

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

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.

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.

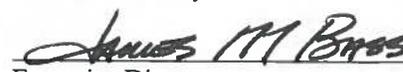
The executive director found that the donations identified on the attached Exhibit A were in compliance with the provisions of 43 TAC §§1.500-1.506, Government Code, Chapter 575, Transportation Code, §201.206, and Transportation Code, §223.049.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified on the attached Exhibit A.

Submitted and reviewed by:


Director of Purchasing

Recommended by:


Executive Director

114568 APR 28 16

Minute Number Date Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1	Continental Homes of Texas, LP	San Antonio District	Comal	The donor is donating the design and construction of shoulder widening on SH 46 approximately 0.78 Miles North of FM 1863 in New Braunfels, Comal County, Texas. Work will be performed by the donor, its consultant, or its contractor. The estimated value of the donation is \$35,000.	\$35,000	4/5/16
2	ExxonMobil Oil Corporation	Beaumont District	Jefferson	The donor is donating the design and construction of access modifications to the South Contractor Gate Entrance at the ExxonMobil plant on US 90 in Beaumont, Jefferson County, Texas. The modifications will include 1) the extension of the westbound deceleration/right turn lane to the entrance driveway, 2) construction of a westbound acceleration lane leaving the entrance driveway, 3) pavement widening in the US 90 median crossover to improve turning radii to and from the entrance, and 4) the construction of an eastbound acceleration lane leaving the US 90 crossover. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$1,000,000.	\$1,000,000	3/29/16
3	Love's Travel Stops & Country Stores, Inc.	Paris District	Lamar	The donor is donating the design and construction for the lengthening and overlaying of a section of US 271 to accommodate a longer left turn lane into the donor's truck stop being built at the northwest corner of the intersection at US 271 and the Campbell Soup plant truck entrance in Paris, Lamar County, Texas. The work will be performed by the donor, its consultant or its contractor. The estimated value of the donation is \$115,000.	\$115,000	3/31/16
4	Roman Catholic Diocese of Lubbock	Abilene District	Jones	The donor is donating the design and construction to install a sidewalk with cross drainage structure, reshape ditch, and regrade State right-of-way for proper drainage at St. Ann's Catholic Church in Stamford, Jones County, Texas. Work will be performed by the donor, its consultant, or its contractor. The estimated value of the donation is \$25,570.	\$25,570	3/14/16

5	Tenotex Development Co., Inc.	San Antonio District	Kendall	The donor is donating the design and construction of a left turn lane and a right-turn acceleration lane along the west access road of I-10 approximately 1,400' northwest of the intersection of Scenic Loop and I-10 in Boerne, Kendall County, Texas. All design and construction work will be performed by the donor, its consultant or its contractor. The estimated value of the donation is \$340,000. <i>(Replaces donation previously acknowledged on 5/28/15 due to increase in value.)</i>	\$340,000	3/21/16
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