

These are the minutes of the regular meeting of the Texas Transportation Commission held on January 30, 2025, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Chairman Bugg with the following commissioners present:

Texas Transportation Commission:

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

Administrative Staff:

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 12:44 p.m. on January 22, 2025, 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 December 17, 2024, regular meeting of the Texas Transportation Commission

Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the minutes of the December 17, 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.

116870
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 January 7 and 8, 2025, as shown on exhibit A.

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

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

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

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

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

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

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

b Routine Maintenance (MO)

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

116871
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 January 7 and 8, 2025, as shown on exhibit A.

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

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

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

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

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

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

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

c. Construction and Rehabilitation of Buildings (MO)

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

116872
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 January 7, 2025, 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 approve, 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 approved as indicated therein.

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

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

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

ITEM 5. Discussion Item

Development of the 2026 Unified Transportation Program Planning Targets

This discussion was led by Transportation Planning and Programming Division Director Humberto Gonzalez, Jr. The commission asked questions and discussed the topic. The commission received comments from El Paso Metropolitan Organization Executive Director Eduardo Calvo. The commission received no further comments.

ITEM 6. Business Route Highway Designation

Various Counties - Consider rescinding the requirement in Minute Order 89979, approved on February 27, 1990, related to the suffix requirement for Business Routes on the Designated Highway System (MO)

This item was presented by Transportation Planning and Programming Division Director Humberto Gonzalez, Jr. Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 5-0.

116873
TPP

Minute Order 89979 dated February 27, 1990, and attached hereto as exhibit A, established the process to comply with the Federal mandate and Administrative Directive, to keep accurate records on the Designated Highway System and identified the resources to be implemented by the department.

The provisions of Minute Order 89979 have been implemented by the Texas Department of Transportation (department). The department implemented the Highway Reference Marker Location System, which uses the posted guide sign and a statewide reference marker to identify each highway. There are highways designated on one official highway system throughout Texas with erected guide markers, as numbered routes and there are designated State Highway Loops and State Highway Spurs that have been identified, with erected guide markers, as Business Routes of the through highway that bypassed that city or town. These Business Routes are perceived as a legitimate system of highways by the local business community and provide a valuable service to the traveling public by indicating where they may leave their travel route for supplies and return to continue their journey, as well as benefit the economy of the city or town involved. Minute Order 89979 additionally created a subdivision of the State Highway System and classified Business Routes separate from and being equal to State Highway Loop and State Highway Spur, and further ordered: (1) these Business Routes be designated based on the through highway it is connected to; (2) this designation shall include the number of the through highway and a letter suffix to identify all the separate locations along a common through highway; (3) the suffix sequence A to Z will follow the direction of the Reference Marker System from low to high numbers; and (4) these Business Routes be marked using current signing practices until a uniform Statewide Standard can be established.

The Transportation Planning and Programming Division recommends rescinding the requirement for a Business Route to include a letter suffix A to Z in Minute Order 89979 due to its inherent limiting nature such that the Business Route designations will continue being designated based on the through highway it is connected to, and this designation shall include the number of the through highway and be marked based on statewide standard signing guidance. This will allow ongoing expansion of our transportation network and increase the number of business routes that are currently limited by the letter suffix requirement.

Pursuant to Texas Transportation Code, §§201.103 and 221.001 the executive director of the department recommends rescinding the requirement for a Business Route to include a letter suffix A to Z in Minute Order 89979. The rescission will allow the department to update the highway designation files to ensure accuracy, consistency, and efficiencies with management of the current roadway inventory data and prevent confusion as to the appropriate designation of certain roadways.

The Texas Transportation Commission (commission) finds that this action is necessary for the proper development and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the requirement in Minute Order 89979 for a Business Route to include a letter suffix A to Z is hereby rescinded.

IT IS FURTHER ORDERED that the department may continue the current highway designation process, including the designation of Business Routes, but will

exclude the requirement for a suffix sequence A to Z effective for Business Route designations effective after the date of this minute order.

IT IS FURTHER ORDERED that the current Business Route designation made prior to the date of this minute order will remain in effect inclusive of the A-Z suffixes unless the roadway designation is amended by a future minute order.

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

ITEM 7. Aviation

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

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

116874
AVN

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

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

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

On January 3, 2025, 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 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 Division Director Eric Gleason. Commissioner Alvis made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 5-0.

116875
PTN

The Texas Transportation Commission (commission) desires to award a total of \$800,666 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 \$509,196 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. A partial award of \$26,837 has been determined in accordance with §31.13 to mitigate impacts from the 2020 census and the pandemic in formula calculations. A breakdown of the state funds awarded is shown in exhibit A.

Title 43, TAC, §31.36(f)(4) establishes a formula by which federal public transportation funds shall be distributed under the FTA Formula Grants for Rural Areas program (49 U.S.C. §5311). A partial award of \$264,633 of federal §5311 funds has been determined in accordance with §31.36(f)(4).

The funds awarded along with minute order 116786 make up a total award amount for each respective program.

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 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 state funds to rural transit providers for service expansion eligible projects (MO)

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

116876
PTN

The Texas Transportation Commission (commission) desires to award a total of \$2,018,081 in state funds to support service expansion projects in rural areas of the state.

The commission approved Minute Order 116577 on October 26, 2023, for rural public transportation service expansion projects and as project budgets were finalized funds became available to reallocate. Title 43, Texas Administrative Code (TAC), §31.11 and §31.13 establish a process by which state public transportation funds shall be distributed. An award of \$2,018,081 of FY 2024 and FY 2025 state funds to rural transit districts has been determined in accordance with §31.11 and §31.13 and is shown in exhibit A.

The commission authorizes the division director to adjust amounts awarded to a specific entity for service expansion within 25% due to overruns and underruns, so long as the total program amount awarded does not exceed the total in Minute Order 116577.

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 shown in the exhibit and enter into the necessary contracts.

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

ITEM 9. State Infrastructure Bank

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

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

116877
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 Laredo 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, with approval of the application for Milligan Water Supply Corporation, as listed in exhibit A, being contingent on the execution of a standard utility agreement with the department.

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, with approval of the application for Milligan Water Supply Corporation, as listed in exhibit A, being contingent on the execution of a standard utility agreement with the department prior to entering into a financial assistance agreement.

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

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

ITEM 10. Ship Channel Improvement Revolving Fund

Cameron County - Brownsville Navigation District - Consider amending minute order 116781, approved on September 26, 2024, to reflect a change in the security offered by Brownsville Navigation District to secure the Ship Channel Improvement Revolving Fund loan in the amount of up to \$43,000,000 with a senior lien pledge of net revenues rather than a subordinate lien (MO)

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

116878
MRD

The Texas Transportation Commission (commission) by Minute Order 116781, dated September 26, 2024, approved an application request from the Brownsville Navigation District (District) to borrow up to \$43,000,000 from the Ship Channel Improvement Revolving Fund (SCIRF) in accordance with Transportation Code, Chapter 56 and Title 43, Texas Administrative Code (TAC), Chapter 15 (Financing and Construction of Transportation Projects), Subchapter P (SCIRF Rules), and authorized the executive director to enter into a financial assistance agreement with the District. The Minute Order provided that the SCIRF loan would be secured with a subordinate lien pledge of net revenues.

During negotiation of terms for the authorized financial assistance agreement, the District requested the loan security be changed to increase the priority claim from a subordinate lien pledge of net revenues to a senior lien pledge of net revenues, and submitted a revised application to reflect this change in the security offered by the District.

The executive director recommends that the commission amend its approval of the District's application request to incorporate the revised security pledge as contained in the terms attached hereto as exhibit A.

The commission confirms its findings in Minute Order 116781, dated September 26, 2024, and determines that providing financial assistance in accordance with the revised application meets the applicable requirements of the SCIRF Rules.

IT IS THEREFORE ORDERED by the commission that the revised financial assistance application submitted by the District is approved. The executive director

or his designee is directed and authorized to execute a financial assistance agreement with the District which utilizes a senior lien pledge of net revenues as security for repayment of the SCIRF loan and which contains the terms attached hereto as exhibit A.

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

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

Rules Adoption

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 Division Director Jeff Davis. 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.

116879
RRD

The Texas Transportation Commission (commission) finds it necessary to adopt 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 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 §§7.35 and 7.36, are adopted and are authorized for filing with the Office of 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.

b Chapter 11 - Design - Amendments to §§11.51, 11.54, and 11.55, 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.

116880
ROW

The Texas Transportation Commission (commission) finds it necessary to adopt 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 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 amendments to §§11.51, 11.54, and 11.55, the repeal of §11.53, and new §§11.59 and 11.60, are adopted and are authorized for filing with the Office of 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.

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

116881
MNT

The Texas Transportation Commission (commission) finds it necessary to adopt 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 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 §28.002 and §28.004, are adopted and are authorized for filing with the Office of Secretary of State.

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

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

ITEM 12. Eminent Domain Proceedings

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

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner 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 New, and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, and Commissioner Meade (a vote of 4-0).

116882
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-GG. 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 1-104 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	92	1524-01-058	P00075837.001
Brazoria	SH 332	90	1524-01-088	P00082423.001
Brazos	FM 974	15	0540-03-038	P00087088
Fort Bend	FM 723	104	0188-09-052	107TE
Galveston	FM 517	80	1002-02-022	135
Galveston	FM 517	81	1002-02-022	140
Galveston	FM 517	82	1002-02-022	144
Galveston	FM 517	83	1002-02-022	160
Galveston	FM 517	84	1002-02-022	161
Galveston	FM 517	85	1002-02-022	162
Galveston	FM 517	86	1002-02-022	63
Galveston	FM 517	87	1002-02-022	170
Galveston	FM 517	88	1002-02-022	202
Galveston	FM 517	89	1002-02-022	158B
Grimes	SH 30	13	0212-04-052	P00085244.001
Grimes	SH 30	14	0212-04-052	P00085245.001
Harris	SH 249	26	0720-03-150	3
Harris	SH 249	27	0720-03-150	7
Harris	SH 249	28	0720-03-150	9
Harris	SH 249	29	0720-03-150	10
Harris	SH 249	30	0720-03-150	12
Harris	SH 249	31	0720-03-150	14
Harris	SH 249	32	0720-03-150	19
Harris	SH 249	33	0720-03-150	28
Harris	SH 249	34	0720-03-150	30
Harris	SH 249	35	0720-03-150	32
Harris	SH 249	36	0720-03-150	33
Harris	SH 249	37	0720-03-150	37

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	38	0720-03-150	38
Harris	SH 249	39	0720-03-150	39
Harris	SH 249	40	0720-03-150	40
Harris	SH 249	41	0720-03-150	42
Harris	SH 249	42	0720-03-150	43
Harris	SH 249	43	0720-03-150	46
Harris	SH 249	44	0720-03-150	47
Harris	SH 249	45	0720-03-150	49
Harris	SH 249	46	0720-03-150	52
Harris	SH 249	47	0720-03-150	54
Harris	SH 249	48	0720-03-150	56
Harris	SH 249	49	0720-03-150	59
Harris	SH 249	50	0720-03-150	66
Harris	SH 249	51	0720-03-150	67
Harris	SH 249	52	0720-03-150	68
Harris	SH 249	53	0720-03-150	69
Harris	SH 249	54	0720-03-150	70
Harris	SH 249	55	0720-03-150	71
Harris	SH 249	56	0720-03-150	72
Harris	SH 249	57	0720-03-150	73
Harris	SH 249	58	0720-03-150	75
Harris	SH 249	59	0720-03-150	77
Harris	SH 249	60	0720-03-150	79
Harris	SH 249	61	0720-03-150	80
Harris	SH 249	62	0720-03-150	81
Harris	SH 249	63	0720-03-150	82
Harris	SH 249	64	0720-03-150	83
Harris	SH 249	65	0720-03-150	86
Harris	SH 249	66	0720-03-150	88
Harris	SH 249	67	0720-03-150	89
Harris	SH 249	68	0720-03-150	103
Harris	SH 249	69	0720-03-150	104
Harris	SH 249	70	0720-03-150	109
Harris	SH 249	71	0720-03-150	115
Harris	SH 249	72	0720-03-150	117
Harris	SH 249	73	0720-03-150	126
Harris	SH 332	91	1524-01-088	P00082424.001
Harris	SH 6	97	1685-05-134	P00061226.001
Harris	SH 6	98	1685-05-134	P00061229.001
Harris	SH 6	99	1685-05-134	P00061234.001
Harris	SH 6	100	1685-05-134	P00061235.001
Harris	SH 6	103	1685-05-134	P00061238.001

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

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Hidalgo	FM 907	93	1586-01-090	P00079484.001
McLennan	FM 434	74	0833-04-047	P00071315.001-.002
McLennan	FM 434	75	0833-04-047	P00071317.001
McLennan	FM 434	76	0833-04-047	P00071318.001-.004
McLennan	FM 434	77	0833-04-047	P00071319.001-.003
McLennan	FM 434	78	0833-04-047	P00071330.001
McLennan	FM 434	79	0833-04-047	P00071335.001-.002
Nacogdoches	US 259	2	0138-06-050	P00065737
Nacogdoches	US 259	3	0138-06-050	P00065765.001-.002
San Augustine	FM 1751	94	1680-03-034	P00085864
San Augustine	FM 1751	95	1680-03-034	P00085865
San Augustine	FM 1751	96	1680-03-034	P00085866
San Jacinto	FM 945	101	2594-01-016	P00085557
San Jacinto	FM 945	102	2594-01-016	P00085558
Smith	US 271	4	0165-02-068	P00061510.001
Smith	FM 2493	8	0191-03-088	P00070590.001-.002
Smith	FM 2493	9	0191-03-088	P00070595.001-.002
Smith	FM 2493	10	0191-03-088	P00070639.001
Smith	FM 2493	11	0191-03-088	P00070648.001
Smith	FM 2493	12	0191-03-088	P00070654.001
Tarrant	US 287	5	0172-09-039	166E
Tarrant	US 287	6	0172-09-039	167E
Travis	RM 620	16	0683-02-083	163
Travis	RM 620	17	0683-02-083	166
Travis	RM 620	19	0683-02-083	168
Travis	RM 620	20	0683-02-083	170
Travis	RM 620	18	0683-02-083	174
Travis	RM 620	21	0683-02-083	175
Travis	RM 620	22	0683-02-083	182
Travis	RM 620	23	0683-02-083	183
Travis	RM 620	24	0683-02-083	195
Travis	RM 620	25	0683-02-083	204
Travis	RM 620	7	0683-02-083	P00080700
Victoria	FM 236	1	0842-03-044	P00081493.001

Eminent Domain**Controlled Access**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Brazoria	SH 99	T	3510-02-009	102
Brazoria	SH 99	U	3510-02-009	107
Brazoria	SH 99	V	3510-02-009	115
Ector	I-20	A	0004-07-136	P00056528.001

Eminent Domain
Controlled Access (continued)

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Ector	I-20	B	0004-07-136	P00056535.001
Ector	I-20	C	0005-13-066	P00056503.001
Ector	I-20	D	0005-13-066	P00056505.001
Harris	I-45	N	0500-03-614	1010
Harris	I-45	O	0500-03-632	1331
Harris	I-45	P	0500-03-632	1373
Harris	I-45	R	0500-08-002	705
Harris	I-45	Q	0500-08-002	524AAQ
Harrison	I-20	Y	0495-09-066	P00071620
Harrison	I-20	BB	0495-09-066	P00071621
Harrison	I-20	CC	0495-09-066	P00071624
Harrison	I-20	DD	0495-09-066	P00071625
Harrison	I-20	EE	0495-09-066	P00071627
Harrison	I-20	FF	0495-09-066	P00071628
Harrison	I-20	X	0495-09-066	P00071630
Harrison	I-20	AA	0495-09-066	P00071635
Hunt	I-30	E	0009-13-187	P00063152
Johnson	I-35W	F	0014-03-097	P00074741.001
Johnson	I-35W	H	0014-03-097	P00074752.001
Johnson	I-35W	G	0014-03-097	P00074753.001
Tarrant	I-820	Z	0008-13-242	443E
Tarrant	I-820	W	0008-13-242	P00087582
Tarrant	SH 121	GG	0363-03-055	P00070268
Tarrant	SH 121	M	0363-03-055	P00070269
Tarrant	I-20	S	2374-05-087	369E
Travis	I-35	I	0015-13-443	P00074686
Washington	US 290	J	0186-06-094	P00064986
Washington	US 290	K	0186-06-094	P00065017
Washington	US 290	L	0186-06-094	P00065046

Note: Exhibits A-GG and 1-104 are on file with the commission chief clerk.

ITEM 13. 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)

116883
CSD

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

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

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

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

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

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43

TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

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

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
92 Fairmont Lakes, Inc	HOU	Harris	Design and construction of a left turn lane from eastbound SH 146 into the Yara Lakes Estates development in La Porte.
AO Lot Development, LLC	SAT	Medina	Design and construction of roadway, drainage, signing, and pavement marking, traffic signal improvements at US 90 and FM 471/Alsatian Oaks Boulevard, US 90 and Tondre Parkway, and US 90 at Country Lane in Castroville.
Bexar Management and Development Corporation	SAT	Bexar	Design and construction of a right turn lane from Schuwirth Road to SH Loop 1604 located at the northeast intersection of SH Loop 1604 and Schuwirth Road in Bexar County.
Continental Homes of Texas, L.P.	SAT	Bexar	Design and construction of a left turn lane on FM 1937 located approximately north of the intersection of FM 1937 and Blue Wing Road in San Antonio.
Double L Development, LLC	AUS	Hays	Funds towards the state's cost to design and construct a left turn lane at the intersection of RM 12 and Anarene Boulevard in Dripping Springs.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Florida International University	AUS	N/A	Travel scholarship to include ground transportation, registration, hotel lodging, and meals to attend and speak at the 2024 World Bridge Engineering Conference in Miami, Florida.
FM 762 Investments, Inc.	HOU	Fort Bend	Design and construction of a left turn lane from southbound FM 2977 into the Summer Lakes Shopping Plaza development in Rosenberg.
High Time Ventures, LLC	HOU	Montgomery	Design and construction of a right turn lane from westbound SH 242 into the Primespot Commercial development in Conroe.
Kingfish Development, LLC	SAT	Bexar	Design and construction of a left turn lane on SH 16 in located approximately 1.5 miles north of SL 1604 in southwest San Antonio.
Meru FM93 Holdings LLC	WAC	Bell	Design and construction of the installation of an eastbound deceleration/right turn entry on FM 93 into a proposed RV Park Temple.
Microsoft Corporation	SAT	Medina	Design and construction of roadway improvements along westbound US 90 in Medina County.
MM Cottonwood 640, LLC	PAR	Grayson	Design and construction of the widening of FM 902 to add a left turn deceleration lane for westbound FM 902 and a right turn deceleration lane for eastbound FM 902 at the new Ford Road intersection in Grayson County.
Murphy Oil USA, Inc.	WAC	Bell	Design and construction of 50 feet of raised curb within the median of FM 1741 (31st Street) in Temple.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
NOP Maverick 500, L.P.	LRD	Maverick	Design and construction of a deceleration lane on northbound Loop 480 into the industrial development located in the southeast quadrant of the intersection of Loop 480 and Highway 57 in Eagle Pass.
Park Place Partners, LLC	AUS	Gillespie	Design and construction of a right turn deceleration lane on US 290 in Stonewall.
Parmer Ranch Retail, Ltd.	AUS	Williamson	Design and installation of two traffic signals at the interchange of RM 2338 and Ronald Reagan Boulevard in Georgetown.
Parmer Ranch Retail, Ltd.	AUS	Williamson	Design and construction of a median modifications and a right-turn deceleration lane along FM 2338 for the proposed Commercial Driveway along Parmer Ranch Boulevard and traffic signal improvements of FM 2338 and Parmer Ranch Boulevard to allow for southbound left turn movements in Georgetown.
Pulte Homes of Texas, L.P.	HOU	Montgomery	Design and construction of a traffic signal installation from northbound, eastbound, and westbound FM 1097 into the Montgomery Bend development in Montgomery.
QT South, LLC	WAC	Bell	Design and construction of intersection improvements, to include roadway, signing, pavement markings, and traffic signals at FM 2410 at Rosewood and Stonetree Drive in Killeen.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Shea Homes Houston, LLC	HOU	Montgomery	Design and construction of a traffic signal installation from eastbound SH 242 into the Evergreen development in Conroe.
SWC Culebra/Talley Retail, Ltd.	SAT	Bexar	Funds to cover the state's cost to construct two deceleration lanes and drainage culverts on FM 471 located approximately 500 feet and 1000 feet west of Talley Road in San Antonio.
Wooded Springs Ranch, LLC, a Texas Limited Liability Company and Tarpley, L.L.C, a Louisiana Limited Liability Company	BRY	Leon	Donation of 0.789 acres of land on SH 7. The property being donated will be utilized for widening SH 7 from SH 75 to the Houston County line.
H-E-B, LP, a Texas Limited Partnership	DAL	Dallas	Donation of 0.073 acres of land on SH Loop 12. The property being donated will be utilized for a right turn lane along south-bound Buckner Blvd and a sidewalk to service the proposed grocery store.
Fort Bend County, Texas	HOU	Fort Bend	Donation of 0.0903 acres of land on SH 36. The property being donated will be utilized for the expansion of State Highway 36.
Fort Bend County, Texas	HOU	Fort Bend	Donation of 0.0159 acres of land on SH 36. The property being donated will be utilized for the expansion of State Highway 36.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
NNP-TELF AIR, LLC, a Texas Limited Liability Company, successor by conversion of NNP-Telfair LP, successor by name change to NNP-Keepsake, L.P., a Texas Limited Partnership	HOU	Fort Bend	Donation of 0.1063 acres of land on I-69 (U.S Highway 59). The property being donated will be utilized for a deceleration lane.
Weatherford CE LLC Chicken Express	FTW	Parker	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Stopper & Associates, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Tripoli LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Dough Tally, LLC dba Double Dave's Pizza works - Sugar Land	HOU	Fort Bend	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Houston Realtors Information Service, Inc. dba HAR.com	HOU	Fort Bend	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
CT GTWO LLC dba Tea Top CT	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Global Teamwork LLC	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.
Houston Realtors Information Service, Inc. dba HAR.com	HOU	Harris	Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program.

DONATIONS TO THE DEPARTMENT (continued)

<u>DONOR</u>	<u>DD</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
Murr Law, P.L.L.C.	HOU	Harris	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.
DRL Engineering LLC	HOU	Waller	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.
BPX Operating Company	ODA	Midland	Litter pick-up throughout a corridor on the state’s right of way through the Sponsor a Highway Program.

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

b. Real Estate Dispositions

(1) Bexar County - US 281 - Consider the sale of right of way to an abutting landowner (MO)

116884
ROW

Near the city of Olmos Park, Bexar County, on US 281, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 5817, at page 444, of the Deed Records of Bexar 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.

Ruchira Corey and Ian Corey are abutting landowners and have requested to purchase the tract for \$100,000.00.

The commission finds \$100,000.00 to be a fair and reasonable value of the state’s right, title, and interest in the tract.

IT IS THEREFORE ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state’s right, title, and interest in the tract to Ruchira Corey and Ian Corey for \$100,000.00; 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) Denton County - US 77 - Consider the removal of the roadway from the system, the transfer of jurisdiction, control and maintenance of the roadway, and the transfer of right of way to the city of Denton, Texas (MO)

116885
ROW

In the city of Denton, Denton County, on US 77, the state of Texas acquired certain land for highway purposes.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the transfer of highway right of way to a governmental entity that is assuming or has assumed jurisdiction, control, and maintenance of the right of way for public road purposes.

If the tract is no longer used for public road purposes, if the unrestricted motor vehicle lanes are reduced in number or width, or if the capacity of the roadway is reduced at all, said real property shall immediately and automatically revert to the state of Texas.

The city of Denton, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the city of Denton, Texas.

IT IS THEREFORE ORDERED by the commission that the tract, as shown on exhibit A, is removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the city of Denton, Texas; 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.

IT IS FURTHER ORDERED that, if the tract is no longer used for public road purposes, if the unrestricted motor vehicle lanes are reduced in number or width, or if the capacity of the roadway is reduced at all, said real property shall immediately and automatically revert to the State of Texas.

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

(3) Johnson County - PR 21 - Consider the sale of right of way to an abutting landowner (MO)

116886
ROW

Near the city of Cleburne, Johnson County, on PR 21, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 357, at page 234, of the Public Records of Johnson 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.

Dennis Cole and Joann Cole are abutting landowners and have requested to purchase the tract for \$14,200.00.

The commission finds \$14,200.00 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, 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 Dennis Cole and Joann Cole for \$14,200.00; 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.

(4) **Kendall County** - I-10 - Consider the sale of right of way to an abutting landowner (MO)

116887
ROW

In the city of Boerne, Kendall County, on I-10, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 85, at page 507, and Volume 82, at page 462, of the Official Records of Kendall 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.

TILBURY PROPERTIES, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$176,740.00.

The commission finds \$176,740.00 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 TILBURY PROPERTIES, LLC, a Texas limited liability company, for \$176,740.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(5) Travis County - SS 69 - Consider the sale of right of way to an abutting landowner (MO)

116888
ROW

In the city of Austin, Travis County, on SS 69, the state of Texas acquired certain land for highway purposes.

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.

Johnson Special Land, Ltd., a Texas limited partnership, is an abutting landowner and has requested to purchase the tract for \$91,742.00.

The commission finds \$91,742.00 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 Johnson Special Land, Ltd., a Texas limited partnership, for \$91,742.00; 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.

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

116889
ROW

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

The Pflugerville Community Development Corporation, a Texas nonprofit corporation, the current owner of the adjoining private real property, has requested designated access to and from the SH 130 southbound frontage road for proposed ingress to and egress from one location along the property line at the new access point described in exhibit A (access).

The Pflugerville Community Development Corporation, a Texas nonprofit corporation, has committed to purchase the access for \$460,000.

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

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

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

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

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

The commission further finds, in accordance with the standard established by Transportation Code, §202.021(j), that \$460,000 is a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated ingress and egress at the line, described in exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the ingress and egress at the line described in exhibit A to the Pflugerville Community Development Corporation, a Texas nonprofit corporation, for \$460,000.

IT IS FURTHER ORDERED by the commission that all proceeds from the sale of the access to the Pflugerville Community Development Corporation, a Texas nonprofit corporation, shall be deposited and used in accordance with the terms of the CTTS Indenture of Trust, and the executive director of the Texas Department of Transportation (department) or the executive director's designee, the Chief Financial Officer of the department, and the director, Project Finance, Debt and Strategic Contracts Division of the department, are authorized to perform all actions necessary to comply with the terms of the CTTS Indenture of Trust in the management of the sale proceeds.

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

(7) Williamson County - RM 620 - Consider the sale of right of way to an abutting landowner (MO)

116890
ROW

In the city of Round Rock, Williamson County, on RM 620, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 337, at page 297, of the Deed 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 right of way no longer needed for a state highway purpose to abutting and adjoining landowners.

KC Land Holdings LLC, a North Dakota limited liability company, is an abutting landowner and has requested to purchase the tract for \$270,906.00.

The commission finds \$270,906.00 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 KC Land Holdings LLC, a North Dakota limited liability company, for \$270,906.00; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Letting Allocation Report

Quarterly report on the Fiscal Year 2025-2026 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 2025 State Highway Fund 6 cash activity (Report)

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

d. Designation of Access Control

Maverick County - SL 480, approximately 1,400-feet south of Highway 57, on the east side of the roadway - Consider the re-designation of two locations on the east side of SL 480 at which access will be permitted to the abutting property (MO)

116891
DES

In MAVERICK COUNTY, on State Loop 480 (SL 480), a designated controlled-access highway, the state of Texas acquired certain land for highway purposes by instrument recorded in book 983, page 110 of the Official Public Records of Maverick County, Texas, with denial of access to the abutting remainder property as described in the instrument.

NOP Maverick 500, LP, the current owner of the abutting property, has requested a re-designation of control of access along their property line. The current designated access to and from the east side of SL 480 at two locations will become controlled whereby the access is denied and be re-designated north of the current designated access points for two new permitted access points along the property line, as 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 points will not compromise the mobility, safety, or operation of the existing state highway facility and authorizes re-designation of permitted access from its original permitted access points to the new access points described in exhibit A as a location where ingress and egress are permitted to and from SL 480.

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 2024

Various Counties - Consider the approval of the Fiscal Year 2024 Annual Report on the Economically Disadvantaged Counties Program (MO)

116892
TPP

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

Section 222.053(a-1) provides that, notwithstanding Section 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. Section 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.

Section 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.

Section 222.053(e) further directs the commission to report annually to the governor, the lieutenant governor, and the speaker of the house of representatives on the use of matching funds and local incentives and the ability of the commission to ensure that political subdivisions located in economically disadvantaged counties have equal ability to compete for highway funding with political subdivisions in counties that are not economically disadvantaged.

The Texas Department of Transportation has completed the Fiscal Year 2024 Annual Report on the Economically Disadvantaged Counties Program, which is attached as exhibit A.

IT IS THEREFORE ORDERED by the commission that the Fiscal Year 2024 Annual Report on the Economically Disadvantaged Counties Program, as shown in exhibit A, is approved by the commission and shall be presented to the governor, the lieutenant governor, and the speaker of the house of representatives as required by Section 222.053(e), Transportation Code.

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

f. Highway Designation

Denton County - In the city of Denton and Denton County consider designating US 77 on the state highway system concurrently with I-35 and I-35E from the intersection of existing US 77 and I-35 southeastward to the intersection of existing US 77 and I-35E; redesignating a segment of existing US 77 on the state highway system as US Spur 77 from I-35 southeastward to US 380; designating US 377 on the state highway system concurrently with I-35E from the existing intersection of US 377 and I-35E, southeastward to SL 288, then concurrently with SL 288 northward to US 380; redesignating a segment of US 377 on the state highway system as US Spur 377 from I-35E northward along Fort Worth Drive to Eagle Drive, then eastward along Eagle Drive to Dallas Drive; redesignating a segment of US 77 on the state highway system as US Spur 377 from Eagle Drive southeastward along Dallas Drive to I 35E; and removing a segment of US 377 from the state highway system along its concurrency with US 380 from North Elm Street eastward to SL 288, in Denton County (MO)

116893
TPP

The city of Denton, Denton County and the Dallas District have requested the following actions: (1) designating US 77 on the state highway system concurrently with I-35 and I-35E from the intersection of existing US 77 and I-35 southeastward to the intersection of existing US 77 and I-35E, a distance of approximately 7.1 miles; (2) redesignating a segment of existing US 77 on the state highway system as US Spur 77 from I-35 southeastward to US 380, a distance of approximately 3.8 miles; (3)

designating US 377 on the state highway system concurrently with I-35E from the existing intersection of US 377 and I-35E, southeastward to SL 288, a distance of approximately 2.0 miles, then concurrently with SL 288 northward to US 380, a distance of approximately 3.7 miles; (4) redesignating a segment of US 377 on the state highway system as US Spur 377 from I-35E northward along Fort Worth Drive to Eagle Drive, then eastward along Eagle Drive to Dallas Drive, a total distance of approximately 0.8 miles; (5) redesignating a segment of US 77 on the state highway system as US Spur 377 from Eagle Drive southeastward along Dallas Drive to I 35E, a distance of approximately 1.6 miles; and (6) removing a segment of US 377 from the state highway system along its concurrency with US 380 from North Elm Street eastward to SL 288, a distance of approximately 2.6 miles, in Denton 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) US 77 is designated on the state highway system concurrently with I-35 and I-35E from the intersection of existing US 77 and I-35 southeastward to the intersection of existing US 77 and I-35E, a distance of approximately 7.1 miles; (2) a segment of existing US 77 is redesignated on the state highway system as US Spur 77 from I-35 southeastward to US 380, a distance of approximately 3.8 miles; (3) US 377 is designated on the state highway system concurrently with I-35E from the existing intersection of US 377 and I-35E, southeastward to SL 288, a distance of approximately 2.0 miles, then concurrently with SL 288 northward to US 380, a distance of approximately 3.7 miles; (4) a segment of US 377 is redesignated on the state highway system as US Spur 377 from I-35E northward along Fort Worth Drive to Eagle Drive, then eastward along Eagle Drive to Dallas Drive, a total distance of approximately 0.8 miles; (5) a segment of US 77 is redesignated on the state highway system as US Spur 377 from Eagle Drive southeastward along Dallas Drive to I 35E, a distance of approximately 1.6 miles; and (6) a segment of US 377 is removed from the state highway system along its concurrency with US 380 from North Elm Street eastward to SL 288, a distance of approximately 2.6 miles, in Denton County.

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)

116894
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 no 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.

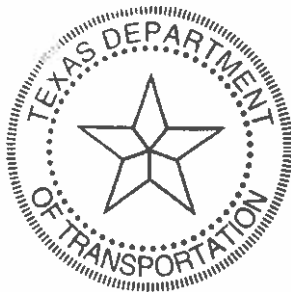
Commissioner Vaughn motioned adjournment and Commissioner Meade seconded the motion. The commission voted 5-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:14 a.m.

APPROVED by the Texas Transportation Commission on February 27, 2025:



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 January 30, 2025, in Austin, Texas.



Amanda Brown, Commission Chief Clerk
Texas Department of Transportation