

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, Contract Services Division

Recommended by:


Executive Director

114748 OCT 27 '16

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1	22.52 Bella Colinas, J.V.	Austin District	Travis	The donor is donating the design and construction of a traffic signal on Highway 71 in Spicewood, Travis County, Texas for the donor's development. All design and construction work will be provided by the donor, its consultant or its contractor. . The estimated value of the donation is \$174,000, which includes the State's direct costs associated with the review, oversight, and inspection of this work.	\$174,000	9/27/2016
2	Circle K Stores Inc.	Houston District	Fort Bend	The donor is donating the design and construction of a deceleration lane and inlet conversion, east of Avenue E on eastbound Hwy 90A into the Circle K development in Stafford, Fort Bend County, Texas. All design and construction work will be provided by the donor its consultant, or its contractor. [<i>Change in Donor: Replaces donation from Stafford Coyotes, LLC previously acknowledged in 9/2016.</i>]	\$11,470	10/04/2016
3	Fikes Wholesale, Inc.	Atlanta District	Upshur	The donor is donating 50 percent of the State's costs of \$18,000 to relocate illumination poles at the intersection of US 271 and SH 300 to accommodate the proposed driveway into the donor's development located in Gilmer, Upshur County, Texas. The work will be done under an existing State illumination routine maintenance contract. The estimated value of the donation is \$9,000. [<i>This donation replaces one previously acknowledged in 9/2016 due to a change in the actual cost of the work.</i>]	\$9,000	9/27/2016
4	Flying "W" Properties, Ltd.	San Antonio District	Comal	The donor is donating the design and construction of two at-grade railroad crossings across FM 2439 to facilitate rail shipments for Colorado Materials/Hunter Industries in Hunter, Comal County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. . The estimated value of the donation is \$349,384, which includes the State's direct costs associated with the review, oversight, and inspection of this work.	\$349,384	9/19/2016

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
5	Jose V. Thottumkal (Thottumkal Family Trust)	Houston District	Fort Bend	The donor is donating the design and construction of a right-turn deceleration lane from northbound FM 521 into the JT Development in Arcola, Fort Bend County, Texas. All design and construction work will be provided by the donor its consultant, or its contractor. The estimated value of the donation is \$20,000.	\$20,000	9/23/2016
6	Pieper Road, Ltd.	San Antonio District	Guadalupe	The donor is donating the design and construction of a right-turn lane on SH 46, located approximately 1.13 miles South of FM 758 within the city limits of New Braunfels, Guadalupe County, Texas. All design and construction will be performed by the donor, its consultant or its contractor. The estimated value of the donation is \$24,000.	\$24,000	9/27/2016
7	Pulte Homes of Texas, L.P.	San Antonio District	Guadalupe	The donor is donating the design and construction of right-turn lane and traffic signal located in Guadalupe County within the city limits of the City of New Braunfels, on SH 46, 3.76 miles South of IH 35. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$400,000.	\$400,000	9/28/2016
8	Sienna Cypress LLC	Houston District	Fort Bend	The donor is donating the design and construction of a 12-foot wide deceleration lane with 4-foot wide shoulder from eastbound SH 6 into the Sienna Crossing development in Missouri City, Fort Bend County, Texas. All design and construction work will be provided by the donor its consultant, or its contractor. The estimated value of the donation is \$75,000.	\$75,000	10/04/2016
9	Texas Travel Industry	Travel Division	N/A	The donor is donating an in-kind donation of food, beverages, lodging, transportation and admissions to area attractions for the familiarization study tour of the Upper Texas Gulf Coast region during September 18-23, 2016. The tour is sponsored by the donor and attended by TxDOT travel counselors and Travel Information Division staff. The estimated value of the donation is \$27,000.	\$27,000	9/29/2016

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
10	WS-COS Development, LLC	Austin District	Travis	The donor is donating the design and construction of an additional approach for an existing traffic signal on SH 71 at Serene Hills Drive in Austin, Travis County Texas for a new mixed use development. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$57,686, which includes the State's direct costs associated with the review, oversight, and inspection of this work.	\$57,686	9/12/2016