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AGENDA

TEXAS TRANSPORTATION COMMISSION
125 East 11th Street
Austin, Texas

THURSDAY
November 19, 2015

9:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. **Approval of Minutes** of the October 29, 2015 regular meeting of the Texas Transportation Commission

3. **Discussion Item**

Transportation congestion and impacts to the state ([presentation](#))

Overview of congestion impacts in the state and discussion of process, funding, and timeline to strategically address the most congested areas of the state.

4. **Unified Transportation Program (UTP)**

114417

Approve updates to the 2016 Unified Transportation Program ([MO](#))

The UTP is a 10-year statewide plan for transportation project development. The commission approved the 2016 UTP in August. This minute order updates funding allocations based on revised state and federal funding levels in fiscal year 2016 and authorizes funding on priority projects. In addition, this minute order addresses revisions to project specific program lists and includes other minor revisions or technical corrections. This minute order also includes a report on transportation development credit balances and all administrative revisions previously incorporated into the UTP, which include applied carry-over amounts from fiscal year 2015.

5. **Aviation**

114418

Various Counties - Award federal and state grant funding for airport improvement projects at various locations ([MO](#))

Federal law authorizes the award of federal funding to preserve and improve the state's general aviation system. State law authorizes the award of state funding for capital improvement projects. The airports listed in Exhibit A are eligible for award of these grant funds and the department seeks approval of the awards.

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

a. **Final Adoption**

- 114419 (1) **Chapter 1 - Management**
Amendments to §1.82, §§1.85 - 1.87 (Advisory Committees) ([MO](#))
The amendments change the rules under Chapter 1 governing advisory committees to extend the sunset dates for statutory and department advisory committees from December 31, 2015 to December 31, 2017.
- 114420 (2) **Chapter 25 - Traffic Operations**
Amendments to §25.9 - Naming of Memorial Highways and Historical Routes (General) ([MO](#))
The proposed amendments update the statutory citation and provide the approval process for local entities to assign a memorial or other identifying designation to a state highway under Transportation Code §225.002. The changes outline the procedure for local entities to apply and obtain approval for naming any part of a state highway within the local entities jurisdiction.
- 114421 (3) **Chapter 25 - Traffic Operations**
Amendments to §25.601, §25.602, and new §25.605 (Restrictions on Use of State Highways) ([MO](#))
These proposed amendments add new §25.605 and amend existing §25.601 and §25.602 to implement House Bill 3225 regarding lane restrictions for commercial motor vehicles in construction or maintenance work zones. The changes provide the procedures for TxDOT to establish lane restrictions when necessary to improve traffic safety.
- 114422 (4) **Chapter 28 - Oversize and Overweight Vehicles and Loads**
Amendments to §28.100, Purpose, §28.102, Authority's Powers and Duties, §28.104, Permit Issuance Requirements and Procedures, and §28.106, Movement Requirements and Restrictions (Hidalgo County Regional Mobility Authority Permits) ([MO](#))
The amendments implement the new bonding requirements for the issuance of oversize/overweight permits by Hidalgo County Regional Mobility Authority, as enacted by the 84th Legislature, Regular Session, in H.B. 1969.

b. **Rule Review**

- 114423 In accordance with Government Code, §2001.039, Readoption of Title 43 Texas Administrative Code Chapter 3, Public Information, Chapter 4, Employment Practices, Chapter 6, State Infrastructure Bank, Chapter 12, Public Donation and Participation Program, Chapter 13, Materials Quality, Chapter 22, Use of State Property, Chapter 23, Travel Information, Chapter 25, Traffic Operations, and Chapter 29, Maintenance ([MO](#))
State law requires a state agency to review each of its rules not later than every four years. After the review, the agency must readopt the rule, readopt the rule with amendments, or repeal the rule. The department reviews its rules on a rotating basis.

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- 114424 7. **Financial Assistance for Projects**
Transportation Infrastructure Finance and Innovation Act - **Dallas and Denton Counties** - Continue the approval of the negotiation with the United States Department of Transportation (USDOT) of a loan to the commission in an aggregate principal amount not to exceed \$300 million pursuant to the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA loan) to pay a portion of the eligible project costs of the I-35E Managed Lanes Project (project) comprising the redevelopment of approximately 28 miles of I-35E between I-635 and US 380; authorize the execution of a TIFIA loan agreement, a TIFIA loan note, a master trust agreement and first supplemental agreement for the project and ancillary documents; and authorize the designated commission representative to take all action necessary to permit the execution and delivery of the TIFIA loan agreement, the TIFIA loan note, trust agreement documents and ancillary documents on such terms as the commission representative designated under this minute order shall approve ([MO](#))
This minute order gives final approval to the TIFIA loan documents and trust agreement documents authorized pursuant to Minute Order 113744, dated October 31, 2013 and Minute Order 114075 dated September 18, 2014, to be negotiated with the TIFIA Joint Program Office of USDOT, executed and delivered, and authorizes the issuance of a TIFIA loan note in an aggregate principal amount not to exceed \$300 million, with such changes in the TIFIA loan documents and trust agreement documents as the commission representative designated under the minute order shall approve.
- 114425 8. **Traffic Operations**
Erath County - Order the prohibition or restriction of the use of fireworks in state highway rest areas in the unincorporated areas of Erath County and install signs giving notice of the order ([MO](#))
Under section 203.112 of the Texas Transportation Code, enacted through S.B. 570 by the 84th Texas Legislature, the Texas Transportation Commission must order the prohibition or restriction of the use of fireworks at state highway rest areas in unincorporated areas of a Texas county if the commissioners court of the county petitions the commission to adopt the order. The Erath County Commissioners Court passed a resolution to petition the commission to adopt such an order and agree to pay the department for the costs of the signs.
- 114426 9. **Contracts**
Award or reject contracts for maintenance, highway and building construction
These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts. The department may reschedule receipt of bids for those projects where the commission rejects all bids. Those bids accepted by the commission will result in conditional contract awards to the low bidders. Contract award conditions may involve securing funding from other sources, the contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as outlined in the project bid proposal.
- 114427 a. **Highway Maintenance and Department Building Construction**
(see attached itemized list) ([MO](#))
- b. **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) ([MO](#))

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10. **Eminent Domain Proceedings**
114428 Various Counties - Authorize the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached itemized list) ([MO](#))
Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18 (82nd Legislature), to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list.
11. **Routine Minute Orders and Reports**
114429 a. Donations to the Department
Various Districts - Consider the acknowledgment of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with 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. (See attached itemized list) ([MO](#))
The donations will ensure the safety of the traveling public.
- b. Real Estate Dispositions**
The commission must approve the sales, transfers, and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept and acknowledge donations to the state of real property that is valued at \$500 or more.
- 114430 (1) Bexar County** - I-10 at Dewhurst Road in San Antonio - Consider the sale of right of way to the abutting landowner ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and it may be sold to the abutting owner.
- 114431 (2) Coryell County** - US 190 at Garden Avenue in Copperas Cove - Consider the sale of right of way to the abutting landowner ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and it may be sold to the abutting owner.
- 114432 (3) El Paso County** - I-10 at Eastlake Boulevard in El Paso - Consider the sale of right of way to the abutting landowner ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and it may be sold to the abutting owner.
- 114433 (4) El Paso County** - SL 375 near Citrus Place and Paisano Drive - Consider the exchange of right of way with the Rescue Mission of El Paso, Inc., a Texas non-profit corporation ([MO](#))
The department and Rescue Mission of El Paso, Inc. (Rescue Mission), a Texas non-profit corporation, have negotiated an exchange of real property along the SL 375 Border West Expressway Project. The department is finalizing negotiations with Rescue Mission for the exchange in real property that was acquired but not needed for highway purposes as partial consideration for another interest in real property needed for a state highway purpose.

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11. **Routine Minute Orders and Reports (continued)**

b. **Real Estate Dispositions (continued)**

- 114434 (5) **Fort Bend County** - FM 1463 at Corbitt Road - Consider the sale of right of way to an abutting landowner ([MO](#))
The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land. Another abutting owner has waived interest in acquiring any of the land, and it may be sold to the requester.
- 114435 (6) **Fort Bend County** - I-69 at University Boulevard in Sugar Land – Consider the sale of right of way to the city of Sugar Land ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The city has requested to purchase the land, and it may be sold to the city.
- 114436 (7) **Haskell County** - US 277, east side, south of FM 618 - Consider the sale of former railroad right of way to the abutting landowners ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The abutting landowners have requested to purchase the land, and it may be sold to the abutting owners.
- 114437 (8) **Lubbock County** - I-27, formerly US 87, facility site at 308 Municipal Drive in Lubbock ([MO](#))
The district has determined that the site is no longer needed for highway purposes. The city has requested to purchase the site, and it may be sold to the city.
- 114438 (9) **Lubbock County** - SL 289, northeast corner at SH 114 in Lubbock - Consider the sale of right of way to the abutting landowner ([MO](#))
The district has determined that the land is no longer needed for highway purposes. The abutting landowner has requested to purchase the land, and it may be sold to the abutting owner.

c. **Reports**

- (1) **Compliance Office report**
State law requires the commission to establish a compliance program, which must include a compliance office to oversee the program. The compliance office is responsible for acting to prevent and detect serious breaches of department policy, fraud, waste, and abuse of office, including any acts of criminal conduct within the department. The compliance office is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.
- 114439 (2) **Travis and Williamson Counties** - Accept the Report of Actual Traffic and Revenue for the Central Texas Turnpike System (CTTS) ([MO](#))
Report of actual traffic and revenue for the CTTS as of August 31, 2015.

d. **Transportation Planning**

- 114440 (1) **Various Counties** - 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 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 ([MO](#))
The department has established a separate fund to account for and track projects and project costs funded with the SH 121 payments. This minute order authorizes changes to the list of previously-approved projects.

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11. **Routine Minute Orders and Reports (continued)**

114441

d. **Transportation Planning (continued)**

- (2) **Various Counties** - 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 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 ([MO](#))

The department has established a separate fund to account for and track projects and project costs funded with the SH 161 payments. This minute order authorizes changes to the list of previously-approved projects.

114442

e. **Speed Zones**

- Various Counties** - Establish or alter regulatory and construction speed zones on various sections of highways in the state ([MO](#))

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

12. **Executive Session Pursuant to Government Code, Chapter 551**

- a. **Section 551.071** - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.
- b. **Section 551.074** - Deliberate on the election and compensation of an interim executive director of the Texas Department of Transportation
- c. **Section 551.074** - Deliberate on the search for a new executive director of the Texas Department of Transportation
- d. **Section 551.074** - Deliberate on the election and compensation of an executive director of the Texas Department of Transportation

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.

ADJOURN

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NOTE:

Enumerated agenda items are assigned numbers for ease of reference only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action. Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Robin Carter at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-936-0942.

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**TEXAS TRANSPORTATION COMMISSION MEETING
ATTACHED LISTS
November 19, 2015**

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET**

| <u>DIST</u> | <u>COUNTY NAME</u> | <u>HIGHWAY NUMBER</u> | <u>CONTROLLING PROJECT NO.</u> |
|--------------------|-------------------------------|----------------------------------|---|
| ABL | TAYLOR | US 83 | RMC - 628902001 |
| ATL | BOWIE | FM 1840 | RMC - 629259001 |
| BMT | HARDIN | US 69 | RMC - 629238001 |
| BWD | COLEMAN | US 67 | RMC - 628297001 |
| BRY | LEON | FM 542 | RMC - 628969001 |
| CHS | HARDEMAN | US 287 | BPM - 629131001 |
| CRP | KARNES | FM 743 | RMC - 629124001 |
| FTW | TARRANT | IH 35W | RMC - 628908001 |
| HOU | HARRIS | IH 10 | RMC - 629058001 |
| HOU | HARRIS | US 59 | RMC - 628698001 |
| LRD | VAL VERDE | US 277 | RMC - 628140001 |
| PAR | GRAYSON | US 75 | RMC - 626945001 |
| PAR | HOPKINS | IH 30 | RMC - 628376001 |
| PAR | HUNT | IH 30 | RMC - 629244001 |
| PAR | LAMAR | US 82 | RMC - 629243001 |
| PAR | LAMAR | US 82 | RMC - 629245001 |
| PHR | HIDALGO | IH 2 | RMC - 629159001 |
| SJT | IRION | FM 72 | RMC - 628936001 |
| WAC | BOSQUE | SH 6 | RMC - 629016001 |
| YKM | JACKSON | SL 522 | RMC - 628943001 |

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**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

| <u>DIST</u> | <u>COUNTY NAME</u> | <u>HIGHWAY NUMBER</u> | <u>CONTROLLING PROJECT NO.</u> |
|--------------------|-------------------------------|----------------------------------|---|
| ABL | JONES | SH 6 | STP 2016(305) |
| ATL | CAMP | FM 1519 | STP 2016(286)HES |
| ATL | CASS | FM 1399 | STP 2016(338)HES |
| AUS | HAYS | FM 2439 | STP 2016(304) |
| AUS | TRAVIS | IH 35 | STP 1502(521)MM |
| AUS | TRAVIS | RM 2244 | STP 1502(598) |
| AUS | TRAVIS | US 183 | NH 2016(302) |
| BMT | ORANGE | IH 10 | NH 1502(421) |
| BWD | STEPHENS | US 180 | STP 1302(081) |
| BRY | FREESTONE | US 79 | NH 1502(526) |
| BRY | WASHINGTON | SH 36 | NH 2013(761) |
| CHS | CHILDRESS | US 287 | NH 2016(310) |
| CHS | COTTLE | FM 1038 | BR 2016(311) |
| CHS | COTTLE | PW | C 0925-14-008 |
| CHS | DONLEY | US 287 | NH 2016(308) |
| CRP | JIM WELLS | SH 359 | STP 2016(347) |
| CRP | NUECES | SH 44 | NH 2016(266) |
| CRP | NUECES | SH 44 | NH 2016(457) |
| CRP | NUECES | SH 44 | NH 2016(267) |
| CRP | REFUGIO | US 183 | STP 1502(433) |
| DAL | COLLIN | US 75 | STP 1502(083)MM |
| DAL | DALLAS | CS | BR 2013(493) |
| DAL | DENTON | FM 156 | C 718-1-64 |
| DAL | ELLIS | FM 66 | BR 1502(319) |
| DAL | KAUFMAN | FM 1836 | STP 2016(289) |
| DAL | NAVARRO | SH 31 | STP 1502(488) |

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**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET (continued)**

| <u>DIST</u> | <u>COUNTY NAME</u> | <u>HIGHWAY NUMBER</u> | <u>CONTROLLING PROJECT NO.</u> |
|--------------------|-------------------------------|----------------------------------|---|
| ELP | EL PASO | SL 375 | NH 2016(343) |
| FTW | TARRANT | IH 30 | NH 2016(183) |
| FTW | TARRANT | IH 820 | CM 1502(534) |
| FTW | TARRANT | IH 35W | NH 2016(098) |
| HOU | BRAZORIA | SH 35 | CM 2016(268) |
| HOU | GALVESTON | SH 87 | STP 2016(045)HES |
| HOU | HARRIS | FM 1876 | STP 2016(270) |
| HOU | HARRIS | SL 8 | NH 2016(448) |
| HOU | HARRIS | VA | CM 99(570) |
| HOU | HARRIS | VA | NH 2016(269) |
| LRD | WEBB | US 83 | NH 2016(282) |
| LFK | SHELBY | US 96 | NH 2016(271) |
| ODA | ECTOR | FM 1882 | STP 2016(328) |
| ODA | MIDLAND | FM 1788 | STP 1502(408) |
| PAR | HOPKINS | IH 30 | STP 2000(825)TE |
| PAR | HUNT | SH 34 | STP 1502(639) |
| PHR | HIDALGO | IH 2 | NH 2016(326) |
| PHR | HIDALGO | SH 336 | STP 2016(276)MM |
| PHR | HIDALGO | SH 364 | C 2966-1-9 |
| SJT | RUNNELS | US 83 | NH 2016(283) |
| SAT | BEXAR | IH 35 | STP 2016(297)HES |
| SAT | KENDALL | IH 10 | NH 2016(300) |
| TYL | ANDERSON | US 287 | STP 2016(290) |
| WAC | CORYELL | SH 36 | STP 2016(192) |

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**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET (continued)**

| <u>DIST</u> | <u>COUNTY NAME</u> | <u>HIGHWAY NUMBER</u> | <u>CONTROLLING PROJECT NO.</u> |
|-------------|------------------------|---------------------------|------------------------------------|
| WFS | MONTAGUE | CR | BR 2006(805) |
| YKM | AUSTIN | FM 1094 | STP 1502(478)HES |
| YKM | MATAGORDA | FM 457 | STP 2016(279) |
| YKM | VICTORIA | FM 1432 | STP 2016(280) |
| YKM | WHARTON | US 59 | NH 1502(476) |

**EMINENT DOMAIN
NON-CONTROLLED ACCESS**

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Denton | FM 720 | 3 | 1567-01-038 | 26 |
| Denton | FM 720 | 4 | 1567-01-038 | 24 |
| Denton | FM 720 | 5 | 1567-01-038 | 20 |
| Ellis | FM 875 | 1 | 1159-01-025 | 3 |
| Ellis | FM 875 | 6 | 1159-01-025 | 5 |
| Ellis | FM 875 | 8 | 1159-01-026 | 1 |
| Ellis | FM 875 | 2 | 1159-01-028 | 3 |
| Ellis | FM 875 | 7 | 1159-01-028 | 2 |
| Fort Bend | US 90A | 9 | 0027-06-059 | 3 |
| Fort Bend | FM 1640 | 10 | 1683-01-039 | 2 |

CONTROLLED ACCESS

| <u>COUNTY</u> | <u>HIGHWAY</u> | <u>EXHIBIT</u> | <u>ROW CSJ NO.</u> | <u>PARCEL</u> |
|---------------|----------------|----------------|--------------------|---------------|
| Fort Bend | IH 69 | E | 0027-12-125 | 15 |
| McLennan | IH 35 | A | 0015-01-234 | 105 |
| McLennan | IH 35 | B | 0015-01-234 | 119B |
| McLennan | IH 35 | C | 0015-01-234 | 121 |
| McLennan | IH 35 | F | 0015-01-234 | 166 |
| Tarrant | SH 183 | D | 0364-05-038 | 55 |

DONATIONS TO THE DEPARTMENT

| <u>DONOR</u> | <u>DIST</u> | <u>COUNTY</u> | <u>DONATION DESCRIPTION</u> |
|--------------------------------------|-------------|---------------|---|
| Collette Shelton | SAT | Bexar | Design and construction of a storm drain under Loop 13 (W.W. White Road) in San Antonio. |
| Haven Campus Communities - Waco, LLC | WAC | McLennan | Design and construction of two 72" cross drainage culvert structures under FM 434 (University Blvd.) in Waco. |

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DONATIONS TO THE DEPARTMENT (continued)

| <u>DONOR</u> | <u>DIST</u> | <u>COUNTY</u> | <u>DONATION DESCRIPTION</u> |
|--|--------------------|----------------------|--|
| Laredo Town Center, L.P. | LRD | Webb | Design and construction of road widening, raised median, turning lanes, and pavement markings along Loop 20 in Laredo. |
| NB46 Holdings LLC | SAT | Guadalupe | Design and construction of a left turn lane on FM 725 in New Braunfels. |
| N2I One, LLC | SAT | Medina | Design and construction for pavement widening and a left turn lane on FM 471 in San Antonio. |
| Precast/Prestressed Concrete Institute | BRG | N/A | Travel costs for Gregg A. Freeby, P.E., to attend and participate in the PPCI Committee Days in Louisville, KY on 10/15-18/2015. |
| Rankin Road Investments L.L.C. | HOU | Harris | Design and construction of a deceleration lane from the eastbound BW 8 feeder road at Chaplin Street in Houston. |
| RFellers 725, LLC | SAT | Guadalupe | Design and construction of a left turn lane on FM 725 in New Braunfels. |
| Stratford Lions Club | TRF | Sherman & Dallam | Funds sufficient to design, fabricate, and install two memorial highway signs. |
| Wal-Mart Real Estate Business Trust | SAT | Guadalupe | Design and construction of ROW improvements on the south frontage road of I-10 between SH 46 and FM 78 in Seguin. |