

These are the minutes of the regular meeting of the Texas Transportation Commission held on September 26, 2024, in Austin, Texas. The meeting was called to order at 1:05 p.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

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

**Administrative Staff:**

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 1:28 p.m. on September 18, 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 August 22, 2024, regular meeting of the Texas Transportation Commission**

Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the August 22, 2024, regular meeting by a vote of 4-0.

**ITEM 4. Acknowledgment of Service**

Recognize by resolution Houston District Engineer Eliza Paul for over 36years of service to the department.

This resolution was presented by Director of District Operations Carl Johnson. The commissioners thanked Ms. Paul and made additional remarks. Ms. Paul was unable to attend the meeting.

**ITEM 5. Contracts**

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

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

This item was presented by Construction Division Director Duane Milligan. Commissioner Vaughn made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

116776  
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 September 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. Highway Improvement Contract Bid Protest (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 4-0.

116777  
CST

The Texas Department of Transportation (department) highway improvement bidding process is governed by Transportation Code, Chapter 223, Subchapter A; Title 43, Texas Administrative Code (TAC), Chapter 9, Subchapter B; and the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges. These documents provide the requirements for the department's letting and contracting process.

Under 43 TAC §9.17(a)(2), the Transportation Commission (commission) will reject all bids if the lowest bid is determined to be both mathematically and materially unbalanced. Rule §9.15(e) provides guidance on the evaluation of an unbalanced bid and states that if a low bid is mathematically and materially unbalanced, the bidder will not be considered in future bids for the same project. Rule §9.13(e)(1)(C)(i) states that the department will not issue a proposal form requested by a bidder for the rebid if the bidder is prohibited from rebidding the proposal due to a bid error on the original proposal form.

Cross Plus Construction, LLC submitted a bid for TYLER DISTRICT, SMITH COUNTY, Job Number 3216, Project Number BR 2B24(231). On July 10, 2024, the department opened the bids for the project and determined Cross Plus Construction, LLC to be the apparent low bidder. Following letting, the department analyzed the unit bid prices and determined the apparent low bid was mathematically and materially unbalanced due to a quantity error in the bid item for repairing bridge bearing anchor bolt nuts, which was bid significantly higher than the estimate. On July 30, 2024, the commission rejected all bids for Project Number BR 2B24(231) in accordance with 43 TAC §9.17(a)(2). Cross Plus Construction, LLC filed a protest to the finding that their bid was mathematically and materially unbalanced and that they are ineligible to rebid the project at a future date. The protest was accepted as valid and was not referred for alternative dispute resolution under 43 TAC §§1.101–108.

The executive director has reviewed the facts of this case and has found that Cross Plus Construction, LLC submitted a mathematically and materially unbalanced bid. Therefore, the executive director recommends the commission uphold its July 30, 2024 rejection of all bids for TYLER DISTRICT, SMITH COUNTY, Job Number 3216, Project Number BR 2B24(231).

IT IS THEREFORE ORDERED by the commission that Cross Plus Construction, LLC is not eligible to rebid contract TYLER DISTRICT, SMITH COUNTY, Job Number 3216, Project Number BR 2B24(231) when it is relet.

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

**c. Routine Maintenance (MO)**

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

116778  
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 September 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.

**d. Construction and Rehabilitation of Buildings (MO)**

This item was presented by Facilities Plan & Management Section Director Warren Rose. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

116779  
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 September 3, 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.

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

**ITEM 6. Maritime****a. Gulf Intracoastal Waterway Report****Consider the approval of the Gulf Intracoastal Waterway Report (MO) (Report )**

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

116780  
MRD

Transportation Code, Chapter 51, Texas Coastal Waterway Act, designates the state to act as the non-federal sponsor of the main channel of the Gulf Intracoastal Waterway (GIWW) from the Sabine River to the Brownsville Ship Channel.

Transportation Code, §51.007 requires the Texas Transportation Commission (commission) to continually evaluate the impact of the GIWW on the state. The evaluation shall include:

- 1) an assessment of the importance of the GIWW that includes identification of its direct and indirect beneficiaries;
- 2) identification of principal problems and possible solutions to those problems that includes estimated costs, economic benefits, and environmental effects;
- 3) an evaluation of the need for significant modifications to the GIWW; and
- 4) specific recommendations for legislative action that the commission believes are in the best interest of the state in carrying out the state's duties under Chapter 51.

A report of the evaluation shall be published and presented to each regular session of the Texas Legislature.

The Texas Department of Transportation has completed the evaluation and developed the report for the period of fiscal years 2023-2024.

IT IS THEREFORE ORDERED by the commission that the Gulf Intracoastal Waterway Report, as shown in exhibit A, is approved by the commission, and should be published and presented to the members of the 89th Texas Legislature, the governor, the lieutenant governor, and the speaker of the house of representatives.

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

**b. Ship Channel Improvement Revolving Fund**

Cameron County - Brownsville Navigation District - Consider approval of a request from Brownsville Navigation District for a Ship Channel Improvement Revolving Fund loan in the amount of up to \$43,000,000 to provide revenue or security for its local share of qualified costs necessary to widen or deepen the Brazos Island Harbor Channel in Cameron County, Texas (MO)

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

116781  
MRD

Brownsville Navigation District (District) has submitted an application for financial assistance in the form of a loan of up to \$43,000,000 from the Ship Channel Improvement Revolving Fund (SCIRF) under Transportation Code, Chapter 56 and Title 43, Texas Administrative Code (TAC), Chapter 15 (Financing and Construction of Transportation Projects), Subchapter P (SCIRF Rules). The application satisfies all requirements of the SCIRF 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 SCIRF. The district intends to use the financial assistance to provide revenue or security for its local share of qualified costs necessary to widen or deepen the Brazos Island Harbor Channel in Cameron County, Texas (project).

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

The district has proposed a subordinate lien pledge of net revenues as a security for repayment of the SCIRF loan.

The executive director or his designee implemented actions authorized and required by the SCIRF Rules for application approval. The executive director recommends that the Texas Transportation Commission (commission) grant approval of the application listed in exhibit A for financial assistance from the SCIRF up to the amount listed for the project.

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

1. the project will deepen or widen a ship channel;
2. the ship channel is authorized by the United States Congress; and
3. the district is likely to have sufficient revenues to assure repayment of the SCIRF loan.

IT IS THEREFORE DETERMINED AND ORDERED by the commission that the application submitted by the district for financial assistance in the form of a loan from the SCIRF meets the applicable requirements of the SCIRF Rules and, in accordance with those provisions, the commission grants approval of the district's application for a SCIRF loan under the terms attached hereto as exhibit A in an amount not to exceed

\$43,000,000 in order for the district to provide revenue or security for its local share of qualified costs necessary for the project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the district which complies with the SCIRF Rules and which contains the terms attached hereto as exhibit A.

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

**ITEM 7. Advisory Committees**

**a. Aviation Advisory Committee**

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

This item was presented by Deputy Executive Director Brandye Hendrickson. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116782  
AVN

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

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

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

One (1) individual is being reappointed and two (2) are being appointed to the committee with terms to expire on August 31, 2027.

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

Re-appointment with Term Expiring on August 31, 2027:



- Sharlette Wright, Midlothian, Texas

New Appointments with Terms Expiring on August 31, 2027:

- Dan Dalton, Austin, Texas
- Brad Moran, Lubbock, Texas

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

**b. Bicycle and Pedestrian Advisory Committee**

Consider the appointment of members to the Bicycle and Pedestrian Advisory Committee (MO)

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

116783  
PTN

The Bicycle and Pedestrian Advisory Committee (committee) advises the Texas Transportation Commission (commission) on bicycle and pedestrian issues. Members of the committee are selected by the commission to serve voluntary, three-year terms. The committee works with the Texas Department of Transportation (department) staff on important initiatives that include recommendations on selection criteria for project applications for the department's Transportation Alternatives Set-Aside funding; consideration of personal mobility, or micromobility, devices in relation to multimodal roadway users; the development of bicycle tourism trails in this state; and other items of mutual concern between the department and the bicycling and pedestrian communities. The committee functions under Title 43, Texas Administrative Code, §1.85 concerning department advisory committees.

One (1) individual is being re-appointed to the committee with a three-year term to expire on August 31, 2027, and two (2) individuals are new appointments to the committee with terms to expire on August 31, 2027.

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

The commission desires to make the following three committee appointments:

Re-appointment with Term Expiring on August 31, 2027:

- Will Parrish, San Marcos, TX

New Appointments with Terms Expiring on August 31, 2027:

- Aimee Schultze, Houston, TX
- Jaimie Lee, Wichita Falls, TX

IT IS THEREFORE ORDERED by the commission that the three individuals identified above are appointed as members of the department's Bicycle and Pedestrian Advisory Committee for the terms specified.

**c. Border Trade Advisory Committee**

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

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

116784  
TPP

Transportation Code, §201.114, requires the Texas Transportation Commission (commission) to appoint members to the Border Trade Advisory Committee (committee) to assist the commission in defining and developing a strategy and making recommendations for addressing the highest priority border trade transportation challenges.

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

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

Two (2) individuals are new appointments to fill vacancies on the committee with terms to expire on August 31, 2026, thirteen (13) individuals are being re-appointed to the committee with terms to expire on August 31, 2027, and three (3) individuals are new position appointments with terms to expire on August 31, 2027.

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

New Appointments with Terms Expiring on August 31, 2026:

- Luis M. Diaz, Rio Grande Valley Metropolitan Planning Organization (MPO)
- William Dietrich, Port of Brownsville

Re-appointments with Terms Expiring on August 31, 2027:

- Rafael Aldrete, Texas A&M Transportation Institute

- Eduardo Calvo, El Paso Metropolitan Planning Organization (MPO)
- Iliana Holguin, Guadalupe-Tornillo Port of Entry
- Lisa Loftus-Otway, Center for Transportation Research
- Rolando Salinas, city of Eagle Pass
- Pete Sepulveda, Cameron County Bridge System
- Cameron Walker, Permian Basin Metropolitan Planning Organization (MPO)
- Carlos Yerena, Donna International Bridge
- John D. Esparza, Texas Trucking Association
- Stan Meadow, Texas Pacifico Transportation, Ltd.
- Gerry Schwebel, International Bank of Commerce (IBC Bank)
- Daniel Mendoza, BNSF Railway
- Kyle Morgan, Canadian Pacific Kansas City (CPKC) Railway

New Position Appointments with Terms Expiring on August 31, 2027:

- Nicholas English, Meridien Capital Partners
- Teclo J. Garcia, Mission Economic Development Corporation
- Ruben Garibay, Puerto Verde

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

**d. Port Authority Advisory Committee**

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

This item was presented by Deputy Executive Director Brandye Hendrickson. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116785  
MRD

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

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

The commission has determined that the individuals listed below fulfill the statutory requirements to serve as members of the committee and shall serve for the term specified, subject to regular meeting attendance, active participation, and

ongoing contributions to the committee's efforts. In the event a committee member does not comply with these requirements, the commission may remove and replace the member at any time during the term of service.

Reappointment with a Term Expiring on August 31, 2027

- Rodger Rees, Port Director & CEO, Port Galveston - Upper Coast  
New Appointment with a Term Expiring on August 31, 2027
- Charlie Jenkins, Chief Executive Officer, Port Houston - Port Houston

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

### **ITEM 8. Public Transportation**

#### **a. Brazoria and Galveston Counties**

Consider the award of state and federal funds to the Gulf Coast Transit District (MO)

This item was presented by Public Transportation Director Eric Gleason. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

116786  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$800,669 in state and Federal Transit Administration (FTA) Formula Grants for Rural Areas program (49 U.S.C. §5311) funds to Gulf Coast Transit District (GCTD) to support rural and urbanized public transportation needs.

Title 43, Texas Administrative Code (TAC), §31.11 establishes a formula by which state public transportation funds shall be distributed to the small urban and rural areas of the state. A partial award of \$509,197 of Fiscal Year (FY) 2025 state funds to GCTD for the small urbanized and rural areas served has been determined in accordance with §31.11 and is shown in exhibit A. A partial award of \$26,838 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). A partial award of \$264,634 of federal §5311 funds 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 Texas Department of Transportation.

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 exhibit A, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

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

This item was presented by Public Transportation Director Eric Gleason. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116787  
PTN

The Texas Transportation Commission (commission) desires to award a total of \$44,425,208 in state and Federal Transit Administration (FTA) program funds to support a variety of public transportation needs in rural and urbanized of the state.

The Texas Department of Transportation (department) submitted project applications and was awarded federal funds through the FTA Fiscal Year (FY) 2023 and FY 2024 competitive funding opportunities for the Bus and Bus Facilities Program (49 U.S.C. §5339). For FY 2023, an amount of \$7,443,765 was awarded for low emission fleets. The distribution of the FY 2023 award is shown in exhibit A. For FY 2024, an amount of \$18,480,000 was awarded for fleets and \$8,400,000 was awarded for facilities. Additional funds necessary for the FY 2024 projects include \$4,620,000 of state funds for fleets and \$2,100,000 of state funds for facilities. The distribution of the total award amount of \$33,600,000 of federal FY 2024 §5339 funds and state funds is shown in exhibit B.

The department submitted a project application and was awarded federal funds through the FTA's FY 2019 competitive funding opportunity for the Bus and Bus Facilities Program (49 U.S.C. §5339). Additional funds necessary for the project included funds flexed from the Surface Transportation Block Grant Program to the Formula Grants for Rural Areas Program (49 U.S.C. §5311). The commission awarded the funds in February 2020 with Minute Order 115685. Residual funds are now available, Concho Valley Transit District's fleet project aligns with the original grant scope, and a total of \$181,443 in §5339 and §5311 federal funds is awarded.

Title 43, Texas Administrative Code (TAC), §31.36, establishes the process by which program proposals shall be evaluated and funds distributed. On November 12, 2021, a Notice of Call for Projects was published in the Texas Register. Panhandle Community Services' facility project was awarded funds based on their Rural Discretionary application, and additional funds are necessary. The Panhandle Community Services project is eligible for funding and a total of \$200,000 in §5311 federal funds is awarded.

Title 43, TAC, §31.36, establishes 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. The vehicles requested by Greyhound Lines Inc. in their Intercity Bus application are eligible for funding and a total of \$3,000,000 in §5311(f) federal funds is awarded.

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-B, submit the necessary state application to the FTA, and enter into the necessary contracts.

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

**ITEM 9. Fiscal Year 2025 Audit Plan**

Consider the approval of the internal audit plan for fiscal year 2025 and determine whether adequate resources have been dedicated to the Internal Audit Program (Presentation) (MO)

This item was presented by Chief Audit and Compliance Officer Parsons Townsend. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116788  
ADM

The Texas Internal Auditing Act, Government Code, Chapter 2102, requires the internal auditor to create an annual internal audit plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year. The internal audit plan must be approved by the state agency's governing board. In addition, the governing board must periodically review the resources dedicated to the Internal Audit Program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

The chief audit and compliance officer has developed an internal audit plan for Fiscal Year (FY) 2025, which is set forth in exhibit A. This internal audit plan includes a list of internal audits aimed at providing assurance and identification for process/program improvement statewide. This internal audit plan identifies the audits to be conducted and the resources available to the Internal Audit Division for FY 2025.

The chief audit and compliance officer considers the resources for FY 2025 to be adequate to address the risks that warrant audit coverage.

The internal audit plan for FY 2025 is presented to the Texas Transportation Commission (commission) for approval and for a determination that adequate resources exist to ensure that the risks identified are adequately covered.

IT IS THEREFORE ORDERED by the commission that the internal audit plan for FY 2025, as shown in exhibit A, is hereby approved.

FURTHER, the commission finds that adequate resources have been dedicated to the Internal Audit Program to ensure that the risks identified in the annual risk assessment, including fraud risks, are covered within a reasonable time.

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

**ITEM 10. Aviation**

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

This item was presented by Airport Planning and Programming Section Director Stephanie Kleiber. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116789  
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 August 30, 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 11. State Infrastructure Bank**

Hidalgo County - City of Donna - Consider final approval of a request from the city of Donna for a State Infrastructure Bank loan in the amount of up to \$35,920,000 to pay for the costs to construct inspection facilities, roadway, and other improvements to the Puente Donna Rio Bravo International Bridge in Hidalgo County, Texas (Presentation) (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Section Director Patrick Marotta. The commission heard comments from Carlos Yerena, city manager for the city of Donna. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

116790  
PFD

City of Donna (city) has submitted an application for financial assistance in the form of a loan of up to \$35,920,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the city 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. The city intends to use the financial assistance to pay the city's costs to construct inspection facilities and other improvements to the Puente Donna Rio Bravo International Bridge in Hidalgo County, Texas (project).

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

The city seeks financial assistance through the proposed purchase of city of Donna, Texas General Obligation Bonds, Series 2024 with a pledge of ad valorem taxes as sufficient security for repayment of the bonds.

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement 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 the terms attached hereto as exhibit A.

The SIB Rules provide for both preliminary and final approval by the Texas Transportation Commission (commission) of any SIB loan in the principal amount of more than \$10 million or in which the department does not have primary responsibility, unless the commission waives the preliminary approval requirement for that application. The commission has considered the complexity and size of the project, the type of infrastructure or asset involved, the type and complexity of the financial assistance requested, the financial status of the applicant, the financial feasibility of the project, and the need to expedite the financing of the project and has determined to waive the preliminary approval requirement for the city's SIB loan application, as listed in exhibit A.

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 have been completed



and approved by the department. The executive director recommends that the commission grant final approval of the city's application for financial assistance from the SIB. In accordance with the SIB Rules, the commission finds that:

1. the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the project is not in a Clean Air Act non-attainment area;
3. the project will improve the efficiency of the state's transportation systems;
4. the project will expand the availability of funding for transportation projects or reduce direct state costs;
5. the application shows that the city is likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the project 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 the application submitted by the city 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 city's application for a SIB loan under the terms attached hereto as exhibit A in an amount not to exceed \$35,920,000 to pay the city's costs to construct inspection facilities and other improvements necessary for the project.

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

**ITEM 12. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**

**a. Rules Proposal**

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

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

116791  
ALD

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

The preamble and the 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 §9.152 and §9.153 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.

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

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

116792  
CST

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

The preamble and the 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 amendments to §9.2, §9.15, §9.17, §9.23, and §9.24 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.

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

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

116793  
MTD

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

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

IT IS THEREFORE ORDERED by the commission that the repeal of §13.8 is proposed for adoption and is 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 21 – Right of Way - Amendments to §21.25, Selection (Utility Adjustment, Relocation, or Removal) (MO)**

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

116794  
ROW

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §21.25, relating to State Participation in the Relocation of Certain Publicly Owned Utility Facilities to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the 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 §21.25, 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.

**b. Rules Adoption**

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

116795  
PFD

The Texas Transportation Commission (commission) finds it necessary to adopt 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 adopted 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 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 - 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 Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

116796  
DES

The Texas Transportation Commission (commission) finds it necessary to adopt 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 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 repeal of §§11.200-11.221 is adopted and is 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.

**(3) Chapter 12 – Public Donations and Participation Program- 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 Deputy Division Director Cathy Kratz. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116797  
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt 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 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 §§12.351-12.355, 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.

**(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 Deputy Division 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 4-0.

116798  
TRF

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

IT IS THEREFORE ORDERED by the commission that the repeal of §25.27 and new §25.27 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

**ITEM 13. Highway Designation**

Lubbock County- In Lubbock County, consider designating a segment of the state highway system as I-27, concurrent with US 87 (Presentation) (MO)

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez. The commission heard comments from Lauren Garduno, President & CEO of Ports to Plains, and Brenda Gunter, Mayor city of San Angelo. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4-0.

116799  
TPP

In Lubbock County, officials have requested the designation of a segment of the state highway system as I-27 concurrent with US 87 from the existing I-27 terminus located within the city of Lubbock to approximately 0.1 mile north of County Road 7500, a total distance of 4.2 miles.

The Texas Department of Transportation (department) submitted an application to the American Association of State Highway and Transportation Officials (AASHTO) requesting approval of the extension and signing of I-27 along the 4.2-mile segment of US 87. During the 2023 AASHTO Fall Meeting, the AASHTO Special Committee on US Route Numbering approved the application for the I-27 segment described above.

The Administrator of the Federal Highway Administration (FHWA) approved the inclusion of this segment of I-27 on the Interstate Highway System on September 5, 2024.

Pursuant to Texas Transportation Code, §§201.103 and 221.001, the executive director of the department has recommended this action.

The Texas Transportation Commission (commission) finds that the designation will facilitate the flow of traffic, promote public safety, and maintain

continuity of the state highway system and is necessary for the proper development and operation of the system.

IT IS THEREFORE ORDERED by the commission that I-27 is designated on the state highway system concurrent with US 87 from the existing I-27 terminus located in the city of Lubbock to approximately 0.1 mile north of County Road 7500, a total distance of 4.2 miles, as shown in exhibit A.

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

**ITEM 14. Municipal Utility Relocation Reimbursement**

**a. Kleberg County**

Consider the approval of a request from the Riviera Water Control and Improvement District to make the relocation of the Riviera Water Control and Improvement District's utility facilities required by the US 77 highway improvement project an expense of the state under Transportation Code §203.092(a-4) (MO)

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

116800  
ROW

The Texas Department of Transportation (department) has a state highway project in Kleberg County, on Highway US 77, that requires the relocation of utility facilities. The Riviera Water Control and Improvement District owns certain of those utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly-owned utilities are eligible for utility facility relocation at the expense of the state. The Riviera Water Control and Improvement District has requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department estimates the amount of expense will be \$890,926.44.

The commission finds and determines that the Riviera Water Control and Improvement District meets the eligibility standards contained in that statute and that the department's expenditures under Transportation Code, §203.092(a-4) and Texas Administrative Code, Chapter 21, Subchapter B, Rule 21.25, including the request by the Riviera Water Control and Improvement District, will not exceed the fiscal year limitation contained in Transportation Code, §203.092(e).

IT IS THEREFORE ORDERED by the commission that the relocation of the Riviera Water Control and Improvement District utility facility required by the improvement of the state highway system is an expense of the state to be paid by the department.

**b. San Patricio County**

Consider the approval of a request from the city of Gregory to make the relocation of the city of Gregory's utility facilities required by the SH 35 highway improvement project an expense of the state under Transportation Code §203.092(a-4) (MO)

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

116801  
ROW

The Texas Department of Transportation (department) has a state highway project in San Patricio County, on Highway SH 35, that requires the relocation of utility facilities. The city of Gregory owns certain of those utility facilities.

Transportation Code, §203.092(a-4) authorizes the Texas Transportation Commission (commission) to determine that certain publicly-owned utilities are eligible for utility facility relocation at the expense of the state. The city of Gregory has requested that the commission determine that the relocation of their utility facilities be at the expense of the state. The department estimates the amount of expense will be \$1,246,025.00.

The commission finds and determines that the city of Gregory meets the eligibility standards contained in that statute and that the department's expenditures under Transportation Code, §203.092(a-4) and Texas Administrative Code, Chapter 21, Subchapter B, Rule 21.25, including the request by the city of Gregory, will not exceed the fiscal year limitation contained in Transportation Code, §203.092(e).

IT IS THEREFORE ORDERED by the commission that the relocation of the city of Gregory utility facility required by the improvement of the state highway system is an expense of the state to be paid by the department.

**ITEM 15. 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 Vaughn, and Commissioner Meade (a vote of 4-0).



116802  
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 1-216 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**Eminent Domain**  
**Non-Controlled Access**

| <b><u>County</u></b> | <b><u>Highway</u></b> | <b><u>Exhibit</u></b> | <b><u>ROW CSJ No.</u></b> | <b><u>Parcel</u></b> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Brazoria             | FM 518                | 120                   | 0976-02-097               | 206                  |
| Brazoria             | SH 332                | 99                    | 1524-01-058               | P00066389.001        |
| Brazoria             | SH 332                | 97                    | 1524-01-058               | P00075826.001        |
| Brazoria             | SH 332                | 100                   | 1524-01-058               | P00075828.001        |
| Brazoria             | SH 332                | 98                    | 1524-01-058               | P00075846.001        |
| Collin               | US 380                | 111                   | 0135-02-072               | P00069670.001&.002E  |
| Collin               | US 380                | 114                   | 0135-02-074               | P00074383            |
| Collin               | US 380                | 119                   | 0135-02-074               | P00074437            |
| Collin               | US 380                | 110                   | 0135-15-003               | P00074468            |
| Collin               | US 380                | 113                   | 0135-15-003               | P00074523            |
| Collin               | US 380                | 112                   | 0135-15-003               | P00074524            |
| Collin               | US 380                | 118                   | 0135-15-003               | P00074525            |
| Collin               | FM 428                | 59                    | 2678-01-015               | P00067648.001        |
| Culberson            | FM 2185               | 88                    | 1158-05-003               | P00066069.001        |
| Denton               | FM 1385               | 90                    | 1315-01-031               | P00057171            |
| Denton               | FM 1385               | 91                    | 1315-01-031               | P00057172            |
| Denton               | FM 1385               | 89                    | 1315-01-031               | P00066106            |
| Denton               | FM 1385               | 92                    | 1315-01-031               | P00084705            |
| Denton               | FM 1385               | 93                    | 1315-01-031               | P00084706            |
| Denton               | FM 1385               | 94                    | 1315-01-031               | P00084707            |
| Denton               | FM 1385               | 95                    | 1315-01-031               | P00086287            |
| Denton               | FM 1385               | 96                    | 1315-01-031               | P00087411            |
| Ellis                | FM 664                | 87                    | 1051-01-057               | P00067906            |
| Fort Bend            | SH 36                 | 20                    | 0188-01-037               | P00073826.001        |
| Fort Bend            | SH 36                 | 30                    | 0188-01-037               | P00073827.001        |
| Fort Bend            | SH 36                 | 21                    | 0188-01-037               | P00073828.001        |
| Fort Bend            | SH 36                 | 22                    | 0188-01-037               | P00073829.001        |
| Fort Bend            | SH 36                 | 23                    | 0188-01-037               | P00073830.001        |
| Fort Bend            | SH 36                 | 24                    | 0188-01-037               | P00073831.001        |
| Fort Bend            | SH 36                 | 25                    | 0188-01-037               | P00073832.001        |
| Fort Bend            | SH 36                 | 26                    | 0188-01-037               | P00073837.001        |
| Fort Bend            | SH 36                 | 27                    | 0188-01-037               | P00073840.001        |
| Fort Bend            | SH 36                 | 28                    | 0188-01-037               | P00073842.001        |
| Fort Bend            | SH 36                 | 29                    | 0188-01-037               | P00073843.001        |
| Fort Bend            | SH 36                 | 117                   | 0188-01-037               | P00073844.001        |
| Fort Bend            | SH 36                 | 19                    | 0188-01-037               | P00073850.001        |
| Galveston            | FM 646                | 85                    | 0978-02-073               | 414                  |
| Gregg                | SH 31                 | 60                    | 0424-02-049               | P00067255.001        |
| Harris               | SH 249                | 70                    | 0720-03-150               | 1 Pt.1,2             |
| Harris               | SH 35                 | 116                   | 0271-16-154               | 202                  |
| Harris               | SH 249                | 63                    | 0720-03-150               | 2                    |
| Harris               | SH 249                | 71                    | 0720-03-150               | 3                    |

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

| <b><u>County</u></b> | <b><u>Highway</u></b> | <b><u>Exhibit</u></b> | <b><u>ROW CSJ No.</u></b> | <b><u>Parcel</u></b> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Harris               | SH 249                | 64                    | 0720-03-150               | 4                    |
| Harris               | SH 249                | 65                    | 0720-03-150               | 6                    |
| Harris               | SH 249                | 66                    | 0720-03-150               | 7 Pt.1,2             |
| Harris               | SH 249                | 67                    | 0720-03-150               | 8                    |
| Harris               | SH 249                | 68                    | 0720-03-150               | 9                    |
| Harris               | SH 249                | 69                    | 0720-03-150               | 10                   |
| Harris               | SH 249                | 72                    | 0720-03-150               | 11                   |
| Harris               | SH 249                | 75                    | 0720-03-150               | 12                   |
| Harris               | SH 249                | 74                    | 0720-03-150               | 14                   |
| Harris               | SH 249                | 73                    | 0720-03-150               | 15                   |
| Harris               | SH 249                | 76                    | 0720-03-150               | 16                   |
| Harris               | SH 249                | 77                    | 0720-03-150               | 20 Pt.1,2            |
| Harris               | SH 249                | 78                    | 0720-03-150               | 27                   |
| Harris               | SH 249                | 79                    | 0720-03-150               | 28                   |
| Harris               | SH 249                | 80                    | 0720-03-150               | 32                   |
| Harris               | SH 6                  | 101                   | 1685-05-134               | P00060734.001        |
| Harris               | SH 6                  | 102                   | 1685-05-134               | P00060736.001        |
| Harris               | SH 6                  | 106                   | 1685-05-134               | P00060737.001        |
| Harris               | SH 6                  | 105                   | 1685-05-134               | P00060739.001        |
| Harris               | SH 6                  | 86                    | 1685-05-134               | P00060741.001        |
| Harris               | SH 6                  | 104                   | 1685-05-134               | P00061230.001        |
| Harris               | SH 6                  | 108                   | 1685-05-134               | P00061242.001        |
| Harris               | SH 6                  | 107                   | 1685-05-134               | P00061244.001        |
| Harris               | SH 6                  | 103                   | 1685-05-134               | P00061246.001        |
| Harris               | SH 6                  | 109                   | 1685-05-134               | P00061247.001        |
| Johnson              | FM 3391               | 115                   | 3372-01-015               | P00071161.001        |
| Lampasas             | US 183                | 35                    | 0272-06-041               | P00076306.001        |
| Lampasas             | US 183                | 36                    | 0272-06-042               | P00071466.001        |
| Leon                 | US 79                 | 32                    | 0205-04-052               | P00058828.001        |
| Leon                 | US 79                 | 33                    | 0205-04-052               | P00058908            |
| Leon                 | US 79                 | 34                    | 0205-04-052               | P00060993.001        |
| Milam                | FM 486                | 37                    | 0337-05-053               | P00080883.001-.002   |
| Milam                | FM 486                | 38                    | 0337-05-053               | P00080884.001        |
| Montgomery           | SH 105                | 55                    | 0338-02-043               | 2                    |
| Montgomery           | SH 105                | 54                    | 0338-02-043               | 3                    |
| Montgomery           | SH 105                | 56                    | 0338-02-043               | 9 Pt.1,2             |
| Montgomery           | SH 105                | 57                    | 0338-02-043               | 11                   |
| Montgomery           | SH 105                | 53                    | 0338-02-043               | 13                   |
| Montgomery           | SH 105                | 46                    | 0338-02-043               | 15                   |
| Montgomery           | SH 105                | 50                    | 0338-02-043               | 16                   |
| Montgomery           | SH 105                | 52                    | 0338-02-043               | 17                   |
| Montgomery           | SH 105                | 51                    | 0338-02-043               | 20                   |

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

| <b><u>County</u></b> | <b><u>Highway</u></b> | <b><u>Exhibit</u></b> | <b><u>ROW CSJ No.</u></b> | <b><u>Parcel</u></b> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Montgomery           | SH 105                | 48                    | 0338-02-043               | 26                   |
| Montgomery           | SH 105                | 40                    | 0338-02-043               | 27                   |
| Montgomery           | SH 105                | 44                    | 0338-02-043               | 28                   |
| Montgomery           | SH 105                | 47                    | 0338-02-043               | 31                   |
| Montgomery           | SH 105                | 49                    | 0338-02-043               | 38                   |
| Montgomery           | SH 105                | 43                    | 0338-02-043               | 39                   |
| Montgomery           | SH 105                | 42                    | 0338-02-043               | 40                   |
| Montgomery           | SH 105                | 45                    | 0338-02-043               | 44                   |
| Montgomery           | SH 105                | 41                    | 0338-02-043               | 46                   |
| Montgomery           | SH 105                | 58                    | 0338-02-043               | 52                   |
| Montgomery           | SH 105                | 39                    | 0338-02-043               | 68                   |
| San Saba             | FM 45                 | 61                    | 0480-08-036               | P00062593.001-.002   |
| Shelby               | FM 138                | 81                    | 0743-02-031               | P00082319            |
| Shelby               | FM 138                | 82                    | 0743-02-031               | P00082320            |
| Shelby               | FM 138                | 83                    | 0743-02-031               | P00082321            |
| Shelby               | FM 138                | 84                    | 0743-02-031               | P00082322            |
| Smith                | FM 2493               | 31                    | 0191-03-088               | P00070604.001        |
| Smith                | FM 756                | 62                    | 0492-04-040               | P00063797.001        |
| Washington           | US 290                | 10                    | 0114-09-096               | P00075696            |
| Washington           | US 290                | 3                     | 0114-09-096               | P00075698            |
| Washington           | US 290                | 4                     | 0114-09-096               | P00075708            |
| Washington           | US 290                | 7                     | 0114-09-096               | P00075709            |
| Washington           | US 290                | 12                    | 0114-09-096               | P00075711            |
| Washington           | US 290                | 9                     | 0114-09-096               | P00075712            |
| Washington           | US 290                | 5                     | 0114-09-096               | P00075713            |
| Washington           | US 290                | 11                    | 0114-09-096               | P00075714            |
| Washington           | US 290                | 2                     | 0114-09-096               | P00075717            |
| Washington           | US 290                | 1                     | 0114-09-096               | P00075720            |
| Washington           | US 290                | 6                     | 0114-09-096               | P00075724            |
| Washington           | US 290                | 8                     | 0114-09-096               | P00075725            |
| Washington           | US 290                | 17                    | 0186-06-094               | P00065019            |
| Washington           | US 290                | 18                    | 0186-06-094               | P00065035            |
| Washington           | US 290                | 14                    | 0186-06-094               | P00065050            |
| Washington           | US 290                | 13                    | 0186-06-094               | P00065051            |
| Washington           | US 290                | 15                    | 0186-06-094               | P00065060            |
| Washington           | US 290                | 16                    | 0186-06-094               | P00065062            |

**Eminent Domain**  
**Controlled Access**

| <b><u>County</u></b> | <b><u>Highway</u></b> | <b><u>Exhibit</u></b> | <b><u>ROW CSJ No.</u></b> | <b><u>Parcel</u></b> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Harris               | I-45                  | Y                     | 0500-03-613               | 1                    |
| Harris               | I-45                  | AA                    | 0500-03-613               | 4                    |
| Jack                 | SH 199                | V                     | 0249-07-077               | P00067593.001        |
| Jack                 | SH 199                | U                     | 0249-07-077               | P00067596.001        |
| Madison              | SL 1853               | I                     | 0171-11-005               | P00074807.001-.002   |
| Madison              | SL 1853               | J                     | 0171-11-005               | P00074811            |
| Madison              | SL 1853               | L                     | 0171-11-006               | P00074817            |
| Madison              | SL 1853               | M                     | 0171-11-006               | P00074827.001-.002   |
| Madison              | SL 1853               | N                     | 0171-11-006               | P00074828.001-.002   |
| Madison              | SL 1853               | K                     | 0171-11-006               | P00074829            |
| Madison              | SL 1853               | O                     | 0171-11-006               | P00074831            |
| Madison              | SL 1853               | P                     | 0171-11-007               | P00074833            |
| Madison              | SL 1853               | Q                     | 0171-11-007               | P00074834.001-.002   |
| Madison              | I-45                  | Z                     | 0675-05-106               | P00075021.001-.002   |
| Smith                | I-20                  | W                     | 0495-04-075               | P00077262.001-.002   |
| Smith                | I-20                  | X                     | 0495-04-075               | P00077265.001        |
| Travis               | I-35                  | B                     | 0015-13-434               | P00064446            |
| Travis               | I-35                  | BB                    | 0015-13-434               | P00064488            |
| Travis               | I-35                  | A                     | 0015-13-434               | P00064506            |
| Travis               | I-35                  | D                     | 0015-13-444               | P00071173            |
| Travis               | I-35                  | C                     | 0015-13-444               | P00071175            |
| Washington           | US 290                | H                     | 0114-09-096               | P00075695            |
| Washington           | US 290                | G                     | 0114-09-096               | P00075702            |
| Washington           | US 290                | E                     | 0114-09-096               | P00075705            |
| Washington           | US 290                | F                     | 0114-09-096               | P00075723            |
| Washington           | US 290                | S                     | 0186-06-094               | P00065029            |
| Washington           | US 290                | T                     | 0186-06-094               | P00065049.001-.002   |
| Washington           | US 290                | R                     | 0186-06-094               | P00065059            |

Note: Exhibits A-PP and 1-216 are on file with the commission chief clerk.

**ITEM 16. Routine Minute Orders and Reports**

This item was presented by Executive Director Marc Williams. The commission received comments from Lance Hamm a private citizen regarding speed limits and speed zones. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute orders by a vote of 4-0.

**a. Donations to the Department**

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

116803  
CSD

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

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

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

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

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

**DONATIONS TO THE DEPARTMENT**

| <b><u>DONOR</u></b>                      | <b><u>DD</u></b> | <b><u>COUNTY</u></b> | <b><u>DONATION DESCRIPTION</u></b>  |
|--|------------------|----------------------|---|
| 5606 South Rice LLC                      | AUS              | Travis               | Design and construction of roadway improvements to SH 71 that will serve Morgan Oak Hill in Austin.   |
| 916 Real Estate, LLC                     | WAC              | Bell                 | Design and construction of a right turn lane into the two commercial lots on FM 2410 in Harker Heights.   |
| Archway Baytown<br>10 CC, Ltd.           | HOU              | Chambers             | Design and construction of a deceleration lane from eastbound I-10 access road into the Baytown 10 Commerce Center development in Baytown.  |
| Axis Energy<br>Parkway LLC               | AUS              | Caldwell             | Design and construction of roadway improvements to FM 1984 from 0.63 miles northeast of SH 80 to 0.54 miles southwest of Miller Road in Caldwell County.  |
| Axis Energy<br>Parkway LLC               | AUS              | Caldwell             | Design and construction of roadway improvements to FM 110 that will serve Logistic Park in San Marcos.  |
| East View Property -<br>Georgetown I, LP | AUS              | Williamson           | Design and construction for a deceleration lane along SH 130 and the widening of SH 29 to provide an east bound left turn lane, a west bound left turn lane, and an east bound deceleration lane in Georgetown.                         |
| HDC Venado<br>Crossing, LLC              | SAT              | Guadalupe            | Design and construction of restriping FM 78 for an eastbound right turn deceleration lane and the installation of a traffic signal on FM 78 at Derward Overlook, which is approximately 1.55 miles east of Haeckerville Road in Cibolo. |

**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>   |
|-----------------------------|------------------|----------------------|--|
| High Time Ventures LLC      | HOU              | Montgomery           | Design and construction of two right turn deceleration lanes northbound and a left turn lane southbound FM 1314 into Primespot Commercial development in Conroe.   |
| Holland Hills Investors, LP | WAC              | Bell                 | Design and construction of a 300' right turn deceleration lane with a 100' taper along FM 2268 at the entrance of Holland Hills Subdivision located in Bell County.  |
| M Oaks Ranch Partners, LLC  | AUS              | Burnet               | Design and construction of one right turn deceleration lane on US 281 into the donor's development in Marble Falls.  |
| Newport Pointe, Ltd.        | HOU              | Harris               | Design and construction of installing a traffic signal from northbound FM 2100 into the Newport Pointe development in Crosby.  |
| Norseland Comal LLC         | SAT              | Comal                | Design and construction of right turn lane, center left turn Lane, roadway widening and re-striping, and right of way grading located on FM 2673 approximately 0.33 miles northeast of FM 2722 in New Braunfels. |
| NPR Holdings LLC            | SAT              | Bexar                | Design and construction of a right turn lane from Schuwirth Road to SL 1604 located at the intersection of SL 1604 and Schuwirth Road in San Antonio.  |
| Presa Grove LLC             | SAT              | Bexar                | Design and construction of a left turn lane and roadway widening on US 181 located approximately 0.3 miles Southeast of I-410 frontage road intersection in San Antonio.   |



**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>   |
|-----------------------------------|------------------|----------------------|--|
| River Ranch One Investments, Ltd. | BMT              | Liberty              | Design and construction of a traffic signal and striping for a dedicated southbound left turn lane on SH 146 at River Ranch Boulevard in Dayton. |

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

**b. Real Estate Dispositions**

**(1) Bell County - I-35 - Consider the sale of right of way to an abutting landowner (MO)**

116804  
ROW

Near the city of Salado, Bell County, on I-35, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 788, at page 250, 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.

Salado Hospitality Investments, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$176,200.00.

The commission finds \$176,200.00 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 Salado Hospitality Investments, LLC, a Texas limited liability company for \$176,200.00; 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) Brown County - US 67 - Consider the exchange of a drainage easement as part of a transaction to acquire an access easement needed for a state highway purpose (MO)**

116805  
ROW

In the city of Brownwood, Brown County, on US 67, the state of Texas acquired easement interests in certain lands by an instrument recorded in Volume 368, at page 399, of the Deed Records of Brown 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 drainage easement encumbering a portion of the land, described as Tract "C" in exhibit A, (tract) is no longer needed for a state highway purpose. The value of the drainage easement is \$176,418.00.

An access easement needed for a state highway purpose, encumbering the land described in exhibit B, (parcel) is to be conveyed to the state by Squirrels' Real Estate, LLC, a Texas limited liability company. The value of the easement encumbering the parcel is \$119,966.00.

Squirrels' Real Estate, LLC is the owner of the fee interest in the tract and has requested that the drainage easement encumbering the tract be released to it in exchange for an access easement encumbering the parcel, and Squirrels' Real Estate, LLC will pay the \$56,452.00 difference in value between the drainage easement encumbering the tract and the access 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 drainage easement encumbering the tract to Squirrels' Real Estate, LLC as consideration for the access easement encumbering the parcel and the \$56,452.00 difference in value.

IT IS THEREFORE ORDERED by the commission that the easement interest encumbering the tract, described as Tract "C" 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 drainage easement interest to Squirrels' Real Estate, LLC, a Texas limited liability company, in exchange and as consideration for the access easement encumbering the parcel and additional cash consideration.

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

**(3) Williamson County - Facility Site - Consider the sale of a facility site to Williamson County, Texas (MO)**

116806  
ROW

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

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

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

Williamson County, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract and its associated improvements for \$18,000,000.00.

The commission finds \$18,000,000.00 to be a fair and reasonable value of the state's right, title, and interest in the tract and its associated improvements.

IT IS THEREFORE ORDERED by the commission that the tract and its associated improvements are 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 and its associated improvements to Williamson County, Texas for \$18,000,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

### **c. Reports**

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

Note: Confidential report to commission.

### **d. Release of Access**

**Liberty County - SH 105 Bypass, in the city of Cleveland - Consider the removal of control of access at two locations along the abutting property line from which access will be permitted at one point on the southbound side of SH 105 Bypass (MO)**

116807  
ROW

In LIBERTY COUNTY, on State Highway 105 (SH 105) Bypass, a designated controlled-access highway, the state of Texas acquired certain land for highway purposes by instrument recorded in Instrument Number 2005017408 of the Official Public Records of Liberty County, Texas (O.P.R.L.C.T), with denial of access to the abutting remainder property as described in the instrument.

Entergy Texas, Inc., the current owner of the abutting property, has requested the removal of control of access at two locations along the abutting property to establish one new access point along the southbound side of SH 105 Bypass described in exhibit A.

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

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

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

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety, or operation of the existing state highway facility and designates the new access point described in exhibit A as a location where ingress and egress are permitted to and from SH 105.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

**e. Economically Disadvantaged Counties Program**

**Various Counties** - Consider the certification of eligible counties for the 2025 Economically Disadvantaged Counties Program and establish local match adjustments for each county and certain cities (MO)

116808  
TPP

Transportation Code, §222.053(a), defines an “economically disadvantaged county” as a county that has, in comparison to other counties in the state: (1) below average per capita taxable property value; (2) below average per capita income; and (3) above average unemployment.

Transportation Code, §222.053(a-1), provides that, notwithstanding Transportation Code §222.053(a), a county is considered to be an “economically disadvantaged county” if it meets the criteria as laid out in subsection (a) within the past six years and has been included in no less than five federally declared disasters within the same time period. Transportation Code, §222.053(a-2), provides that, for a county described by subsection (a-1), the adjustment to the local matching funds requirement shall be equivalent to the highest adjustment rate set in the last year the county was considered to meet the criteria.

Transportation Code, §222.053(c), directs the Texas Transportation Commission (commission), when evaluating a proposal for a highway project in a political subdivision that consists of all or a portion of an economically disadvantaged county, to adjust the minimum local matching funds requirement after evaluating the political subdivision's effort and ability to meet the requirement.

Transportation Code, §222.053(f), requires the commission to certify a county as economically disadvantaged on an annual basis as soon as possible after the Comptroller of Public Accounts (comptroller) provides reports on the economic indicators listed above.

Title 43 TAC §15.55(b)(2) provides that, for a county described by Transportation Code, §222.053(a), in determining the adjustment to the local matching funds requirement, and the local government’s efforts and ability to meet the requirement, the commission will consider a local government’s: (A) population level; (B) bonded indebtedness; (C) tax base; (D) tax rate; (E) extent of in-kind resources available; and (F) economic development sales tax. Title 43 TAC §15.55(b)(3) provides that, for a county described by Transportation Code, §222.053(a-1), the adjustment will be equivalent to the highest adjustment rate set

in the last year the county was considered to meet the criteria set out in Transportation Code, §222.053(a).

The comptroller has provided the data needed to determine the counties eligible for the Economically Disadvantaged Counties Program for FY 2025. The commission has considered the counties' efforts and ability to provide a local match using the criteria set forth in 43 TAC §15.55(b)(2).

In addition, the department has reviewed disaster declarations issued by the Federal Emergency Management Agency through the month of December 2023 in order to comply with the requirements of Transportation Code, §222.053(a-1). Exhibit A lists the eligible counties and the respective recommended local match adjustments. Exhibit B establishes additional local match adjustments for cities within these counties participating in the program.

IT IS THEREFORE ORDERED by the commission that the list of counties eligible for the FY 2025 Economically Disadvantaged Counties Program is certified and the local match adjustment for each county is established, as shown in exhibit A, as well as additional adjustments for cities participating in the program, as shown in exhibit B.

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

**f. Highway Designation**

**Bastrop County** - In the county of Bastrop, consider designating FM Spur 1441 on the state highway system (MO)

116809  
TPP

The county of Bastrop and the Austin District have requested to designate FM Spur 1441 on the state highway system along existing Old 1441 from FM 1441 northeastward to Green Valley Drive, a distance of approximately 0.2 miles.

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

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

IT IS THEREFORE ORDERED by the commission that FM Spur 1441 is designated on the state highway system along existing Old 1441 from FM 1441 northeastward to Green Valley Drive, a distance of approximately 0.2 miles, as shown in exhibit A.

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

**g. Speed Zones**

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

116810  
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 James Wolske on filing a writ of tertiary, constitution right of free travel and parking at the Greer building; BCS

Medians Survey Project Member Karen Hall spoke on the dangers of medians installed not following guidelines; private citizen Joey Ganem spoke about wanting the planned construction of raised medians on FM 2154 in Wilbur, Texas stopped; and private citizen Lance Hamm spoke about speed limits. The commission received no further comments.

**ITEM 17. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071**

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

The commission did not meet in executive session.

Commissioner Meade motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:49 a.m.

APPROVED by the Texas Transportation Commission on October 31, 2024:

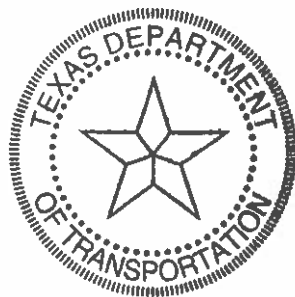


---

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 September 26, 2024, in Austin, Texas.



---

Amanda Brown, Commission Chief Clerk  
Texas Department of Transportation