

These are the minutes of the regular meeting of the Texas Transportation Commission held on October 31, 2024, in Austin, Texas. The meeting was called to order at 10:04 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 3:07 p.m. on October 23, 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 September 26, 2024, regular meeting of the Texas Transportation Commission

Commissioner Meade made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the September 26, 2024, regular meeting by a vote of 5-0.

ITEM 4. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

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

116811
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 October 1 and 2, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

b Routine Maintenance (MO)

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

116812
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 October 1 and 2, 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.

ITEM 5. Aviation

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

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

116813
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 October 4, 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 6. State Infrastructure Bank

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

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

116814
PFD

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

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

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

In accordance with the SIB Rules, the executive director has negotiated all the terms of an agreement with each applicant as necessary to protect the public's safety

and to prudently provide for the protection of public funds while furthering the purposes of the SIB, as contained in exhibit A.

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

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

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director recommends that the commission grant final approval of the applications listed in exhibit A for financial assistance from the SIB up to the amount listed for each project, contingent on the execution of advanced funding agreements between the department and each applicant listed in exhibit A.

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

1. the projects listed in exhibit A are consistent with the metropolitan transportation plan developed by the applicable metropolitan planning organization, if appropriate;
2. the projects listed in exhibit A will improve the efficiency of the state's transportation systems;
3. the projects listed in exhibit A will expand the availability of funding for transportation projects or reduce direct state costs;
4. the applications submitted show that the applicants listed in exhibit A are likely to have sufficient revenues to assure repayment of the financial assistance; and
5. providing financial assistance to each applicant listed in exhibit A will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB.

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

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

terms attached hereto as exhibit A, contingent on the execution of advanced funding agreements between the department and each applicant listed in exhibit A.

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

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

a. Chapter 7 - Rail Facilities - Amendments to §7.35, Hazardous Materials-Written Reports, and §7.36 Clearances of Structures Over and Alongside Railway Tracks (MO)

This item was presented by Rail Planning and Programming Section Director Chad Coburn. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5-0.

116815
RRD

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§7.35 and 7.36, relating to Rail Safety 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 §§7.35 and 7.36, 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. Chapter 11 - Design - Amendments to §§11.51, 11.54, and 11.55, the repeal of §11.53, and new §§11.59 and 11.60 relating to regulation of new access connections across an access denial line (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 5-0.

116816
ROW

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§11.51, 11.54, and 11.55, the repeal of §11.53, and new §§11.59 and 11.60 all relating to Access Connections to State Highways 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 §§11.51, 11.54, and 11.55, the repeal of §11.53, and new §§11.59 and 11.60, 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.

c. Chapter 28 – Oversize and Overweight Vehicles and Loads - Amendments to §28.2 and new §28.4 concerning Oversize and Overweight Vehicles and Loads (MO)

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

116817
MNT

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §28.002 and §28.004, relating to Oversize and Overweight Vehicles and Loads 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 §28.002 and §28.004, are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

ITEM 8. Contested Case

Travis County - Thomas 11 Development v. Texas Department of Transportation - Consider action on proposal for decision by administrative law judge concerning the Texas Department of Transportation's decision to debar Thomas 11 Development for a period of 24 months, final order for ethical violations (MO)

This item was presented by Senior General Counsel Jessica Kohlrenken. Commissioner New made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5-0.

116818
GCD

On August 28, 2023, a notice of intent to sanction imposing a 24-month debarment and immediate suspension was issued by the Texas Department of Transportation (department) to Thomas 11 Development LLC (Thomas 11) for violating Title 43 Administrative Code (TAC) §10.101, regarding required ethical conduct by entities doing business with the department. Thomas 11 appealed and an informal hearing was held on October 2, 2023, in accordance with 43 TAC §10.256. A final determination on appeal was issued by the department on October 11, 2023 upholding the 24-month debarment disqualifying Thomas 11 and its affiliates from entering into or attempting to enter into agreement with the department, from participating as a subcontractor under a contract with the department, and from participating as a supplier of materials or equipment to be used under a contract.

Thomas 11 requested an administrative hearing, and the matter was referred to the State Office of Administrative Hearings. On August 9, 2024, the Administrative Law Judge concluded in the proposal for decision, attached hereto as exhibit A, that the department's decision to debar Thomas 11 for 24 months is an appropriate sanction.

IT IS THEREFORE DETERMINED AND ORDERED BY the Texas Transportation Commission (commission) that the findings of fact and conclusions of law contained in the proposal for decision are hereby adopted and, in accordance with the commission's rules, the executive director or his designee is directed and authorized to issue a final order imposing the sanction.

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

ITEM 9. Harris County Toll Road Authority

Consider authorizing the Texas Department of Transportation to enter into a tolling services agreement with Harris County, acting by and through the Harris County Toll Road Authority (Presentation) (MO)

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

116819
PFD

Pursuant to Transportation Code, §228.007, the Texas Department of Transportation (department) is authorized to enter into an agreement with a county acting under Transportation Code, Chapter 284, to design, construct, operate, or maintain a toll lane on a state highway and to charge a toll for the use of one or more lanes of a state highway facility. The department wishes to enter into a Tolling Services Agreement (TSA) with Harris County, acting by and through the Harris County Toll Road Authority (HCTRA), the major terms of which are attached as exhibit A.

In Minute Order 113046, dated March 29, 2012, the Texas Transportation Commission (commission) adopted a resolution creating the Grand Parkway Transportation Corporation (corporation), which is authorized to assist and act on behalf of the commission regarding the SH 99 (Grand Parkway) toll project (Grand Parkway Project).

Pursuant to Minute Order 113202, dated July 26, 2012, and Minute Order 113279, dated September 27, 2012, the department and the corporation have previously entered into a "Project Agreement, SH 99 (GRAND PARKWAY) Grand Parkway System" dated July 17, 2013, to provide the terms and conditions on which the corporation and department will undertake their responsibilities in respect of portions of the Grand Parkway Project. Pursuant to Minute Order 114290, dated June 25, 2015, the department and the corporation entered into that certain "Amended and Restated Project Agreement" dated as of May 1, 2018 (Amended and Restated Project Agreement) to include Segments H, I-1 and I-2 of the Grand Parkway Project (Segments E, F-1, F-2, G, H, I-1, I-2, and the portion of Segment D located within Harris County constitute the Grand Parkway System).

Under the Amended and Restated Project Agreement, the corporation is responsible for the maintenance and operation of the Grand Parkway System, and the department shall provide all toll collection and enforcement services for the Grand Parkway System, either directly or using the contractors and subcontractors that it is using at any time in question to provide such services to other toll roads and tolled lanes operated by the department. In addition, neither the corporation nor the department shall enter into a contract with a third party relating to the provision of toll operations and collection services in respect of the Grand Parkway System without the prior approval of the commission, upon a finding by the commission that such third party services do not (A) impair the interests of the owners of the corporation's obligations, (B) cause the commission or the corporation to violate the terms of the Toll Rate Agreement, or (C) cause the corporation or the department to violate the scope of its authority delegated by the commission or retained by the department.

The commission finds that a TSA containing the terms in exhibit A will not (A) impair the interests of the owners of the corporation's obligations, (B) cause the commission or the corporation to violate the terms of the Toll Rate Agreement, or (C) cause the corporation or the department to violate the scope of its authority delegated by the commission or retained by the department.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is authorized to enter into a TSA with Harris County, acting by and through HCTRA, containing the terms in exhibit A and any other terms customary to a TSA as determined by the executive director in their sole judgment.

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

ITEM 10. Eminent Domain Proceedings

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

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Meade 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. Commissioner Alvis recused himself from voting on this agenda item. The motion was seconded by Commissioner Vaughn, and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, and Commissioner Meade (a vote of 4-0).

116820
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-UU. 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 1-61 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

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Brazoria	SH 332	47	1524-01-058	214
Collin	US 380	58	0135-02-074	P00074379
Collin	US 380	1	0135-02-074	P00074380
Collin	US 380	56	0135-02-074	P00074445
Collin	US 380	57	0135-02-074	P00074446
Collin	US 380	54	0135-04-039	P00072852
Collin	US 380	8	0135-05-031	P00081979
Collin	US 380	9	0135-05-031	P00086462
Collin	US 380	55	0135-15-003	P00068405.001
Collin	US 380	10	0135-15-003	P00074468
Collin	US 380	59	0135-15-003	P00074535
Collin	FM 1461	53	1973-01-018	39
Harris	SH 35	52	0178-09-032	303,303E
Harris	SH 249	28	0720-03-150	33
Harris	SH 249	29	0720-03-150	34
Harris	SH 249	30	0720-03-150	35
Harris	SH 249	31	0720-03-150	37
Harris	SH 249	32	0720-03-150	38
Harris	SH 249	33	0720-03-150	39

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

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Harris	SH 249	34	0720-03-150	40
Harris	SH 249	43	0720-03-150	41
Harris	SH 249	35	0720-03-150	42
Harris	SH 249	36	0720-03-150	43
Harris	SH 249	37	0720-03-150	46
Harris	SH 249	38	0720-03-150	49
Harris	SH 249	39	0720-03-150	51
Harris	SH 249	40	0720-03-150	52
Harris	SH 249	41	0720-03-150	54
Harris	SH 249	42	0720-03-150	57
Harris	SH 6	49	1685-05-134	29
Harris	SH 6	48	1685-05-134	P00060743.001
Harris	SH 6	50	1685-05-136	P00065210
Lampasas	US 183	7	0272-06-041	P00071491.001
Leon	US 79	2	0205-04-052	P00058893
Leon	US 79	3	0205-04-052	P00058895
Leon	US 79	4	0205-04-052	P00058910
Leon	US 79	5	0205-04-052	P00058914
Leon	US 79	6	0205-04-052	P00061018.001
Montgomery	FM 1488	60	0523-07-003	1
Montgomery	FM 1488	61	0523-07-003	6
Smith	FM 2493	51	0191-03-088	P00070575.001
Travis	RM 620	11	0683-02-083	P00080662
Travis	RM 620	12	0683-02-083	P00080665
Travis	RM 620	13	0683-02-083	P00080668
Travis	RM 620	14	0683-02-083	P00080671
Travis	RM 620	15	0683-02-083	P00080672
Travis	RM 620	16	0683-02-083	P00080673
Travis	RM 620	17	0683-02-083	P00080677
Travis	RM 620	18	0683-02-083	P00080684
Travis	RM 620	19	0683-02-083	P00080685
Travis	RM 620	20	0683-02-083	P00080688
Travis	RM 620	21	0683-02-083	P00080689
Travis	RM 620	22	0683-02-083	P00080690
Travis	RM 620	23	0683-02-083	P00080692
Travis	RM 620	24	0683-02-083	P00080695
Travis	RM 620	25	0683-02-083	P00080696
Travis	RM 620	26	0683-02-083	P00080698
Travis	RM 620	27	0683-02-083	P00080699
Ward	FM 516	44	1001-01-016	P00056026.001-.002
Ward	FM 516	45	1001-01-016	P00056035
Ward	FM 516	46	1001-01-016	P0005604

Eminent Domain
Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Denton	I-35W	OO	0081-13-067	P00055480
Denton	I-35W	PP	0081-13-067	P00057763
Galveston	I-45	LL	0500-01-148	108
Galveston	I-45	MM	0500-01-148	158
Galveston	I-45	NN	0500-01-148	159
Galveston	I-45	RR	0500-04-120	38
Galveston	I-45	SS	0500-04-120	39
Galveston	I-45	TT	0500-04-120	40
Harris	I-45	UU	0500-08-002	616
Harris	I-10	GG	0271-07-337	P00069628
Harris	I-10	HH	0271-07-337	P00079341
Harris	I-10	II	0271-07-337	P00082301
Harris	I-10	JJ	0271-07-337	P00082324
Hunt	I-30	QQ	0009-13-187	P00063158
Midland	I-20	A	0005-15-095	P00056437.001-.002
Midland	I-20	B	0005-15-095	P00056438.001
Midland	I-20	C	0005-15-095	P00056439.001
Midland	I-20	D	0005-15-095	P00056440.001-.002
Midland	I-20	E	0005-15-095	P00056441.001-.002
Midland	I-20	F	0005-15-095	P00056444.001
Midland	I-20	G	0005-15-095	P00056448.001
Midland	I-20	H	0005-15-095	P00056449.001
Midland	I-20	I	0005-15-095	P00056450.001
Midland	I-20	J	0005-15-095	P00056451.001
Midland	I-20	K	0005-15-095	P00056452.001
Midland	I-20	L	0005-15-095	P00056455.001
Midland	I-20	M	0005-15-095	P00056456.001
Midland	I-20	N	0005-15-095	P00056458.001
Midland	I-20	O	0005-15-095	P00056459.001
Midland	I-20	P	0005-15-095	P00056460.001-.002
Midland	I-20	Q	0005-15-095	P00056461.001
Midland	I-20	R	0005-15-095	P00056462.001-.002E
Midland	I-20	S	0005-15-095	P00056463.001
Midland	I-20	T	0005-15-095	P00056464.001
Midland	I-20	U	0005-15-095	P00056466.001
Midland	I-20	V	0005-15-095	P00066766.001-.002
Midland	I-20	W	0005-15-095	P00066767.001
Midland	I-20	X	0005-15-095	P00066768.001
Midland	I-20	Y	0005-15-095	P00066772.001
Midland	I-20	Z	0005-15-095	P00066775.001
Midland	I-20	AA	0005-15-095	P00066776.001

**Eminent Domain
Controlled Access (continued)**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Midland	I-20	BB	0005-15-095	P00066777.001
Midland	I-20	CC	0005-15-095	P00086288.001-.002
Parker	I-20	KK	0314-07-085	P00081427.001
Travis	I-35	DD	0015-13-443	P00071193
Travis	I-35	EE	0015-13-443	P00071194
Travis	I-35	FF	0015-13-443	P00074687

Note: Exhibits A-UU and 1-61 are on file with the commission chief clerk.

ITEM 11. Routine Minute Orders and Reports

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

a. Donations to the Department

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

116821
CSD

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

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

director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

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

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

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

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

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
5606 South Rice LLC	AUS	Travis	Design and construction of roadway improvements to SH 71 that will serve Morgan Oak Hill in Austin.
American Institute of Steel Construction	MTD	N/A	Travel costs to include ground transportation and lodging at the conference hotel for Teresa Michalk, P.E., to attend the 2024 NSBA/AASHTO Steel Bridge Collaboration Meeting in New Orleans, LA.
Anchor Holdings MP LLC	HOU	Brazoria	Design and construction of a left turn lane and traffic signal from northbound FM 521 into the Ashland development in Brazoria.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Astro Sunterra West, L.P.	HOU	Waller	Design and construction northbound right turn lane, southbound left turn lane and install traffic signal from northbound and southbound FM 362 into the Sunterra West development in Brookshire.
Bechtel Energy Inc.	BMT	Jefferson Liberty Orange	1200 linear feet of Remcon 72" Jersey Style Barriers (orange and white 100 lb. Jersey Style Barricades) to be stockpiled by TxDOT crews at various maintenance yards in Liberty, Orange and Beaumont.
Concho Redbird Development Group, Ltd	SAT	Bexar	Design and construction of an eastbound and westbound left turn lanes on FM 1957 (Potranco Road) located west of SH 211 and east of Landon Ridge Road in the ETJ of San Antonio.
Continental Homes of Texas, L.P.	AUS	Caldwell	Design and construction of two left turn lanes on FM 2720 from 0.1 miles northwest of Jolly Road to 0.13 miles northwest of County View Drive in Lockhart.
Continental Homes of Texas, L.P.	AUS	Hays	Design and construction of roadway improvements to SH 21 that will serve Caldwell Estates in the Uhland.
CSW Killeen, LP	WAC	Bell	Design and construction of a traffic signal, a southbound right turn deceleration lane for the Anthem Park Driveway in Killeen.
CWW LLC.	YKM	Gonzales	Funds to cover the state's cost to install two 36" LED truck crossing signs in both directions on SH 304 before the entrance of the donor's development in Gonzales.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
F.M. 158 Land, Ltd.	AUS	Hays	Design and construction of drainage improvements to FM 110 that will serve The Gateway in San Marcos.
FM 973 Coupland Real Estate LLC	AUS	Travis	Design and construction of one right turn lane and one left turn lane 0.10 miles southwest of Walton Hill Pass Road on FM 973 in Travis County.
George Lavender	ATL	Bowie	The removal of trees, stump grinding and cleanup on a section of trees (approximately 300') located between the frontage road (2005 Mall Drive) and the right of way along I-30 in Bowie County.
Grapevine Convention & Visitors Bureau	TRV	N/A	food, beverages, transportation, and admissions to area attractions for the familiarization study tour of Grapevine, Grand Prairie, and Irving during November 11-15, 2004.
HCDO - Assist the Deputy Foundation	TRF	Harris	Funds to design, fabricate, and install two memorial highway designation signs on the portion of US 59 from SH Loop 8 to Little York Road, designated as the Deputy Sheriff Darren Almendarez Memorial Highway within Harris County.
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.
High Time Ventures LLC	HOU	Montgomery	Design and construction of three right turn lanes from westbound SH 242 into the Primespot Commercial development in Conroe.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
KingCo Investments #2	ODA	Winkler	Funds towards the state's cost to design and construct a left turn lane and a right turn lane for a new driveway on SH 115 approximately 9 miles north of Kermit.
OG Central Texas Partners LLC	WAC	Bell	Design and construction of a deceleration right turn lane and a left turn lane from SH 201 (Clear Creek Drive) to the proposed housing development in Killeen.
Oso Apartments Ltd.	SAT	Bexar	Design and construction of a right turn lane from Schuwirth to SH Loop 1604 located at the intersection of SH Loop 1604 and Schuwirth in San Antonio.
Provident Realty Company	TYL	Smith	Design and construction of a traffic signal, median modifications, and associated improvements at the intersection of Loop 323 and Robertson Road in Tyler.
Refuel Operating Company, LLC	SAT	Bexar	Design and construction of a right turn deceleration lane along the westbound I-35 frontage road, located at the northwest corner of I-35 and Fischer Road in San Antonio.
Sansone Austin Hills, LLC	AUS	Travis	Design and construction of one two-way left turn lane and two northbound right turn lanes on FM 973; one southbound right turn lane and one acceleration lane on SH 130 in Austin.
Seefried Industrial Properties, Inc.	TYL	Smith	Design and construction of a right turn deceleration lane, a left turn deceleration lane, and new traffic signal at the intersection of SH 155 and County Road 334 in Tyler.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Texas Travel Alliance	TRV	N/A	Food, beverages, transportation, and admissions to area attractions for the familiarization study tour of the Amarillo, Lubbock, and Route 66 area during October 6 - 10, 2024.
Terra Development Group LLC	LRD	Webb	Funds sufficient for the design and construction of a driveway along with a deceleration lane, and pavement markings located on SH 359 at STA 480+86.28 at the entrance of the new San Pedro Development in Laredo.
The Bridges Land Holdings, LLC	PAR	Grayson	Design and construction of the widening of FM 121 to add a left turn deceleration lane for westbound FM 121 at the new Cypress Street intersection near Gunter in Grayson County.
The Ridge at Knob Creek Development, Inc.	WAC	Bell	Design and construction of a right turn and deceleration lane and the striping of a left turn lane from H.K Dodgen Loop into the proposed entry to the Ridge at Knob Creek Development in Temple.
City of Sunset Valley	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
D & H Roofing, Inc.	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Tacodeli Holdings, Inc	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Comcast Cable Communications, LLC	BRY	Brazos	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Smurfit Kappa North America LLC	DAL	Kaufman	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Link Staffing	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
V.T. Nguyen, D.D.S PA (dba) Ecodental	HOU	Fort Bend	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Gallery Model Homes, Inc. DBA Gallery Furniture	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Lubbock Public Media	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
SBC RHC A, LP dba Audi Lubbock	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
SBC RHC B, LP dba BMW Lubbock	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
SBC RHC CAD, LP dba Cavender Cadillac of Lubbock	LBB	Lubbock	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
SBC RHC L, LP dba Cavender Lexus of Lubbock	LBB	Lubbock	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
SBC RHC M, LP dba Mercedes-Benz of Lubbock	LBB	Lubbock	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
American Red Start Logistics, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Apex Roofing & General Contractors, LLC	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Atascosa County - SH 85 - Consider the sale of right of way to an abutting landowner (MO)

116822
ROW

Near the city of Charlotte, Atascosa County, on SH 85, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 371, at page 363, of the Deed Records of Atascosa County, Texas.

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

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

David R. Miller, Trustee of David R. Miller 2022 Exempt Trust, is an abutting landowner and has requested to purchase the tract for \$11,000.00.

The commission finds \$43,984.00 to be a fair and reasonable value of the state’s right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state’s right, title, and interest in the tract to David R. Miller, Trustee of David R. Miller 2022 Exempt Trust, for \$11,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state’s right, title, and interest, if any, in and to all of the oil, gas, sulphur, and

other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(2) Burnet County - US 281 - Consider the release of a temporary detour easement to the underlying fee owner (MO)

116823
ROW

In the city of Marble Falls, Burnet County, on US 281, the State of Texas acquired a temporary detour easement interest in certain land by an instrument recorded in Volume 117, at page 243, of the Deed Records of Burnet County, Texas.

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

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

La Ventana Marble Falls Ventures, LP, a Texas limited partnership, is the owner of the fee interest in the property and has requested that the temporary detour easement be released.

The commission finds that the temporary detour easement should have been released upon completion of the highway project and no consideration will be required for this release.

IT IS THEREFORE ORDERED by the commission that the temporary detour easement interest encumbering the tract, described in exhibit A, is no longer needed for a state highway purpose. The commission authorizes the executive director of the Texas Department of Transportation to execute a proper instrument conveying all of the state's right, title, and interest in the temporary detour easement, as described in exhibit A, to La Ventana Marble Falls Ventures, LP, a Texas limited partnership, for no consideration.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Letting Allocation Report

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

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

(3) Quarterly Cash Report

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

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

(4) CTTS Annual Toll Rate Escalation Report

Travis and Williamson Counties - Report of the toll rate escalation percentage and escalated toll rates for the Central Texas Turnpike System, consisting of the SH 130 (Segments 1-4), SH 45N, Loop 1 (from FM 734 to SH 45N), and SH 45SE project elements (Report)

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

(5) Grand Parkway (SH 99) Annual Toll Rate Escalation Report

Various Counties - Report of the toll rate escalation percentage and escalated toll rates for portions of SH 99 (Grand Parkway) consisting of the tolled portion of Segment D in Harris County, Segments E, F-1, F-2, G, H, I-1, and I-2 (Report)

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

(6) SH 249 Annual Toll Rate Escalation Report

Grimes and Montgomery Counties - Report of the toll rate escalation percentage and escalated toll rates for the SH 249 System, comprised of Segment 1 of the SH 249 Project extending SH 249 from FM 1774 in Pinehurst to FM 1774 in Todd Mission (Report)

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

d. Transportation Planning

(1) SH 121 - Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

116824
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 121 toll project from Business SH 121 in Denton County to US 75 in Collin County (SH 121 payments).

Pursuant to Transportation Code, §228.012, the SH 121 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 121 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 121 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 121 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 121 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional

project costs in the NCTCOG MPA boundary to be funded with the SH 121 payments, as shown in exhibit A. The RTC has also identified changes to the list of previously approved projects, which are shown in exhibit B. A summary of funds associated with the SH 121 work program is set forth in exhibit C, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in exhibit A that have been selected by the RTC to be funded with the SH 121 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 121 payments. The commission also concurs with the changes to the list of previously approved projects as shown in exhibit B.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 121 payments subaccounts will not themselves be funded from the SH 121 payments subaccounts. Funds from the SH 121 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

(2) **SH 161 - Various Counties** - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 161 Toll Project Agreement (MO)

116825
TPP

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (SH 161 payments).

Pursuant to Transportation Code, §228.012, the SH 161 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 161 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the Texas Transportation Commission (commission) determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the commission approved, and authorized the department's executive director to enter into, a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 161 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 161 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009, the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 161 payments. In previous minute orders, the commission concurred with certain projects identified by the RTC to be funded with those payments and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with SH 161 payments, as shown in exhibit A. A summary of funds associated with the SH 161 work program is set forth in exhibit B, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in exhibit A that have been selected by the RTC to be funded with the SH 161 payments, and approves the

placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 161 payments.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right-of-way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 161 payments subaccounts will not themselves be funded from the SH 161 payments subaccounts. Funds from the SH 161 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

f. Highway Designation

(1) Madison County - In Madison County, consider designating US 190/SH 21 on a new location on the state highway system and redesignating the existing location of US 190/SH21 as BS 21-K (MO)

116826
TPP

Madison County and the Bryan District have requested the following actions: (1) designate US 190/SH 21 on a new location on the state highway system from 1.2 miles west of FM 39 to 1.6 miles east of FM 39, a distance of approximately 2.7 miles; and (2) redesignate the existing location of US190/SH 21 as BS 21-K from 1.2 miles west of FM 39 to 1.6 miles east of FM 39, a distance of approximately of 2.8 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 (1) US 190/SH 21 is designated on a new location on the state highway system from 1.2 miles west of FM 39 to 1.6 miles east of FM 39, a distance of approximately 2.7 miles; and (2) the existing location of US 190/SH 21 is redesignated as BS 21-K from 1.2 miles west of FM 39 to 1.6 miles east of FM 39, a distance of approximately of 2.8 miles, as shown in exhibit A.

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

(2) **Williamson County** - In the city of Cedar Park, consider (1) redesignating a segment of US 183 as BU 183-Q; (2) designating US 183 concurrently with RM 1431; and (3) designating new frontage roads alongside 183 A Toll as US 183 in Williamson County (MO)

116827
TPP

The city of Cedar Park, Williamson County and the Austin District have requested the following actions: (1) redesignating a segment of US 183 as BU 183-Q along an existing location on the state highway system from the intersection of RM 1431 southward to the intersection of Avery Ranch Boulevard, a distance of approximately 3.0 miles; (2) designating US 183 concurrently with RM 1431 from existing US 183 eastward to 183 A Toll, a distance of approximately 1.0 miles; and (3) designating new frontage roads alongside 183 A Toll as US 183 from the intersection of RM 1431 southward to Avery Ranch Boulevard, a distance of approximately 3.0 miles, in Williamson County.

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: (1) a segment of US 183 is redesignated as BU 183-Q along an existing location on the state highway system from the intersection of RM 1431 southward to the intersection of Avery Ranch Boulevard, a distance of approximately 3.0 miles; (2) US 183 is designated concurrently with RM 1431 from existing US 183 eastward to 183 A Toll, a distance of approximately 1.0 miles; and (3) new frontage roads are designated alongside 183 A Toll as US 183 from the intersection of RM 1431 southward to Avery Ranch Boulevard, a distance of approximately 3.0 miles, in Williamson County.

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

f. Toll Rates

Various Counties - Consider establishing non-tag toll rates for SH 99 (Grand Parkway) Segment D located in Harris County and Segments E, F-1, F-2, G, H, I-1, and I-2 located in Harris, Montgomery, Liberty and Chambers counties (MO)

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PFD

In accordance with the requirements of former Section 228.0111 of the Transportation Code and the policies included in Minute Order 111410 dated June 26, 2008, the Texas Department of Transportation (department) and the seven counties in the Houston area in which SH 99 (Grand Parkway) is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009 (MVWA), in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway Project, a toll facility extending from SH 146 in Galveston County to SH 146 in Harris County comprised of Segments A, B, C, D, E, F-I,

F-2, G, H, I-1, and I-2 (Grand Parkway Project), agreed to waive the development of a market valuation of the Grand Parkway Project, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway Project, including terms for establishing initial toll rates and toll escalation policies.

In Minute Order 113046, dated March 29, 2012, the Texas Transportation Commission (commission) adopted a resolution creating the Grand Parkway Transportation Corporation (GPTC) pursuant to Title 43, Texas Administrative Code, § 15.95, approving its certificate of formation and bylaws and appointing the initial directors.

The commission and GPTC entered into a “Toll Rate Agreement SH 99 (Grand Parkway) Harris and Montgomery County Segments Between Texas Transportation Commission and Grand Parkway Transportation Corporation” dated as of August 1, 2013, pursuant to Minute Order 113399, dated December 13, 2012, and a “First Amendment to Toll Rate Agreement” effective on June 26, 2015, pursuant to Minute Order 114290, dated June 25, 2015 (as amended, the Toll Rate Agreement), as part of the GPTC’s issuance of toll revenue obligations, in which the commission (1) covenanted that it will, for the benefit of the GPTC bondholders, adopt and maintain in effect a toll rate schedule for the tolled portion of Segment D of the Grand Parkway in Harris County and for Segments E, F-1, F-2, G, H, I-1 and I-2B of the Grand Parkway (Grand Parkway System) and establish toll rates at a level sufficient to satisfy the toll rate covenant contained in the Toll Rate Agreement; and (2) established a Free Passage Policy for the Grand Parkway System, which was amended in Minute Order 113247 dated August 30, 2012, Minute order 113682 dated August 29, 2013, Minute Order 114962 dated June 29, 2017, and Minute Order 115270 dated July 26, 2018.

In Minute Order 113399, dated December 13, 2012, the commission set toll rates and authorized GPTC to charge tolls for the tolled portion of Segment D of the Grand Parkway in Harris County and for Segments E, F-1, F-2, and G in Harris and Montgomery counties, and established a toll rate escalation policy (as amended in Minute Order 116382, dated November 16, 2022, the Toll Rate Escalation Policy).

In Minute Order 114290, dated June 25, 2015, and Minute Order 114881, dated March 28, 2017, the commission set toll rates and authorized GPTC, upon substantial completion of the construction of Segments H, I-1 and I-2B, to charge tolls, and also authorized the executive director of the department to annually escalate the toll rates in accordance with established indices and the Toll Rate Escalation Policy, for the tolled portions of Segments H, I-1, and I-2 in Montgomery, Harris, Liberty and Chambers Counties, and for the portion of Segment I-2A from Fisher Road to FM 1405 in Chambers County.

The GPTC has issued toll revenue obligations, including the execution of a “United States Department of Transportation TIFIA Loan Agreement for the Grand Parkway Project (TIFIA – 20211015A),” dated as of August 19, 2021 (TIFIA Loan Agreement). The TIFIA Loan Agreement requires the GPTC to comply with certain notice and consent requirements regarding certain agreements, including the MVWA.

The commission has determined that it should adopt the toll rates reflected in exhibit A for non-tag transactions on the Grand Parkway System, contingent upon and

effective upon the completion of all necessary notices, consents, certifications, amendments or waivers relating to the adoption of the toll rates, including, but not limited to, (1) any necessary amendment or waiver of terms and conditions in the MVWA and (2) any necessary notices or consents in connection with the TIFIA Loan Agreement.

Pursuant to Section 1.1 of the Toll Rate Agreement, prior to adopting any change in the Toll Rate Schedule, the commission shall have obtained and filed with the GPTC and the trustee a certificate by the Traffic Consultant stating, in its opinion, either: (A) that if such proposed Toll Rate Schedule had been in effect during the preceding Fiscal Year, it would not have caused a decrease in the Senior Net Revenues for such preceding Fiscal Year; or (B) that the adoption of such proposed Toll Rate Schedule will not materially adversely affect the ability of the commission to comply with its covenants in Section 1.1(b) of the Toll Rate Agreement. The commission has received such certification from the Traffic Consultant and filed it with the GPTC and the trustee, in compliance with the Toll Rate Agreement.

IT IS THEREFORE ORDERED by the commission that the non-tag toll rates attached hereto as exhibit A are conditionally adopted for the Grand Parkway System, and the commission's adoption is contingent upon and effective upon the completion of, all necessary notices, consents, certifications, amendments or waivers relating to the adoption of the toll rates, including, but not limited to the following:

1. any necessary amendment or waiver of terms and conditions in the MVWA, and
2. any necessary notices or consents in connection with the TIFIA Loan Agreement;

The commission's adoption of the non-tag toll rates attached hereto as exhibit A shall become effective on the latter of (1) the date that all of the above conditions are satisfied, or (2) January 1, 2025, and the executive director shall add them to the Toll Rate Schedule and implement them as expeditiously as practicable thereafter.

If the above conditions are met in 2026 or thereafter, then the non-tag toll rates attached hereto as exhibit A shall be automatically escalated by the toll rate escalation percentage determined by the department and reported to the commission by its October 2025 meeting, and each year thereafter, in accordance with the requirements of the Toll Rate Escalation Policy.

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)

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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 Jason Scheppers on traffic safety. The commission received no further comments.

ITEM 12. Executive Session Pursuant to Government Code, Chapter 551 Section 551.071

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

The commission did not meet in executive session.

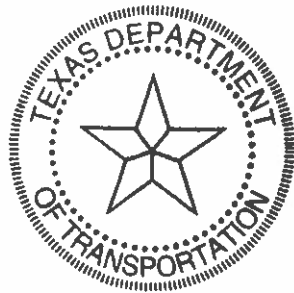
Commissioner Meade motioned adjournment and Commissioner Alvis seconded the motion. The commission voted 5-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 10:57 a.m.

APPROVED by the Texas Transportation Commission on November 14, 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 October 31, 2024, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation