

These are the minutes of the regular meeting of the Texas Transportation Commission held on December 10, 2020, in Austin, Texas. Due to COVID-19 and the Governor's Proclamation of March 13, 2020, declaring a state of disaster for all counties in Texas, the meeting was conducted with the commissioners at the dais and the public accessing the meeting via www.txdot.gov and a toll free telephone line. The meeting was called to order at 10:01 a.m. by Chairman Bugg.

Texas Transportation Commission:

J. Bruce Bugg, Jr.	Chairman
Laura Ryan	Commissioner
Alvin New	Commissioner
Robert C. Vaughn	Commissioner

Commissioner Alvin New attended by telephone conference call.

Administrative Staff:

James Bass, Executive Director
 Jeff Graham, General Counsel
 Robin Carter, 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 4:44 p.m. on December 2, 2020, as required by Government Code, Chapter 551, referred to as "The Open Meetings Act."

ITEM 1. Meeting Guidelines

Executive Director James Bass provided guidance and instruction for the meeting. The public was invited to watch and listen to the meeting through the Texas Department of Transportation website, www.txdot.gov. In addition, for those members of the public who wanted to make a comment on an agenda item or comment during the open comment period of the meeting a toll free number was provided on the agenda and the callers were assisted by operators on the call.

ITEM 2. Consider the approval of the Minutes of the November 12, 2020, regular meeting of the Texas Transportation Commission

Commissioner Vaughn made a motion, which was seconded by Commissioner New, and the commission approved the minutes of the November 12, 2020, regular meeting by a vote of 4 - 0.

ITEM 3. Acknowledgment of Service

Recognize by resolution San Antonio District Engineer Mario Jorge, P.E., for more than 36 years of service to the department

This resolution was presented by Chief Engineer Bill Hale. The commissioners and Executive Director Bass thanked District Engineer Jorge and made additional remarks. District Engineer Jorge thanked his TxDOT family and friends, department administration, and the commission.

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 Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115899
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 December 2 and 3, 2020, 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 Executive Director James Bass. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115900
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 December 2 and 3, 2020, 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 Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115901
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 opened and read on December 1, 2020, 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 or rejected 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. Unified Transportation Program

Consider the approval of an addition to the 2021 Unified Transportation Program (UTP) (MO) (Presentation)

This item was presented by Project Planning and Development Director Brian Barth. The commission heard remarks from State Representative Terry Canales. In addition, the chairman referenced letters of support from S. David Deanda, Jr., Chairman, Hidalgo County Regional Mobility Authority and from the Rio Grande Valley legislative delegation, including Senator Juan "Chuy" Hinojosa, Senator Eddie Lucio, Jr., State Representative Armando "Mando" Martinez, State Representative Sergio Munoz, Jr., State Representative Terry Canales, State Representative Oscar Longoria, and State Representative Bobby Guerra. Commissioner New made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115902
TPP

Transportation Code, §201.991 provides that the Texas Department of Transportation (department) shall develop a Unified Transportation Program (UTP) covering a period of 10 years to guide the development of and authorize construction of transportation projects.

The Texas Transportation Commission (commission) has adopted rules in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects. The rules include guidance regarding the development of the UTP and any updates to the program, as well as public involvement requirements.

The 2021 UTP was approved by the commission on August 27, 2020 by Minute Order 115814.

The department conducted a virtual public meeting across the state on November 2, 2020, and a virtual public hearing on November 23, 2020, to receive comments and testimony concerning the proposed addition to the 2021 UTP.

The addition to the 2021 UTP, which is attached as Exhibit A, includes a project specific authorization for the 365 Tollway Project.

IT IS THEREFORE ORDERED by the commission that the addition to the 2021 UTP, as shown in Exhibit A, is hereby approved.

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

ITEM 6. Discussion Item**Texas - Mexico Border Transportation Master Plan (Presentation)**

This discussion was led by Freight, Trade, and Connectivity Section Director Caroline Mays. Following the presentation, the commission took a short break from 12:02 p.m. to 12:12 p.m. The commission then heard from Secretary of State and Chairman of the Border Trade Advisory Committee Ruth Hughes. The commission heard additional remarks from former Border Trade Advisory Committee member Sam Vale, past chairman of the Ports to Plains Alliance Sid Cauthorn, State Representative Lina Ortigas, Eagle Pass Mayor Luis Sifuentes, Eagle Pass City Manager George Antuna, Webb County Area MPO Director Kirby Snidemann, Ports to Plains Alliance Chairman John Osborne, IBC Executive Vice President Gerald Schwebel, Del Rio City Manager Matt Wojnowski, RGV Partnership President and CEO Sergio Contreras, District Communications Director for Senator Jose Rodriguez Sito Negrón, El Paso Director of Bridges (name unclear), and El Paso MPO Director Eduardo Calvo. Secretary Hughes made closing remarks. The commission asked questions and discussed the topic.

ITEM 7. Aviation**Various Counties - Consider the award of federal non-primary entitlement grant funding, federal apportionment grant funding, and state grant funding for airport improvement projects at various locations (MO) (Presentation)**

This item was presented by Deputy Executive Director Marc Williams. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115903
AVN

The Texas Department of Transportation (department) is authorized under Title 49, United States Code, Chapter 471, 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.

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, and state grant funds for the improvements.

On November 9, 2020, a public hearing was held. No comments were received.

IT IS THEREFORE ORDERED by the Texas Transportation 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 8. Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**a. Rule Proposals****(1) Chapter 1 - Management****Amendments to §1.85, Department Advisory Committees (Advisory Committees) (MO)**

This item was presented by Deputy Executive Director Marc Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115904
PTN

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §1.85 relating to Department Advisory Committees 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 §1.85 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.

(2) Chapter 9 - Contract and Grant Management

Amendments to §9.130 and §9.131, Repeal of §§9.132 - 9.139, and new §§9.132 - 9.135 (Grant Sanctions) (MO)

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115905
CMP

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§9.130 and 9.131, the repeal of §§9.132 – 9.139, and new §§9.132 – 9.135 relating to Grant Sanctions 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, and C, 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 §§9.130 and 9.131, the repeal of §§9.132 – 9.139, and new §§9.132 – 9.135 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 - C are on file with the commission chief clerk.

b. Final Rule Adoptions

(1) Chapter 11 - Design

Amendments to §§11.403 - 11.406 and 11.411 (Transportation Alternatives Set-Aside Program) (MO)

This item was presented by Deputy Executive Director Marc Williams. Commissioner Vaughn made a motion, which was seconded by Commissioner Ryan, and the commission approved the following minute order by a vote of 4 - 0.

115906
PTN

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §§11.403-11.406, and §11.411 relating to Transportation Alternatives Set-Aside Program to be codified under Title 43, Texas Administrative Code, Part 1.

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

IT IS THEREFORE ORDERED by the commission that the amendments to §§11.403-11.406, and §11.411 are adopted and are authorized for filing with the Office of the Secretary of State.

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

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

(2) Chapter 27 - Toll Projects

New §27.86, Veteran Discount Program (Operation of Department Toll Projects) (MO)

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute order by a vote of 4 - 0.

115907
TOD

The Texas Transportation Commission (commission) finds it necessary to adopt new §27.86 relating to Veteran Discount Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted new section, 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 new §27.86 is adopted and is authorized for filing with the Office of Secretary of State.

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

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

ITEM 9. Eminent Domain Proceedings

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

This item was presented by Executive Director James Bass. Commissioner Vaughn 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 Ryan and the following minute order was approved by Chairman Bugg, Commissioner Ryan, Commissioner New, and Commissioner Vaughn (a vote of 4 - 0).

115908
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-GG. 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 1-200 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:

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Denton	IH 35	CC	0195-02-079	N149
Denton	IH 35	FF	0195-02-079	N169
Denton	IH 35	EE	0195-02-079	N171
Denton	IH 35	DD	0195-02-079	N176
Denton	IH 35	X	0195-02-079	S148
Denton	IH 35	W	0195-02-079	S157
Denton	IH 35	GG	0195-02-079	S160
Denton	IH 35	BB	0195-02-079	S164,S164E
Denton	IH 35	P	0195-03-091	27
Denton	IH 35E	Q	0196-02-115	300
Guadalupe	IH 10	AA	0535-01-076	4
Kaufman	IH 20	A	0495-01-080	3
Kaufman	IH 20	B	0495-01-080	4
Kaufman	IH 20	C	0495-01-080	5,5E
Kaufman	IH 20	D	0495-01-080	6
Kaufman	IH 20	I	0495-01-080	7,7E
Kaufman	IH 20	E	0495-01-080	8
Kaufman	IH 20	F	0495-01-080	9
Kaufman	IH 20	G	0495-01-080	10,10E
Kaufman	IH 20	H	0495-01-080	11
Kaufman	IH 20	J	0495-01-080	12
Kaufman	IH 20	K	0495-01-080	13
Kaufman	IH 20	L	0495-01-080	18
Kaufman	IH 20	M	0495-01-080	20
Kaufman	IH 20	N	0495-01-080	22
Kaufman	IH 20	O	0495-01-080	23
Kaufman	IH 20	R	0495-01-080	26
Kaufman	IH 20	S	0495-01-080	27
Kaufman	IH 20	T	0495-01-080	30
Madison	SH 21	U	0117-10-002	400
Nolan	IH 20	Z	0006-02-123	7
Nolan	IH 20	Y	0006-02-123	14,14AC
Tarrant	IH 820	V	0008-13-242	428

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Collin	US 75	197	0047-06-169	5
Comal	FM 2252	96	1433-02-045	18
Dallas	SH 66	31	0009-03-049	1
Dallas	SH 66	32	0009-03-049	2
Dallas	SH 66	33	0009-03-049	3
Dallas	SH 66	34	0009-03-049	4
Dallas	US 80	149	0095-02-123	1
Dallas	US 80	150	0095-02-123	2
Dallas	US 80	151	0095-02-123	3
Dallas	US 80	153	0095-02-123	7

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	US 80	155	0095-02-123	8
Dallas	US 80	156	0095-02-123	9
Dallas	US 80	154	0095-02-123	10
Dallas	US 80	157	0095-02-123	12
Dallas	US 80	159	0095-02-123	13
Dallas	US 80	160	0095-02-123	18
Dallas	US 80	162	0095-02-123	19
Dallas	US 80	163	0095-02-123	20
Dallas	US 80	164	0095-02-123	21
Dallas	US 80	166	0095-02-123	22
Dallas	US 80	167	0095-02-123	23
Dallas	US 80	169	0095-02-123	24
Dallas	US 80	170	0095-02-123	25
Dallas	US 80	171	0095-02-123	26
Dallas	US 80	174	0095-02-123	28
Dallas	US 80	172	0095-02-123	29
Dallas	US 80	173	0095-02-123	30
Dallas	US 80	175	0095-02-123	31
Dallas	US 80	176	0095-02-123	32
Dallas	US 80	182	0095-02-123	33
Dallas	US 80	177	0095-02-123	34
Dallas	US 80	178	0095-02-123	35
DeWitt	SH 72	108	0270-01-055	151
DeWitt	SH 72	109	0270-01-055	152
DeWitt	SH 72	110	0270-01-055	153
DeWitt	SH 72	111	0270-01-055	154
DeWitt	SH 72	112	0270-01-055	155
DeWitt	SH 72	113	0270-01-055	156
DeWitt	SH 72	118	0270-01-055	157
DeWitt	SH 72	119	0270-01-055	158
DeWitt	SH 72	120	0270-01-055	162
DeWitt	SH 72	121	0270-01-055	163
DeWitt	SH 72	122	0270-01-055	164
DeWitt	SH 72	123	0270-01-055	165
DeWitt	SH 72	92	0270-01-055	166
DeWitt	SH 72	93	0270-01-055	167
DeWitt	SH 72	94	0270-01-055	171
DeWitt	SH 72	95	0270-01-055	174
DeWitt	SH 72	124	0270-01-055	176
DeWitt	SH 72	125	0270-01-055	177
DeWitt	SH 72	84	0270-01-055	178
DeWitt	SH 72	68	0270-01-055	179
DeWitt	SH 72	69	0270-01-055	180
DeWitt	SH 72	70	0270-01-055	181
DeWitt	SH 72	71	0270-01-055	182
DeWitt	SH 72	72	0270-01-055	186

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
DeWitt	SH 72	73	0270-01-055	188
DeWitt	SH 72	74	0270-01-055	189
DeWitt	SH 72	75	0270-01-055	191
DeWitt	SH 72	76	0270-01-055	192
DeWitt	SH 72	141	0270-01-055	194
DeWitt	SH 72	78	0270-01-055	195
DeWitt	SH 72	77	0270-01-055	197
DeWitt	SH 72	85	0270-01-055	205
DeWitt	SH 72	114	0270-01-055	209
DeWitt	SH 72	86	0270-01-055	210
DeWitt	SH 72	87	0270-01-055	211
DeWitt	SH 72	88	0270-01-055	212
DeWitt	SH 72	142	0270-01-055	213
DeWitt	SH 72	144	0270-01-055	215
DeWitt	SH 72	89	0270-01-055	216
DeWitt	SH 72	106	0270-01-055	218
DeWitt	SH 72	107	0270-01-055	219
DeWitt	SH 72	116	0270-01-055	220
DeWitt	SH 72	90	0270-01-055	221
DeWitt	SH 72	117	0270-01-055	227
DeWitt	SH 72	115	0270-01-055	231
DeWitt	SH 72	91	0270-01-055	249
Hidalgo	FM 493	139	0863-01-057	132
Kaufman	US 80	181	0095-03-095	37
Kaufman	US 80	183	0095-03-095	38
Kaufman	US 80	185	0095-03-095	39
Kaufman	US 80	186	0095-03-095	40
Kaufman	US 80	189	0095-03-095	42
Kaufman	US 80	191	0095-03-095	49
Kaufman	FM 460	192	0095-03-096	46
Kaufman	FM 460	193	0095-03-096	47
Kaufman	FM 460	194	0095-03-096	48
Kaufman	FM 548	5	2588-01-019	55,55E
Kaufman	FM 548	6	2588-01-019	56
Kaufman	FM 548	7	2588-01-019	57,57E
Kaufman	FM 548	17	2588-01-019	58
Kaufman	FM 548	8	2588-01-019	59
Kaufman	FM 548	9	2588-01-019	60
Kaufman	FM 548	10	2588-01-019	73,73E
Kaufman	FM 548	11	2588-01-019	74,74E
Kaufman	FM 548	12	2588-01-019	75
Kaufman	FM 548	13	2588-01-019	76
Kaufman	FM 548	14	2588-01-019	77
Kaufman	FM 548	15	2588-01-019	78
Kaufman	FM 548	16	2588-01-019	79
Kaufman	FM 548	18	2588-01-019	80

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Kaufman	FM 548	19	2588-01-019	81,81E
Kaufman	FM 548	20	2588-01-019	82
Kaufman	FM 548	21	2588-01-019	83
Kaufman	FM 548	22	2588-01-019	84,84E
Kaufman	FM 548	23	2588-01-019	85
Kaufman	FM 548	24	2588-01-019	86E
Kaufman	FM 548	25	2588-01-019	87,87E
Kaufman	FM 548	26	2588-01-019	88
Kaufman	FM 548	27	2588-01-019	89
Kaufman	FM 548	28	2588-01-019	90
Lubbock	FM 1585	1	1502-01-037	325
Lubbock	FM 1585	3	1502-01-037	332
Madison	SH 21	4	0117-03-034	29
Madison	SH 21	38	0117-04-044	605
Madison	SH 21	152	0117-04-044	665
Madison	SH 21	39	0117-04-044	667
Madison	SH 21	199	0117-04-044	689
Madison	SH 21	147	0117-04-044	695
Madison	SH 21	148	0117-04-044	711
Montague	US 82	30	0044-04-062	52
Montague	US 82	40	0044-04-062	53
Montague	US 82	42	0044-04-062	57
Montague	US 82	43	0044-04-062	64
Montague	US 82	44	0044-04-062	64A
Montague	US 82	56	0044-04-062	66
Montague	US 82	57	0044-04-062	70
Montague	US 82	61	0044-04-062	75
Montague	US 82	60	0044-04-062	75A
Montague	US 82	58	0044-04-062	79
Montague	US 82	45	0044-04-062	80
Montague	US 82	46	0044-04-062	81,81E
Montague	US 82	59	0044-04-062	113
Montague	US 82	41	0044-04-062	124
Montague	US 82	67	0044-04-063	42
Montague	US 82	62	0044-04-063	44
Montague	US 82	29	0044-04-063	47
Montague	US 82	79	0044-04-063	123
Montgomery	SH 105	136	0338-04-072	3
Montgomery	SH 105	97	0338-04-072	4
Montgomery	SH 105	2	0338-04-072	34
Montgomery	SH 105	196	0338-04-073	201
Montgomery	SH 105	126	0338-04-074	408
Montgomery	SH 105	63	0338-04-074	435
Montgomery	SH 105	65	0338-04-074	439
Montgomery	SH 105	195	0338-04-074	446
Montgomery	SH 105	64	0338-04-074	450

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Rockwall	SH 66	35	0009-04-073	5
Rockwall	SH 66	36	0009-04-073	6
Rockwall	SH 66	37	0009-04-073	7
Rockwall	FM 552	66	1017-01-017	77
Rockwall	SH 276	80	1290-03-021	1
Rockwall	SH 276	81	1290-03-021	2
Rockwall	SH 276	82	1290-03-021	3
Rockwall	SH 276	83	1290-03-021	4
Rockwall	SH 276	98	1290-03-021	5
Rockwall	SH 276	99	1290-03-021	6
Rockwall	SH 276	100	1290-03-021	7
Rockwall	SH 276	101	1290-03-021	8
Rockwall	SH 276	102	1290-03-021	9
Rockwall	SH 276	103	1290-03-021	10
Rockwall	SH 276	104	1290-03-021	11
Rockwall	SH 276	105	1290-03-021	12
Rockwall	SH 276	127	1290-03-021	13
Rockwall	SH 276	128	1290-03-021	14
Rockwall	SH 276	129	1290-03-021	15
Rockwall	SH 276	130	1290-03-021	16
Rockwall	SH 276	131	1290-03-021	17
Rockwall	SH 276	132	1290-03-021	18
Rockwall	SH 276	133	1290-03-021	22
Rockwall	SH 276	134	1290-03-021	23
Rockwall	SH 276	135	1290-03-021	24
Rockwall	SH 276	137	1290-03-021	25
Rockwall	SH 276	138	1290-03-021	26
Rockwall	SH 276	140	1290-03-021	27
Rockwall	SH 276	143	1290-03-021	28
Rockwall	SH 276	145	1290-03-021	29
Rockwall	SH 276	146	1290-03-021	30
Rockwall	SH 276	158	1290-03-021	31
Rockwall	SH 276	161	1290-03-021	32
Rockwall	SH 276	165	1290-03-021	33
Rockwall	SH 276	168	1290-03-021	34
Rockwall	SH 276	179	1290-03-021	35
Rockwall	SH 276	180	1290-03-021	36
San Jacinto	SH 105	47	0338-06-013	600
San Jacinto	SH 105	48	0338-06-013	601
San Jacinto	SH 105	49	0338-06-013	602
San Jacinto	SH 105	50	0338-06-013	603
San Jacinto	SH 105	51	0338-06-013	604
San Jacinto	SH 105	52	0338-06-013	605
San Jacinto	SH 105	53	0338-06-013	606
San Jacinto	SH 105	54	0338-06-013	607
San Jacinto	SH 105	55	0338-06-013	608

NON-CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Smith	FM 2493	200	0191-03-087	3
Travis	US 290	198	0113-08-089	108
Wilson	SL 321	184	0143-14-008	145
Wilson	SL 321	187	0143-14-008	146
Wilson	SL 321	188	0143-14-008	147
Wilson	SL 321	190	0143-14-008	148

Note: Exhibits A - GG and 1 - 200 are on file with the commission chief clerk.

ITEM 10. Routine Minute Orders and Reports

This item was presented by Executive Director James Bass. Commissioner Ryan made a motion, which was seconded by Commissioner Vaughn, and the commission approved the following minute orders by a vote of 4 - 0.

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

115909
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

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Applewhite Meadows, Ltd.	SAT	Bexar	Design and construction of a proposed traffic signal and widening of a section of SH 16 approximately 0.35 miles north of the intersection of SH 16 and Applewhite Road to accommodate a left turn deceleration lane into Applewhite Meadows development in San Antonio.
Belton Land LLC	WAC	Bell	Design and construction of a deceleration lane on the northbound frontage road of IH 35 south of Grove Road in Belton.
Coke R. Stevenson Memorial Corporation	TRF	Kimble	Funds to cover the state's cost to design, fabricate, and install two memorial highway designation signs on the portion of US 377 between the western municipal boundary of Junction to County Road 120 within Kimble County.
Fred Weber, Inc.	AUS	Hays	Design and construction of a deceleration lane for a driveway on SH 21 approximately 1 mile south of the intersection of SH 21 and FM 150 in Kyle.
GC Garden Oaks, L.P.	HOU	Harris	Design and construction of a left turn lane from northbound N. Shepherd Drive into the donor's development in Houston.
Hunter's Creek Interests, Ltd.	BRY	Walker	Design and construction of a left turn lane on eastbound SH 75 into the donor's property located in Huntsville.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Mackenzie Creek, Ltd.	HOU	Montgomery	Design and construction of a traffic signal on Loop 336 at Barton Woods Blvd. in Conroe.
Magnolia East 149, L.L.C.	HOU	Montgomery	Design and construction of a new traffic signal at Spur 149 at Red Creek Circle (new street), approx. 1,000 feet south of FM 1488; modifications to the existing signal at FM 1488 at Spur 149; and restriping of FM 1488 from 500 feet East and 500 feet West of Spur 149 for a westbound dual left turn lane into the donor's development in Magnolia.
Manvel Town Center, Ltd.	HOU	Brazoria	Design and construction of a traffic signal and roadway tie with deceleration lanes at the intersection of future Kirby Drive and SH 6 as well as two driveways with deceleration lanes and a third without a deceleration lane on westbound SH 6 into the donor's development in Manvel.
PHSA - NW 315, LLC	SAT	Bexar	Design and construction of a traffic signal at FM 471 and Kallison Ranch located in San Antonio.
QT South, LLC	AUS	Travis	Design and construction of a hooded left turn lane on westbound FM 969 in Austin.
Republic Services, Inc.	TRF	Rockwall	Funds to cover the state's cost to design, fabricate, and install two memorial highway designation signs on the portion of IH 30 within Rockwall County.
The Hetland Family Limited Partnership	HOU	Galveston	Design and construction of two right turn lanes from Lawrence Road westbound on FM 518 into the donor's development in League City.
White - Conlee Builders, Ltd.	SAT	San Antonio	Design and construction for a deceleration lane along a section of US 90 at Pue Road as off-site improvements for the Melissa Ranch development in San Antonio.
AESA Prep Academy, Inc.	AUS	Hays	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.
Holdsworth & Nicholas, Inc. dba Texas MedClinic	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a new contract on an existing sign location.

Donations to the Department

<u>Donor</u>	<u>District</u>	<u>County</u>	<u>Donation Description</u>
Babs Thirty-Four LLC dba Satellite....Eat. Drink.Orbit	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Iron Cactus	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Luxury Auto Works	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Precision Heating & Air, LLC	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
The Salt Lick	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Total Men's Primary Care	AUS	Travis	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Total Men's Primary Care	AUS	Williamson	Revenue generation through the Sponsor a Highway Program. This is a renewal on an existing sign location.
Golden Tree Restaurants, LLC	DAL	Dallas	Litter pick-up throughout a corridor on the State's right of way through the Sponsor a Highway Program.
McLane Arlington	FTW	Tarrant	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) Aransas County – SL 1781 – Consider the sale of right of way to an abutting landowner (MO)

115910
ROW

In Aransas County, on SL 1781, the State of Texas acquired certain land for highway purposes by instruments recorded in File Numbers 138456 and 144612, Real Property Records of Aransas County, Texas.

A portion of the land, which portion is described in Exhibit A (the 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 (the 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.

The Razz Halili Trust is an abutting landowner and has requested to purchase the tract for \$104,000.

The commission finds \$104,000 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 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 Razz Halili Trust for \$104,000; 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.

(2) Bexar County - FM 1518 - Consider a recommendation to the governor regarding the execution and delivery of a quitclaim deed, correction deed, or other conveyance instrument necessary to resolve an ambiguity or error that conveyed an interest in real property to the state for a highway right of way and which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose (MO)

115911
ROW

In Bexar County, on FM 1518, the State of Texas acquired certain land for highway purposes by an instrument recorded in Document Number 20190131865, Deed Records of Bexar County, Texas.

The land (Parcel 118, RCSJ 0465-02-028) was conveyed to the state for a highway right of way using an incorrect metes and bounds description that resulted in the acquisition of real property not intended to be included and not needed for a highway purpose.

In accordance with V.T.C.A., Transportation Code §202.028, the Texas Transportation Commission (the commission) may recommend to the governor the execution and delivery of a quitclaim deed, correction deed or other conveyance instrument necessary to resolve an ambiguity or error in an instrument that conveyed an interest in real property to the state for a highway right of way and which resulted in the acquisition of an interest in real property not intended to be included and not needed for a highway purpose.

Gary Richard Obearle, a single man, has requested the state execute a corrective instrument reflecting a correct metes and bounds description of the property acquired. The Material Correction Deed, attached hereto as Exhibit A, is such a corrective instrument.

IT IS THEREFORE ORDERED by the commission that the commission recommends, subject to approval by the attorney general, that the governor of Texas execute the Material Correction Deed, attached hereto as Exhibit A, in order to resolve the error in the metes and bounds description.

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

(3) Denton County – I-35E – Consider the sale of right of way to the City of Corinth, Texas (MO)

115912
ROW

In the City of Corinth, Denton County, on I-35E, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 400, at Page 401, and in Volume 505, at Page 114, Deed Records of Denton County, Texas.

A portion of the land, which portion is described in Exhibit A (the 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 (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The City of Corinth, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$620,150.

The commission finds \$620,150 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 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 Corinth, Texas for \$620,150; 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.

(4) Denton County – I-35E – Consider the sale of right of way to the City of Corinth, Texas (MO)

115913
ROW

In the City of Corinth, Denton County, on I-35E, the State of Texas acquired certain land for highway purposes by instruments recorded in Volume 400, at Page 394 and at Page 433, Deed Records of Denton County, Texas.

A portion of the land, which portion is described in Exhibit A (the 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 (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The City of Corinth, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$635,300.

The commission finds \$635,300 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 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 Corinth, Texas for \$635,300; 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) Denton County – I-35E – Consider the sale of right of way to the City of Corinth, Texas (MO)

115914
ROW

In the City of Corinth, Denton County, on I-35E, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 400, at Page 401, Deed

Records of Denton County, Texas.

A portion of the land, which portion is described in Exhibit A (the 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 (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The City of Corinth, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$588,200.

The commission finds \$588,200 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 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 Corinth, Texas for \$588,200; SAVE AND EXCEPT, however, there is to be excepted and reserved therefrom all of the state's right, title, and interest, if any, in and to all of the oil, gas, sulphur, and other minerals, of every kind and character, in, on, under, and that may be produced from the land.

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

(6) Denton County – I-35E – Consider the sale of right of way to the City of Corinth, Texas (MO)

115915
ROW

In the City of Corinth, Denton County, on I-35E, the State of Texas acquired certain land for highway purposes by an instrument recorded in Volume 400, at Page 394, Deed Records of Denton County, Texas.

A portion of the land, which portion is described in Exhibit A (the 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 (the commission) may recommend the sale of any interest in right of way no longer needed for a state highway purpose to a governmental entity with the authority to condemn the property.

The City of Corinth, Texas is a governmental entity with the authority to condemn the property and has requested to purchase the tract for \$140,700.

The commission finds \$140,700 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 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 Corinth, Texas for \$140,700; 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.

(7) Harris County – I-10 – Consider an exchange of right of way easements (MO)

115916
ROW

In the City of Houston, Harris County, near I-10, the state of Texas acquired a certain right of way easement for highway purposes by an instrument recorded in File

Number 20150263262 of the Official Public Records of Real Property of Harris County, Texas.

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

The right of way easement, encumbering the real property described in Exhibit A (tract), is no longer needed for a state highway purpose. The value of the easement encumbering the tract is \$525,066.

The right of way easement, encumbering the real property described in Exhibit B (parcel), is needed for a state highway purpose and will be conveyed to the state by McKee City Living, LP (McKee). The value of the easement encumbering the parcel is \$545,661.

McKee has requested that the right of way easement encumbering the tract be released to McKee in exchange for the right of way easement encumbering the parcel, and McKee will donate the \$20,595 difference in values between the easements to the state, in accordance with an executed exchange agreement.

It is the opinion of the commission that it is proper and correct that the state release the right of way easement encumbering the tract to McKee as consideration for the right of way easement encumbering the parcel and accept the donation of \$20,595 value difference from McKee.

IT IS THEREFORE ORDERED by the commission that the right of way easement encumbering 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 releasing all of the state's right, title, and interest in the right of way easement encumbering the tract to McKee City Living, LP in exchange and as consideration for the right of way easement encumbering the parcel and also accept the donation of \$20,595 in value difference to the state.

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

(8) Johnson County – SH 174 – Consider an easement release to the underlying fee owner (MO)

115917
ROW

In the City of Burleson, Johnson County, on SH 174, the State of Texas acquired an easement interest in certain land by an instrument recorded in Volume 371, at Page 12, of the Deed Records of Johnson County, Texas.

A portion of the easement, which portion encumbers the real property described in Exhibit A (the 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 (the commission) may release an easement interest no longer needed for a state highway purpose to the owner of the fee in the property.

TPEG FRE Burleson, LLC, a Texas limited liability company, is the owner of the fee interest in the property and has requested to purchase the easement interest for \$20,787.

The commission finds \$20,787 to be a fair and reasonable value of the state's right, title, and interest in the easement interest.

IT IS THEREFORE ORDERED by the commission that the easement interest in the tract, described in Exhibit A, is no longer needed for a state highway purpose. The commission recommends, subject to approval by the attorney general, that the governor of Texas execute a proper instrument conveying all of the state's right, title, and interest in the easement interest to TPEG FRE Burleson, LLC, a Texas limited liability company, for \$20,787.

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

(9) Lubbock County – FM 1730 – Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Lubbock, Texas (MO)

115918
ROW

In the City of Lubbock, Lubbock County, on FM 1730, the State of Texas acquired certain land for highway purposes.

All of the land south of Line 1 for a distance of 3.914 miles up to and including Line 2, which is more particularly described in Exhibit A (the 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 (the 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, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

The City of Lubbock, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the City of Lubbock, 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 Lubbock, 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 ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

(10) Lubbock County – SS 313 – Consider the removal from the system, transfer of jurisdiction, control, and maintenance, and transfer of right of way to the City of Lubbock, Texas (MO)

115919
ROW

In the City of Lubbock, Lubbock County, on SS 313, the State of Texas acquired certain land for highway purposes.

All of the land east of Line 1 for a distance of 3.978 miles up to and including Line 2, which is more particularly described in Exhibit A (the 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 (the 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, in the future, the tract is no longer used for public road purposes, the tract shall immediately and automatically revert to the State of Texas.

The City of Lubbock, Texas is assuming or has assumed jurisdiction, control, and maintenance and has requested that the tract be transferred to the City of Lubbock, 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 Lubbock, 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 ceases to be used for public road purposes, it shall immediately and automatically revert to the state.

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

c. Reports

(1) Compliance Division Report

Note: Confidential report to commission.

(2) Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report (Report)

Consider the acceptance of the Environmental Impact Statement Positive, Negative, or Neutral Public Comments Report for the North Houston Highway Improvement Project in Harris County (Report)

Note: The Report is on file with the commission chief clerk.

(3) Environmental Report

Consider the acceptance of the report on projects being processed under the procedures of Transportation Code, Chapter 201, Subchapter I-1 (Report)

Note: The Report is on file with the commission chief clerk.

d. Highway Designations

(1) Denton County - In the cities of Denton and Corinth, consider extending the designation of FM 2499 (MO)

115920
TPP

The Dallas District, Denton County and the cities of Corinth and Denton have requested to extend the designation of FM 2499 from FM 2181 northward along Barrel Strap Lane and State School Road to IH 35-E, a distance of approximately 3.1 miles.

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

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

IT IS THEREFORE ORDERED by the commission that the designation of FM 2499 is extended from FM 2181 northward along Barrel Strap Lane and State School Road to IH 35-E, a distance of approximately 3.1 miles, as shown on Exhibit A.

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

(2) Fannin County - Consider extending the designation of FM 897 (MO)115921
TPP

The Paris District and Fannin County have requested the following actions: (1) extension of the designation of FM 897 from FM 1396 southward along a new location, CR 2650, and CR 2945 to the current northern limit of FM 897, a distance of approximately 5.6 miles; and (2) realignment and designation of FM 897 from its current northern limit southwestward along a new location to US 82, and eastward concurrent with US 82 to the current intersection of FM 897 and US 82, 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 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 the designation of FM 897 is extended from FM 1396 southward along a new location, CR 2650, and CR 2945 to the current northern limit of FM 897, a distance of approximately 5.6 miles; and FM 897 is realigned and designated from its current northern limit southwestward along a new location to US 82, and eastward concurrent with US 82 to the current intersection of FM 897 and US 82, a distance of approximately 1.4 miles, as shown on Exhibit A.

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

e. Designation of Access Control(1) Dallas County - SH 161, in the City of Irving - Consider the designation of one location on the SH 161 northbound frontage road at which access will be permitted to the abutting property (MO)115922
DES

In DALLAS COUNTY, on State Highway 161 (SH 161), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by the instrument recorded under Vol. 86082, Page 2988 of the Official Public Records of Dallas County, Texas, with denial of access to the abutting remainder property as described in the instrument.

Segu D. Jameel, the current owner of the abutting property, has requested designated access to and from the northbound frontage road of SH 161 for proposed access at one location along the property line at a new access point described in Exhibit A.

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 determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the northbound frontage road of SH 161.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

(2) Montgomery County - SH 99, near the community of Porter - Consider the designation of one location on the SH 99 eastbound exit ramp/frontage road at FM 1314 at which access will be permitted to the abutting property (MO)

115923
DES

In MONTGOMERY COUNTY, on State Highway 99 (SH 99), a designated controlled-access highway, the State of Texas acquired certain land for highway purposes by the instrument recorded in Clerk's File No. 2014077419 of the Official Public Records of Montgomery County, Texas, with denial of access to the abutting remainder property as described in the instrument.

HEB Grocery Company, LP, the current owner of the abutting property, has requested designated access to and from the eastbound exit ramp of SH 99 for proposed access at one location along the property line at a new access point described in Exhibit A.

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 determine the type and extent of access permitted at each location.

NOW, THEREFORE, the commission finds that the new access point will not compromise the mobility, safety or operation of the existing state highway facility, and designates the new access point described in Exhibit A as a location where ingress and egress are permitted to and from the eastbound exit ramp of SH 99.

IT IS FURTHER ORDERED by the commission that the executive director or his designee is hereby authorized to execute any necessary documents containing terms consistent with the provisions of this order.

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

f. Land Acquisitions for Facilities

Various Counties - Consider the grant of authority to the department to acquire real property for facilities (MO)

115924
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 the 86th Legislature, General Appropriations Act for the 2020-21 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.

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)

115925
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 limit on the segment of the state highway system, previously established by the commission by minute order and listed in Exhibit C, is no longer necessary or has been incorporated by the city which has the authority to set the speed limit on this section of the highway.

IT IS THEREFORE ORDERED by the commission that the reasonable and safe prima facie maximum speed limits determined in accordance with the department's "Procedures for Establishing Speed Zones" and shown on the attached Exhibits A and B are declared as tabulated in those Exhibits. The executive director is directed to implement this order for

control and enforcement purposes by the erection of appropriate signs showing the prima facie maximum speed limits.

IT IS FURTHER ORDERED that a provision of any prior order by the commission which is in conflict with a provision of this order is superseded to the extent of that conflict, and that the portions of minute orders establishing speed zones shown on the attached Exhibit C is canceled.

Note: Exhibits A - C are on file with the commission chief clerk.

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

The commission received comments from private citizen Zenobia Joseph concerning I-35 funding and bus routes.

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 recessed to executive session at 1:37 p.m. and returned from executive session at 2:55 p.m.

Commissioner Ryan motioned adjournment and Commissioner Vaughn seconded the motion. The commission voted 4 - 0 to adjourn. The regular meeting of the Texas Transportation Commission was adjourned at 2:56 p.m.

APPROVED by the Texas Transportation Commission on January 28, 2021:

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

I hereby certify that the above and foregoing pages constitute the full, true, and correct record of all proceedings and official records of the Texas Transportation Commission at its regular meeting on December 10, 2020, in Austin, Texas.



Robin Carter, Commission Chief Clerk
Texas Department of Transportation