

These are the minutes of the regular meeting of the Texas Transportation Commission held on November 13, 2025, in Austin, Texas. The meeting was called to order at 10:00 a.m. by Acting Chairman New with the following commissioners present:

**Texas Transportation Commission:**

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 2:07 p.m. on November 5, 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 October 30, 2025, regular meeting of the Texas Transportation Commission**

Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the minutes of the October 30, 2025, regular meeting by a vote of 4-0.

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

117071 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 November 5 and 6, 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, any federal and state statutory requirements, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

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

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

**b. Routine Maintenance (MO)**

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

117072  
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 November 5 and 6, 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, any federal and state statutory requirements, the contract is automatically in default and the executive director is authorized and directed to retain and deposit the related contract proposal guaranty to the credit of the State Highway Fund and to readvertise that project for competitive bids at the earliest practical subsequent date.

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

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

**ITEM 5. Public Transportation**

Consider the award of federal funding to local entities for projects submitted in the Texas Department of Transportation's 2025 Transportation Alternatives Set-Aside call for projects (Presentation) (MO)

This item was presented by Planning & Program Development Section Director Bonnie Sherman. The commission heard comments from The Loop Dallas Chairman Jeff Ellerman. 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.

117073  
PTN

The Texas Transportation Commission (commission) desires to award federal funds and transportation development credits (TDC) to support a variety of bicycle and pedestrian planning and infrastructure projects throughout the state. A total of \$284,765,200 in federal funds and up to 31,615,600 TDCs are awarded in this minute order.

The Transportation Alternatives Set-Aside (TA) Program is authorized under Section 11109 of Infrastructure Investment and Jobs (IIJA) Act and codified at 23 U.S.C. §133(h). The commission adopted administrative rules that establish the guidelines under which the TA Program is administered by the Texas Department of Transportation (department), located at Title 43, Texas Administrative Code (TAC), §§11.400 - 11.418. TA funds available for this action are associated with project underruns and anticipated funding for fiscal years 2027 - 2029. An award of \$284,765,200 of federal TA funds is shown in exhibit A.

This award distributes funds sub-allocated for projects in non-urban areas, with a population of less than 5,000, in small urban areas with a population of 5,000 to 49,999, and medium urban areas with a population of 50,000 to 200,000, located outside Transportation Management Areas. Additionally, this award distributes funds available for projects in communities of any size throughout Texas located inside or outside Transportation Management Areas, referred to as any area funds. Exhibit A lists the projects recommended for funding. Suballocated or any area TA funds may be applied to any project on exhibit A, when eligible, depending on project readiness, cost underruns/overruns, and actual funds available.

The commission recognizes that federal legislation requires the state to have a competitive process to allow eligible entities to submit projects for funding. Pursuant to program rules, a Notice of Call for Projects for TA funds was published in the Texas Register on January 3, 2025. TA project applications were received by the department on or before June 20, 2025. Projects were evaluated for eligibility, technical standards, and specific selection criteria as set forth in the 2025 TA Program Guide. In accordance with 43 TAC §11.411, the commission will select TA projects for funding based on recommendations from the director of the division responsible for administering the TA Program, the potential benefit of the projects to the state, and their value as enhancements to the surface transportation system.

In making this award, the commission has considered the potential to expand the availability of funding for bicycle and pedestrian infrastructure projects and finds that the award of TDCs for eligible program expenditures meets the established program goals set forth in 43 TAC §5.102 to maximize the use of available federal funds, particularly in situations in which federal funds otherwise would be unused because of the inability of local governments to provide the non-federal share.

IT IS THEREFORE ORDERED by the commission that the projects listed in exhibit A are hereby selected and designated for funding under the TA Program, pending future authorizations, and that the executive director or the director's designee is authorized to proceed with the award and execution of local agreements, as required by the program rules.

IT IS FURTHER ORDERED that if anticipated funds are not appropriated, project awards may be withdrawn, or if anticipated funds are appropriated at lower than anticipated levels, project letting dates may be adjusted consistent with available funds.

IT IS FURTHER ORDERED that funds for projects eligible under the TA Set-Aside, once selected, may be transferred to the Federal Transit Administration (FTA) to administer in accordance with chapter 53 of title 49, U.S.C. if the project has a transit nexus and when all project components are eligible under the receiving FTA Program rules. Projects transferred to FTA will have the amount identified for department direct state costs for oversight deducted from the award and returned to the TA program.

IT IS FURTHER ORDERED that Grantees must comply with all applicable state and federal laws and regulations, including Texas Manual on Uniform Traffic Control Devices crosswalk standards and related directives from the governor of Texas and the US Department of Transportation. Failure to do so could result in loss of grant funding.

IT IS FURTHER ORDERED that for the TA funds applied to the projects listed in exhibit A and subsequently verified as eligible for development, the total amount in federal funds must be locally matched by a minimum of 20%, unless the project is determined eligible for TDCs. For projects eligible for TDCs, the amount of TA funds awarded represents 100% federal funds and no local match is required. Any required local match must be 100% in cash.

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those project nominations submitted in the 2025 TA Call for Projects.

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

#### **ITEM 6. Aviation**

Consider the award of federal non-primary entitlement grant funding, federal apportionment grant funding, Infrastructure Investment and 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 Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

117074  
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 Investment and Job Act (IIJA); and Texas Transportation Code, Chapter 21, to award federal and state funding for capital improvement projects and to assist in the development and establishment of airports in the state of Texas.

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

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

On October 17, 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 7. Financial Assistance for Seaport Connectivity Program Projects**

**Brazoria County** - Consider approval of a request from Port Freeport to adjust the location of a Seaport Connectivity Program project, in order to construct a public parking facility approved by the commission on August 21, 2025 by Minute Order 117005 (MO)

This item was presented by Maritime Division Director GeirEilif Kalhagen. The commission heard comments from Port Freeport Chief Executive Officer Phyllis Saathoff. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 4-0.

117075  
MRD

In 2025, the Texas Legislature required that, from any available source of revenue and/or balances in the Texas Mobility Fund, an amount not to exceed \$40,000,000 in the 2026-2027 biennium shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission (commission) to improve connectivity to Texas ports, under Rider 36, page VII-26 of the General Appropriations Act, 89th Texas Legislature, Regular Session, 2025.

On August 21, 2025 by Minute Order 117005, the commission approved the construction of a public parking on E Eight St. at Port Freeport (project) and authorized the Texas Department of Transportation (department) to participate in the project in the form of a grant to Port Freeport to construct the project.

Port Freeport has submitted a request to adjust the location of the project to E Second St.

The commission finds that the proposed revision to the location of the project meets the eligibility requirements for financing or state participation under Article III, Section 49-k of the Texas Constitution.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED by the commission that the request submitted by Port Freeport to adjust the project location approved in Minute Order 117005 from E Eighth St. to a location of E Second St. is approved.

IT IS FURTHER ORDERED by the commission that the executive director of the department is directed to take all actions necessary to effect the purposes of this minute order.

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

**ITEM 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedures Act, Government Code, Chapter 2001:**

**Rule Adoption**

**a. Chapter 1 – Management - Amendments to §1.84 and §1.88 concerning Advisory Committees (MO)**

This item was presented by Planning and Modal Programs Senior Director Caroline Mays. Commissioner Meade made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 4-0.

117076  
ADM

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§1.84 and 1.88 to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§1.84 and 1.88 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 25 - Traffic Operations - Adopts amendments to §25.1, Uniform Traffic Control Devices (MO)**

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

117077  
TRF

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §25.1, relating to Uniform Traffic Control Devices 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 §25.1 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 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 Alvis made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Meade, and the following minute order was approved by a vote of 4-0.

117078  
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 §§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, §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-L. 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 1-47 in accordance with Transportation Code, §§203.002 and 203.003.

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

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

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

**Eminent Domain**

**Non-Controlled Access**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Gray	FM 2473	24	2317-01-014	P00087979.001
Gray	FM 2473	25	2317-01-014	P00087980.001
Harris	SH 99	9	0389-12-097	19E
Hood	US 377	8	0080-03-062	P00075312.001
Lamar	US 82	11	0045-09-112	P00078680.001-.002
Lamar	US 82	12	0045-09-112	P00078684
Lamar	US 82	13	0045-09-112	P00078686.001-.002
Lamar	US 82	14	0045-09-112	P00078687
Lamar	US 82	15	0045-09-112	P00078688.001-.002
Lamar	US 82	16	0045-09-112	P00078689.001-.002
Lamar	US 82	17	0045-09-112	P00078691
Lamar	US 82	18	0045-09-112	P00078703
Lamar	US 82	19	0045-09-112	P00078708
Lamar	US 82	20	0045-09-112	P00078710
Lamar	US 82	21	0045-09-112	P00078729
Lamar	US 82	10	1690-01-139	P00078500
Martin	SH 349	7	0380-08-031	P00092516
Montgomery	SH 105	42	0338-02-043	P00073132.001
San Jacinto	FM 945	22	0756-05-024	P00085563
San Jacinto	FM 945	23	0756-05-024	P00085564
Starr	FM 755	1	1103-02-015	P00094044.001
Starr	FM 755	2	1103-02-015	P00094045.001
Starr	FM 755	3	1103-02-015	P00094046.001
Starr	FM 755	4	1103-02-015	P00094047.001
Starr	FM 755	5	1103-02-015	P00094048.001
Starr	FM 755	6	1103-02-015	P00094049.001
Victoria	SH 185	26	0432-02-102	P00090134.001
Victoria	SH 185	27	0432-02-102	P00090135.001
Victoria	SH 185	28	0432-02-102	P00090137.001

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

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Victoria	SH 185	29	0432-02-102	P00090138.001
Victoria	SH 185	30	0432-02-102	P00090139.001
Victoria	SH 185	31	0432-02-102	P00090140.001
Victoria	SH 185	32	0432-02-102	P00090142.001
Victoria	SH 185	33	0432-02-102	P00090143.001
Victoria	SH 185	34	0432-02-102	P00090144.001
Victoria	SH 185	35	0432-02-102	P00090145.001
Victoria	SH 185	36	0432-02-102	P00090147.001
Victoria	SH 185	37	0432-02-102	P00090149.001
Victoria	SH 185	38	0432-02-102	P00090150.001
Victoria	SH 185	39	0432-02-102	P00090152.001
Victoria	SH 185	40	0432-02-102	P00090154.001
Victoria	SH 185	41	0432-02-102	P00090156.001
Wharton	US 59	43	0089-06-099	P00089630.001
Wharton	US 59	44	0089-06-099	P00089639.001
Wharton	US 59	45	0089-06-099	P00089641.001
Wharton	US 59	46	0089-06-099	P00089642.001
Wharton	US 59	47	0089-06-099	P00089644.001

**Controlled Access**

<b><u>County</u></b>	<b><u>Highway</u></b>	<b><u>Exhibit</u></b>	<b><u>ROW CSJ No.</u></b>	<b><u>Parcel</u></b>
Brazos	SH 6	G	0049-12-138	P00061280
Harris	I-45	B	0500-03-608	434
Madison	SL 1853	H	0171-11-005	P00074813.001-.002
Oldham	I-40	J	0090-04-070	P00087242.001
San Patricio	SH 35	I	0180-06-125	P00082045.001-.002
Travis	I-35	C	0015-13-400	P00001018.002
Travis	I-35	D	0015-13-400	P00001019.002
Travis	I-35	E	0015-13-400	P00001020.002
Travis	I-35	F	0015-13-400	P00001021.002
Walker	I-45	A	0675-06-111	P00059082
Wharton	US 59	K	0089-06-099	P00089626.001-.002
Wharton	US 59	L	0089-06-099	P00089638.001

Note: Exhibits A-L and 1-47 are on file with the commission chief clerk.

**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 Alvis, 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)

117079  
CSD

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personality, 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 Texas Administrative Code (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 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**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Austin Surf Club Venture, LP	AUS	Travis	Design and construction of a hooded westbound left turn lane, an extension of an eastbound left U-turn, a westbound acceleration lane, and an eastbound acceleration lane on SH 71 in Del Valle.
Bolm Owner LLC	AUS	Travis	Design and construction of two northbound right turn lanes and a reconstruction of the existing shared-use path from 0.12 miles southwest of Linger Lane to 0.11 miles northeast of Linger Lane along US 183 in Austin.
H-E-B, LP	HOU	Waller	Design and construction of an eastbound left turn lane and westbound right turn lane at driveway A, a westbound left turn lane at driveway B and traffic signal installation on FM 1488 at the Hempstead Regional Support Center development in Waller.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
QT South, LLC	AUS	Williamson	Design and construction of a left turn lane and two westbound right turn deceleration lanes along FM 973 and a southbound right turn deceleration lane along US 79 into the QuikTrip 4192 convenience store/gas station development in Taylor.
Rockhill-Williams Tioga GP LLC	PAR	Grayson	Design and construction of widening FM 121 to add a left turn deceleration lane for eastbound FM 121 for the Eastwell Phase 1 housing addition near Tioga.
Casey's Marketing Company	PAR	Grayson	Design and construction of widening FM 922 to add a left turn deceleration lane for west-bound FM 922 for the new Casey's Store near Tioga.
Emptor Angleton, LLC	HOU	Brazoria	Design and construction of an eastbound right turn lane, striping a left turn westbound lane and signal installation at the intersection of eastbound FM 523 and Windrose Green Boulevard into the Windrose Green development in Angleton.
MMK Ventures LLC	AUS	Burnet	Funds towards the state's cost to design and construct a signal on US 281 in Marble Falls.
SPJR Properties, LL	BRY	Walker	Design and construction of a left turn at Quality Boulevard and American Legion Drive at FM 2821 adjacent to the donor's property in Huntsville.
Jesco Construction, Inc.	AUS	Bastrop	Design and construction of roadway improvements to SH 95 from 0.43 miles south of SH 71 to 0.67 miles south of SH 71 in Smithville.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
Even Bossier, LLC	SAT	Comal	Design and construction for shoulder widening of a section of SH 46 to accommodate a new left turn lane to the Lewis Creek Ranch Subdivision, located at 21735 SH 46 westbound in Spring Branch.
Preston Bend Business Park, LLC	PAR	Grayson	Design and construction of a southbound left turn deceleration lane for the new Preston Bend Business Park on Preston Bend Road near Pottsboro, Grayson County.
Aspire A&M II, LLC	BRY	Brazos	Removal and replacement of the sidewalk along FM 60 (University Drive) between Church Avenue and First Street adjacent to the donor's property located in College Station.
Aarshin Investment LLC	HOU	Fort Bend	Design and construction of a right turn lane on northbound FM 442 into the Better Buddy Gas Station in Needville.
United Airlines, Inc.	HOU	Harris	Funds to cover the state's cost to construct a left turn lane at FM 1960 and Cypresswood Drive into a future commercial development located at 6299 FM 1960 road east in Houston.
Gary Johnston Post 198 TRF The American Legion, Department of Texas, Archer County, Texas	Archer		Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 25 designated as the U.S. Army Gary C. and U.S. M.C. Gary S. Johnston Memorial Highway in Archer County.

**Donations to the Department (continued)**

<b><u>Donor</u></b>	<b><u>Dist</u></b>	<b><u>County</u></b>	<b><u>Donation Description</u></b>
National Steel Bridge Alliance	MTD	N/A	Transportation and lodging for Teresa Michalk, P.E., Structural Materials , Materials and Tests Division to attend the 2025 NSBA/AASHTO Steel Bridge Collaboration Meeting from October 20, 2025-October 23, 2025 in Little Rock, Arkansas.
Radiant Estates, LLC, HOU owner of a 2.378 acre parcel, Rapid Estates, LLC, owner of a 1.686 acre parcel, and High Time Ventures LLC, a Texas Limited Liability Company		Montgomery	Donation of 0.8673 acres of land on FM 1314 and SH 242. The property being donated will be utilized for future deceleration lanes.

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

**b. Real Estate Dispositions****(1) Anderson County - SH 294 - Consider the sale of right of way to an abutting landowner (MO)**

117080  
ROW

Near the city of Elkhart, Anderson County, on SH 294, the state of Texas acquired certain land for highway purposes by instruments recorded in Volume 294, at pages 50, 53, and 351 of the Deed Records of Anderson County, Texas and in Volume E, at pages 217 and 218, of the Civil Minutes of Anderson 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.

Froman Land & Cattle, LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$59,856.00.

The commission finds \$59,856.00 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 Froman Land & Cattle, LLC, a Texas limited liability company, for \$59,856.00; 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) Bee County - SH 72 - Consider the rescission of Minute Order 116134, dated October 28, 2021, authorizing the release of an easement to the underlying fee owner (MO)**

117081  
ROW

Minute Order 116134, dated October 28, 2021, and attached hereto as exhibit A, authorized the executive director of the Texas Department of Transportation to execute a proper instrument releasing all of the state's right, title, and interest in the therein described easement interest to Thomas M. Currer for \$4,500.00.

Thomas M. Currer failed to provide the payment required to complete the release of the easement.

The Texas Transportation Commission (commission) finds that the rescission of Minute Order 116134 is necessary and appropriate in the circumstances.

IT IS THEREFORE ORDERED by the commission that Minute Order 116134, dated October 28, 2021, is hereby rescinded.

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

**(3) De Witt County - FM 240 - Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the county of De Witt, Texas (MO)**

117082  
ROW

Near the city of Cuero, De Witt County, on FM 240, 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.

De Witt County, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to De Witt County, 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 De Witt County, 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.

(4) Kendall County - I-10 - Consider the rescission of Minute Order 116085, dated August 31, 2021, authorizing the release of an easement to the underlying fee owner (MO)

117083  
ROW

Minute Order 116085, dated August 31, 2021, and attached hereto as exhibit A, authorized the executive director of the Texas Department of Transportation to execute a proper instrument releasing all of the state's right, title, and interest in the therein described easement interest to KTB Development, LLC, a Texas limited liability company, for \$7,938.00.

KTB Development, LLC, a Texas limited liability company, failed to provide the payment required to complete the release of the easement.

The Texas Transportation Commission (commission) finds that the rescission of Minute Order 116085 is necessary and appropriate in the circumstances.

IT IS THEREFORE ORDERED by the commission that Minute Order 116085, dated August 31, 2021, is hereby rescinded.

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

**(5) Tom Green County - South Orient Railroad - Consider the sale of railroad right of way to an abutting landowner (MO)**

117084  
ROW

In the city of San Angelo, Tom Green County, on SORR, the state of Texas acquired certain land by an instrument recorded in Volume 819, at page 915, of the Deed Records of Tom Green County, Texas.

A portion of the land, which portion is described in exhibit A (tract), is no longer needed for Texas Department of Transportation (department) purposes.

In accordance with V.T.C.A., Transportation Code, Chapter 91, §91.095, the Texas Transportation Commission (commission) may sell, convey, or otherwise dispose of any interest in railroad real property acquired and no longer needed for department purposes.

Southwest Orient Properties LLC, a Texas limited liability company, is an abutting landowner and has requested to purchase the tract for \$9,000.00.

The commission finds \$9,000.00 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, described in exhibit A, is no longer needed for department purposes. 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 Southwest Orient Properties, LLC, a Texas limited liability company, for \$9,000.00; 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.

**(6) Travis County - RM 2322 - Consider the exchange of drainage easements as part of a transaction to acquire a drainage easement needed for a state highway purpose (MO)**

117085  
ROW

In the city of Austin, Travis County, on RM 2322, the state of Texas acquired an easement interest in certain lands by an instrument recorded in Volume 1610, at page 338, of the Deed Records of Travis County, Texas.

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

The easement encumbering the land described in exhibit A (tract) is no longer needed for a state highway purpose. The value of the easement is \$19,305.00.

A drainage channel easement needed for a state highway purpose, encumbering the land described in exhibit B (parcel), is to be conveyed to the state by Triple BB Marina, Ltd., a Texas limited partnership. The value of the easement encumbering the parcel and its associated improvements is \$118,058.58.

Triple BB Marina, Ltd., a Texas limited partnership, is the owner of the fee interest in the tract and has requested that the easement encumbering the tract be released to it in exchange for an easement encumbering the parcel, and Triple BB Marina, Ltd., a Texas limited partnership, will donate the \$98,753.58 difference in value between the easement encumbering the tract and the improved easement encumbering the parcel to the state, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state release the easement encumbering the tract to Triple BB Marina, Ltd., a Texas limited partnership, as partial consideration for the improved easement encumbering the parcel and accept the donation of \$98,753.58 value difference from Triple BB Marina, Ltd., a Texas limited partnership.

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

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

**c. Reports**

**(1) Compliance Division Report**

Note: Confidential report to commission.

**(2) Quarterly Investment Report**

Quarterly Investment Report for all of the funds invested at the direction of the Texas Transportation Commission (Report)

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

**(d) Toll Projects**

**Various Counties** - Consider amending Texas Transportation Commission's free passage policy regarding free passage on Texas Department of Transportation toll projects and systems (MO)

117086  
PFD

Free passage on Texas Department of Transportation (department) toll projects and systems is governed by the Transportation Code, the administrative rules of the department, and applicable trust agreements and bond indentures.

Transportation Code §228.054(a) provides that the operator of a vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility shall pay the proper toll. Section 228.054(e) further provides that the department may waive the requirement of the payment of a toll or may authorize the payment of a reduced toll for any vehicle or class of vehicles.

In Minute Order 110911 dated April 26, 2007, the Texas Transportation Commission (commission) adopted a policy regarding free passage on department toll projects and systems (free passage policy). The commission amended its free passage policy in Minute Order 113247 dated August 30, 2012; Minute Order 113682 dated August 29, 2013; Minute Order 114962 dated June 29, 2017; and Minute Order 115270 dated July 26, 2018.

The commission wishes to amend its free passage policy to clarify that free passage for authorized emergency vehicles includes vehicles used by nonprofit disaster relief organizations, clarify that the term "military vehicles" includes unmarked vehicles as defined by statute, and delete duplicative provisions and make grammatical edits for clarity and readability.

In addition, the commission wishes to authorize free passage for vehicles owned by disabled peace officers under the Peace Officer and Veteran Discount Program as provided in Texas Transportation Code §372.053, which was amended by Senate Bill 2001, 89<sup>th</sup> Legislature, Regular Session, effective September 1, 2025, to require that the commission provide free passage to disabled peace officers in addition to the veterans that are already listed in the commission's free passage policy.

The commission has issued toll revenue obligations for the Central Texas Turnpike System, the SH 249 System, and the I-35E Managed Lanes Project; the Grand Parkway Transportation Corporation has issued toll revenue obligations for the Grand Parkway System; and the Texas Transportation Finance Corporation has issued toll revenue obligations for the SH 288 System, each of which includes a rate covenant with requirements applicable to the toll rates that are set by the commission. In compliance with such requirements, the commission has reviewed with its traffic consultant the effects of allowing free passage to vehicles owned by disabled peace officers and has determined that providing such free passage is not expected to result in the receipt of revenues in amounts less than is necessary to comply with the rate covenant under each of these toll revenue obligations.

IT IS THEREFORE ORDERED by the commission that the free passage policy and all amendments thereto, whether previously adopted or adopted herein, is compiled and restated in exhibit A.

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

**(e) Finance**

**State Highway Fund Short-Term Borrowings - Approve the execution of resolutions authorizing the execution and delivery of direct lending agreements with financial institutions and the related issuance of State Highway Fund Revenue Flexible Rate Revolving Notes (MO)**

117087

PFD

Section 49-m, Article III, of the Texas Constitution provides that the Texas Legislature may authorize the Texas Transportation Commission (commission) to authorize the Texas Department of Transportation (department) to issue notes or borrow money from any source to carry out the functions of the department.

To carry out the functions of the department, §201.115, Texas Transportation Code, as amended (enabling act) authorizes the commission to authorize the department to borrow money in the form of an agreement, note, contract, or other form as determined by the commission; provided, however, that the amount of the loan (combined with any amounts outstanding on other loans under the enabling act) may not exceed an amount (authorized amount) that is two times the average monthly revenue deposited to the State Highway Fund for the 12 months preceding the month of the loan.

The enabling act further provides that notes issued pursuant to the enabling act shall be considered a state security for purposes of Chapter 1231, Texas Government Code and §1231.041, Texas Government Code, provides that a state agency may not issue a state security unless the issuance is approved by the Texas Bond Review Board (board) or exempted under law from review by the board.

The enabling act and Chapter 1371, Texas Government Code, as amended (chapter 1371), authorize the department to issue and enter into obligations payable from revenues provided by legislative appropriation for the purposes set out therein, and Chapter 1371 further authorizes the department to execute and deliver credit agreements with respect to such obligations.

Pursuant to Minute Order 110147, dated July 28, 2005, the commission approved a resolution authorizing the issuance of Texas Department of Transportation State Highway Fund Revenue Commercial Paper Notes and approved the execution and delivery of agreements related thereto (enhancement agreements).

Pursuant to Minute Order 113623, dated June 27, 2013, the commission approved resolutions (note resolutions) authorizing the issuance of Texas Department of Transportation State Highway Fund Revenue Flexible Rate Revolving Notes and approved the execution and delivery of direct lending facilities in the form of credit agreements (direct lending agreements).

The enhancement agreements for the commercial paper notes and the direct lending agreements for the flexible rate notes have expired.

The department has obtained proposals for short-term financing alternatives, including commercial paper programs and direct lending arrangements with financial institutions.

The department has presented to the commission a form of note resolution (attached hereto as exhibit A) to authorize the issuance of flexible rate notes (flexible rate notes) and the execution of direct lending agreements to permit the department to borrow money in the aggregate principal amount not to exceed the authorized amount, which amount is currently approximately \$2.1 billion, to carry out the functions of the department and to provide for the payment and security of amounts borrowed pursuant to the direct lending agreements.

The commission has determined it to be in the best interest of the state to authorize the department to issue flexible rate notes and execute direct lending agreements and to authorize certain officers of the department to act on behalf of the department in the sale and delivery of flexible rate notes.

The flexible rate notes, and the related obligations of the commission and the department arising under and in connection with the direct lending agreements, are and shall be limited obligations of the department, payable solely from and to the extent of funds identified in the resolutions authorizing such flexible rate notes, in the flexible rate notes and in the direct lending agreements. The owners of the flexible rate notes shall have no recourse against any other funds or accounts of the commission, the department, or the state for payment of the flexible rate notes or any other obligation arising under and in connection with the flexible rate notes and the direct lending agreements.

IT IS THEREFORE ORDERED by the commission that each of the executive director, the chief financial officer, the Project Finance and Toll Operation Division director, their successors, or such other officer or employee of the department so designated by any of the executive director, the chief financial officer, or the Project Finance and Toll Operation Division director to perform the duties of an authorized representative (each, an authorized representative), acting individually, are authorized to execute and deliver one or more note resolutions, from time to time, in substantially the form attached hereto as exhibit A, with such changes as may be approved by an authorized representative, such approval to be conclusively evidenced by the execution of such note resolution by an authorized representative.

IT IS FURTHER ORDERED by the commission that the flexible rate notes, in substantially the form provided in the note resolution, with such changes as may be approved by an authorized representative, are hereby approved by the commission, and each authorized representative, acting individually, is authorized and directed to sell and deliver flexible rate notes, from time to time, pursuant to the note resolution.

IT IS FURTHER ORDERED by the commission that, pursuant to authority granted by the enabling act and chapter 1371, the authorized representatives, acting individually, are each authorized to execute and deliver, from time to time, direct lending agreements, as shall be deemed necessary or appropriate by such authorized representative, in substantially the form attached as exhibit B hereto or as previously approved by the commission, with such changes as may be approved by an authorized representative, or in such other form as shall be approved by an authorized representative, subject to the limitations and general conditions set forth in exhibit C hereto, such approval to be conclusively evidenced by the execution of each such direct lending agreement by an authorized representative.

IT IS FURTHER ORDERED by the commission that an authorized representative is authorized and directed to file with the board application(s) for approval or exemption, as applicable and necessary, in connection with the issuance of flexible rate notes in the maximum principal amount outstanding at any time and from time to time not to exceed \$3 billion.

IT IS FURTHER ORDERED by the commission that any ancillary agreements, certificates, instructions, notices, instruments or other documents determined by an authorized representative to be necessary or appropriate in connection with the issuance of the flexible rate notes, the execution and delivery of, and performance under the note resolutions and the direct lending agreements, or to carry out the intent of this order are hereby approved, and the authorized representative is authorized and directed to execute and deliver, from time to time, such ancillary agreements, certificates, instructions, notices, instruments or other documents.

IT IS FURTHER ORDERED by the commission that each member of the commission and each authorized representative is authorized and directed to perform all such acts and execute all such documents as may be necessary to carry out the intent of this order.

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

#### **f. 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)**

117088  
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 state highway fund 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)**

117089  
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 state highway fund 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 also 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.

**(3) North Tarrant Express Segments 1 & 2 - 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 surplus toll revenue received in accordance with the North Tarrant Express Toll Project Agreement (MO)**

117090  
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 state highway fund 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 a subaccount in the state highway fund to hold the payments received from the North Tarrant Express (NTE) Segment 1 from I-820 to I-35W to Northeast Interchange and Segment 2W from Northeast Interchange to FM 157/Industrial Boulevard. (NTE Segments 1 & 2W payments).

Pursuant to Transportation Code, §228.012, the NTE Segments 1 & 2W 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 NTE Segments 1 & 2W 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 NTE Segments 1 & 2W toll project is located in the region served by the NCTCOG.

Responsibility for allocating the NTE Segments 1 & 2W 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 NTE Segments 1 & 2W payments. The RTC, through an extensive public involvement process, has identified project costs in the NCTCOG MPA boundary to be funded with the NTE Segments 1 & 2W payments, as shown in exhibit A. A summary of funds associated with the NTE Segments 1 & 2W work program is set forth in exhibit B, which is included for informational purposes only.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects shown in exhibit A that have been selected by the RTC to be funded with the NTE Segments 1 & 2W 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 NTE Segments 1 & 2W payments.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right of way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the NTE Segments 1 & 2W payments subaccounts will not themselves be funded from the NTE Segments 1 & 2W payments subaccounts. Funds from the NTE Segments 1 & 2W payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

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

**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)**

117091  
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 TAG Houston Region Executive Director Christina Cabral thanking the commission for their work.

**Item 14. 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 recessed to executive session at 10:51 a.m. and returned from executive session at 12:21 p.m.

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 12:22 p.m.

APPROVED by the Texas Transportation Commission on December 16, 2025:



W. Alvin New, Acting 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 November 13, 2025, in Austin, Texas.



Nicole Kennedy, Commission Clerk  
Texas Department of Transportation

