

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

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.

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.

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.

The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A

Submitted and reviewed by:


Interim Director, Contract Services Office

Recommended by:


Executive Director

114015 JUL 31 04

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE ACCEPTED
	Austin 129, LLC	Austin District	Williamson	The donor is donating the design and construction of a deceleration lane on SH 45 at Lyndhurst Drive to provide access to the donor's development in the City of Austin, Williamson County, Texas, as well as, the State's direct and indirect costs to review, monitor and inspect the work that is on the state right of way. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$107,973.	\$107,973	6/20/14
	Stanmore Partners LLC	Houston District	Montgomery	The donor is donating the design and construction of a left turn lane from SL 494 between E. Memorial Dr. and Northpark Dr. into the donor's multi-family development in Conroe, Montgomery County, Texas, as well as, the State's direct and indirect costs associated with the review, oversight, and inspection of this work. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$223,976.	\$223,976	6/20/14
	Texas Central High-Speed Railway, LLC	Administration and Rail Division	N/A	The donor is donating full travel costs, to include airfare, hotels, and meals, for Russell Zapalac, Chief Planning and Project Officer, and Erik Steavens, Rail Division Director, to participate in a technical fact-finding visit to Japan to study their high-speed rail system and to assess system safety including structures, environmental considerations, inspection testing, maintenance, safety procedures and operations. Expected dates of travel are July 7-12, 2014. All costs will be directly paid by the donor. The estimated value of the donation is \$18,108.	\$18,108	6/25/14