

These are the minutes of the regular meeting of the Texas Transportation Commission held on July 30, 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 2:00 p.m. on July 22, 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 June 27, 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 June 27, 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 Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5-0.

116732
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 July 9 and 10, 2024, as well as ABILENE DISTRICT, NOLAN COUNTY, Project Number STP 2000(401)TP, Job Number 3204 which was publicly opened and read on June 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 Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5-0.

116733
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 July 9 and 10, 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 Division Director Brian Sweat. 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.

116734
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 July 2, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

ITEM 5. Acknowledgment of Service

Recognize by resolution Corpus Christi District Engineer Valente Olivarez, Jr. for over 25 years of service to the department.

This resolution was presented by Chief Engineer Lance Simmons. The commission heard comments from Senator Juan Hinojosa. Mr. Olivarez thanked the commission and department for the opportunities that he had at TxDOT. The commissioners thanked Olivarez and made additional remarks.

ITEM 6a. 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 Gulf Coast Rail District Executive Director Katherine Parker, Texas Rail Advocates President Peter LeCody, and Port of Palacios Port Director and Texas Ports Association President Victor Martinez, Jr. The commission received no further comments.

ITEM 6b. Discussion Item**Ship Channel Improvement Revolving Fund (Presentation)**

This discussion was led by Maritime Division Director Geir Kalhagen. The commission asked questions and discussed the topic. The commission heard comments from Port of Palacios Port Director and Texas Ports Association President Victor Martinez, Jr. The commission received no further comments.

ITEM 7. Connecting Texas 2050**Consider the adoption of Connecting Texas 2050 (Presentation) (MO)**

This item was presented by Transportation Planning & Programming Division Director Humberto Gonzalez, Jr. The commission heard comments from Texas Department of Transportation Aviation Advisory Committee Chairwoman Shelly deZevallos. Commissioner Alvis made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5-0.

116735
TPP

In compliance with Title 23 U.S.C. §135, as implemented by 23 C.F.R. Part 450, and Transportation Code §201.601, the Texas Department of Transportation (department) has developed a performance-based, statewide long-range transportation plan - Connecting Texas 2050 - covering a period of 26 years that provides for the development and implementation of a transportation system and contains all modes of transportation, including highways, public transportation, railroads, waterways, aviation, pedestrian, and bicycle transportation facilities.

Connecting Texas 2050, which is attached as exhibit A, has been developed in collaboration department districts, divisions, and advisory committees, as well as other transportation partners and the public. This includes consultation, as appropriate, with affected state, tribal, and local agencies responsible for transportation, land use management, natural resources, environmental protection, conservation, and historic preservation. Connecting Texas 2050 incorporates input from over 4,500 Texans through a statistically valid statewide survey. It details ongoing and additional strategies to address the proposed Connecting Texas 2050 long-range transportation goals of safety, preservation, mobility, connectivity, economic vitality, and stewardship. It also identifies corridors of statewide significance as well as future investment needs to accomplish the Connecting Texas 2050 goals.

Connecting Texas 2050 has been presented for public comment by means of various stakeholder and public meetings conducted in each department district throughout the state to solicit input and comment from affected public agencies, representatives of public transportation agencies, members of the public, and other interested parties. A public hearing was held virtually on May 28, 2024, and written comments were accepted through June 9, 2024. A summary of the comments is included in Connecting Texas 2050.

After due deliberation and consideration, the Texas Transportation Commission (commission) finds that the requirements of Title 23 U.S.C. §135 and Transportation Code §201.601 have been fully satisfied as they pertain to the development of Connecting Texas 2050.

IT IS THEREFORE ORDERED by the commission that Connecting Texas 2050, which is attached as exhibit A, is hereby adopted.

IT IS FURTHER ORDERED that the executive director, or his designee, submit Connecting Texas 2050 to the Federal Highway Administration in accordance with federal requirements.

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

ITEM 8. Public Transportation

Various Counties - Consider the award of 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 New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5-0.

116736
PTN

The Texas Transportation Commission (commission) desires to award a total of \$39,330,340 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.

Title 43, Texas Administrative Code (TAC), §31.22 describes the process for implementing the Statewide and Nonmetropolitan Transportation Planning program (49 U.S.C. §5304). Awards of up to \$570,000 of federal §5304 funds are shown in exhibit A and have been determined in accordance with §31.22.

Title 43, TAC, §31.31 establishes a formula by which public transportation funds shall be distributed under the FTA Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program (49 U.S.C. §5310). Awards of \$10,814,302 of federal §5310 funds are shown in exhibit B and have been determined in accordance with §31.31.

Title 43, TAC, §31.22, §31.36, and §31.37 establish the process by which program proposals shall be evaluated and funds distributed. On October 27, 2023, the department published a Notice of Call for Projects in the Texas Register. Project criteria included project planning and coordination, demonstration of project need and benefits, and project management. The commission finds that the projects in exhibit C are eligible for funding and awards a total of \$27,946,038 in federal and state funds.

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 as described, and in exhibits A-C, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

ITEM 9. State Infrastructure Bank

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

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

116737
PFD

The applicants listed in exhibit A have each submitted an application for financial assistance in the form of a loan from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). Each application satisfies all requirements of the rules, including passage of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. Each applicant intends to use the financial assistance to pay for eligible project costs to perform work on various projects in various counties in Texas, as detailed in exhibit A.

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

In accordance with the SIB rules, the executive director has negotiated all the terms of an agreement with each applicant as necessary to protect the public's safety and to prudently provide for the protection of public funds while furthering the purposes of the SIB, as contained in exhibit A.

The SIB rules also allow for final approval by the commission of any SIB loan in the principal amount of \$10 million or less without first going through the preliminary approval process described in the SIB rules if the financial assistance is to be used for a project for which the department has primary responsibility.

The executive director or his designee implemented actions authorized and required by the SIB rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies required by the SIB rules have been completed and approved by the department. The executive director recommends that the commission grant final approval of the applications listed in exhibit A for financial assistance from the SIB up to the amount listed for each project.

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

1. the projects listed in exhibit A are consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization (MPO);
2. the city of Bertram project listed in exhibit A is not in a Clean Air non-attainment area;
3. the Verona Special Utility District project listed in exhibit A is in a Clean Air Act non-attainment area and is consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the MPO in which the project is located, and with the State Implementation Plan;
4. the projects listed in exhibit A will improve the efficiency of the state's transportation systems;
5. the projects listed in exhibit A will expand the availability of funding for transportation projects or reduce direct state costs;
6. the applications submitted show that the applicants listed in exhibit A are likely to have sufficient revenues to assure repayment of the financial assistance;
7. providing financial assistance to each applicant listed in exhibit A will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
8. the projects listed in exhibit A will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that each application listed in exhibit A submitted for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB rules and, in accordance with those provisions, the commission grants final approval of the applications for SIB loans under the terms contained within exhibit A up to the amount listed for each project to pay for the eligible project costs necessary for the projects.

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

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

ITEM 10. Transportation Corporation

Harris County - Consider (a) authorizing the Texas Transportation Finance Corporation (corporation) to act on behalf of the Texas Transportation Commission (commission) and perform any function necessary to the exercise of powers delegated to the corporation in connection with the acquisition, development, financing, refinancing, design, construction, reconstruction, expansion, tolling, operation and maintenance of the State Highway 288 Toll Lanes in Harris County (project); (b) authorizing the Texas Department of Transportation (department) to enter into agreements with the corporation, including a project agreement to provide for the allocation of responsibilities relating to the project; (c) providing for the assignment of revenues of the project to the corporation; (d) authorizing the department to provide a loan to the corporation for the payment of project costs and related financing agreements, including a toll rate agreement between the commission and the corporation; and (e) delegating authority to commission representatives to adopt an official intent to reimburse costs of the project with bond proceeds (MO)

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

116738
PFD

The Texas Transportation Commission (commission), as the governing body of the Texas Department of Transportation (department), may designate toll projects and systems and authorize the department to acquire, develop, finance, refinance, design, construct, reconstruct, expand, operate and/or maintain them.

Pursuant to Minute Order 114205, dated February 26, 2015, the department entered into 1) a Comprehensive Development Agreement dated March 4, 2016 (the "SH 288 CDA"), regarding the State Highway 288 Toll Lanes project in Harris County (the "project"), and 2) an associated Project Lease dated October 25, 2016 ("SH 288 Lease"), both with Blueridge Transportation Group, LLC, a Delaware limited liability company ("developer"). As constructed, the project extends 10.0 miles from Blodgett Street in Harris County southward to a terminus at approximately the county line between Harris and Brazoria Counties. The project is comprised of four tolled lanes on State Highway 288 (two lanes in each direction) extending ten miles from Blodgett Street in Harris County southward to a terminus at approximately the county line between Harris and Brazoria Counties, eight tolled direct connectors at Beltway 8, two tolled direct connectors at Holcombe Boulevard near the Texas Medical Center, eight direct connectors at I-610, eight general purpose lanes between Blodgett Street and I-610 (four in each direction), six general purpose lanes between I-610 and the southern terminus of the project (three in each direction), all ramps and auxiliary lanes along tolled and general purpose lanes, frontage roads for service to abutting property and adjacent areas, the operations and maintenance facility adjacent to the direct connectors at Holcombe Boulevard and the electronic toll collection system (including advanced toll information signs).

Section 31.1.1 of the SH 288 CDA provides the department with the right to terminate the SH 288 CDA and SH 288 Lease if the department determines in its discretion that a termination is in the department's best interest. Upon such a determination, the department must notify the developer and specify the date upon which the termination shall take effect. Upon termination, control of the State Highway 288 Toll Lanes project reverts to the department. In Minute Order 116663, dated March 28, 2024, the commission determined that pursuing termination of the SH 288 CDA and SH 288 Lease is in the best interest of the department and authorized the department to exercise its termination for convenience rights under the SH 288 CDA. The department provided a notice of intent to terminate to the developer on April 8, 2024, with an anticipated termination date of October 8, 2024 (termination date), by which the department intends to make, or cause to be made, a payment to the developer in the amount of \$1,731,730,721 (termination payment), less any amounts as allowed by the SH 288 CDA.

Also in Minute Order 116663, dated March 28, 2024, pursuant to Transportation Code, Chapter 431, Subchapters A through C (Chapter 431) and in accordance with Title 43 Texas Administrative Code §15.95, the commission adopted a resolution creating a transportation corporation to assist in the acquisition, development, financing, refinancing, design, construction, reconstruction, expansion, tolling, operation and/or maintenance of any toll project as determined by the commission to assist the commission in fulfilling the purposes of Chapter 431, including promoting and developing public transportation facilities and systems by new and alternative means, reducing burdens and demands on the limited funds available to the commission, and increasing the effectiveness and efficiency of the commission. The resolution also approves the certificate of formation and bylaws of the corporation and appoints the initial directors of the corporation. The initial directors executed a Certificate of Formation on May 2, 2024, which was filed by the Office of the Texas Secretary of State on May 3, 2024, creating the Texas Transportation Finance Corporation (corporation).

Transportation Code §222.103 authorizes the department to participate, by spending money from any available source in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. Title 43 Texas Administrative Code §15.95 provides that the corporation may borrow money and the department may lend money to the corporation pursuant to state law, including making a loan to a corporation under Transportation Code, §222.103, to pay for or reimburse project costs.

The commission has determined that it would promote safety and mobility in the state by reimbursing the amount of the termination payment to the department as soon as practicable so that the funds may be used on other transportation projects. The commission has determined that this may be accomplished by authorizing the corporation to assist in the acquisition, development, financing, refinancing, design, construction, reconstruction, expansion, tolling, operation and/or maintenance of the Project and by authorizing the department to make a loan to the corporation under

Transportation Code §222.103 and Title 43 Texas Administrative Code §15.95, for the purpose of making the termination payment on behalf of the department.

The commission has determined that it may be necessary for the corporation to have the authority to execute agreements with the department or any other parties as necessary in connection with the project and the plan of finance, and for the department to have the authority to enter into agreements with the corporation, such as a project agreement to allocate project responsibilities between the corporation and the department and financing agreements related to the issuance of debt obligations, including loan agreements pursuant to Transportation Code, Section 222.103.

The commission has determined that a toll rate agreement between the commission and the corporation may be needed in connection with the loan and future rating and marketing of the corporation's obligations, setting forth the covenant of the commission to meet the requirements of those toll revenue obligations.

Pursuant to state and federal law, including Section 1.150-2 of the Treasury Regulations, the commission has determined that it is in the best interest of the state for the department to be reimbursed for certain expenditures made in accordance with this minute order.

IT IS THEREFORE ORDERED that the corporation may perform any function authorized by Subchapters A-C of chapter 431 and perform any function not specified by chapter 431, but necessary to acquire, develop, finance, refinance, design, construct, reconstruct, expand, toll, operate and/or maintain the project, including the execution of loans, the issuance of one or more series of public securities, collection and enforcement of tolls or causing such, and execution of any agreements with the department or any other parties as necessary in connection with the project and plan of finance, such as a project agreement to clarify the relationship between the department and the corporation concerning their respective rights and responsibilities relating to the project and financing agreements related to the issuance of debt obligations, including loan agreements with the department pursuant to Transportation Code, Section 222.103.

IT IS FURTHER ORDERED by the commission that the department is authorized to enter into agreements with the corporation as necessary in connection with the project and plan of finance, including a project agreement to clarify the relationship between the department and the corporation concerning their respective rights and responsibilities relating to the project.

IT IS FURTHER ORDERED that the commission's and department's rights to the revenues of the project, including the aggregate revenues and all other receipts and income collected, received or derived from the operation of the project in any period, shall be assigned to the corporation, subject to agreement between the department and the corporation.

IT IS FURTHER ORDERED by the commission that the department is authorized to participate in the costs of the project in the form of a loan to the corporation in an aggregate principal amount in nominal dollars not to exceed \$1,731,730,721, to be used for the purpose of making the termination payment

described above on behalf of the department, and to execute a loan agreement with the corporation, the form of which is attached as exhibit A to this minute order, with such changes as the executive director may approve.

IT IS FURTHER ORDERED by the commission that the chairman of the commission is authorized to execute a toll rate agreement with the corporation as needed in connection with the corporation's revenue obligations, setting forth the covenant of the commission to establish and maintain toll rates for the project sufficient to meet the requirements of those toll revenue obligations, substantially in the form attached as exhibit B, with such changes as the chairman may approve.

IT IS FURTHER ORDERED by the commission that the department's chief financial officer and the director, project finance, debt and strategic contracts division are each authorized to act on behalf of the commission to adopt an official intent to reimburse expenditures paid prior to the issuance of any obligations by the commission.

IT IS FURTHER ORDERED by the commission that the executive director, on behalf of the commission, is authorized and directed to perform all such acts and execute such documents necessary to carry out the intent of this minute order.

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

ITEM 11. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:

Rules Adoptions

Chapter 21 - Right of Way - The Texas Department of Transportation proposes the repeal of §§21.143-21.145, 21.150, 21.152-21.164, 21.166-21.193, 21.195, and 21.197-21.206, relating to regulation of signs along interstate and primary highways, and §§21.414, 21.420, 21.421, and 21.431, relating to the control of signs along rural roads; amendments to §21.142, Definitions, and §§21.409, 21.417, 21.423-21.426, 21.435, 21.448, 21.450, 21.452, 21.453 and 21.457, relating to the control of signs along rural roads; and new §§21.143- 21.200, relating to regulation of signs along interstate and primary highways (MO)

This item was presented by Right of Way Division Director Kyle Madsen. The commission heard comments from Scenic Texas Chair Jason Wills. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5-0.

116739
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt the repeal of §§21.143-21.145, 21.150, 21.152-21.164, 21.166-21.193, 21.195, and 21.197-21.206, relating to Regulation of Signs Along Interstate and Primary Highways, and §§21.414, 21.420, 21.421, and 21.431, relating to the Control of Signs Along Rural Roads, amendments to §21.142, Definitions, and §§21.409, 21.417, 21.423-21.426, 21.435, 21.448, 21.450, 21.452, 21.453 and 21.457, relating to the Control of Signs Along Rural Roads, and new §§21.143-

21.200, relating to the Regulation of Signs Along Interstate and Primary Highways, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, repeals, and new sections attached to this minute order as exhibits A, B, C, D, and E 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 §§21.143-21.145, 21.150, 21.152-21.164, 21.166-21.193, 21.195, 21.197-21.206, 21.414, 21.420, 21.421, and 21.431, amendments to §§21.142, 21.409, 21.417, 21.423-21.426, 21.435, 21.448, 21.450, 21.452, 21.453 and 21.457, and new §§21.143-21.200 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-E are on file with the commission chief clerk.

ITEM 12. 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).

116740
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-Z. 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 1-93 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

NON-CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Brazoria	SH 332	16	1524-01-058	102
Brazoria	SH 332	31	1524-01-058	106
Brazoria	SH 332	43	1524-01-058	112
Brazoria	SH 332	66	1524-01-058	122
Brazoria	SH 332	67	1524-01-058	214
Brazoria	SH 332	65	1524-01-058	215
Brazoria	SH 332	74	1524-01-058	217
Brazoria	SH 332	68	1524-01-058	221
Collin	US 380	93	0047-10-004	P00069747
Collin	US 380	91	0135-02-074	P00074383

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Culberson	FM 2185	76	1158-05-003	P00066071.001
Culberson	FM 2185	77	1158-05-003	P00066072.001
Culberson	FM 2185	79	1158-05-003	P00066073.001
Culberson	FM 2185	80	1158-05-003	P00066074.001-.004
Culberson	FM 2185	84	1158-05-003	P00066075.001-.004
Culberson	FM 2185	75	1158-05-003	P00066076.001
Culberson	FM 2185	78	1158-05-003	P00066077.001-.002
Culberson	FM 2185	85	1158-05-003	P00066080.001
Culberson	FM 2185	86	1158-05-003	P00066081.001
Culberson	FM 2185	87	1158-05-003	P00066082.001-.002
Culberson	FM 2185	88	1158-05-003	P00066083.001-.002
Culberson	FM 2185	89	1158-05-003	P00066084.001-.002
Culberson	FM 2185	81	1158-05-003	P00066085.001
Culberson	FM 2185	82	1158-05-003	P00066086.001
Culberson	FM 2185	83	1158-05-003	P00066087.001
Dallas	SL 9	15	2964-10-007	P00071787.001
Dallas	SL 9	14	2964-10-007	P00071788.001
Dallas	SL 9	11	2964-10-007	P00071792.001
Dallas	SL 9	19	2964-10-007	P00071793.001
Dallas	SL 9	8	2964-10-007	P00071794.001
Denton	US 377	92	0081-06-043	P00061709
Denton	FM 1385	69	1315-01-031	P00057126.001-.002
Denton	FM 1385	20	1315-01-031	P00058182
Ellis	SL 9	5	2964-12-008	P00081857.001
Ellis	SL 9	6	2964-12-008	P00081858.001
Ellis	SL 9	7	2964-12-008	P00081859.001
Ellis	SL 9	9	2964-12-008	P00081861.001
Ellis	SL 9	13	2964-12-008	P00081862.001
Ellis	SL 9	12	2964-12-008	P00081866.001
Ellis	SL 9	18	2964-12-008	P00081867.001
Ellis	SL 9	10	2964-12-008	P00081868.001
Jackson	SH 35	36	0179-09-043	P00075318
Leon	US 79	53	0205-04-052	P00058880
Leon	US 79	52	0205-04-052	P00058902
Leon	US 79	45	0205-04-052	P00060997.001
Navarro	FM 744	61	1663-02-015	P00081432
Navarro	FM 744	62	1663-02-015	P00081433
Navarro	FM 744	64	1663-02-015	P00081434
Navarro	FM 744	72	1663-03-024	P00081437
Navarro	FM 744	60	1663-03-024	P00081438
Navarro	FM 744	54	1663-03-024	P00081439
Navarro	FM 744	55	1663-03-024	P00081440
Navarro	FM 744	63	1663-03-024	P00081441

NON-CONTROLLED ACCESS (continued)

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Smith	FM 2493	24	0191-03-088	P00070527.001
Smith	FM 2493	57	0191-03-088	P00070529.001
Smith	FM 2493	70	0191-03-088	P00070531.001
Smith	FM 2493	58	0191-03-088	P00070541.001
Smith	FM 2493	34	0191-03-088	P00070551.001
Smith	FM 2493	56	0191-03-088	P00070566.001
Smith	FM 2493	73	0191-03-088	P00070572.001
Smith	FM 2493	35	0191-03-088	P00070576.001-.002
Smith	FM 2493	59	0191-03-088	P00070579.001
Smith	FM 2493	71	0191-03-088	P00070580.001
Smith	FM 2493	25	0191-03-088	P00070596.001
Smith	FM 2493	26	0191-03-088	P00070598.001
Smith	FM 2493	51	0191-03-088	P00070599.001
Smith	FM 2493	32	0191-03-088	P00070600.001
Smith	FM 2493	33	0191-03-088	P00070602.001
Smith	FM 2493	30	0191-03-088	P00070603.001
Smith	FM 2493	29	0191-03-088	P00070604.001
Smith	FM 2493	23	0191-03-088	P00070605.001
Smith	FM 2493	22	0191-03-088	P00070622.001
Smith	FM 2493	27	0191-03-088	P00070630.001
Smith	FM 2493	50	0191-03-088	P00070644.001
Smith	FM 2493	28	0191-03-088	P00070647.001
Smith	FM 2493	21	0191-03-088	P00070651.001
Smith	FM 756	90	0492-04-040	P00063732.001
Smith	FM 756	17	0492-04-040	P00063782.001
Tarrant	SH 121	49	0363-03-055	P00070260
Ward	FM 516	1	1001-01-016	P00056060
Ward	FM 516	2	1001-01-016	P00056062
Ward	FM 516	3	1001-01-016	P00058231.001-.002
Ward	FM 516	4	1001-01-016	P00058232.001-.002
Wichita	US 82	44	0156-04-124	P00005577
Zapata	US 83	37	0038-05-047	2
Zapata	US 83	38	0038-05-047	3
Zapata	US 83	39	0038-05-047	4
Zapata	US 83	40	0038-05-047	6
Zapata	US 83	41	0038-05-047	7
Zapata	US 83	46	0038-05-047	9
Zapata	US 83	47	0038-05-047	10
Zapata	US 83	48	0038-05-047	12
Zapata	US 83	42	0038-05-047	17

CONTROLLED ACCESS

COUNTY	HIGHWAY	EXHIBIT	ROW CSJ NO.	PARCEL
Denton	I-35E	Y	0196-01-100	P00082323.001
Harris	I-45	B	0500-03-608	436
Harris	I-45	E	0500-03-632	1306
Harris	I-45	D	0500-03-632	1371
Harris	I-45	C	0500-03-632	1376
Johnson	I-35W	N	0014-03-097	P00074742.001
Johnson	I-35W	Q	0014-03-097	P00074744.001
Johnson	I-35W	W	0014-03-097	P00074745.001
Johnson	I-35W	S	0014-03-097	P00074746.001
Johnson	I-35W	T	0014-03-097	P00074748.001
Johnson	I-35W	U	0014-03-097	P00074749.001
Johnson	I-35W	R	0014-03-097	P00074759.001
Johnson	I-35W	V	0014-03-097	P00074761.001
Johnson	I-35W	O	0014-03-097	P00074764.001
Johnson	I-35W	P	0014-03-097	P00074766.001
Johnson	I-35W	Z	0014-03-097	P00074762.001
Smith	I-20	I	0495-04-075	P00077247.001
Smith	I-20	H	0495-04-075	P00077263.001
Tarrant	SH 121	L	0363-03-055	P00070244
Tarrant	SH 121	K	0363-03-055	P00070256
Tarrant	SH 121	J	0363-03-055	P00070259
Tarrant	SH 121	M	0363-03-055	P00070261
Travis	I-35	X	0015-13-434	P00066131
Travis	I-35	A	0015-13-435	P00064589
Travis	I-35	G	0015-13-444	P00071184
Travis	I-35	F	0015-13-444	P00071188

Note: Exhibits A-Z and 1-93 are on file with the commission chief clerk.

ITEM 13. Routine Minute Orders and Reports

This item was presented by Executive Director Marc Williams. The commission heard comments from Travis Lockhart for item 13d, Speed Zones. Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute orders by a vote of 5-0.

a. Donations to the Department

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

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CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

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

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

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

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

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

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
A-A-A Storage FM 1826 LLC	AUS	Travis	Funds towards the state's cost for design and construction of roadway improvements on RM 1826 in Austin.
Bechtel Energy Inc.	BMT	Jefferson	Design and construction for the installation of a new traffic cross-over for turn-around located east of Labelle Road, and a traffic light at the intersection in Beaumont.
Bishop Enterprises Inc., MG Real Properties, Ltd., and Parigi Property Management, Ltd.	BMT	Jefferson	Design and construction of a right and left turn lane from SH 124 into the I-10 Industrial Park in Beaumont.
City Reach Church	AUS	Travis	Design and construction of two right turn deceleration lanes to the site property, road drainage improvements across the site with new easements, and traffic signal improvements at the intersection of New Hope Drive and RM 1431 in Cedar Park.
Club Deal 116 Indian Hills TX, Limited Partnership	AUS	Travis	Design and construction of one two-way left turn lane and two right turn lanes on FM 973 in Austin.
CP Early Land, LP	BWD	Brown	Design, construction, and construction engineering inspection of highway improvements to include a right turn deceleration lane from eastbound US 67/377 and a left turn deceleration lane from westbound US 67/377 into Atwood's Ranch and Home, a westbound US 67/377 acceleration lane, a median crossover, and extending a drainage pipe and inlet to accommodate the crossover in Early.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
CTX Hwy 183 Industrial, L.P.	AUS	Travis	Design and construction of roadway improvements to US 183 that will serve Keating Industrial in Austin.
H-E-B, LP	SAT	Bexar	Design and construction of a right turn lane on the northbound frontage of SH 211 located approximately 460 feet north of FM 471 in San Antonio ETJ.
H-E-B, LP	WAC	McLennan	Design and construction of two deceleration lanes associated with two driveway approaches to service a donor's proposed development in McLennan County.
Intersky Property LLC	HOU	Brazoria	Design and construction of a left turn lane from northbound SH 35B into the FuelMaxx 80 development in West Columbia.
Intersky Property LLC	HOU	Brazoria	Design and construction of a right turn lane from northbound SH 35 into the FuelMaxx 80 development in West Columbia.
Jen Texas 33 LLC	SAT	Bexar Medina	Design and construction for installation of left and right turn lanes on SH 211 located approximately 1.14 miles north of Tamaron Valley to 1.64 miles south of Culebra Road within Bexar and Medina Counties.
Kyle 150 LP	AUS	Hays	Design and construction of roadway improvements to RM 150 that will serve Anthem Subdivision in Kyle.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Lock Heart 142 LLC	AUS	Caldwell	Design and construction of a deceleration lane on SH 142 from 0.109 miles west of FM 2720 to FM 2720 intersection, and a left turn lane on SH142 from 0.125 miles east of FM 2720 to the FM 2720 intersection, and a deceleration lane on SH 130 from 0.025 miles south of SH 142 to 0.08 miles south of SH 142 in Lockhart.
Longstreet Line LLC	HOU	Montgomery	Design and construction of a deceleration lane from northbound I-45 into the Express Mart development in Willis.
Love's Travel Stops & Country Stores, Inc.	SAT	Bexar	Design and construction of signals at SE Loop 410 and Southton Road including new mast arm poles, controller cabinets, service connection, signal heads, radar detection, conduits, wiring, signs, sidewalks, and pavement markings and a right turn lane on Southton Road southbound in San Antonio.
Manor 290 OZ Real Estate, LP	AUS	Travis	Funds towards the state's cost to construct a left turn lane on US 290 at the intersection with FM 973 in Manor.
Monarch Ranch at Manor, LLC	AUS	Travis	Funds towards the state's cost to construct a left turn lane on US 290 at the intersection with FM 973 in Manor.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Mosaic Land Development, LLC	SAT	Bexar	Design and construction of concrete traffic barrier, five right turn deceleration lanes, two left turn deceleration lanes, roadway widening, and a traffic signal on SH 211 beginning just north of Potranco Road and ending 0.46 miles north of Potranco Road in San Antonio.
Navasota Concrete, Inc.	BRY	Washington	Design and construction of a left turn lane extension on SH 36 including all associated widening and striping adjacent to the donor's property in Washington County.
Okra Land Incorporated	AUS	Travis	Design and construction to widen FM 973 for one southbound right turn lane and a continuous two-way left turn lane in Manor.
Precast/Prestressed Concrete Institute	BRG	N/A	Travel costs consisting of airfare, ground transportation, registration, lodging at the hotel, meals, and other directly related expenses for Robert Owens, Transportation Engineer Supervisor to attend the 2024 PCI Committee Days, September 23–26, 2024 in Nashville, TN.
Pulte Homes of Texas, L.P.	SAT	Guadalupe	Design and construction of a left turn lane on FM 758 located approximately 0.59 miles north of SH 46 to 0.28 miles south of Saur Lane in New Braunfels.
QT South, LLC	SAT	Bexar	Design and construction of traffic signal improvements at FM 1957 (Potranco Road) at Zeta Drive in San Antonio.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
RFJO LLC	AUS	Caldwell	design and construction of three deceleration lanes on FM 1966 south East of Highway 21 in Maxwell.
Space Exploration Technologies Corp.	AUS	Bastrop	Design and construction of a southbound right turn lane on FM 1209 from 0.38 miles south of FM 969 to 0.51 miles south of FM 969 and back-to-back left turn lanes on FM 1209 from 0.51 miles south of FM 969 to 0.63 miles south of FM 969. Additional pavement widening to accommodate the above referenced turn lanes will be designed and constructed from 0.63 miles south of FM 969 to 0.13 miles north of the CR 218 and FM 1209 intersection in Bastrop.
Thomas Winters	WAC	Hamilton	Design, construction, and construction engineering inspections of roadway improvements on US 281 and US 84 to support the development of a new truck stop in Evant.
Twinwood (U.S.), Inc.	HOU	Waller	Design and construction of two left turn lanes and two right turn deceleration lanes on Twinwood Parkway and Discovery Hills Parkway from northwest and southeast bound on FM 359 in Brookshire.
USICVI Beltway 66, Inc.	HOU	Harris	Design and construction of the installation of a traffic signal at the intersection of South Sam Houston Parkway East and South Wayside Drive in Houston.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Vulcan Construction Materials, LLC	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.
Wallstreet Sand Co., LLC	ODA	Winkler	Funds to cover the state's cost for the design and construction of acceleration and deceleration lanes, left and right turning lanes, and installation of warning signs, to improve access to the donor's property at SH 115 Winkler County.
Breeland Injury Law, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Ameritex Movers	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Ameritex Movers	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Farah Law Group, PLLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Nationwide Specialty Finance, Inc (dba) Drive Away	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Pasteko USA, LLC	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Comcast Cable Communications, LLC	HOU	Waller	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bell County - I-14 - Consider the sale of right of way to an abutting landowner (MO)

116742
ROW

In the city of Belton, Bell County, on I-14, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 483, at page 1, Volume 483, at page 6, Volume 484, at page 13, Volume 1192, at page 253, and Volume 1394, at page 695, of the Deed Records of Bell 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.

ARIT Investments, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$960,000.00.

The commission finds \$960,000.00 to be a fair and reasonable value of the state’s right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to ARIT Investments, LLC, a Texas limited liability company, for \$960,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Grimes County - SL 429 - Consider the quitclaim of any interest that might have accrued to the state by use of property for which there is no record title to the county (MO)

116743
ROW

In the city of Anderson, Grimes County, on SL 429, the state of Texas used certain land for highway purposes for which there is no record title to the property.

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

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

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

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

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

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

(3) Henderson County - SH 334 - Consider the sale of right of way to an abutting landowner (MO)

116744
ROW

In the city of Gun Barrell City, Henderson County, on SH 334, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1781, at page 301, of the Deed Records of Henderson County, Texas.

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

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

Pier 334, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$2,043.00.

The commission finds \$2,043.00 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 Pier 334, a Texas limited liability company, for \$2,043.00; 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) Morris County - US 259 - Consider the sale of right of way to an abutting landowner (MO)

116745
ROW

Near the city of Daingerfield, Morris County, on US 259, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 46, at page 644, of the Deed Records of Morris 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.

South Union Baptist Church is an abutting landowner and has requested to purchase the tract for \$8,600.00.

The commission finds \$8,600.00 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 South Union Baptist Church for \$8,600.00; 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.

(5) Potter County - RM 2381 - Consider an easement release to the underlying fee owners (MO)

116746
ROW

Near the city of Amarillo, Potter County, on RM 2381, the state of Texas acquired a right of way easement interest in certain land by an instrument recorded in Volume 842, at page 420, of the Deed Records of Potter County, Texas.

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

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

James Louis Sobieski, Emeline Sobieski, and James B. Sobieski, as Co-Trustees of the Emeline Bush O'Brien/Sobieski Trust; Emeline Sobieski, as Trustee of the Emeline Sobieski Revocable Trust, dated March 26, 2008, as amended; James L. Sobieski, as Trustee of the Mona Powers Sobieski Trust, dated September 14, 1984; and James B. Sobieski, as Trustee of the James Sobieski Trust, dated effective November 23, 2011, are the owners of the fee interest in the property and have requested to purchase the easement interest for \$5,880.00.

The commission finds \$5,880.00 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to James Louis Sobieski, Emeline Sobieski, and James B. Sobieski, as Co-Trustees of the Emeline Bush O'Brien/Sobieski Trust; Emeline Sobieski, as Trustee of the Emeline Sobieski Revocable Trust, dated March 26, 2008, as amended; James L. Sobieski, as Trustee of the Mona Powers Sobieski Trust, dated September 14, 1984; and James B. Sobieski, as Trustee of the James Sobieski Trust, dated effective November 23, 2011, for \$5,880.00.

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

(6) Travis County - FM 973 - Consider the exchange of a channel easement as part of a transaction to acquire a drainage easement needed for a state highway purpose (MO)

116747
ROW

In the city of Manor, Travis County, on FM 973, the state of Texas acquired an easement interest in certain lands by an instrument recorded in Volume 1999, at page 326, of the Deed Records of Travis County, Texas.

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

The easement encumbering a portion of the land, described as Tract 1 in exhibit A, (tract) is no longer needed for a state highway purpose. The value of the easement encumbering the tract is \$76,110.

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 Peter A. Dwyer. The value of the easement encumbering the parcel and its associated improvements is \$492,756.

Peter A. Dwyer 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, and Peter A. Dwyer will donate the \$416,646 difference in value between the easement encumbering the tract and the improved

easement encumbering the parcel to the state, 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 Peter A. Dwyer as partial consideration for the improved easement encumbering the parcel and accept the donation of \$416,646 value difference from Peter A. Dwyer.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described as Tract 1 in exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to Peter A. Dwyer, in exchange and as partial consideration for the improved easement encumbering the Parcel.

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) Letting Allocation Report

Quarterly report on the Fiscal Year 2024-25 letting allocation, the actual allocation utilized through the quarter, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

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

(3) Quarterly Cash Report

Quarterly report on Fiscal Year 2024 State Highway Fund 6 cash status (Report)

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

d. Speed Zones

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

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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 Brownsville City Mayor John Cowen about the growth of Brownsville and the Rio Grande Valley. The commission received no further comments.

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

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

The commission did not meet in executive session.

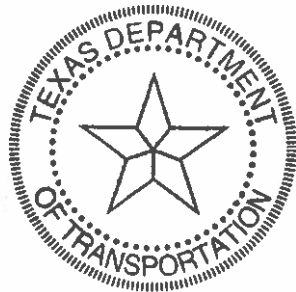
Commissioner Meade motioned adjournment and Commissioner Alvis seconded the motion. The commission voted 5-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:14 p.m.

APPROVED by the Texas Transportation Commission on August 22, 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 July 30, 2024, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation