

These are the minutes of the regular meeting of the Texas Transportation Commission held on May 21, 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 |

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 2:12 p.m. on May 13, 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 April 24, 2025, regular meeting of the Texas Transportation Commission

Commissioner Meade made a motion, which was seconded by Commissioner Vaughn, and the commission approved the minutes of the April 24, 2025, regular meeting by a vote of 4-0.

ITEM 4a. Contracts

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

a. Highway Improvement and Other Transportation Facilities (MO)

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

116939
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 May 1 and 2, 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 deter, 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 Meade and the commission approved the following minute order by a vote of 4-0.

116940
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 April 3 and 4, 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 Vaughn made a motion, which was seconded by Commissioner Meade and the commission approved the following minute order by a vote of 4-0.

116941
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 May 6, 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
Energy Sector Update

This discussion was led by Engineering & Safety Operations Division Director Jessica Butler. The commission asked questions and discussed the topic. The commission heard comments from Secretary of Commerce Don Evans. The commission received no further comments.

ITEM 6. Public Transportation
Various Counties - Consider the award of federal and state funds to multiple entities for a variety of program-eligible purposes (MO) (Presentation)

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 4-0.

116942
PTN

The Texas Transportation Commission (commission) desires to award a total of \$4,524,932 in Federal Transit Administration (FTA) program funds and state funds to support a variety of public transportation needs in rural and urban areas of the state.

Title 43, Texas Administrative Code (TAC), §31.22 describes the process for implementing the statewide and Nonmetropolitan Transportation Planning program (49 U.S.C. §5304). An award up to \$4,095,000 of federal §5304 funds is shown in exhibit A and has been determined in accordance with §31.22.

Federal and state funds previously awarded to Hill Country Transit District by formula under prior action of the commission are awarded to Capital Area Rural Transportation System (CARTS), Central Texas Rural Transit District, and Concho Valley Transit District to address changes in rural transit district boundaries. An award of \$302,693 of federal §5311 funds, \$55,027 of federal §5339 funds, and \$72,212 of state funds for a total of \$429,932 is shown in exhibit B and has been determined based on the proportional share of population and land area to be served by each transit district.

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

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

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards in exhibit A and B, 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.

ITEM 7. State Infrastructure Bank

Bowie County - Consider final approval of a request from the city of Texarkana for a State Infrastructure Bank loan in the amount of up to \$1,408,000 for the costs of utility relocation necessary for a non-tolled, on-system project to widen US 82 in Bowie County, Texas (Presentation) (MO)

This item was presented by Project Finance Section Director Patrick Marotta. Commissioner Meade made a motion, which was seconded by Commissioner New, and the commission approved the following minute order by a vote of 4-0.

116943
PFD

The city of Texarkana (city) has submitted an application for financial assistance in the form of a loan of up to \$1,408,000 from the State Infrastructure Bank (SIB) under Transportation Code, Chapter 222, Subchapter D, and Title 43 Texas Administrative Code (TAC), Chapter 6 (SIB Rules). The application satisfies all requirements of the rules, including passage by the city of a resolution authorizing submission of the application to the Texas Department of Transportation (department).

The intended use of the financial assistance conforms to the purposes of the SIB. The city intends to use the financial assistance to pay the city's costs of utility relocation for a non-tolled, on-system project to widen US 82 in Bowie County, Texas (project).

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

The city has proposed a pledge of water and sewer revenues as security for repayment of the loan.

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

The SIB Rules allow for final approval by the Texas Transportation Commission (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 city's application for financial assistance from the SIB.

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

1. The project is consistent with the metropolitan transportation plan developed by the applicable metropolitan planning organization, if appropriate.
2. The project will improve the efficiency of the state's transportation systems.

3. The project will expand the availability of funding for transportation projects or reduce direct state costs.
4. The application submitted shows that the city is likely to have sufficient revenues to ensure repayment of the financial assistance.
5. Providing financial assistance to the city 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 the application submitted by the city for financial assistance in the form of a loan from the SIB meets the applicable requirements of the SIB Rules and, in accordance with those provisions, the commission grants final approval of the city's application for a SIB loan under the terms attached hereto as exhibit A in an amount not to exceed \$1,408,000 to pay the city's cost of utility relocation necessary for the project.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is directed and authorized to enter into a financial assistance agreement with the city, which complies 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 8. Contested Case

Travis County - CityLynx, Inc. v. Texas Department of Transportation - Consider action on proposal for decision by an administrative law judge concerning Texas Department of Transportation's decision to debar CityLynx, Inc. for a period of 15 months, final order with an effective date in 2025 for ethical violations (MO)

This item was presented by Senior General Counsel Jessica Kohlrenken. Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

116944
GCD

On July 27, 2023, a notice of intent to sanction imposing an immediate 30-month debarment was issued by the Texas Department of Transportation (department) to CityLynx, Inc. (CityLynx) for violating Title 43 Administrative Code (TAC) §10.101, regarding required ethical conduct by entities doing business with the department. CityLynx appealed and an informal hearing was held on October 16, 2023, in accordance with 43 TAC §10.256. A final determination on appeal was issued by the department on December 27, 2023, upholding the 30-month debarment disqualifying CityLynx 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. CityLynx requested an administrative hearing, and the matter was referred to the State Office of Administrative Hearings. On March 5, 2025, the Administrative Law Judge concluded in the proposal for decision that a 15-month debarment is more appropriate.

IT IS THEREFORE DETERMINED AND ORDERED BY the commission, 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 of a 15-month debarment.

ITEM 9. 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 (see attached itemized list) (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. The motion was seconded by Commissioner Vaughn, and the following minute order was approved by a vote of 4-0.

116945
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-O. 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 1-82 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

Eminent Domain

Non-Controlled Access

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Angelina | FM 2497 | 34 | 2589-01-029 | P00085867.001-.002 |
| Angelina | FM 2497 | 35 | 2589-01-029 | P00085868 |
| Angelina | FM 2497 | 36 | 2589-01-029 | P00085869.001-.002 |
| Angelina | FM 2497 | 37 | 2589-01-029 | P00085870 |
| Angelina | FM 2497 | 38 | 2589-01-029 | P00088611 |
| Brazoria | FM 518 | 27 | 3416-01-014 | 133D |
| Brazos | SH 6 | 1 | 0049-12-138 | P00061272 |
| Chambers | FM 565 | 18 | 1024-01-083 | P00076346.001 |
| Chambers | FM 565 | 19 | 1024-01-083 | P00076349.001 |
| Chambers | FM 565 | 20 | 1024-01-083 | P00076350.001-.002 |
| Chambers | FM 565 | 21 | 1024-01-083 | P00076354.001-.002 |
| Chambers | FM 565 | 22 | 1024-01-083 | P00076355.001 |
| Harris | SH 249 | 16 | 0720-03-150 | 18 |
| Harris | SH 249 | 17 | 0720-03-150 | 76 |
| Harris | FM 2100 | 23 | 1062-02-029 | 105 |
| Harris | FM 2100 | 24 | 1062-02-029 | 124 |
| Harrison | SL 390 | 25 | 1575-05-027 | P00071574 |
| Hood | US 377 | 26 | 0080-03-056 | P00075281.001 |
| Lamar | US 82 | 28 | 1690-01-139 | P00078494.001-.002 |
| Lamar | US 82 | 29 | 1690-01-139 | P00078541 |
| Lamar | US 82 | 30 | 1690-01-139 | P00078543 |
| Lamar | US 82 | 32 | 1690-01-139 | P00082802 |
| Lamar | US 82 | 33 | 1690-01-139 | P00082804 |
| Lamar | US 82 | 31 | 1690-01-139 | P00082810 |
| Montgomery | FM 1488 | 39 | 0523-07-003 | P00057323 |

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

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Nacogdoches | US 259 | 9 | 0138-06-051 | P00086805.001-.002 |
| Nacogdoches | US 259 | 10 | 0138-06-051 | P00086807 |
| Nacogdoches | US 259 | 11 | 0138-06-051 | P00086809 |
| Nacogdoches | US 59 | 12 | 0175-07-066 | P00086778 |
| Nacogdoches | US 59 | 13 | 0175-07-066 | P00086780 |
| Nacogdoches | US 59 | 14 | 0175-07-066 | P00086781 |
| Nacogdoches | US 59 | 15 | 0175-07-066 | P00086788 |
| Washington | US 290 | 7 | 0114-09-096 | P00075697 |
| Washington | US 290 | 8 | 0114-09-096 | P00075716 |
| Wharton | US 59 | 2 | 0089-07-165 | 43 |
| Wharton | US 59 | 3 | 0089-07-165 | 232 |
| Wharton | US 59 | 4 | 0089-07-165 | 233 |
| Wharton | US 59 | 5 | 0089-07-165 | 240 |
| Wharton | US 59 | 6 | 0089-07-165 | 246 |

Controlled Access

| <u>County</u> | <u>Highway</u> | <u>Exhibit</u> | <u>ROW CSJ No.</u> | <u>Parcel</u> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Brazos | SH 6 | QQ | 0049-12-138 | P00061250 |
| Colorado | I-10 | L | 0535-08-096 | P00083261.001 |
| Colorado | I-10 | N | 0535-08-096 | P00083263.001 |
| Colorado | I-10 | P | 0535-08-096 | P00083266.001 |
| Colorado | I-10 | R | 0535-08-096 | P00083267.001 |
| Colorado | I-10 | Q | 0535-08-096 | P00083268.001 |
| Colorado | I-10 | T | 0535-08-096 | P00083269.001 |
| Colorado | I-10 | S | 0535-08-096 | P00083270.001 |
| Colorado | I-10 | U | 0535-08-096 | P00083272.001 |
| Colorado | I-10 | W | 0535-08-096 | P00083277.001 |
| Colorado | I-10 | V | 0535-08-096 | P00083278.001 |
| Colorado | I-10 | X | 0535-08-096 | P00083279.001-.002 |
| Colorado | I-10 | Y | 0535-08-096 | P00083280.001 |
| Colorado | I-10 | Z | 0535-08-096 | P00083283.001 |
| Colorado | I-10 | AA | 0535-08-096 | P00083284.001 |
| Colorado | I-10 | FF | 0535-08-096 | P00083285.001-.002 |
| Colorado | I-10 | BB | 0535-08-096 | P00083286.001 |
| Colorado | I-10 | CC | 0535-08-096 | P00083289.001 |
| Colorado | I-10 | DD | 0535-08-096 | P00083291.001 |
| Colorado | I-10 | EE | 0535-08-096 | P00083292.001 |
| Colorado | I-10 | M | 0535-08-096 | P00083340.001 |
| Colorado | I-10 | GG | 0535-08-097 | P00090646.001 |
| Colorado | I-10 | HH | 0535-08-097 | P00090647.001 |
| Colorado | I-10 | II | 0535-08-097 | P00090648.001 |
| Colorado | I-10 | JJ | 0535-08-097 | P00090651.001 |

Eminent Domain
Controlled Access (continued)

| <u>County</u> | <u>Highway</u> | <u>Exhibit</u> | <u>ROW CSJ No.</u> | <u>Parcel</u> |
|----------------------|-----------------------|-----------------------|---------------------------|----------------------|
| Colorado | I-10 | KK | 0535-08-097 | P00090662.001 |
| Colorado | I-10 | LL | 0535-08-097 | P00090664.001 |
| Harris | I-10 | O | 0271-07-337 | P00069628 |
| Harris | I-10 | OO | 0271-07-337 | P00079341 |
| Harris | I-10 | PP | 0271-07-337 | P00082301 |
| Harris | I-10 | NN | 0271-07-337 | P00082324 |
| Harrison | I-20 | K | 0495-09-066 | P00090996 |
| Nacogdoches | US 59 | J | 0175-07-066 | P00086777 |
| Taylor | I-20 | A | 0006-06-115 | P00083841 |
| Taylor | I-20 | B | 0006-06-115 | P00083845 |
| Travis | I-35 | MM | 0015-13-444 | P00071180 |
| Wharton | US 59 | C | 0089-07-165 | P00086444.001-.002 |
| Wharton | US 59 | D | 0089-07-165 | P00086446.001 |
| Wharton | US 59 | E | 0089-07-165 | P00086447.001 |
| Wharton | US 59 | G | 0089-07-165 | P00086449.001-.007 |
| Wharton | US 59 | H | 0089-07-165 | P00086452.001-.002 |
| Wharton | US 59 | I | 0089-07-165 | P00086453.001 |
| Wharton | US 59 | F | 0089-07-165 | P00086454.001 |

Item 10. Routine Minute Orders and Report

This item was presented by Executive Director Marc Williams. Commissioner Meade made a motion, which was seconded by Commissioner New, and the commission approved the following minute orders by a vote of 4-0.

a. Donations to the Department

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

116946
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>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|-------------------------------|--------------------|----------------------|--|
| M/I Homes of San Antonio, LLC | SAT | Bexar | Design and construction for of right turn deceleration lane, acceleration lane, new access location to US 90, grading, and drainage on US 90 located approximately 0.3 miles east of Jungman Road to 0.9 miles east of Jungman Road, Bexar County. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|---|--------------------|----------------------|---|
| Trans-Global Solutions, Inc | BMT | Chambers | Design and construction of the northbound and southbound railroad crossing on FM 1405 in Baytown. |
| Horseshoe Convenience | ODA | Loving | Design and construction of widening SH 302 at FM 867 to create a dedicated right turn on the westbound side and a dedicated left turn lane on eastbound side into Horseshoe #9 convenience store in Mentone. |
| HF Holding Company, LLC dba Woodlands HF Holding Company, LLC | HOU | Montgomery | Design and construction of a traffic signalization and roadway improvements from northbound FM 830 into the Woodlands Hills development in Conroe. |
| Forestar (USA) Real Estate Group Inc. | SAT | Medina | Design and construction of roadway improvements along FM 471 in Medina County. |
| WH HAR 9AC, LLC | WAC | Bell | Design and construction of a deceleration right turn lane and signal improvements for the proposed entry to the donor's site at the corner of Wampum Drive and FM 2410 in Harker Heights. |
| Republic Land and Development Company, LP | SAT | Guadalupe | Funds to cover the state's cost to construct a driveway, shared turn lane, culvert extension, and new culvert at the intersection of FM 725 and proposed Park House Boulevard west of Texas Highway 46 in Seguin. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|---|--------------------|----------------------|---|
| FM 972 Real Estate LLC | AUS | Williamson | Design and construction for widening and overlaying a section of FM 972 for one eastbound left turn lane and one westbound right turn lane into a proposed commercial development in Williamson County. |
| M/I Homes of Houston, LLC | HOU | Montgomery | Design and construction of road widening and a right turn lane from southbound FM 2854 into the Berryknoll development in Montgomery County. |
| North Pines 1488, LP and F&D Myrtle Realty Co., LLC | HOU | Waller | Design and construction of turn lanes from eastbound and westbound FM 1488 into the Waterford Fun development in Hockley. |
| Spencer Ranch Partners LLC | SAT | Kendall | Design and construction of a left turn lane with no left turn signal on SH 46 near the intersection with Coughran Road in Boerne. |
| LH Crossing, LLC | AUS | Williamson | Design and construction of a traffic signal and pavement markings at SH 29 and Gracie Lane in Williamson County. |
| Forestar Real Estate | BRY | Walker | Design and construction of a left turn lane on TX 150 into the donor's property located in Walker County. |
| Fulshear Investments, LLC | HOU | Fort Bend | Design and construction of a right turn lane on FM 359, .28 miles southbound of Rogers Road in Fulshear. |
| Mason Equest Investment, LLC | HOU | Fort Bend | Design and construction of a right turn lane on FM 359, .07 miles southbound of Rogers Road in Fulshear. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|-------------------------------|--------------------|----------------------|---|
| T&F-OSG #2, LLC | SAT | Frio | Design and construction of left turn lane on FM 1581 east of I-35 to mitigate the traffic impact for a new convenience store development in Pearsall. |
| LI Schertz TX Investor, LP | SAT | Comal | Design and construction of improvements consisting of lane widening and striping for a two way left turn lane on FM 2252 approx. 0.24 miles northwest of I-35 in Schertz. |
| Neusch Innovations, LP | AUS | Burnet | Funds towards the state's costs to design and construct a right turn deceleration lane and a right turn acceleration lane on SH 29 in Burnet. |
| 2400 SH 123 Development, LLC | AUS | Hays | Design and construction of roadway improvements to SH 123 that will serve Cottonwood Apartments in San Marcos. |
| Lake Travis Youth Association | AUS | Travis | Funds towards the state's cost to design and construct a right turn lane on SH 71 at the Field of Dreams in Bee Cave. |
| Central Texas Food Bank, Inc. | WAC | McLennan | Design and construction of new pavement striping for turn lanes into the proposed food bank site currently under construction at 1402 Gholston Road, Waco. |
| AutoZone Parts, Inc. | BRY | Madison | Design and construction of the removal and replacement of the sidewalk along the project frontage road, along with new sod ground cover, a curbed flume, and trench grate at the sidewalk crossing in Madisonville. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|---|--------------------|----------------------|---|
| American Institute of Steel Construction | MTD | N/A | Travel costs for Teresa Michalk, P.E. to attend the 2024 American Association of State Highway and Transportation Officials and the National Steel Bridge Alliance Steel Bridge Collaboration Meeting from April 28, 2025 to May 1, 2025 in Philadelphia, PA. |
| National Center for Asphalt Technology at Auburn University | MTD | N/A | Travel costs for Samuel Mendoza to attend the Minnesota Department of Transportation/National Center for Asphalt Technologies (NCAT/MnROAD) 2025 Spring Sponsor Meeting in Auburn, AL. |
| National Center for Asphalt Technology at Auburn University | MTD | N/A | Travel costs for Peyman Barghabany to attend the Minnesota Department of Transportation/ National Center for Asphalt Technologies (NCAT/MnROAD) 2025 Spring Sponsor Meeting in Auburn, AL. |
| National Center for Asphalt Technology at Auburn University | MTD | N/A | Travel costs for Sara DeLaO to attend the Minnesota Department of Transportation National Center for Asphalt Technologies (NCAT/MnROAD) 2025 Spring Sponsor Meeting in Auburn, AL. |
| National Center for Asphalt Technology at Auburn University | MTD | N/A | Travel costs for Melissa Benavides to attend the Minnesota Department of Transportation/ National Center for Asphalt Technologies (NCAT/MnROAD) 2025 Spring Sponsor Meeting in Auburn, AL. |
| National Center for Asphalt Technology at Auburn University | MTD | N/A | Travel costs for Zahra Sotoodeh Nia, Ph.D. to attend the Minnesota Department of Transportation/National Center for Asphalt Technologies (NCAT/MnROAD) 2025 Spring Sponsor Meeting in Auburn, AL. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|--|--------------------|----------------------|---|
| Carma Easton, LLC, a Texas Limited Liability Easton, Inc. f/k/a Jona Acquisition, Inc., a Texas Corporation | AUS | Travis | Donation of 0.664 acres of land on FM 1625. The property being donated will be utilized to facilitate construction of an ingress/egress on FM 1625, in Travis County, to provide safe travel to the proposed housing development. |
| Carma Easton, LLC, a Texas Limited Liability Company f/k/a Carma Easton, Inc. f/k/a Jona Acquisition, Inc. a Texas Corporation | AUS | Travis | Donation of 1.054 acres of land on FM 1625. The property being donated will be utilized to facilitate construction of an ingress/egress on FM 1625, in Travis County, to provide safe travel to the proposed housing development. |
| Carma Easton, LLC, a Texas Limited Liability Company f/k/a Carma Easton, Inc. f/k/a Jona Acquisition, Inc. a Texas Corporation | AUS | Travis | Donation of 2.644 acres of land on FM 1625. The property being donated will be utilized to facilitate construction of an ingress/egress on FM 1625, in Travis County, to provide safe travel to the proposed housing development. |
| Carma Easton, LLC, a Texas Limited Liability Company f/k/a Carma Easton, Inc. f/k/a Jona Acquisition, Inc. a Texas Corporation | AUS | Travis | Donation of 0.212 acres of land on FM 1625 and US 183. The property being donated will be utilized for the widening of turn lanes. |
| Carma Easton, LLC, a Texas Limited Liability Company f/k/a Carma Easton, Inc. f/k/a Jona Acquisition, Inc. a Texas Corporation | AUS | Travis | Donation of 2.824 acres of land on FM 1625 and US 183. The property being donated will be utilized for the widening of turn lanes. |
| Carma Easton, LLC, a Texas Limited Liability Company f/k/a Carma Easton, Inc. f/k/a Jona Acquisition, Inc. a Texas Corporation | AUS | Travis | Donation of 0.134 acres of land on FM1625 and US 183. The property being donated will be utilized for the widening of turn lanes |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|--|--------------------|----------------------|---|
| City of Cleburne | FTW | Johnson | Donation of 0.0236 acres of land on FM4. The property being donated will be utilized for the flow of storm water including HMAC overlay, widening, curb & gutter, and adding sidewalks. |
| Somervell County | FTW | Somervell | Donation of 0.63 acres of land on FM 200. The property being donated will be utilized to re-align the curve on FM 200. |
| International Leadership of Texas, INC. | HOU | Fort Bend | Donation of 0.0784 acres of land on FM 359. The property being donated will be a Texas Non-Profit Organization utilized for a deceleration lane. |
| Guttes Airwerks LLC fbo Tracy Guttes Realtor | AUS | Travis | Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location. |
| High Five Entertainment, LLC dba High 5 | AUS | Travis | Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location. |
| SM Switchback, LLC dba Smokey Mo's Bar-B-Q | AUS | Travis | Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location. |
| Egnite Electric LLC | DAL | Denton | Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program. |
| Farah Law Group, PLLC | HOU | Harris | Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program. |

Donations to the Department (continued)

| <u>Donor</u> | <u>Dist</u> | <u>County</u> | <u>Donation Description</u> |
|--|--------------------|----------------------|---|
| Maggiano's Holding Corporation dba Maggiano's Little Italy | HOU | Harris | Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program. |
| 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. |
| Texas First Bank | HOU | Harris | Litter pick-up throughout a corridor on the state's right of way through the Sponsor a Highway Program. |
| ConocoPhillips 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) Eastland County - I-20 - Consider the sale of right of way to the city of Eastland, Texas (MO)

116947
ROW

In the city of Eastland, Eastland County, on I-20, the state of Texas acquired certain land for highway purposes by an instrument recorded in Volume 468, at page 60, of the Deed Records of Eastland County, Texas.

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

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

The city of Eastland, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$156,000.00.

The commission finds \$156,000.00 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 the city of Eastland, Texas for \$156,000.00; 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) Fort Bend - FM 359 - Consider the removal from the system and exchange of highway right of way easements as part of a transaction to acquire a fee simple interest in highway right of way needed for a state highway purpose (MO)

116948
ROW

Near the city of Fulshear, Fort Bend County, on FM 359, the state of Texas acquired certain interests in land for highway purposes by right of way easements recorded in Volume 243, at page 137, Volume 243, at page 261, and Volume 243, at page 159, of the Deed Records of Fort Bend County, Texas.

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

The easements encumbering a portion of the land, which portion is described in exhibit A, (tract) are no longer needed for a state highway purpose. The value of the easements is \$998,100.00.

A fee simple interest in the highway right of way, described in exhibit B, (parcel) is to be conveyed to the state by Fort Bend County, Texas. The value of the parcel and its associated improvements is \$6,582,067.00.

Fort Bend County, Texas is the owner of the fee simple interest in the parcel and has requested that the easements encumbering the tract be assigned to it in exchange for the fee interest in the parcel, and Fort Bend County, Texas will donate the \$5,583,967.00 difference in value between the easements encumbering the tract and the improved parcel to the state, in accordance with an executed 2019 Letter of Understanding.

It is the opinion of the commission that it is proper and correct that the state assigns the easements encumbering the tract to Fort Bend County, Texas as partial consideration for the improved parcel and accept the donation of \$5,583,967.00 value difference from Fort Bend County, Texas.

IT IS THEREFORE ORDERED by the commission that the tract, as shown on exhibit A, is removed from the state highway system, and the 0.80-mile improved parcel, as shown on exhibit B, is added to the state highway system as a segment of FM 359.

IT IS FURTHER ORDERED by the commission that the easement interests encumbering the tract, described in exhibit A, are no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the easement interests to Fort Bend County, Texas in exchange and as partial consideration for the fee simple interest in the improved parcel.

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

(3) **Hill County** - I-35W - Consider the sale of right of way to an abutting landowner (MO)

This item has been deferred to a later date.

(4) **Palo Pinto County** - FM 4 - Consider the removal from the system and sale of right of way to the Palo Pinto County Municipal Water District No. 1 (MO)

116949
ROW

Near Lake Palo Pinto, in Palo Pinto County, on FM 4, the state of Texas acquired certain land for highway purposes by instruments recorded in the Deed Records of Palo Pinto County, Texas.

A portion of the land, which portion is described in exhibit A (tract), is now needed by the Palo Pinto County Municipal Water District No. 1 for the expansion of the Palo Pinto Reservoir and, upon delivery of the fully executed conveyance instrument, will be no longer needed for a state highway purpose.

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

The Palo Pinto County Municipal Water District No. 1, a conservation and reclamation district created pursuant to Article XVI, Section 59, of the Texas Constitution, is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$1,144,000.00. Furthermore, the costs to upgrade Ward Mountain Road to AASHTO Roadway Design Manual, Rural Collector, 40 mile-per-hour standards will be the responsibility of the Palo Pinto County Municipal Water District No. 1 and Palo Pinto County, and the Texas Department of Transportation will have no future obligation to reconnect FM 4.

The commission finds \$1,144,000.00 to be a fair and reasonable value of the state's right, title, and interest in the tract.

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

(5) **Reeves County** - I-20B - Consider the sale of real property to the town of Pecos City, Texas (MO)

116950
ROW

In the town of Pecos City, Reeves County, on I-20B, the state of Texas acquired certain land for highway purposes by instruments recorded in volume 88, at page 1, volume 88, at page 3, and in volume 88, at page 414, of the Deed Records of Reeves County, Texas.

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

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

The town of Pecos City, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$110,000.00.

The commission finds \$110,000.00 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 the town of Pecos City, Texas for \$110,000.00; SAVE AND EXCEPT, however, there is to be excepted and reserved there from 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, and under, that may be produced from the land.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) 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) 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)

116951
TPP

Transportation Code, §2 28.012 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)

116952
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. 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 161 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 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. 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 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, B, and C are on file with the commission chief clerk.

d. Speed Zones

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

116953
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 heard comments from the town of Pecos City, City Manager Charles Lind on the Reeves County items that are under consideration; Ernie Gonzalez, President and CEO, EMC Strategy Group representing Reeves County and the town of Pecos City speaking on Reeves County transportation priorities. The commission received no further comments.

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

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

The commission did not meet in executive session.

Commissioner Meade motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4-0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 11:22 a.m.

APPROVED by the Texas Transportation Commission on June 20th, 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 May 21, 2025, in Austin, Texas.



Amanda Brown

Amanda Brown, Commission Chief Clerk
Texas Department of Transportation