

These are the minutes of the regular meeting of the Texas Transportation Commission held on March 28, 2024, in Austin, Texas. The meeting was called to order at 10:02 a.m. by Chairman Bugg with the following commissioners present:

**Texas Transportation Commission:**

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

**Administrative Staff:**

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

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 3:02 p.m. on March 20, 2024, as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

**ITEM 1. Safety Briefing**

Executive Director Marc Williams directed that the Greer building safety video be shown on the screens in the Ric Williamson hearing room.

**ITEM 2. Opening Comments from Commissioners and Executive Director**

The commissioners made opening remarks.

**ITEM 3. Consider the approval of the Minutes of the February 21, 2024, special meeting and the February 22, 2024, 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 February 21, 2024, special meeting and the February 22, 2024, regular meeting by a vote of 5 - 0.

**ITEM 4. Contracts**

**Consider the award or rejection of contracts for highway construction 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. The commission heard comments from Texas Pacifico Vice President of Sales and Marketing Stan Meador. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116656  
 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 March 5 and 6, 2024, as well as AMARILLO DISTRICT, RANDALL COUNTY, Project Number F 2024(864), Job

Number 3044, and DALLAS DISTRICT, DALLAS COUNTY, Job Number 3207, Project Number C 2374-4-86, which were publicly opened and read on February 1 and 2, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

#### **b. Routine Maintenance (MO)**

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

116657  
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 March 5 and 6, 2024, as shown on exhibit A.

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

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

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

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

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

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

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

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

This item was presented by Chief Administrative Officer Rich McMonagle. Commissioner New made a motion, which was seconded by Commissioner Alvis, and the commission approved the following minute order by a vote of 5 - 0.

116658  
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 March 5 and March 6, 2024, as shown on exhibit A.

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

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

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

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

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

If a condition of award is not satisfied, including, but not limited to, reason of nonconcurrence of the Federal Highway Administration, the failure of a third party to fund or concur, or failure to meet

other conditions in the contract or an exhibit to this order, the respective award is voided, and the department will return the bid guaranty.

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

**ITEM 5. Aviation**

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

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

116659  
AVN

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

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

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

On March 1, 2024, a public hearing was held. No comments were received.

Pursuant to Transportation Code §§201.943 and 201.946, the commission finds that the public transportation projects in exhibit A to be in the best interests of the state in its major goal of improving the mobility of the residents of the state and are eligible for TMF funds.

IT IS THEREFORE ORDERED by the commission that the executive director, or the director's designee, subject to applicable federal and state requirements, is authorized to enter into any necessary agreements to fund, through the Aviation Facilities Grant Program, the projects described in exhibit A.

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

**ITEM 6. Discussion Item**

**Solar Eclipse Preparedness (Presentation)**

This discussion was led by Chief Engineer Lance Simmons. The commission asked questions and discussed the topic. The commission received no comments.

The commission recessed for break at 10:58 a.m. and reconvened from break at 11:07 a.m.

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

**Rule Proposals**

**a Chapter 1 - Management - Amendments to §1.2, relating to organization of department districts (MO)**

This item was presented by Chief Engineer Lance Simmons. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116660  
TPP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §1.2, relating to Organization and Responsibilities 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 §1.2, are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**b Chapter 21 - Right of Way - The Texas Department of Transportation proposes the repeal of §§21.143-21.145, 21.150, 21.152-21.164, 21.166-21.193, 21.195, and 21.197-21.206, relating to regulation of signs along interstate and primary highways, and §§21.414, 21.420, 21.421, and 21.431, relating to the control of signs along rural roads; amendments to §21.142, Definitions, and §§21.409, 21.417, 21.423-21.426, 21.435, 21.448, 21.450, 21.452, 21.453 and 21.457, relating to the control of signs along rural roads; and new §§21.143-21.200, relating to regulation of signs along interstate and primary highways (MO)**

This item was presented by Right of Way Division Director Kyle Madsen. The commission heard comments from Outdoor Advertising Association of Texas Director Tim Anderson and Scenic Texas Chair Jason Wills. Commissioner New made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116661  
ROW

The Texas Transportation Commission (commission) finds it necessary to propose the repeal of §§21.143-21.145, 21.150, 21.152-21.164, 21.166-21.193, 21.195, and 21.197-21.206, relating to Regulation of Signs Along Interstate and Primary Highways, and §§21.414, 21.420, 21.421, and 21.431, relating to the Control of Signs Along Rural Roads, amendments to §21.142, Definitions, and §§21.409, 21.417, 21.423-21.426, 21.435, 21.448, 21.450, 21.452, 21.453 and 21.457, relating to the Control of Signs Along Rural Roads, and new §§21.143-21.200, relating to the Regulation of Signs Along Interstate and Primary Highways, to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the repeal of §§21.143-21.145, 21.150, 21.152-21.164, 21.166-21.193, 21.195, 21.197-21.206, 21.414, 21.420, 21.421, and 21.431, amendments to §§21.142, 21.409, 21.417, 21.423-21.426, 21.435, 21.448, 21.450, 21.452, 21.453 and 21.457, and new §§21.143-21.200 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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

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

**ITEM 8. State Infrastructure Bank (Presentation)**

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

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

116662  
PFD

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

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

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

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

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

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

The executive director or his designee implemented actions authorized and required by the SIB Rules for final approval. The executive director affirms that the necessary social, economic, and environmental impact studies required by the SIB Rules have been completed and approved by the department. The executive director recommends that the commission grant final approval of the applications listed in exhibit A for financial assistance from the SIB up to the amount listed for each project, contingent on any special conditions required in exhibit A.

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

1. the projects listed in exhibit A are consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization;
2. the projects listed in exhibit A are not in a Clean Air non-attainment area;
3. the projects listed in exhibit A will improve the efficiency of the state's transportation systems;
4. the projects listed in exhibit A will expand the availability of funding for transportation projects or reduce direct state costs;
5. the applications submitted show that the applicants listed in exhibit A are likely to have sufficient revenues to assure repayment of the financial assistance;
6. providing financial assistance to each applicant listed in exhibit A will protect the public's safety and prudently provide for the protection of public funds, while furthering the purposes of the SIB; and
7. the projects listed in exhibit A will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

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

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

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

**ITEM 9. Transportation Corporation**

Consider approving a resolution which authorizes the creation of a transportation corporation pursuant to Transportation Code, Chapter 431, to act on behalf of the commission in the acquisition, development, financing, refinancing, design, construction, reconstruction, expansion, tolling, operation and/or maintenance of any toll project within the state as determined by the commission, approves the corporation's certificate of formation and bylaws, and appoint the initial directors; and consider authorizing the department to exercise its termination rights under a Comprehensive Development Agreement dated March 4, 2016, regarding the State Highway 288 Toll Lanes project in Harris County (MO)

This item was presented by Project Finance, Debt & Strategic Contracts Section Director Patrick Marotta. The commission heard comments from Senator Robert Nichols and Reason Foundation Government Affairs Manager Steven Gassenberger. Commissioner Alvis made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116663  
PFD

The Texas Transportation Commission (commission), as the governing body of the Texas Department of Transportation (department), may designate toll projects and systems and authorize the department to acquire, develop, finance, refinance, design, construct, reconstruct, expand, operate and/or maintain them.

Pursuant to Minute Order 114205, dated February 26, 2015, the department entered into 1) a Comprehensive Development Agreement dated March 4, 2016, regarding the State Highway 288 Toll Lanes project in Harris County (SH 288 CDA), and 2) an associated Project Lease dated October 25, 2016 (SH 288 Lease), both with Blueridge Transportation Group, LLC, a Delaware limited liability company (Developer). Section 31.1.1 of the SH 288 CDA provides the department with the right to terminate the SH 288 CDA and SH 288 Lease if the department determines in its discretion that a termination is in the department's best interest. Upon such a determination, the department must notify the developer and specify the date upon which the termination shall take effect. Upon termination, control of the State Highway 288 Toll Lanes project reverts to the department. The commission has determined that pursuing termination of the SH 288 CDA and SH 288 Lease is in the best interest of the department.

Pursuant to Transportation Code, Chapter 431, Subchapters A through C (Chapter 431) the commission is authorized to create a transportation corporation to assist and act on behalf of the commission to promote and develop new and expanded public transportation facilities and systems, including the issuance of bonds, notes and other obligations and the incurrence of contractual obligations including loan agreements, in accordance with Title 43, Texas Administrative Code, §15.95.

The commission has received an application from three qualified voters in the state for the incorporation of a transportation corporation pursuant to Chapter 431, including the suggested forms of certificate of formation and bylaws for the corporation.

The commission has determined that the creation of a corporation pursuant to Chapter 431 to assist in the acquisition, development, financing, refinancing, design, construction, reconstruction, expansion, tolling, operation and/or maintenance of any toll project as determined by the commission is advisable and in the best interest of the state to assist the commission in fulfilling the purposes of Chapter 431, including promoting and developing public transportation facilities and systems by new and alternative means, reducing burdens and demands on the limited funds available to the commission, and increasing the effectiveness and efficiency of the commission.



Chapter 431 provides that a corporation may be created only if the commission adopts a resolution authorizing the creation of the corporation and approving the certificate of formation and bylaws of the corporation, and further provides that the commission shall appoint the initial directors of the corporation.

IT IS THEREFORE ORDERED by the commission that the department is authorized to exercise its termination rights under the SH 288 CDA.

IT IS FURTHER ORDERED by the commission that the resolution creating the corporation, approving its certificate of formation and bylaws, and appointing the initial directors, attached as exhibit A, is adopted.

IT IS FURTHER ORDERED by the commission that the executive director, on behalf of the commission, is authorized and directed to perform all such acts and execute such documents necessary to carry out the intent of this minute order and the resolution.

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

**ITEM 10. Appointment of Chief Audit and Compliance Officer**

**Appoint the Chief Audit and Compliance Officer of the Texas Department of Transportation and approve compensation (MO)**

This item was presented by Executive Director Marc Williams. The commission asked questions and heard comments from Director Parsons. Director Parsons also thanked the commission and Executive Director Williams for his appointment as the Chief Audit and Compliance Officer. Commissioner Vaughn made a motion, which was seconded by Commissioner Meade, and the commission approved the following minute order by a vote of 5 - 0.

116664  
ADM

Transportation Code, Section 201.108 provides that the Texas Transportation Commission (commission) shall appoint an internal auditor for the Texas Department of Transportation (department). Government Code, Section 2102.006 requires that a state agency must appoint an internal auditor that is either a certified public accountant or a certified internal auditor and has at least three years of auditing experience.

Due to the resignation of Chief Audit and Compliance Officer, Benito Ybarra, it is necessary to appoint a successor to assure the orderly transition of duties, thereby protecting the safety and welfare of the traveling public.

The executive director and the Audit Subcommittee of the commission reviewed and evaluated the qualifications, background, and experience of the many well-qualified applicants. A thorough review of the applications submitted for the position and the results of interviews of top candidates indicates that Parsons Townsend is best qualified for the position and possesses the qualities necessary to ensure an orderly transition and assumption of duties as the Chief Audit and Compliance Officer of the department.

Recognizing the proven abilities, professional expertise and qualifications, administrative talents, and leadership qualities of the selected candidate, along with the review and concurrence by the Audit Subcommittee of the commission and the recommendation of the executive director of the department, the commission determines that Parsons Townsend possesses skills and experience that fully satisfy the requisites of

law and policy applicable to the position of the Chief Audit and Compliance Officer of the department.

IT IS THEREFORE ORDERED by the commission that Parsons Townsend is appointed as the Chief Audit and Compliance Officer of the department, to assume the full range of duties and responsibilities of that position conditioned on Parsons Townsend meeting the conditions of employment as stated in the job requisition for the position, and that on assuming the position, Mr. Townsend be compensated at an annual salary of \$250,000.

**ITEM 11. Eminent Domain Proceedings**

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

This item was presented by Right of Way Division Director Kyle Madsen. Commissioner Alvis made a motion that the Texas Transportation Commission authorize the Texas Department of Transportation to use the power of eminent domain to acquire the properties described in the minute order set forth in the agenda for the current month for construction, reconstruction, maintenance, widening, straightening, or extending the highway facilities listed in the minute order as a part of the state highway system, and that the first record vote applies to all units of property to be condemned. The motion was seconded by Commissioner Meade and the following minute order was approved by Chairman Bugg, Commissioner New, Commissioner Vaughn, Commissioner Meade, and Commissioner Alvis (a vote of 5 - 0).

116665  
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-Z. 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 1-137 in accordance with Transportation Code, Sections 203.002 and 203.003.

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

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

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

**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>
Burnet	US 281	21	0252-01-086	P00059546
Burnet	US 281	22	0252-01-086	P00059547
Burnet	US 281	23	0252-01-086	P00059548
Collin	US 380	11	0135-02-072	P00069663.001-.002E
Collin	US 380	136	0135-02-074	P00074416
Collin	US 380	36	0135-15-003	P00068386.001
Collin	US 380	37	0135-15-003	P00068387.001
Collin	US 380	38	0135-15-003	P00068388.001
Collin	US 380	39	0135-15-003	P00068393.001
Collin	US 380	40	0135-15-003	P00068394.001
Collin	US 380	41	0135-15-003	P00068397.001
Collin	US 380	42	0135-15-003	P00068398.001
Collin	US 380	43	0135-15-003	P00068399.001
Collin	US 380	44	0135-15-003	P00068400.001
Collin	US 380	45	0135-15-003	P00068401.001
Collin	US 380	46	0135-15-003	P00068402.001
Collin	US 380	47	0135-15-003	P00068403.001
Collin	US 380	48	0135-15-003	P00068406.001
Collin	US 380	49	0135-15-003	P00068408.001
Collin	US 380	74	0135-15-003	P00068409.001-.002
Collin	US 380	50	0135-15-003	P00068411.001
Collin	US 380	51	0135-15-003	P00068413.001
Collin	US 380	52	0135-15-003	P00068414.001
Collin	US 380	53	0135-15-003	P00068415.001
Collin	US 380	54	0135-15-003	P00068416.001
Collin	US 380	55	0135-15-003	P00068435.001
Collin	US 380	56	0135-15-003	P00068437.001
Collin	US 380	57	0135-15-003	P00068440.001
Collin	US 380	58	0135-15-003	P00068441.001
Collin	US 380	59	0135-15-003	P00068442.001
Collin	US 380	60	0135-15-003	P00068443.001
Collin	US 380	61	0135-15-003	P00068444.001
Collin	US 380	62	0135-15-003	P00068446.001
Collin	US 380	63	0135-15-003	P00068447.001
Collin	US 380	64	0135-15-003	P00068449.001-.003
Collin	US 380	65	0135-15-003	P00068450.001
Collin	US 380	66	0135-15-003	P00068451.001

**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>
Collin	US 380	67	0135-15-003	P00068452.001
Collin	US 380	68	0135-15-003	P00068453.001
Collin	US 380	69	0135-15-003	P00068457.001
Collin	US 380	70	0135-15-003	P00068458.001
Collin	US 380	71	0135-15-003	P00068459.001-.002
Dallas	SL 12	108	0581-02-116	P00073162
Dallas	SL 12	109	0581-02-116	P00073163
Dallas	SL 12	110	0581-02-116	P00073165
Dallas	SL 12	111	0581-02-116	P00073170
Dallas	SL 12	112	0581-02-116	P00073171
Dallas	SL 12	113	0581-02-116	P00073172
Dallas	SL 12	115	0581-02-116	P00073173
Dallas	SL 12	116	0581-02-116	P00073179
Dallas	SL 12	117	0581-02-116	P00073184
Dallas	SL 9	131	2964-10-007	P00071778.001
Dallas	SL 9	128	2964-10-007	P00071883
Dallas	SL 9	129	2964-10-007	P00071884
Dallas	SL 9	130	2964-10-007	P00071885
Dallas	SL 9	122	2964-10-007	P00071929
Dallas	SL 9	123	2964-10-007	P00071930
Dallas	SL 9	124	2964-10-007	P00071940
Dallas	SL 9	125	2964-10-007	P00071943
Dallas	SL 9	126	2964-10-007	P00071945
Dallas	SL 9	127	2964-10-007	P00071947
Denton	US 377	26	0081-06-043	P00024374
Denton	US 377	133	0081-06-043	P00024404
Denton	US 377	7	0081-06-043	P00024415
Denton	US 377	8	0081-06-043	P00024421
Denton	US 377	107	0081-06-043	P00024501
Denton	FM 1171	79	1311-01-059	P00061169.001-.002
Denton	FM 1171	96	1311-01-059	P00061171.001
Denton	FM 1171	104	1311-01-059	P00061181.001
Ellis	FM 664	15	1051-01-057	P00071516.001-.002
Ellis	FM 664	16	1051-01-057	P00071517
Galveston	SH 146	5	0389-06-092	346
Galveston	SH 146	3	0389-06-092	347
Galveston	SH 146	4	0389-06-092	348
Galveston	FM 646	6	0978-02-073	406
Galveston	FM 646	10	0978-02-073	423
Gregg	SH 31	121	0424-02-049	P00067256.001
Grimes	SH 30	24	0212-04-052	P00067646.001
Harris	UA 90	2	0027-09-112	1
Harris	UA 90	9	0027-09-112	2
Harris	FM 2100	135	1062-04-053	151 pt.1&2
Harris	SL 8	1	3256-04-082	P00075391.001
Hidalgo	FM 1925	73	1803-01-101	P00054350
Hidalgo	FM 1925	81	1803-01-101	P00054351
Hidalgo	FM 1925	82	1803-01-101	P00070721
Hidalgo	FM 1925	83	1803-01-101	P00070731

**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>
Hidalgo	FM 1925	84	1803-01-101	P00070732
Hidalgo	FM 1925	85	1803-01-101	P00070734
Hidalgo	FM 1925	86	1803-01-101	P00070736
Hidalgo	FM 1925	89	1803-01-101	P00070738
Hidalgo	FM 1925	94	1803-01-101	P00070745
Hidalgo	FM 1925	95	1803-01-101	P00070751
Hidalgo	FM 1925	97	1803-01-101	P00070753
Hidalgo	FM 1925	98	1803-01-101	P00070754
Hidalgo	FM 1925	99	1803-01-101	P00070755
Hidalgo	FM 1925	100	1803-01-101	P00070756
Hidalgo	FM 1925	101	1803-01-101	P00070765
Hidalgo	FM 1925	102	1803-01-101	P00070768
Hidalgo	FM 1925	103	1803-01-101	P00076606
Hidalgo	FM 2220	25	2094-01-070	69
San Jacinto	FM 1725	105	1582-01-031	P00072124
San Jacinto	FM 1725	106	1582-01-031	P00072126 TE
San Patricio	US 77	134	0372-01-113	P00062824.001
Smith	FM 2493	20	0191-03-088	P00070560.001
Smith	FM 2493	19	0191-03-088	P00070587.001
Smith	SH 31	29	0424-01-059	P00066925.001
Smith	SH 31	30	0424-01-059	P00066926.001-.002
Smith	SH 31	31	0424-01-059	P00066927.001
Smith	SH 31	32	0424-01-059	P00066928.001
Smith	SH 31	33	0424-01-059	P00066929.001
Smith	SH 31	34	0424-01-059	P00066930.001
Smith	SH 31	75	0424-01-059	P00066932.001
Smith	SH 31	78	0424-01-059	P00066937.001
Smith	SH 31	80	0424-01-059	P00066938.001
Smith	SH 31	90	0424-01-059	P00066954.001
Smith	SH 31	88	0424-01-059	P00066956.001
Smith	SH 31	93	0424-01-059	P00066957.001
Smith	SH 31	17	0424-01-059	P00066963.001
Smith	SH 31	35	0424-01-059	P00066964.001
Smith	SH 31	92	0424-01-059	P00066966.001
Smith	SH 31	91	0424-01-059	P00066969.001
Smith	SH 31	87	0424-01-059	P00066971.001
Smith	SH 31	76	0424-01-059	P00066984.001
Smith	SH 31	77	0424-01-059	P00066985.001
Smith	SH 31	72	0424-01-059	P00067013.001
Smith	SH 31	119	0424-01-060	P00067173.001
Smith	SH 31	120	0424-01-060	P00067174.001
Smith	FM 756	27	0492-04-040	P00063737.001
Smith	FM 756	28	0492-04-040	P00063740.001
Smith	FM 756	13	0889-05-011	P00063869.001
Smith	FM 756	14	0889-05-011	P00063888.001
Smith	FM 756	137	0889-05-011	P00063890.001
Smith	FM 756	132	0889-05-011	P00063892.001
Smith	FM 756	12	0889-05-011	P00063895.001
Wichita	US 82	114	0156-04-124	P00005518

**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>
Wichita	US 82	118	0156-04-124	P00005568
Wichita	US 82	18	0156-04-124	P00005597

**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>
Ellis	IH 45	X	0092-04-083	P00072643
Ellis	IH 45	W	0092-05-059	P00072608
Ellis	IH 45	S	0092-05-059	P00072614.001-.002
Ellis	IH 45	C	0092-05-059	P00072633E
Ellis	IH 45	A	0092-05-059	P00072635E
Ellis	IH 45	B	0092-05-059	P00072636E
Harris	IH 45	K	0500-03-608	419
Harris	IH 45	J	0500-08-002	609
Harris	IH 45	I	0500-08-002	715
Travis	IH 35	U	0015-13-434	P00064454
Travis	IH 35	G	0015-13-434	P00064475
Travis	IH 35	Q	0015-13-434	P00064484
Travis	IH 35	T	0015-13-434	P00064505
Travis	IH 35	V	0015-13-435	P00064572
Travis	IH 35	O	0015-13-435	P00064573
Travis	IH 35	E	0015-13-435	P00064574.001-.002
Travis	IH 35	N	0015-13-435	P00064578
Travis	IH 35	Z	0015-13-435	P00064580
Travis	IH 35	H	0015-13-435	P00064582
Travis	IH 35	R	0015-13-435	P00064585
Travis	IH 35	P	0015-13-435	P00064586
Travis	IH 35	F	0015-13-435	P00064591
Travis	IH 35	D	0015-13-435	P00064592
Travis	IH 35	L	0015-13-435	P00064593
Travis	IH 35	M	0015-13-435	P00064594
Travis	IH 35	Y	0015-13-435	P00064598

Note: Exhibits A - Z and 1 - 137 are on file with the commission chief clerk.

**ITEM 12. Routine Minute Orders and Reports**

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 5 - 0. Commissioner Alvis recused himself from voting for the donations item. Commissioner Alvis' vote applies to all items for the routine minute orders except for the minute order for donations.

**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)

116666  
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**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
ARC Solutions	ENV	N/A	Travel costs to include airfare, hotels, and meals for Dr. John H. Young Jr., Project Planner III, to participate A Connectivity Forum in Agoura Hills, California.
ARC Solutions	PHR	N/A	Travel costs, to include airfare, car rental, hotel, and meals for Edward James Paradise Jr, Environmental Planner III, to participate A Connectivity Forum in Agoura Hills, California.
Buc-ee's Hillsboro, LLC	WAC	Hill	Design and construction of pavement widening, striping, and signals at the intersection of the northbound and southbound I-35 ramps at US 77 in Hillsboro.
Chick-fil-A, Inc.	SAT	Bexar	Funds to design and construct a southbound I-410 deceleration lane, driveway, and associated drainage structures on I-410 located approximately 550 feet north of Rigsby Avenue intersection in San Antonio.
China Spring Investments LLC	WAC	McLennan	Striping delineating traffic access to the new China Spring Gas Station from eastbound FM 1637 and westbound FM 185 traffic in China Spring.
D-W North Tract, LLC	HOU	Fort Bend	Design and construction of a deceleration lane from eastbound FM 1093 into the District West development in Richmond.
H-E-B, LP	HOU	Montgomery	Design and construction of two right turn lanes and a median extension from north, east, and south bound FM 1314 and SH 99 into the HEB Porter development in Porter.
HM Parkside Development, Inc.	AUS	Williamson	Design and installation of one traffic signal at Parkside Parkway and one traffic signal at Greenview Parkway at FM 2243 in Georgetown.



**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
J Squared Killeen Development, LLC	WAC	Bell	Design and construction of a right turn deceleration lane and extending the left queuing lane at the intersection of SH 201 (S Clear Creek Road) and Ivy Mountain Road in Killeen.
King Fish Development, LLC	SAT	Bexar	Design and construction for widening and pavement markings to extend an existing left turn lane on SH 16, located approximately 1.5 miles north of SL 1604 in southwest San Antonio.
Landmark Industries Development, LLC	HOU	Harris	Design and construction of a traffic signal from eastbound FM 529 and Mason Road into the Mason Woods development in Cypress.
Lennar Homes of Texas Land and Construction, Ltd	SAT	Comal	Design and construction of roadway widening for left and right turn deceleration lanes on FM 1102 approximately 4,000 feet southwest from the intersection of Havens Cross in Comal County.
Longstreet Line LLC	HOU	Montgomery	Design and construction of a deceleration lane from northbound I-45 into the Express Mart development in Willis.
Lone Star 5000 Corporation	HOU	Harris	Design and construction of a right turn lane at Driveway A southbound SH 146 into the Trinity Oaks Plaza development in Baytown.
Microsoft Corporation	SAT	Medina	Design and construction of a southbound median left turn lane on FM 471 approximately 0.6 miles south of FM 1957 in Medina County.
Midland Memorial Foundation	ODA	Midland	Design and construction of installing a traffic signal at the intersection of Gateway Boulevard and FM 1788/SH 349 in Midland.
Modern Homestead LLC	AUS	Llano	Design and construction of a left turn lane on SH 71 in Horseshoe Bay.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
NewQuest Equity, L.C.	AUS	Hays	Design and construction of roadway improvements to northbound I-35 frontage road at the northeast corner of Bebee Road that will serve the Caraway Tract in the Kyle.
Olive Development Bond I LLC	AUS	Hays	Design and construction of a striping change of an existing gored area, to a dedicated left turn lane including mill and thin overlay mixture and intersection restripe on FM 110 in San Marcos.
Pedro Aguado	AUS	Williamson	Design and construction of the widening of FM 972 to provide one eastbound left turn lane and one westbound right turn lane into a proposed subdivision in Jarrell.
Pulte Homes of Texas, L.P.	SAT	Comal	Design and construction for installation left and right turn lanes on FM 758 located approximately 0.59 miles north of SH 46 to 0.28 miles south of Saur Lane in New Braunfels.
Riley's Pointe Apartments Owner, LLC	AUS	Hays	Design and construction of roadway improvements on FM 621 that will serve Addie's Point Multifamily Development in San Marcos.
San Isidro Northeast, Ltd.	LRD	Webb	Funds to construct the widening of 1,856 square yards of road to accommodate two driveways and the extension of the turning lane in the vicinity of San Isidro Northeast, Ltd. along US 59 in Laredo.
Sig Magnolia LP	HOU	Montgomery	design and construction of a right turn lane from northbound FM 1486 into the Magnolia Springs development in Montgomery.
Texas Capital Development Corporation, Inc.	HOU	Harris	Design and construction of a right turn lane at driveway A and a right turn at driveway B from eastbound SH 99 into the Trinity Oaks Commons development in Baytown.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
Transportation Research Board - a division of the National Academies of Sciences, Engineering, and Medicine	MTD	N/A	Airfare, ground transportation, lodging at the conference hotel, conference registration and other directly related expenses for Enad Mahmoud, P.E., to attend the 2024 Transportation Research Board NCHRP Panel in Washington D.C.
Valley Ranch Town Center Holdings, Ltd	HOU	Montgomery	Design and construction of a traffic signal from north bound SH 99 into the Valley Ranch Town Center development in New Caney.
WBW Land Investments, LP	WAC	Bell	Design and construction of a right turn deceleration into a multifamily addition named Cypress Creek at South Cedar located in Temple.
Kwik Ice	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
Lobato Studio, LLC dba Porteusa	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Total Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a contract renewal on an existing sign location.
GOL Auto Group, LLC	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
HOA Cleaning Company, LLC	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Republic Services, Inc.	DAL	Denton	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
Elephant Insurance Services, LLC	FTW	Tarrant	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.

**DONATIONS TO THE DEPARTMENT (continued)**

<b><u>DONOR</u></b>	<b><u>DD</u></b>	<b><u>COUNTY</u></b>	<b><u>DONATION DESCRIPTION</u></b>
AMOCO Federal Credit Union	HOU	Brazoria	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Galveston	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
AMOCO Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Shell Federal Credit Union	HOU	Harris	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Horizon Merchant, Inc. dba Billy Bob's Beds	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Total Primary Care	SAT	Bexar	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.
Lobato Studio, LLC dba Porteusca	SAT	Comal	Litter pick-up throughout a corridor on the State’s right of way through the Sponsor a Highway Program.

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

**b. Real Estate Dispositions**

**(1) Brazoria County - SL 419 - Consider the conveyance of two tracts to Brazoria County, Texas (county) and consider the quitclaim of right of way no longer needed for a highway purpose to the county that acquired the property in its own name for use by the state (MO)**

116667  
ROW

Near the city of Sweeny, Brazoria County, on SL 419, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 556, at Pages 610 and 620, of the Deed Records of Brazoria County, Texas and used certain other land for highway purposes that was acquired in the name of Brazoria County, Texas.

A portion of the land, which portion is as shown on exhibits A and B (tracts), is no longer needed for a state highway purpose. The land acquired in the name of Brazoria County, Texas, and used by the state for highway purposes is as shown on exhibit C (Brazoria County property) and is also 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 waive payment for real property transferred to a governmental entity if the estimated cost of future maintenance on the property exceeds the fair value of the property.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the quitclaim to a county

or municipality of any interest in real property that might have accrued to the state by use if the interest in the real property was acquired and held by the county or municipality in its own name for use by the state.

Brazoria County, Texas has requested the transfer of the tracts and the quitclaim of the Brazoria County property to Brazoria County, Texas.

The appraised value of the tracts is \$18,740.40. The estimated cost of future maintenance on the tracts (for the next 20 years) is \$20,415.40.

It is the opinion of the commission that it is proper and correct that the state quitclaim its right and interest in the Brazoria County property to Brazoria County, Texas.

IT IS THEREFORE ORDERED by the commission that the tracts, as shown on exhibits A and B are removed from the state highway system.

IT IS FURTHER ORDERED by the commission that the Brazoria County property 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 quitclaiming the state's right and interest in the Brazoria County property to Brazoria County, Texas.

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

(2) Denton County - US 77 - Consider the removal from the system, transfer of jurisdiction, control and maintenance, and transfer of right of way to the city of Denton, Texas (MO)

116668  
ROW

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

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

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

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

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

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

IT IS FURTHER ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the city of Denton; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

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

**(3) Harris County - I-69/US 59 - Consider the designation of one location on the I-69/US 59 westbound frontage road at which access will be permitted to the adjoining private real property (MO)**

116669  
ROW

In the city of Houston, Harris County, on I-69/US 59, a new designated controlled-access highway, the State of Texas acquired certain land for highway purposes with a denial of access to the adjoining private real property per Transportation Code, §203.031(a).

AYG Lexington LLC, a Texas limited liability company, the current owner of the adjoining private real property, has requested designated access from the I-69/US 59 westbound frontage road for proposed access at one location along the property line at the new access point described in exhibit A.

AYG Lexington LLC, a Texas limited liability company, has committed to purchase the access for \$220,000.

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

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

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

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

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

The commission further finds, in accordance with the standard established by Transportation Code, §202.021(j), that \$220,000 is a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated access, described in exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access described in exhibit A to AYG Lexington LLC, a Texas limited liability company, for \$220,00.

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

**(4) Hidalgo County - I-2 - Consider the sale of right of way to an abutting landowner (MO)**

116670  
ROW

In the city of Weslaco, Hidalgo County, on I-2, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 1053, at Page 376, of the Deed Records of Hidalgo 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.

Armando Alaniz and Oralia Alaniz are abutting landowners and have requested to purchase the tract for \$40,000.

The commission finds \$40,000 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 Armando Alaniz and Oralia Alaniz for \$40,000; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(5) Kendall County - I-10 - Consider the transfer of jurisdiction, control, and maintenance, and the transfer of right of way to the city of Boerne, Texas (MO)

116671  
ROW

In the city of Boerne, Kendall County, on I-10, the State of Texas acquired certain land for highway purposes.

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

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the Texas Transportation Commission (commission) may recommend the 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, said real property shall immediately and automatically revert to the State of Texas.

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

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

IT IS FURTHER ORDERED by the commission that the tract is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the tract to the city of Boerne, 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, said real property shall immediately and automatically revert to the State of Texas.

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

**(6) Travis County - SH 130/US 290 - Consider the designation of one location on the US 290 eastbound frontage road at which access will be permitted to the adjoining private real property (MO)**

116672  
ROW

Near the city of Austin, Travis County, on SH 130, a new designated controlled-access highway, intersecting US 290, the State of Texas acquired certain land for the Central Texas Turnpike System (CTTS) for highway purposes with a denial of access to the adjoining private real property per Transportation Code, §203.031(a).

QBL AUS 130-290 LP, a Delaware limited partnership, the current owner of the adjoining private real property, has requested designated access to and from the US 290 eastbound frontage road for proposed access at one location along the property line at a new access point described in exhibit A (access).

QBL AUS 130-290 LP has committed to purchase the access for \$190,000.

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

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

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

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

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

The commission further finds, in accordance with the standard established by Transportation Code, §202.021(j), that \$190,000 is a fair and reasonable value of the state's right, title, and interest in the access.

IT IS THEREFORE ORDERED by the commission that the designated access, described in exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument granting the access as described in exhibit A to QBL AUS 130-290 LP, a Delaware limited partnership, for \$190,000.

IT IS FURTHER ORDERED by the commission that all proceeds from the sale of the access to QBL AUS 130-290 LP, shall be deposited and used in accordance with the terms of the CTTS Indenture of Trust, and the executive director of the Texas Department of Transportation (department) or the executive director's designee, the chief financial officer of the department, and the director of the Project Finance, Debt and Strategic Contracts Division of the department, are authorized to perform all actions necessary to comply with the terms of the CTTS Indenture of Trust in the management of the sale proceeds.

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

**c. Reports**

**(1) Compliance Division Report**

Note: Confidential report to commission.



**(2) Annual Continuing Disclosure Report for the State Highway Fund revenue bond program (Report)**

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

**(3) Annual Continuing Disclosure Report for the Texas Mobility Fund bond program (Report)**

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

**(4) Travis and Williamson Counties Annual Continuing Disclosure Report for the Central Texas Turnpike System (Report)**

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

**(5) Grimes and Montgomery Counties Annual Continuing Disclosure Report for the State Highway 249 System (Report)**

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

**d. Highway Designation**

**Hays County - In the city of Buda, consider designating a segment of FM 2001 on a new location and redesignating a segment of FM 2001 as FM Spur 2001 (MO)**

116673  
TPP

The city of Buda, Hays County and the Austin District have requested the following actions: (1) designate FM 2001 on a new location on the state highway system from 0.1 mile east of I-35 northbound frontage road southeastward to existing FM 2001, a distance of approximately 1.1 miles; and (2) redesignate a segment of existing FM 2001 as FM Spur 2001 on the state highway system from 0.1 mile east of I-35 northbound frontage road southward and eastward to existing FM 2001, a distance of approximately 1.4 miles.

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

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

IT IS THEREFORE ORDERED by the commission that (1) FM 2001 is designated on a new location on the state highway system from 0.1 mile east of I-35 northbound frontage road southeastward to existing FM 2001, a distance of approximately 1.1 miles; and (2) a segment of existing FM 2001 is redesignated as FM Spur 2001 on the state highway system from 0.1 mile east of I-35 northbound frontage road southward and eastward to existing FM 2001, a distance of approximately 1.4 miles, as shown in exhibit A.

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

**e. Land Acquisitions for Facilities**

**Wichita County - Consider the grant of authority to the department to acquire real property for facilities (MO)**

116674  
SSD

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

Transportation Code Chapter 203 authorizes the commission to acquire an interest in real property that the commission determines is necessary or convenient to construct or operate a facility used in connection with the construction, maintenance or operation of a state highway or toll project, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation or operation of a state highway.

The Texas Department of Transportation (department) proposes to acquire the properties listed on the attached exhibit A for the construction of new facilities and expansion of existing facility sites. Funds for the purchase of these properties were appropriated by 88th Legislature, General Appropriations Act for the 2024-25 Biennium.

The commission finds that the acquisition of the properties listed in exhibit A is necessary for the overall efficiency of the construction, maintenance and operation of the state highway system.

IT IS THEREFORE ORDERED by the commission that the purchase prices for the individual properties listed on exhibit A may be expended to pay for such properties, together with such additional funds as may be required to pay any necessary and customary incidental expenses of performing due diligence and acquiring fee simple title to the properties.

IT IS FUTHER ORDERED by the commission that the executive director, or his designee, is authorized to negotiate and execute earnest money contracts or purchase agreements containing such terms as determined necessary to purchase the properties. The executive director, or his designee, may terminate such contracts or agreements in the event that the department determines that one or more of the properties is unsuitable for its intended purpose.

IT IS FURTHER ORDERED by the commission that the executive director, or his designee, is authorized to close the acquisition of the properties and execute any related closing documents, to expend funds for the applicable purchase prices, surveys, due diligence, title insurance, and any other necessary ancillary expenses, and to take other actions necessary to acquire fee simple title to the properties, consistent with the provisions of this minute order.

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

**f. Rail Clearance Deviations**

**Tarrant County - Consider the approval of rail clearance deviations (MO)**

116675  
RRD

Transportation Code §191.001 and §191.002 establish height requirements for structures over railroad tracks and distance requirements of structures and materials near railroad tracks. Transportation Code §191.005 establishes that the Texas Transportation Commission (commission), for good cause shown, may permit a railroad or other entity to deviate from a provision of the statute.

The Texas Department of Transportation (department) received an application from Trinity Railway Express (TRE) requesting two clearance deviations for their new Trinity Lake Station located at 7997 Trinity Boulevard, Ft. Worth, Texas 76118 in Tarrant County, Texas; clearance deviations specifics are detailed in exhibit A. The department investigated the location to determine whether good cause for the deviations is evident and whether the deviations would restrict reasonable and safe operations.

In determining whether the new structure demonstrates good cause for the requested clearance deviations, the department considered:

- (1) federal and state requirements;
- (2) the safety of employees working near railroad tracks; and
- (3) limited clearances

The department reviewed facility plans, confirmed site conditions, and determined the requested clearance deviations are reasonable, safe, and include sufficient:

- (1) warning signs at limited clearance locations; and
- (2) safety rules, operational requirements, and training to address employee safety

Based on the investigations, the department determined that the clearance deviations as listed in exhibit A meet the requirements of Transportation Code §191.005 and recommends approval. The department notified the Attorney General of Texas as required by §191.005(a).

IT IS THEREFORE ORDERED by the commission that the railroad clearance deviations as described in exhibit A are approved.

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

**g. Speed Zones**

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

116676  
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.

The department, in consultation with the Texas Commission on Environmental Quality, has also determined that the environmental speed limit on the segment of highway established by Minute Order 109064, dated October 31, 2002, and listed in exhibit D, is no longer necessary.

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, C, and D are on file with the commission chief clerk.

**OPEN COMMENT PERIOD** - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

The commission received comments from Representative Joe Moody on transportation infrastructure; Horizon City Councilman Walter Miller on the El Paso Downtown 10 and the Border Land Expressway Projects; city of Midland Intergovernmental Relations Officer Lindsey Adams spoke about safety priorities; and Texas Rail Advocates President Peter LeCody spoke about legislative appropriation requests for exceptional items for rail projects. 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.

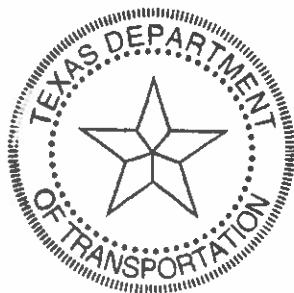
Commissioner Alvis motioned adjournment and Commissioner Meade seconded the motion. The commission voted 5 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 12:04 p.m.

APPROVED by the Texas Transportation Commission on April 25, 2024:

J. Bruce Bugg, Jr., Chairman  
Texas Transportation Commission

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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 March 28, 2024, in Austin, Texas.



Amanda Brown, Commission Chief Clerk  
Texas Department of Transportation