

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.

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. Exhibits B-1 and B-2 list 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, B-1 and B-2.

Submitted and reviewed by:

Director, Contract Services Division

Recommended by:

Executive Director

115357 OCT 25 '18

Minute Date
Number Passed

**EXHIBIT A
DONATIONS
October 25, 2018**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	Ansley Corporation	Waco District	Bell	The donor is donating the design and construction of widening existing roadway and a left turn lane from FM 439 onto High Crest Drive in Belton, Bell County, Texas. Work will be performed by the donor, its consultant, or its contractor. The estimated value of the donation is \$200,000.	\$200,000	9/14/2018
2.	Belton Economic Development Corporation	Waco District	Bell	The donor is donating the design and construction of widening a short portion of Loop 121 at West Avenue D to facilitate the installation of a northbound left turn lane on Loop 121 in Belton, Bell County, Texas. The northbound left turn lane will provide a left turn movement onto the proposed extension of West Avenue D from Loop 121 to Kennedy Court and Powell Avenue located in the Belton Business Park and provide access to the proposed West Avenue D from the east and from the north. The work includes widening Loop 121 by 9 feet in a southerly direction of the west side of Loop 121 from the Avenue D intersection for approximately 500 feet, the southeast quadrant of the intersection to hand the roadway traffic traveling to the west and to the east side of the proposed four-way intersection. Work will be performed by the donor, its consultant, or its contractor. The estimated value of the donation is \$360,000.	\$360,000	9/06/2018

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
3.	Black Mountain Sand, LLC	Odessa District	Winkler	The donor is donating the design, construction and construction engineering inspection (CEI) of highway improvements to include the addition of acceleration and deceleration lanes, additional travel and passing lanes, and turning lanes along SH 302 to access the El Dorado Commercial Plant in Winkler County, Texas. All design, construction, and CEI work will be provided by the donor, its consultant or its contractor. The State will include the construction work as part of the El Dorado Phase II Project. The estimated value of the donation is \$2,500,000. <i>(Replaces previously acknowledged donation due to decrease in value from \$2,502,000.)</i>	\$2,500,000	10/02/2018
4.	Black Mountain Sand, LLC	Odessa District	Winkler	The donor is donating the design, construction and construction engineering inspection (CEI) of highway improvements to include the addition of acceleration and deceleration lanes, additional travel and passing lanes, and turning lanes along SH 302 to access the Vest Commercial Plant in Winkler County, Texas. All design, construction, and CEI work will be provided by the donor, its consultant or its contractor.. The State will include the construction work as part of the Vest Phase II Project. The estimated value of the donation is \$2,500,000. <i>(Replaces previously acknowledged donation due to decrease in value from \$2,502,000.)</i>	\$2,500,000	10/02/2018
5.	Burleson Sand LLC	Bryan District	Burleson	The donor is donating the design and construction of an acceleration lane and an overlay on FM 908 along with turning radius improvements near the intersection of FM 908 and SH 21 in Burleson County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$360,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces donation previously acknowledged for WildHorse Resources Management Company, LLC on 8/30/2018 due to change in donor.)</i>	\$360,000	9/23/2018

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
6.	Carma Paso Robles LLC	Austin District	Hays	The donor is donating the design and construction of a traffic signal at the intersection of FM 2439 and Centerpoint Road, San Marcos, Hays County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$350,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$350,000	9/20/2018
7.	Central Southwest Texas Development. L.L.C.	Austin District	Williamson	The donor is donating the design and an amount sufficient to cover the State's cost to construct and inspect a hooded left turn lane and right turn lane on RM 620 from 0.232 Miles E. of O'Connor Dr. to 0.568 Miles E. of O'Connor Dr. in Round Rock, Williamson County. The design will be provided by the Donor, its consultant or contractor. The estimated value of the donation is \$140,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$140,000	9/18/2018
8.	CSW Wolf, LP	Austin District	Williamson	The donor is donating the design and construction of: 1) a right turn deceleration lane and relocation of existing bus stop on SH 29 eastbound from 0.121 miles east of IH 35 northbound frontage road to 0.191 miles east of IH 35 north bound frontage road and 2) two right turn deceleration lanes on IH 35 north bound frontage road from 0.119 miles south of SH 29 to 0.383 miles south of SH 29 in Williamson County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$240,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces donation previously acknowledged for Central Southwest Texas Development. L.L.C. on 9/27/18 due to change in donor.)</i>	\$240,000	9/18/2018

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
9.	ExxonMobil Oil Corporation	Beaumont District	Jefferson	The donor is donating the design and construction of a turn-around bridge on Spur 380 at Virginia Avenue, the construction of a raised traffic channelizing island on Spur 380 at Olin Road, and restriping of northbound Spur 380 at US 69 in Beaumont, Jefferson County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$ 3,100,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces donation previously acknowledged on 9/05/2018 due to a change in the scope of work).</i>	\$3,100,000	10/01/2018
10.	Fikes Wholesale, Inc.	Tyler District	Smith	The donor is donating the design and construction of approximately 270 feet of additional left turn deceleration lane from eastbound SH 31 onto northbound FM 2661 in Tyler, Smith County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$35,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$35,000	9/14/2018
11.	LGI Homes-Texas, LLC	Austin District	Travis	The donor is donating a fixed sum of \$225,771 to cover the State's cost to construct a traffic signal at the intersection of Highway US 290 and Bois D'Arc Road in Manor, Travis County, Texas. All design and construction work will be provided by the State. The State will include the construction work as part of the current project CSJ 0914-00-399. The donor will pay the State's direct and indirect costs to review, monitor, let, inspect the work on the state right of way. <i>(Replaces donation previously acknowledged for LGI Homes- of Texas, LLC on 9/27/18 due to change in donor.)</i>	\$225,771	9/08/2018

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
12.	Ly and Nguyen Partners, LLC	Austin District	Travis	The donor is donating the design and construction of the northbound deceleration lane improvements proposed along Parmer Lane just south of the intersection of Harris Ridge Blvd. to serve Driveway 1 of the Parmer Village project in Austin, Travis County, Texas. All design and construction will be performed by the Donor, its consultant or its contractor. Construction of all improvements within State right of way will be in accordance with State specifications. The estimated value of the donation is \$140,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$140,000	9/08/2018
13.	MarMaxx Operating Corp.	San Antonio	Bexar	The donor is donating a plan, specification and estimate (PS&E) package for CSJ 0073-02-071, which includes schematic exhibits and traffic analysis of the project intersection improvements, project PS&E for bidding and construction of the proposed improvements, design support during and through the end of construction, and all environmental studies, reports, and documentation associated with project. TxDOT will incur all charges associated with 0073-02-071 unrelated to the PS&E package. The estimated value of the donation is \$250,000.	\$250,000	9/14/2018
14.	Nueces County Junior Livestock Show Association, Incorporated	Traffic Operations Division	Nueces	The donor is donating a fixed sum of \$1,863 to design, fabricate, and install two memorial highway designation signs on the portion of FM 666 between SH 44 and FM 624, designated as the Kollyn Gene Barton Memorial Highway within Nueces County, Texas. The design, fabrication, and installation of the signs will be performed by the State.	\$1,863	10/01/2018
15.	"Odessa Development Corporation"	Odessa District	Ector	The donor is donating fixed sum of \$364,110 towards the State's cost of improvements of constructing a new interchange at the intersection of US 385 and SL 338 in Ector County, Texas. The funds can be used at any phase of the project development at the State's discretion under project (CSJ# 2224-01-102).	\$364,110	10/01/2018

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
16.	Pflugerville Community Development Corporation	Austin District	Williamson	The donor is donating modifications to access Typhon Texas in Pflugerville, Williamson County, Texas. The work consists of improvements to an existing driveway, construction of a new driveway at the intersection of FM 685 and Town Center Drive, right turn acceleration and deceleration lanes, left turn lane, signal upgrades, and modifying pavement markings along FM 685. All design and construction work will be provided by the Donor, its consultant or its contractor. The estimated value of the donation is \$630,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$630,000	9/23/2018
17.	Quiktrip Corporation	San Antonio District	Bexar	The donor is donating the redesign and construction of a traffic signal at the intersection of Potranco Road (FM 1957) at American Lotus in San Antonio, Bexar County, Texas. The plans include work to install new pole and mast arms on SW corner, pedestrian poles on NW and NE corners, pedestrian ADA ramps, Audible Pedestrian Signals, and Radar Detection. All design and construction will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$80,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way. <i>(Replaces donation previously acknowledged for McCombs Family Partners, Ltd. on 7/26/18 due to change in donor.)</i>	\$80,000	9/06/2018
18.	Southerland Boerne Land, LLC	San Antonio District	Kendall	The donor is donating the design and construction of a northbound left turn lane on FM 474 approximately 1,100 feet north of Kreutzberg Road in Kendall County, Texas. The work will be performed by the donor, its consultant, or its contractor. The estimated value of the donation is \$290,000.	\$290,000	9/14/2018

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
19.	The Crow Group, Series LLC	Austin District	Williamson	The donor is donating the design and construction of right turn lane on I-35 NBFR from 1890' south of Round Rock Avenue to 400' north of McNeil Road, Round Rock, Williamson County, Texas. All design and construction will be provided by the Donor, its consultant, or contractor. The estimated value of the donation is \$62,000, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$62,000	9/14/2018
20.	The Institute of Internal Auditors	Administration	N/A	The donor is donating registration fees and travel expenses, to include airfare, meals and lodging, for Benito Ybarra to attend and present at the 2018 The Institute of Internal Auditors All Star Conference in Las Vegas, Nevada on October 22-28, 2018. The costs are estimated to be \$2,900, all of which will be paid by donor.	\$2,900	9/18/2018
21.	U.S. Silica Company	Lubbock District	Dawson	The donor is donating the design, construction and construction engineering inspection (CEI) of highway improvements to include the addition of acceleration lanes, deceleration lanes, improvements to surface drainage and installation of small roadside warning signs along SH 137 in Dawson County, Texas. All design, construction and CEI work will be provided by the donor, its consultant or its contractor. The Donor will be responsible for the State's costs, acceptable design of highway improvements, roadway construction, construction materials, and CEI for both material testing and construction inspection. The estimated value of the donation is \$1,700,000, which includes payment for all state direct and indirect costs for reviewing proposed construction plans, specifications and estimates, and performing limited quality assurance inspection/testing and inspection of the work that is on the state right of way.	\$1,700,000	9/14/2018

**EXHIBIT B-1
DONATIONS
October 25, 2018**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1	Platinumfades Barbershop	Austin District	Travis	The donor is donating \$1,440 in exchange for Sponsor A Highway signage on the State's right of way for a period of 2 years.
2	Platinumfades Barbershop	Austin District	Williamson	The donor is donating \$1,440 in exchange for Sponsor A Highway signage on the State's right of way for a period of 2 years.
3	Kirin Court	Dallas District	Dallas	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
4	Carl Nelson Enterprises LLC dba Chick-Fil-A	Dallas District	Dallas	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
5	Custom Compounding Pharmacy LLC	Fort Worth District	Parker	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
6	McLane Arlington	Fort Worth District	Tarrant	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
7	Old Republic Title	Fort Worth District	Tarrant	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
8	Parker Law Firm	Fort Worth District	Tarrant	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
9	Ravi Hospitality LLC dba Super 7 Inn	Fort Worth District	Tarrant	The donor is donating 8 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
10	Sneha Corporation dba Delux Inn	Fort Worth District	Tarrant	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.
11	Tripoli LLC dba IHOP	Fort Worth District	Tarrant	The donor is donating 4 miles of litter pick up per year for 2 years in exchange for Sponsor A Highway signage on the State's right of way.

**EXHIBIT B-2
DONATIONS
October 25, 2018**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1	GEICO	TRV	Various	The donor is donating \$181,944.60 to TxDOT to renew the Safe Phone Zone sponsorship at various Safety Rest Areas and Travel Information Centers for a period of one year.