited partnership, has committed to purchase the access for \$510,000.00.



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

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

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

Transportation Code, Chapter 202, Subchapter B, authorizes the commission to recommend the sale of any interest in right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

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

The commission further finds, in accordance with the standard established by Transportation Code, §202.021(j), that \$510,000.00 is a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated ingress at the line, 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 granting the ingress at the line described in exhibit A to Slate Howard, LP, a Texas limited partnership, for \$510,000.00.

IT IS FURTHER ORDERED by the commission that all proceeds from the sale of the access to Slate Howard, LP, a Texas limited partnership, shall be deposited and used in accordance with the terms of the CTTS Indenture of Trust, and the executive director of the Texas Department of Transportation (department) or the executive director's designee, the chief financial officer of the department, and the director, Project Finance, Debt and Strategic Contracts Division of the department, are authorized to perform all actions necessary to comply with the terms of the CTTS Indenture of Trust in the management of the sale proceeds.

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

### **c. Reports**

#### **(1) Compliance Division Report**

Note: Confidential report to commission.

#### **(2) Environmental Report**

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

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

**d. Rail Clearance Deviations****(1) Bexar County - Consider the approval of rail clearance deviations (MO)**116728  
RRD

Transportation Code §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may permit a railroad or other entity to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Alamo Junction Rail Park (AJRP) requesting two clearance deviations for their facility located at Building #1 (Home Depot) 15720 Old Corpus Christi Rd. Elmendorf, 78112 in Bexar County, Texas; clearance deviations specifics are detailed in exhibit A. The department investigated the location to determine whether good cause for the deviations is evident and whether the deviations would restrict reasonable and safe operations.

In determining whether the new structure demonstrates good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements;
- (2) the safety of employees working near railroad tracks; and
- (3) limited clearances.

The department reviewed facility plans, confirmed site conditions, and determined the requested clearance deviations are reasonable, safe, and include sufficient:

- (1) warning signs at limited clearance locations; and
- (2) safety rules, operational requirements, and training to address employee safety.

Based on the investigations, the department determined that the clearance deviations as listed in exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The department notified the Attorney General of Texas as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviations as described in exhibit A are approved.

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

**(2) McLennan County - Consider the approval of rail clearance deviations (MO)**116729  
RRD

Transportation Code §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Transportation Code §191.005 establishes that the

Texas Transportation Commission (commission), for good cause shown, may permit a railroad or other entity to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Jebro Inc. requesting three clearance deviations for their facility located at 2500 Martin Road HWY 6, Waco, Texas, 76705 in McLennan County, Texas; clearance deviations specifics are detailed in exhibit A. The department investigated the location to determine whether good cause for the deviations is evident and whether the deviations would restrict reasonable and safe operations.

In determining whether the new structure demonstrates good cause for the requested clearance deviations, the department considered:

- (4) federal and state requirements;
- (5) the safety of employees working near railroad tracks; and
- (6) limited clearances.

The department reviewed facility plans, confirmed site conditions, and determined the requested clearance deviations are reasonable, safe, and include sufficient:

- (3) warning signs at limited clearance locations; and
- (4) safety rules, operational requirements, and training to address employee safety.

Based on the investigations, the department determined that the clearance deviations as listed in exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The department notified the Attorney General of Texas as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviations as described in exhibit A are approved.

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

#### **e. Land Acquisitions**

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

116730  
SSD

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

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

other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway.

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

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

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

IT IS 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.

**f. Speed Zones**

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

116731  
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 Transportation Advocacy Group (TAG) Houston Executive Director Christina Cabral. The commission received no further comments.

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

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

The commission did not meet in executive session.

Commissioner New motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 5-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:32 a.m.

APPROVED by the Texas Transportation Commission on July 30, 2024:

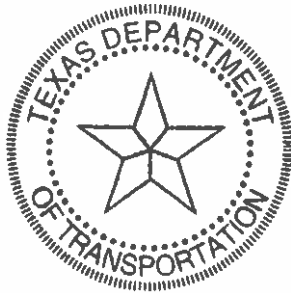


---

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 June 27, 2024, in Austin, Texas.



---

Amanda Brown, Commission Chief Clerk  
Texas Department of Transportation