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AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas

THURSDAY

November 16, 2023

NOTE:

Persons with special needs or disabilities who require auxiliary aids or services are requested to contact Amanda Brown at (512) 550-7025 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 Steven D. Alvis
 - b. Commissioner Alex Meade - End the Streak
 - c. Commissioner Robert C. Vaughn
 - d. Chairman J. Bruce Bugg, Jr.
 - e. Executive Director Marc Williams - TxDOT Updates
3. **Consider the approval of the Minutes** of the October 26, 2023, regular meeting of the Texas Transportation Commission
4. **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.
 - a. **Highway Improvements and Other Transportation Facilities (MO)**
(see attached itemized list)
 - b. **Routine Maintenance (MO)**
(see attached itemized list)

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5. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedures Act, Government Code, Chapter 2001:
 - a. **Rules Review**

Consider the re-adoption of Title 43 Texas Administrative Code Chapter 3, Public Information; Chapter 4, Employment Practices; Chapter 6, State Infrastructure Bank; Chapter 9, Contract and Grant Management; Chapter 12, Public Donation and Participation Program; Chapter 13, Materials Quality; Chapter 22, Use of State Property; Chapter 23, Travel Information; Chapter 25, Traffic Operations; and Chapter 29, Maintenance, in accordance with Government Code, §2001.039 (MO)

State law requires a state agency to review each of its rules every four years to consider whether the reason for adopting the rule continues to exist. The department reviews its rules on a rotating basis. The department has determined that the reason for adopting the rules in these chapters continues to exist and that they should be re-adopted.
 - b. **Rule Proposal**

Chapter 4 - Employment Practices

Amendments to §§4.10 and 4.15, relating to job application procedures (MO)

The proposed changes will align the rules with amendments made to statute by Senate Bill No. 1376, Acts of the 88th Legislature, Regular Session, 2023, relating to employment preferences for members of the military and their spouses.
6. **Advisory Committee Appointment**

Advanced Air Mobility Committee - Consider the appointment of members to the Advanced Air Mobility Advisory Committee (MO)

As required by S.B. 2144 of the 88th Texas Legislature, "the commission shall appoint an advisory committee to assess current state law and any potential changes to state law that are needed to facilitate the development of advanced air mobility technology in this state." This minute order approves the appointment of all members of the advisory committee, which will be abolished no later than January 1, 2025, as required by statute.
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)

Federal law authorizes the award of federal non-primary entitlement grant funding and federal apportionment grant funding to preserve and improve the state's general aviation system. State law authorizes the award of state grant funding for capital improvement projects.
8. **Public Transportation**

Various counties - Consider the award of Federal Section 5339 Discretionary and State Funds to rural transit districts to assist in the purchase of electric vehicle (EV) fleets, charging equipment, and software (MO)

The awards identified in this minute order reflect an allocation of Federal Section 5339 Discretionary and State Funds to rural transit districts for Electric Vehicle Pilot Program implementation.

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9. **Approval of Connection of Sam Houston Tollway to SH 225**

Harris County - Consider approval of the request by Harris County to connect the Sam Houston Tollway to non-tolled SH 225 in Harris County by means of three additional direct connectors to be constructed by Harris County at the interchange of the Sam Houston Tollway and non-tolled SH 225; consider the granting of permission to Harris County to use state highway right-of-way as necessary to construct, operate, and maintain the three additional direct connectors; consider granting authority to the Executive Director to take all actions necessary to carry out the purposes of this minute order (MO) (Presentation)

Harris County wishes to construct an interchange consisting of eight direct connectors connecting the Sam Houston Tollway to non-tolled SH 225. Pursuant to Title 43, Section 11.58 of the Texas Administrative Code, Harris County has submitted a request to the executive director to approve that connection. Pursuant to Transportation Code Section 228.011(a), the department shall allow certain counties, including Harris County, to use state highway right-of-way and to access the state highway system as necessary to construct and operate a toll project, and Harris County is required to reimburse the department for its actual costs to acquire the right of way. Minute order (MO) 116428 dated February 23, 2023, approved the connection of the Sam Houston Tollway to non-tolled SH 225 and authorized the use of state highway right-of-way by Harris County to construct operate and maintain five direct connectors at that interchange, and authorizes the department to waive the county's required reimbursement if the value of any right-of-way transferred to the department by the county for the five direct connectors exceeds the amount of the required reimbursement. This MO approves Harris County's connection of the Sam Houston Tollway to non-tolled SH 225 by means of the three remaining direct connectors, and authorizes the use of state highway right-of-way by Harris County to construct, operate, and maintain the three direct connectors at that interchange, and authorizes the department to waive the county's required reimbursement if the value of any right-of-way transferred to the department by the county for the eight direct connectors exceeds the amount of the required reimbursement.

10. **Water Supply Service Corporation Utility Relocation Reimbursement**

Gillespie County - Consider the approval of a request from the Stonewall Water Control and Improvement District to make the relocation of the Stonewall Water Control and Improvement District's utility facilities required by the US 290 highway improvement project an expense of the state under Transportation Code §203.092(a-4) (MO)

Texas Administrative Code, Chapter 21, Subchapter B, Rule 21.25 sets forth the requirements for a utility to qualify for reimbursement under this program. Payment for this relocation will not cause the department to exceed \$10 million in any fiscal year. The utility is a political subdivision with a financial condition that prevents the utility from being able to pay the cost in full or part or, if paid at that time, the payment would adversely affect the utility's ability to operate or provide essential services to its customers. The utility is a political subdivision or owned or operated by a political subdivision. The utility is unable to receive a state infrastructure bank loan to finance the cost of the relocation and is otherwise unable to finance that cost.

11. **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.

12. **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) **McLennan County - I-35** - 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.

(2) **Williamson County - FM 487** - 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.

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) **Quarterly Investment Report**

Quarterly Investment Report for all of the funds invested at the direction of the commission (Report)

This is a presentation of the quarterly investment report for the investment of: (1) funds held by the Bank of New York Mellon, as trustee, under the Indenture of Trust securing the Central Texas Turnpike System toll revenue obligations; (2) funds for the pre-paid TxTag account held by the Bank of New York Mellon, acting as custodian; (3) funds held by Amegy Bank, a Division of ZB, National Association, as trustee, under the Trust Agreement securing the I-35E Managed Lanes project toll revenue obligations; and (4) funds held by U.S. Bank National Association, as trustee, under the Master Trust Agreement securing the SH 249 System toll revenue obligations.

d. **Transportation Planning**

SH 121 - Various Counties - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

The department has established a separate fund to account for and track projects and project costs funded with the SH 121 payments. This minute order authorizes the funding of additional project costs and changes to the list of previously approved projects. The project costs to be funded were selected through a cooperative process with the Regional Transportation Council.

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

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.

13. **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
October 26, 2023

Highway Improvement and Other Transportation Facilities

State Let (a)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ABL	FISHER	FM 419	BR 2024(303)
ABL	JONES	FM 1226	BR 2024(522)
ABL	TAYLOR	US 277	F 2024(302)
AMA	CARSON	SH 152	F 2B23(295)
AMA	HARTLEY	US 87	F 2B23(294)
AUS	BLANCO	RM 3232	F 2024(363)
AUS	BURNET	RM 1431	F 2024(362)
AUS	CALDWELL	FM 1854	F 2024(359)
AUS	GILLESPIE	US 290	F 2024(364)
AUS	LLANO	SH 71	F 2024(360)
AUS	MASON	US 87	F 2024(357)
BMT	HARDIN	SH 105	F 2024(371)
BWD	MILLS	US 84	F 2024(565)
BWD	STEPHENS	US 180	F 2024(344)
CRP	KARNES	FM 81	F 2024(379)
CRP	NUECES	VA	F 2024(549)
DAL	COLLIN	SH 78	F 2024(352)
DAL	DALLAS	IH 345	BR 2024(349)
DAL	DALLAS	FM 1382	STP 2024(350)TP
DAL	KAUFMAN	FM 148	F 2024(168)
ELP	CULBERSON	RM 652	F 2024(365)
ELP	EL PASO	BU 54-A	STP 2B23(124)HES
ELP	JEFF DAVIS	SH 118	STP 1302(022)
FTW	PARKER	IH 20	F 2024(054)
HOU	GALVESTON	VA	STP 2024(163)TP
LBB	LAMB	US 84	F 2024(390)
LBB	LUBBOCK	VA	BR 2024(179)
LBB	LUBBOCK	VA	STP 2023(034)TP
LFK	ANGELINA	VA	F 2024(378)
LFK	SHELBY	SL 157	F 2024(392)

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Highway Improvement and Other Transportation Facilities
State Let (a) (continued)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
LRD	WEBB	BU 59-Z	F 2024(309)
ODA	ECTOR	IH 20	BR 2024(304)
ODA	ECTOR	IH 20	F 2022(634)
ODA	REEVES	IH 20	BR 2024(510)
PAR	FANNIN	FM 274	BR 2024(385)
PAR	GRAYSON	VA	F 2024(384)
PAR	LAMAR	US 82	STP 2024(382)HES
PAR	LAMAR	VA	F 2024(182)
PHR	CAMERON	VA	C 921-6-269
SAT	BEXAR	CS	STP 2024(389)HESG
SAT	BEXAR	IH 410	CM 2B23(051)
SAT	BEXAR	SL 368	F 2024(414)
SAT	GUADALUPE	UA 90	STP 2024(095)HES
SJT	COKE	US 277	F 2023(767)
TYL	CHEROKEE	SH 204	F 2024(335)
TYL	SMITH	VA	STP 2024(336)HES
WAC	CORYELL	SH 36	F 2024(331)
WAC	MCLENNAN	SL 340	F 2024(330)
WFS	WICHITA	US 82	F 2024(337)
YKM	FAYETTE	US 90	F 2024(332)

Routine Maintenance
State Let (b)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
ABL	TAYLOR	IH 20	RMC - 642747001
ATL	BOWIE	IH 30	RMC - 645745001
ATL	BOWIE	US 67	BPM - 645209001
ATL	HARRISON	IH 20	MMC - 645757001
AUS	BASTROP	FM 535	MMC - 644786001
AUS	TRAVIS	IH 35	RMC - 644278001
AUS	TRAVIS	IH 35	RMC - 645285001
BMT	CHAMBERS	IH 10	BPM - 644959001
BMT	JASPER	US 96	RMC - 642538001
BMT	LIBERTY	SH 105	RMC - 644245001

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Routine Maintenance
State Let (b) (continued)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
BRY	FREESTONE	IH 45	RMC - 645643001
BRY	LEON	IH 45	BPM - 643855001
CHS	CHILDRESS	US 287	MMC - 645865001
DAL	DALLAS	IH 20	BPM - 644426001
DAL	DALLAS	SL 12	RMC - 645731001
DAL	DALLAS	SH 78	RMC - 644999001
DAL	DENTON	FM 156	RMC - 644392001
DAL	KAUFMAN	IH 20	RMC - 644941001
DAL	ROCKWALL	IH 30	RMC - 644939001
ELP	EL PASO	IH 10	RMC - 645131001
ELP	EL PASO	IH 10	RMC - 645427001
ELP	EL PASO	IH 10	RMC - 645523001
ELP	EL PASO	IH 10	RMC - 645527001
FTW	JOHNSON	IH 35W	RMC - 644512001
FTW	JOHNSON	FM 1434	RMC - 644242001
HOU	FORT BEND	US 59	RMC - 644975001
HOU	GALVESTON	FM 2094	RMC - 641995001
HOU	MONTGOMERY	IH 45	RMC - 645019001
HOU	MONTGOMERY	IH 45	RMC - 644913001
LBB	HALE	IH 27	MMC - 645567001
LBB	LAMB	US 84	MMC - 645565001
LBB	TERRY	US 62	MMC - 645563001
LFK	ANGELINA	US 59	BPM - 645617001
LFK	NACOGDOCHES	US 59	RMC - 645411001
LFK	POLK	BU 59J	BPM - 645619001
LFK	SAN JACINTO	US 59	RMC - 645367001
LRD	ZAVALA	US 83	RMC - 644951001
ODA	ECTOR	SH 191	RMC - 645151001
PAR	GRAYSON	US 82	RMC - 644931001
PAR	HOPKINS	SH 19	RMC - 645453001
PAR	LAMAR	BU 271B	MMC - 645577001
PHR	STARR	FM 1017	RMC - 645811001
SJT	TOM GREEN	US 87	BPM - 644222001
SJT	TOM GREEN	SH 208	RMC - 644220001

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Routine Maintenance
State Let (b) (continued)

<u>Dist.</u>	<u>County Name</u>	<u>Highway Number</u>	<u>Controlling Project No.</u>
TYL	ANDERSON	US 79	MMC - 645746001
TYL	ANDERSON	US 79	RMC - 644456001
TYL	GREGG	IH 20	RMC - 643118001
TYL	GREGG	US 259	RMC - 645641001
TYL	HENDERSON	US 175	MMC - 645759001
TYL	SMITH	FM 3341	BPM - 645111001
TYL	SMITH	US 69	RMC - 645639001
TYL	VAN ZANDT	FM 2339	BPM - 645113001
TYL	VAN ZANDT	FM 773	RMC - 644057001
WAC	FALLS	SH 7	RMC - 645543001
WAC	HILL	SH 171	RMC - 645541001
WAC	LIMESTONE	SH 14	RMC - 645545001
WAC	MCLENNAN	IH 35	RMC - 643392001
WAC	MCLENNAN	US 77	RMC - 645539001
WAC	MCLENNAN	US 84	RMC - 639310001
YKM	VICTORIA	US 59	RMC - 644793001
YKM	WHARTON	US 59	RMC - 645269001

Eminent Domain
Non-Controlled Access

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Bowie	US 82	27	0046-03-041	P00059409.001-.002
Bowie	US 82	28	0046-03-041	P00059412.001-.002
Bowie	US 82	29	0046-03-041	P00059416.001
Bowie	US 82	26	0046-03-045	P00073322
Collin	SH 5	18	0047-04-034	P00057038
Collin	SH 5	19	0047-04-034	P00057039
Collin	SH 5	20	0047-04-034	P00057040
Collin	SS 399	15	0047-10-004	P00069737
Collin	FM 1461	17	1973-01-018	P00075145
Denton	US 377	25	0081-06-043	P00024383
Denton	US 377	21	0081-06-043	P00024472
Denton	US 377	14	0081-06-043	P00024513
Denton	US 377	12	0081-06-043	P00061710
Denton	US 377	13	0081-06-049	P00024501
Ellis	FM 664	22	1051-01-054	52
Gregg	SL 485	1	3290-02-012	P00068768.001
Hidalgo	FM 2220	16	2094-01-069	48
Kaufman	FM 741	2	1092-01-023	P00056541
Kaufman	FM 741	3	1092-01-023	P00056547
Kaufman	FM 741	4	1092-01-023	P00056549
Kaufman	FM 741	5	1092-01-023	P00056565
Kaufman	FM 741	6	1092-01-023	P00056583
Kaufman	FM 741	7	1092-01-023	P00056611.001
Kaufman	FM 741	30	1092-01-023	P00056613.001

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Eminent Domain**Non-Controlled Access (continued)**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Kaufman	FM 741	31	1092-01-023	P00056617.001
Kaufman	FM 741	32	1092-01-023	P00056618.001
Kaufman	FM 741	33	1092-01-023	P00056619.001
Kaufman	FM 741	34	1092-01-023	P00056621.001
Kaufman	FM 741	35	1092-01-023	P00056624.001
Kaufman	FM 741	8	1092-01-023	P00056627.001
Kaufman	FM 741	9	1092-01-023	P00056628.001
Kaufman	FM 741	10	1092-01-023	P00056629.001
Kaufman	FM 741	11	1092-01-023	P00056633.001
Smith	SH 31	23	0424-01-060	P00067162.001
Smith	SH 31	24	0424-01-060	P00067163.001

Eminent Domain**Controlled Access**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Austin	IH 35	Q	0015-13-434	P00064478
Bowie	US 82	KK	0046-03-041	P00059405.001
Harris	IH 45	LL	0500-03-608	302
Harris	IH 45	X	0500-03-608	306
Harris	IH 45	Y	0500-03-608	307
Harris	IH 45	MM	0500-03-608	317
Harris	IH 45	W	0500-03-608	319
Harris	IH 45	NN	0500-03-608	325
Harris	IH 45	V	0500-03-608	438
Harris	IH 45	EE	0500-08-002	506AAQ
Harris	IH 45	FF	0500-08-002	514AAQ
Harris	IH 45	GG	0500-08-002	516
Harris	IH 45	JJ	0500-08-002	527
Harris	IH 45	BB	0500-08-002	528AAQ
Harris	IH 45	II	0500-08-002	532
Harris	IH 45	T	0500-08-002	702
Harris	IH 45	U	0500-08-002	706
Harris	IH 45	AA	0500-08-002	711
Harris	IH 45	N	0500-08-002	712
Harris	IH 45	HH	0500-08-608	301
Harris	IH 45	DD	0500-08-608	303
Harris	IH 45	CC	0500-08-608	304
Harris	IH 45	R	0500-08-608	408
Harris	IH 45	S	0500-08-608	409
Harris	IH 45	M	0500-08-608	412
Harris	IH 45	L	0500-08-608	414
Harris	IH 45	K	0500-08-608	416
Harris	IH 45	O	0500-08-608	418
Harris	IH 45	P	0500-08-608	420
Harris	IH 45	J	0500-08-608	428
Harris	IH 45	H	0500-08-608	430
Harris	IH 45	I	0500-08-608	431
Jack	US 281	Z	0249-07-076	5

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Eminent Domain**Controlled Access (continued)**

<u>County</u>	<u>Highway</u>	<u>Exhibit</u>	<u>ROW CSJ No.</u>	<u>Parcel</u>
Tarrant	I-820	PP	0008-13-242	441
Tarrant	I-820	OO	0008-13-242	609
Travis	IH 35	D	0015-13-434	P00064466
Travis	IH 35	E	0015-13-434	P00064469
Travis	IH 35	G	0015-13-434	P00064472
Travis	IH 35	B	0015-13-434	P00064473
Travis	IH 35	F	0015-13-434	P00064474
Travis	IH 35	C	0015-13-434	P00070991
Travis	IH 35	A	0015-13-435	P00066413

Donations to the Department

<u>Donor</u>	<u>Dist</u>	<u>County</u>	<u>Donation Description</u>
Caney Holdings LLC	HOU	Montgomery	Design and construction of a right turn deceleration lane from westbound FM 1485 into the Caney Crossing North development in New Caney.
DPEG Porter, LP	HOU	Montgomery	Design and construction of a right turn lane from westbound SH 99 frontage road into the Dhanani Private Equity Group development in unincorporated Montgomery County.
Preserve at HWY 6, LLC	HOU	Fort Bend	Design and construction of a left turn lane from northeast bound SH 6 into the Preserve at Highway 6 development in Fresno.
Texas Essential Housing Public Facility Corporation	AUS	Hays	Design and construction of roadway improvements to SH 123 that will serve The Heritage at Cottonwood Creek in San Marcos.

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