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AGENDA

TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

TUESDAY July 12, 2022

NOTE:

Persons with special needs or disabilities who require auxiliary aids or services are requested to contact Nicole Lawson at (512) 936-0908 at least three working days before the day of the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-305-9500.

10:00 A.M. CONVENE MEETING

1. **Safety Briefing**

Staff will provide general safety instruction.

2. Opening Comments from Commissioners and Executive Director

- a. Commissioner Robert C. Vaughn
- b. Commissioner Alvin New Weigh in Motion
- c. Commissioner Laura Ryan
- d. Chairman J. Bruce Bugg, Jr.
- e. Executive Director Marc Williams

3. **Consider the approval of the Minutes** of the June 23, 2022, regular meeting of the Texas Transportation Commission

4. Acknowledgment of Service

Recognize by resolution Director of Government Affairs Jerry Haddican for 10 years of service to the department

5. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)

These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts. The department may reschedule receipt of bids for those projects where the commission rejects all bids. Those bids accepted by the commission will result in conditional contract awards to the low bidders. Contract award conditions may involve securing funding from other sources, the contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as outlined in the project bid proposal.

5. Contracts (continued)

- a. **Highway Improvement and Other Transportation Facilities** (see attached itemized list) (MO)
- b. Routine Maintenance (see attached itemized list) (MO)
- c. Construction and Rehabilitation of Buildings (see attached itemized list) (MO)

6. **Discussion Item**

Legislative Appropriations Request (Presentation)

Discussion regarding the development of the Texas Department of Transportation's Fiscal Year 2024-2025 Legislative Appropriations Request (LAR). Staffwill discuss the development of the LAR with the commission and seek direction on components of the LAR.

7. **Acquisition of a Parcel**

Brazoria County - Consider the approval of the acquisition of a parcel of land along the Gulf Intracoastal Waterway for dredge material placement area PA 86E (MO)

This minute order authorizes the department to purchase a 102.66-acreparcel of land for the placement of material dredged from the Gulf Intracoastal Waterway, in accordance with the department's role as the non-federal sponsor as designated by the Texas Coastal Waterways Act.

8. **Public Transportation**

Various Counties - Consider the award of state and federal funds to multiple entities for a variety of program-eligible purposes and rescind and award section 5304 funds (MO)

The awards identified in this minute order reflect the allocation of second year awards to various entities for the biennial section 5310 call for projects, the allocation of section 5311 (b)(3) funds to Texas Transit Association for the implementation of a statewide training program, the allocation of funding to various rural transit districts for the replacement of fleet and facility development and construction based on TxDOT's successful FY2021 section 5339(b) discretionary application, and the allocation of funds to various entities that responded to the biennial Coordinated Call for Projects. The award also rescinds a portion of Minute Order 116182 and awards funds to the new designated lead agency for Planning Region 20.

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

a. (1) Chapter 11 - Design

Amendments to §§11.401, 11.404-11.406, and 11.408, Transportation Alternatives Set-Aside Program (MO)

The department is amending its program rules governing the allocation of Transportation Alternatives Set-Aside program funds to effectively implement increased funding levels and other program changes included in the Infrastructure Investment and Jobs Act.

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

(2) Chapter 31 - Public Transportation Amendments to §31.36, Section 5311 Grant Program (MO)

The proposed amendments revise the federal funding allocation formula to address an increase in Section 5311 Grant Program funding from the Infrastructure Investment and Jobs Act, address census impacts on funding allocations, and provide flexibility in distributing federal emergency relief funding.

b. Final Adoption

Chapter 4 - Employment Practices

The repeal of §§4.10-4.15 and addition of new §§4.10-4.16, concerning Job Application Procedures; the addition of §§4.70-4.78, concerning Family Leave Pool Program; and amendments to §§4.22-4.25, concerning Employment and Education Programs (MO) The proposed repeal, new sections, and amendments respond to numerous legislative changes, improve procedures, and promote efficiencies in the department's employment practices.

10. 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 (see attached itemized list) (MO)

Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18, 82nd Legislature, to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list.

11. Routine Minute Orders and Reports

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)

State statutes require the commission to acknowledge the acceptance of a gift to the department that is valued at \$500 or more. By the adoption of this minute order, the commission acknowledges the receipt and acceptance of the property specified in the minute order.

b. Real Estate Dispositions

The commission must approve the sales, transfers, and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept, and acknowledge donations to the state of real property that is valued at \$500 or more.

(1) **Dallas County** - US 75 - Consider the sale of right of way to an abutting landowner (MO)

The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.

11. Routine Minute Orders and Reports (continued)

- b. Real Estate Dispositions (continued)
 - (2) Gonzales County US 90-A Consider the sale of right of way to an abutting landowner (MO)

 The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.
 - (3) **Johnson County** BU 67 Consider an easement release to the underlying fee owner (MO)

 The district has determined that the easement is no longer needed for highway purposes.

 The easement may be released to the underlying fee owner.
 - (4) **Travis County** SH 130 Consider the designation of one location on the SH 130 southbound exit ramp to Parmer Lane at which access will be permitted to the abutting property (MO)

 The designation of one 41-foot break in the control-of-access line will allow the abutting landowner to open one driveway for ingress and egress to and from the SH 130 southbound exit ramp to Parmer Lane. The district has determined that access may be permitted at the designated location.
 - (5) **Victoria County** US 59 Consider the sale of right of way to an abutting landowner (MO)

 The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.

c. Reports

- (1) Compliance Division Report
 - State law requires the commission to establish a compliance program, which must include a Compliance Division to oversee the program. The Compliance Division is responsible for acting to prevent and detect serious breaches of department policy, fraud, waste, and abuse of office, including any acts of criminal conduct within the department. The Compliance Division is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.
- (2) Letting allocation status report Quarterly status report on the FY 2022 letting allocation, the actual allocation utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

 This report will provide the current overall allocation status, by district and
 - This report will provide the current overall allocation status, by district and metropolitan planning organization, of the FY 2022 letting allocation and will also provide the anticipated effect on the letting allocation of remaining proposed highway maintenance and construction letting.
- (3) State Highway Fund 6 Quarterly report on FY 2022 State Highway Fund 6 cash status (Report)

 This report updates the commission on the year-to-date cash balance and activity of Fund 6. The report will include original projections and actual revenues/inflows and expenditures/outflows on a cash basis.

11. Routine Minute Orders and Reports (continued)

d. **Highway Designations**

- (1) Lampasas County In the city of Lampasas, consider redesignating a segment of US 281 as BU 281-J, redesignating a segment of US 190 as US 281, and designating a segment of US 190 and US 281 concurrent with US 183 (MO) This minute order (1) redesignates a segment of US 281 on the state highway system as BU 281-J from the intersection of US 183 southwest to the intersection of US 190, a distance of approximately 0.4 miles; (2) redesignates a segment of US 190 as US 281 from the intersection of US 281 eastward to US 183, a distance of approximately 0.2 miles; and (3) designates a segment of US 190 and US 281 concurrent with US 183 from the intersection of US 281 southward to the intersection of US 190, a distance of approximately 0.3 miles.
- (2) **Polk County** In the cities of Corrigan and Livingston, consider designating a segment of US 59 on a new location, redesignating a segment of US 59 as BU 59-J, and redesignating existing BU 59-J as BU 59-K (MO)

 This minute order (1) designates a segment of US 59 on the state highway system on a new location from 3.4 miles north of US 287 to 3.0 miles south of US 287, a distance of approximately 6.4 miles; (2) redesignates a segment of US 59 as BU 59-J from 3.4 miles north of US 287 to 3.0 miles south of US 287, a distance of approximately 5.9 miles; and (3) redesignates existing BU 59-J as BU 59-K.

e. Speed Zones

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

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

12. Executive Session Pursuant to Government Code, Chapter 551

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

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

ADJOURN

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NOTE:

Enumerated agenda items are assigned numbers for ease of reference and will not necessarily be considered by the commission in that order. Agenda items with (MO) are those for which the commission is considering an action.

TEXAS TRANSPORTATION COMMISSION AGENDA Attached Lists July 12, 2022

Highway Improvement and Other Transportation Facilities State Let (a)

<u>trolling</u> ect No.
2B20(044)
2022(681)
8-4-119
5-5-88
2022(640)HES
2022(778)HES 2021(530) 22(733) 1902(442) 2022(103)
2022(717)HES 2022(709) 22(716)
2022(708)HES
2022(831)TP
1-3-13
2022(764)HES
79-3-15
92-1-50
2022(765)HES
22(766) 22(043)
22(043) 22(771)
22(771) 25-2-76
22(793)
25-1-14
2022(763)
4-6-663 22(758)

<u>Highway Improvement and Other Transportation Facilities</u> State Let (a)

State Let (a)			
	County	<u>Highway</u>	Controlling
Dist.	<u>Name</u>	<u>Number</u>	Project No.
ELP	HUDSPETH	IH 10	C 2121-6-54
221	1102012111	111 10	0 2121 0 3 .
FTW	JOHNSON	FM 157	STP 2022(700)HES
FTW	TARRANT	VA	C 902-00-312
FTW	TARRANT	FM 731	F 2022(849)
FTW	TARRANT	VA	C 902-00-288
1 1 44	IAIMANI	VA	C 702-00-288
HOU	BRAZORIA	SH 288	C 598-2-112
HOU	BRAZORIA	CR	BR 2019(421)
HOU	GALVESTON	VA	F 2021(384)
HOU	HARRIS	SH 146	C 389-13-39
HOU	HARRIS	SL 8	C 3256-3-96
HOU	MONTGOMERY	IH 45	C 675-8-114
HOU	MONTGOMERY	FM 1314	F 2022(725)
			, ,
HOU	WALLER	US 290	C 114-11-86
LBB	HOCKLEY	SH 114	TCSP 2022(428)
LBB	LUBBOCK	CS	STP 2021(423)MM
LBB	PARMER	SH 86	F 2022(735)
LDD	TAKWILK	511 00	1 2022(133)
LFK	HOUSTON	CR	BR 2B20(123)
LIK	11005101	CR	DR 2D20(123)
LRD	WEBB	VA	C 922-33-206
LICE	WEDD	V11	C 722 33 200
ODA	MIDLAND	ВІ 20-Е	STP 2021(748)FRS
ODA	REEVES	US 285	BR 2022(580)
ODA	REEVES	IH 20	C 3-7-64
ODA	REEVES	BI 20-B	F 2022(736)
ODA	WINKLER	SH 18	F 2022(583)
ODA	WINKLEK	SH 10	r 2022(363)
PAR	GRAYSON	CR	BR 2021(966)
PAR	HUNT	US 380	BR 2022(548)
PAR	HUNT	BU 69-D	F 2022(678)
PAR	RED RIVER	CS	BR 1902(390)
ran	KEDKIVEK	CS	DK 1902(390)
PHR	HIDALGO	FM 491	STP 2022(723)HES
11110	IIIDALGO	1111 771	511 2022(725)IIES
SAT	ATASCOSA	SH 132	F 2022(688)
SAT	BEXAR	VA	C 915-00-241
SAT	BEXAR	CS	STP 2022(690)HES
SAT	BEXAR	CR	STP 2022(691)HESG
SAT	BEXAR	SL 368	STP 2022(685)HES
SAI	DEAAN	SL 300	S1F 2022(083)NES

<u>Highway Improvement and Other Transportation Facilities</u> State Let (a)

State Let (a)			
	County	Highway	Controlling
Dist.	<u>Name</u>	Number	Project No.
SAT	COMAL	BS 46-C	STP 2022(687)HES
SAT	COMAL	SH 46	F 2022(901)
SAT	COMAL	CS	STP 2022(692)HES
SAT	WILSON	FM 1346	STP 2022(693)HES
C I T	CD C CHIEFT	TTT 10	GTD 2022(502)11EG
SJT	CROCKETT	IH 10	STP 2022(702)HES
SJT	RUNNELS	FM 2887	STP 2022(701)HES
TVI	ANDEDCON	110 175	C 100 2 26
TYL	ANDERSON	US 175	C 198-3-26
TYL	HENDERSON	VA	F 2022(757)
TYL	SMITH	US 69	STP 2022(677)HES
WAC	CORYELL	US 84	F 2022(694)
WAC	FALLS	SH 7	STP 2022(695)HES
			` ,
WAC	MCLENNAN	FM 939	F 2022(696)
YKM	LAVACA	SH 111	BR 2022(719)
YKM	MATAGORDA	BS 35-H	C 179-14-10
YKM	VICTORIA	CR	BR 2B20(083)
			` /
YKM	WHARTON	SH 60	BR 2022(718)

Routine Maintenance

State Let	(b)

State Let (D)			
	County	<u>Highway</u>	Controlling
Dist.	Name	Number	Project No.
ABL	SCURRY	US 84	RMC - 639204001
ABL	SCURRY	SH 208	BPM - 638417001
ABL	TAYLOR	IH 20	RMC - 639203001
AMA	CARSON	IH 40	RMC - 639812001
AMA	HEMPHILL	US 60	RMC - 639811001
AMA	HUTCHINSON	SH 207	RMC - 639810001
AMA	POTTER	IH 40	RMC - 639805001
AMA	RANDALL	IH 27	RMC - 639806001
AMA	RANDALL	IH 27	MMC - 640713001
ATL	BOWIE	IH 30	MMC - 640753001
AUS	WILLIAMSON	FM 487	RMC - 638680001
BMT	JASPER	US 96	RMC - 640410001
BMT	JEFFERSON	US 69	RMC - 640217001

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Routine Maintenance State Let (b)

State Let (b)			
	County	<u>Highway</u>	Controlling
Dist.	Name	Number	Project No.
BMT	JEFFERSON	US 69	RMC - 640408001
BRY	BRAZOS	FM 1179	RMC - 640213001
BRY	FREESTONE	US 84	RMC - 640759001
BRY	GRIMES	BS 6S	RMC - 637583001
DICI	Grandes	25 05	14,16 03,7503001
DAL	DALLAS	SS 408	RMC - 640004001
DAL	DALLAS	SH 78	RMC - 639988001
DAL	DALLAS	US 67	RMC - 639984001
DAL	DALLAS	SL 12	RMC - 640010001
DAL	DALLAS	US 175	RMC - 639986001
ELP	BREWSTER	US 90	RMC - 639711001
ELP	CULBERSON	IH 10	RMC - 640512001
ELP	ELPASO	IH 10	RMC - 640510001
ELP	ELPASO	IH 10	RMC - 640818001
ELP	EL PASO	IH 10	MMC - 640965001
ELP	JEFF DAVIS	SH 118	RMC - 640201001
FTW	JOHNSON	IH 35W	RMC - 639985001
FTW	TARRANT	IH 35W	MMC - 640834001
HOU	HARRIS	IH 610	RMC - 640068001
HOU	HARRIS	IH 610	RMC - 640172001
HOU	HARRIS	IH 610	RMC - 640067001
HOU	HARRIS	IH 69	RMC - 640023001
T FIZ	ANGELDIA	110.60	D) (G (40.40.6001
LFK	ANGELINA	US 69	RMC - 640426001
LFK	SAN JACINTO	US 59	RMC - 640683001
LDD	WEDD	111.25	DMC (40404001
LRD	WEBB	IH 35	RMC - 640404001
ODA	ECTOR	IH 20	RMC - 640205001
ODA	MIDLAND	IH 20	RMC - 640721001
ODA	MIDLAND	111 20	KWIC - 040/21001
PAR	GRAYSON	US 75	MMC - 640314001
PAR	GRAYSON	US 69	RMC - 640192001
PAR	HOPKINS	IH 30	RMC - 639981001
PAR	HOPKINS	SH 11	MMC - 640412001
PAR	HOPKINS	SH 19	RMC - 639342001
PAR	HUNT	US 69	MMC - 640360001
PAR	HUNT	IH 30	RMC - 639338001
PAR	LAMAR	US 82	RMC - 639340001
1111	11711 11C	35 02	14.10 03/3 10001

PAR	LAMAR	BU 271B	RMC - 640193001
SAT	BEXAR	IH 35	TMC - 638511001
WAC	HILL	FM 3050	RMC - 640110001
WFS WFS WFS	ARCHER CLAY THROCKMORTON	FM 172 US 82 FM 2651	RMC - 639256001 BPM - 640197001 RMC - 639917001
YKM	GONZALES	IH 10	RMC – 640146001

Construction and Rehabilitation of Buildings

State Let (c)

	County	<u>Site</u>	
Dist.	Name	<u>Number</u>	Project ID
DAL	DALLAS	189777	18-380421423

Eminent Domain

Non-Controlle	Non-Controlled Access					
County	<u>Highway</u>	Exhibit	ROW CSJ No.	Parcel		
Bexar	FM 3351	37	3212-05-017	P00060306		
Bexar	FM 3351	25	3212-05-017	P00060308		
Comal	FM 3351	24	3212-05-017	P00060310		
Fayette	US 77	21	0211-06-066	5		
Fayette	US 77	22	0211-06-066	18		
Fayette	US 77	33	0211-06-066	19		
Fayette	US 77	26	0211-06-066	33		
Fayette	US 77	31	0211-06-066	40		
Fayette	US 77	32	0211-06-066	62		
Fayette	US 77	36	0211-06-066	66		
Fayette	US 77	38	0211-06-066	68		
Fayette	US 77	34	0211-06-066	70		
Galveston	SH 146	1	0389-06-092	320		
Galveston	SH 146	28	0389-06-092	323		
Galveston	SH 146	27	0389-06-092	324		
Gregg	FM 2275	40	2158-01-024	127		
Lampasas	US 281	30	0251-06-040	P00060612		
Madison	US 190	23	0117-04-044	666		
Starr	SL 195	35	3632-01-004	124		
Travis	RM 620	29	0683-02-081	11		
Tyler	US 69	16	0200-08-058	P00009952		
Tyler	US 69	18	0200-08-058	P00009953		
Tyler	US 69	19	0200-08-058	P00009954		
Tyler	US 69	6	0200-08-058	P00059566		

Non-Controlled Access (continued)					
County	Highway	Exhibit	ROW CSJ No.	Parcel	
Tyler	US 69	14	0200-08-058	P00059570	
Tyler	US 69	15	0200-08-058	P00059575	
Tyler	US 69	20	0200-08-058	P00059576	
Tyler	US 69	2	0200-08-058	P00059577	
Tyler	US 69	17	0200-08-058	P00059578	
Tyler	US 69	3	0200-08-058	P00059582	
Tyler	US 69	4	0200-08-058	P00059583	
Tyler	US 69	5	0200-08-058	P00059584	
Tyler	US 69	13	0200-08-058	P00059595	
Tyler	US 69	7	0200-08-058	P00059596	
Tyler	US 69	8	0200-08-058	P00059598	
Tyler	US 69	9	0200-08-058	P00059600	
Tyler	US 69	12	0200-08-058	P00059602	
Tyler	US 69	10	0200-08-058	P00059603	
Tyler	US 69	11	0200-08-058	P00059607	
Victoria	US 77	39	2350-01-068	P00059760	

Eminent Domain

Controlled Access

Controlled Access				
County	Highway	Exhibit	ROW CSJ No.	Parcel
Madison	US 190	I	0117-10-002	546
Tarrant	IH 820	E	0008-13-242	785
Travis	IH 35	L	0015-13-400	P00001040
Travis	IH 35	A	0015-13-406	P00001075
Travis	IH 35	В	0015-13-406	P00001097
Travis	IH 35	F	0015-13-406	P00001100
Travis	IH 35	C	0015-13-406	P00056300
Travis	IH 35	Н	0016-01-122	P00001322
Travis	IH 35	J	0016-01-122	P00001343
Travis	IH 35	G	0016-01-122	P00001347
Travis	IH 35	D	0016-01-122	P00001355
Travis	IH 35	K	0016-01-122	P00001359

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
320 Potranco	SAT	Medina	Design and construction of a left turn lane
Ranch, LLC			along FM 1957 in Medina County, Texas.

Donations to the Department (continued)						
Donor American Traffic Safety Services Association Texas Chap	<u>Dist</u> TRF ter	County N/A	Donation Description Funds for a 4-day complimentary registration and scholarship for Rafael Riojas, Policy and Standards Branch Manager, to attend the American Traffic Safety Services Association Mid-Year Meeting in Providence, Rhode Island, (August 23-26, 2022).			
Bandera ProRodeo Association	TRF	Medina	Funds to design, fabricate, and install two memorial highway designation signs on the portion of SH 173 from the south end of the Medina River bridge in Bandera.			
Carson 288, LLC	HOU	Harris	Funds sufficient to cover the State's costs to construct a southbound frontage road on SH 288, from Airport Blvd to North of Sims Bayou in Harris County.			
Century Land Holdings II, LLC GRBK Edgewood LLC	AUS	Bastrop	Design and construction of deceleration lanes on US 290 from 0.15 miles west of Swenson Boulevard to W Brenham Street in Elgin.			
Enchanted Trails, LLC	HOU	Galveston	Design and construction of a left turn lane on FM 519, with an entrance driveway from south bound FM 519 into the Enchanted Trails RV Park in Hitchcock.			
Five Eighteen Real Estate, LLC	HOU	Galveston	Design and construction of a deceleration lane from eastbound FM 518 and median opening modification into the 2.63-Acre commercial development in League City.			
H-E-B, LP	HOU	Harris	Design and construction of a median reshape from southbound Cullen Boulevard into the HEB Distribution Center development in Houston.			
Pershing Lane, LLC	AUS	Bastrop	Design and construction of a deceleration lane on SH 95 from Pershing Boulevard to 0.2 miles south of Pershing Boulevard in Bastrop.			

Donations to the Department (continued)						
Donor	Dist	County	Donation Description			
San Isidro Northeast, Ltd.	LRD	Webb	Funds sufficient to cover the State's cost to construct the widening of approximately 1,856 square yards of road to accommodate two driveways and the extension of the turning lane in the vicinity of San Isidro Northeast, Ltd. along US 59 in Laredo.			
Spencer Ranch Partners LLC	SAT	Kendall	Design and construction of a left turn lane on SH 46 near the intersection of SH 46 and Coughran Road in Boerne.			