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**INTERNET ADDRESS:
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AGENDA

TEXAS TRANSPORTATION COMMISSION

**125 East 11th Street
Austin, Texas**

THURSDAY

December 17, 2015

9:00 A.M. CONVENE MEETING

1. Safety Briefing

Staff will provide general safety instruction.

2. Approval of Minutes of the November 18, 2015, special meeting and the November 19, 2015, regular meeting of the Texas Transportation Commission

3. Acknowledgment of Service

- a. Recognize by resolution Greg A. Malatek, P.E., District Engineer, Austin District, for his 32 years of service to the department
- b. Recognize LtGen Joe F. Weber, USMC (Ret), Executive Director, for his outstanding service to the department

4. Discussion Items

- a. Federal Affairs update (Presentation)
Staff will provide a brief presentation on current and pending federal affairs issues including an overview of surface transportation authorization legislation.
- b. I-69 Texas System update (Presentation)
This discussion item will provide an update on the progress of developing the I-69 Texas System and provide recommendations from the I-69 Advisory Committee on future development activities.

5. Advisory Committee Appointment

Appoint new member to the I-69 Corridor Advisory Committee ([MO](#))

The commission created the I-69 Corridor Advisory Committee (committee) in March 2008. The purpose of the committee is to facilitate and achieve support and consensus from affected communities, governmental entities, and other interested parties in the planning of transportation improvements in the I-69 corridor and in the establishment of development plans for that corridor. This minute order appoints a new member to the committee that will replace one member currently serving as the chair.

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6. **Highway Designation**
Cameron County - Designate a segment of the state highway system as I-169, concurrent with State Highway 550 from existing I-69E to Old Alice Road in the city of Brownsville ([MO](#)) (Presentation)
This minute order designates a segment of the state highway system as I-169, concurrent with SH 550 from existing I-69E to Old Alice Road in the city of Brownsville, a distance of approximately 1.5 miles. The Brownsville Metropolitan Planning Organization, the American Association of State Highway and Transportation Officials, and the Federal Highway Administration have approved the designation of this segment.

7. **Aviation**
Various Counties - Award federal and state grant funding for airport improvement projects at various locations ([MO](#))
Federal law authorizes the award of federal funding to preserve and improve the state's general aviation system. State law authorizes the award of state funding for capital improvement projects. The airports listed in Exhibit A are eligible for award of these grant funds and the department seeks approval of the awards.

8. **Public Transportation**
Various Counties - Approve federal funding for projects submitted in the department's 2015 Transportation Alternatives Program call for projects ([MO](#))
Moving Ahead for Progress in the 21st Century Act (MAP-21) authorized the Transportation Alternatives Program (TAP) to reserve funds equal to 2 percent of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-Aid highways each year. This minute order approves federal TAP funds for selected bicycle and pedestrian projects in population areas less than 5,000. The project awards will provide alternative modes of transportation, contribute to congestion relief, improve air quality, and provide safer accommodations for all roadway users.

9. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
 - a. **Final Adoption**
Chapter 4 - Employment Practices
Amendments to §4.51, Definitions, §4.54, Contributions, §4.55, Contribution Returns, and §4.56, Withdrawals (Sick Leave Pool Program) ([MO](#))
These rules amend the department's Sick Leave Pool Program to implement House Bill 1771, 84th Legislature, which authorizes a state employee to donate sick leave to another employee within the same agency, and revise terminology related to the program.

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9. **Promulgation of Administrative Rules** Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001: (continued)
 - b. **Proposed Adoption**
Chapter 21 - Right of Way
Amendments to §§21.31, 21.33, 21.41 and new §21.57 (Utility Accommodation), and §§21.962-21.963 (Leasing of Right of Way to Saltwater Pipeline Operators) ([MO](#))
These amendments revise Subchapter R to 43 TAC Chapter 21 to expand the definition and leasing requirements for saltwater pipeline facilities to implement House Bill 497 of the 84th Regular Session, which expanded the authorized placement of saltwater pipeline facilities within the right of way. In addition, changes are made to Chapter 21, Subchapter C, Utility Accommodations, to add a definition and terms of location for temporary saltwater pipeline facilities in conformance with House Bill 497 provisions, and modify design values for overhead electric and communication horizontal clearances.
10. **Financial Assistance for Projects**
Hays and Travis Counties - Central Texas Regional Mobility Authority -
Consider granting preliminary approval of requests from the Central Texas Regional Mobility Authority to receive: (1) a loan of up to \$60,000,000; and (2) a grant of up to \$28,920,000 previously allocated by the Capital Area Metropolitan Planning Organization, all to be used for construction of SH 45 SW ([MO](#))
SH 45 SW is approximately 4 miles in length and would include a four-lane, divided toll road between Loop 1 and FM 1626. The project also includes proposed bike/pedestrian shared use paths.
11. **Contracts**
Award or reject contracts for maintenance, highway and building construction
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 Maintenance and Department Building Construction**
(see attached itemized list) ([MO](#))
 - b. **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) ([MO](#))

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12. Eminent Domain Proceedings

Various Counties - Authorize 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.

13. Routine Minute Orders and Reports

a. Donations to the Department

Various Districts - Consider the acknowledgment of donations made to the department to include: (a) donations in any form, including realty, personalty, money, materials, or services, which are made to the department for the purpose of carrying out its functions and duties; and (b) donations from landowners, with 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. (See attached itemized list) [\(MO\)](#)

The donations will ensure the safety of the traveling public.

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) **Cameron County** - FM 1846, west side, north of San Benito in - Consider the quitclaim of land acquired by the state in error [\(MO\)](#)

The district has determined that land intended to be conveyed to a private party was conveyed to the state in error. The land is not needed for a highway purpose and may be quitclaimed to the intended grantee to correct the error.

(2) **Dallas County** - I-635, at 12000 N. Greenville Avenue in Dallas - Consider the sale of an old maintenance facility site to the city of Dallas [\(MO\)](#)

The district has determined that the site is no longer needed for highway purposes. The city has requested to purchase the property, and it may be sold to the city.

(3) **Eastland County** - FM 2214, old alignment east of FM 2461 - Consider the sale of right of way to abutting landowners [\(MO\)](#)

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

(4) **Jefferson County** - US 69, now N. 11th Street, west side, south of Delaware Street in Beaumont - Consider the sale of a right of way easement to the owners of the fee in the property [\(MO\)](#)

The easement was used as a borrow pit, and the district has determined that the easement is no longer needed for a highway purpose. The owners of the property have requested to purchase the easement, and it may be sold to the owners.

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

b. **Real Estate Dispositions (continued)**

- (5) **Zapata County** - FM 496 at Jackson Street in Zapata - Consider the quitclaim of right of way to the abutting landowners [\(MO\)](#)

The district has determined that the land is no longer needed for highway purposes. There is no record title to the land, and it may be quitclaimed to the abutting landowners at the request of the county.

c. **Reports**

- (1) **Compliance Office report**

State law requires the commission to establish a compliance program, which must include a compliance office to oversee the program. The compliance office 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 office is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.

- (2) **Grand Parkway Association report**

Annual report on the status of projects and activities undertaken during the preceding 12 months (Report)

The department's administrative rules require transportation corporations to appear annually before the commission to report on the status of projects. The Grand Parkway Association is making its annual presentation to satisfy this requirement.

- (3) **Environmental Review of Projects**

Accept semiannual report on projects being processed under the department's environmental review process [\(MO\)](#)

This report is being submitted under Transportation Code, §201.762(a), which requires the department to submit to the commission twice a year a report that identifies projects being processed under the department's environmental review process.

d. **Highway Designations**

Camp County - Near the city of Pittsburg, redesignate FM 3535 as State Loop 255 [\(MO\)](#)

This minute order redesignates FM 3535 on the state highway system as State Loop 255 on CR 2116 and new location, from US 271 approximately 1.0 mile south of the Camp and Titus County lines to FM 1520, a distance of approximately 2.5 miles.

e. **Designation of Access Control**

Harris County - I-10, approximately 750 feet east of Katy-Fort Bend Road - Consider the designation of a location on the highway at which access will be permitted to the abutting property [\(MO\)](#)

The designation of a 68.90-foot break in the control-of-access line will allow the abutting landowner to open a proposed driveway location for access to the westbound frontage road. The district has determined that access may be permitted at the designated location.

f. **Speed Zones**

Various Counties - Establish or alter 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.

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14. **Executive Session** Pursuant to Government Code, Chapter 551
 - a. **Section 551.071** - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.
 - b. **Section 551.074** - Deliberate on the election and compensation of an interim executive director of the Texas Department of Transportation
 - c. **Section 551.074** - Deliberate on the search for a new executive director of the Texas Department of Transportation
 - d. **Section 551.074** - Deliberate on the election and compensation of an executive director of the Texas Department of Transportation

15. **Election of Executive Director**
Elect the executive director of the Texas Department of Transportation and approve compensation (MO)

16. **Administrative Appointment**
Elect an interim executive director of the Texas Department of Transportation and approve compensation (MO)

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 only, and will not necessarily be considered by the commission in that particular order. Items identified with (MO) for minute order are those upon which the commission is considering an action. Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services are requested to contact Robin Carter at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

Atención. Si desea recibir asistencia gratuita para traducir esta información, llame al 512-936-0942.

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**TEXAS TRANSPORTATION COMMISSION MEETING
ATTACHED LISTS
December 17, 2015**

**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
AMA	POTTER	IH 40	RMC - 629609001
AUS	BASTROP	SH 95	RMC - 629329001
BMT	CHAMBERS	IH 10	RMC - 629188001
BMT	ORANGE	IH 10	BPM - 629136001
BWD	BROWN	US 67	RMC - 628727001
BWD	COMANCHE	SH 36	BPM - 628512001
BWD	SAN SABA	FM 502	RMC - 629332001
BRY	MILAM	FM 908	RMC - 628630001
CRP	JIM WELLS	FM 665	RMC - 629509001
CRP	NUECES	SH 361	RMC - 628906001
CRP	SAN PATRICIO	SH 359	RMC - 629511001
ELP	EL PASO	IH 10	RMC - 629532001
FTW	JOHNSON	US 67	RMC - 629358001
FTW	PALO PINTO	US 281	RMC - 629664001
FTW	PARKER	IH 20	RMC - 629665001
FTW	TARRANT	IH 20	RMC - 629604001
FTW	TARRANT	IH 30	RMC - 628756001
FTW	TARRANT	IH 820	RMC - 628757001
FTW	TARRANT	IH 820	RMC - 629713001
FTW	TARRANT	SH 114	RMC - 629623001
FTW	TARRANT	SH 121	RMC - 628732001
FTW	TARRANT	US 81	RMC - 629715001
FTW	WISE	US 81	RMC - 629710001
HOU	BRAZORIA	SH 288	RMC - 629130001
HOU	HARRIS	IH 10	RMC - 629336001
HOU	HARRIS	IH 610	RMC - 628484001
HOU	HARRIS	SL 8	RMC - 629315001
HOU	HARRIS	SL 8	RMC - 629526001

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**HIGHWAY MAINTENANCE AND BUILDING CONSTRUCTION CONTRACTS-
STATE LET (continued)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
PHR	CAMERON	BU 83S	RMC - 629666001
PHR	CAMERON	FM 1847	RMC - 629643001
PHR	HIDALGO	IH 2	RMC - 629589001
SAT	MEDINA	FM 1796	RMC - 629612001
WAC	BELL	FS 1237	RMC - 629290001
WAC	HILL	SH 171	RMC - 629520001
WFS	COOKE	US 82	BPM - 629381001
WFS	MONTAGUE	FM 1806	RMC - 628992001

**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
ABL	MITCHELL	FM 2836	BR 2016(615)
AMA	OCHILTREE	US 83	STP 2016(152)
ATL	HARRISON	IH 20	NH 2016(371)
AUS	BASTROP	SH 71	STP 2012(629)
AUS	CALDWELL	SH 80	STP 2016(392)HES
AUS	HAYS	IH 35	STP 2016(388)MM
AUS	LLANO	SH 71	STP 2016(393)
AUS	MASON	SH 29	STP 2016(391)
AUS	TRAVIS	IH 35	CC 15-13-391
AUS	TRAVIS	IH 35	NH 2016(386)
AUS	WILLIAMSON	IH 35	STP 2016(384)MM
AUS	WILLIAMSON	SH 95	STP 2016(303)
BMT	JASPER	SH 62	STP 1502(422)
BRY	MILAM	US 190	NH 1502(511)
CHS	CHILDRESS	US 62	NH 2016(613)
CHS	KING	US 82	NH 2016(614)
CHS	WHEELER	US 83	STP 1502(376)

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**HIGHWAY AND TRANSPORTATION ENHANCEMENT BUILDING
CONSTRUCTION CONTRACTS - STATE LET (continued)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
CRP	KARNES	SH 239	STP 2016(412)
CRP	NUECES	SH 361	STP 2016(413)
DAL	COLLIN	US 75	C 47-14-69
DAL	DALLAS	IH 30	C 1068-4-122
DAL	DALLAS	US 75	NH 2016(597)
DAL	ELLIS	CR	BR 2013(598)
DAL	KAUFMAN	FM 1388	STP 2016(360)
ELP	EL PASO	SL 375	NH 2013(631)
ELP	HUDSPETH	RM 1111	STP 2016(395)
HOU	FORT BEND	US 59	C 89-9-58
HOU	FORT BEND	US 90A	C 27-8-173
HOU	GALVESTON	FM 646	C 978-1-34
HOU	HARRIS	CR	CC 912-72-335
HOU	HARRIS	IH 10	NH 2016(416)
HOU	HARRIS	SH 146	NH 1502(604)
HOU	MONTGOMERY	FM 2978	C 3050-2-25
LRD	LA SALLE	SH 97	STP 2016(401)
LRD	VAL VERDE	US 90	NH 2016(398)
LRD	WEBB	SL 20	NH 2016(400)
LBB	LAMB	US 70	STP 2016(376)
LBB	LUBBOCK	US 82	NH 2016(375)
LFK	HOUSTON	FM 3151	C 1875-3-22
LFK	NACOGDOCHES	US 59	STP 2016(420)HES
LFK	SAN AUGUSTINE	SH 21	STP 2016(274)
LFK	SHELBY	SH 7	STP 2016(419)HES
PAR	GRAYSON	SH 91	ER 2016(253)
PHR	HIDALGO	IH 2	NH 2016(426)
SJT	IRION	RL SO	C 7107-8-3
SJT	STERLING	US 87	NH 2016(403)
SJT	TOM GREEN	US 67	STP 2016(404)
SJT	TOM GREEN	VA	STP 2016(405)

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CONSTRUCTION CONTRACTS - STATE LET (continued)**

<u>DIST</u>	<u>COUNTY NAME</u>	<u>HIGHWAY NUMBER</u>	<u>CONTROLLING PROJECT NO.</u>
SAT	MCMULLEN	SH 72	STP 1502(273)
SAT	UVALDE	RM 187	STP 2016(407)
TYL	ANDERSON	US 175	NH 1502(561)
TYL	CHEROKEE	US 69	NH 2016(440)
TYL	HENDERSON	SH 31	BR 1502(473)
TYL	SMITH	SS 248	STP 2013(211)
TYL	SMITH	VA	STP 2016(365)
WAC	HILL	FM 933	STP 2016(369)
WAC	LIMESTONE	FM 39	STP 1502(415)
WAC	MCLENNAN	SH 6	C 258-9-111
WFS	COOKE	FM 51	STP 2016(383)
WFS	WICHITA	BU 287J	STP 2016(378)
WFS	WILBARGER	US 70	C 43-5-104
YKM	CALHOUN	FM 1090	STP 2016(430)HES
YKM	CALHOUN	SH 35	BR 1502(288)
YKM	COLORADO	FM 949	STP 2016(432)HES
YKM	GONZALES	SH 97	STP 2016(604)

**EMINENT DOMAIN
NON-CONTROLLED ACCESS**

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Burleson	FM 60	30	0648-03-064	32
Burleson	FM 60	33	0648-03-064	39
Collin	FM 2514	6	2679-02-009	56
Dallas	SL 12	38	0581-02-115	75
Dallas	SL 12	39	0581-02-115	76
Dallas	SL 12	40	0581-02-115	77
Dallas	SL 12	41	0581-02-115	78
Dallas	SL 12	42	0581-02-115	110
Denton	FM 720	1	1567-01-038	10
Denton	FM 720	2	1567-01-038	19
Denton	FM 720	3	1567-01-038	23,23E
Denton	FM 720	4	1567-01-038	1
Denton	FM 720	20	1567-01-038	3
Denton	FM 720	21	1567-01-038	22,22E
Denton	FM 720	24	1567-01-038	18

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NON-CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
El Paso	SL 375	37	2552-04-041	53
Ellis	US 287	9	0172-08-098	18
Ellis	US 287	10	0172-08-098	19
Ellis	US 287	11	0172-08-098	23
Ellis	US 287	12	0172-08-098	24
Ellis	US 287	13	0172-08-098	22
Ellis	US 287	16	0172-08-098	34
Ellis	US 287	17	0172-08-098	35
Ellis	US 287	18	0172-08-098	37
Ellis	US 287	19	0172-08-098	40
Ellis	US 287	22	0172-08-098	21
Ellis	US 287	23	0172-08-098	20
Ellis	US 287	25	0172-08-098	11
Ellis	US 287	26	0172-08-098	17
Ellis	US 287	27	0172-08-098	25
Ellis	US 287	28	0172-08-098	12
Ellis	US 287	29	0172-08-098	9
Ellis	FM 664	7	1051-01-043	15,15E
Ellis	FM 664	8	1051-01-043	26
Ellis	FM 664	14	1051-01-043	10
Ellis	FM 664	15	1051-01-043	30
Ellis	FM 664	31	1051-01-043	34
Ellis	FM 664	32	1051-01-043	67
Fort Bend	FM 2234	5	2105-01-036	42
Tarrant	SH 360	34	2266-02-129	30
Tarrant	SH 360	35	2266-02-129	34C
Tarrant	SH 360	36	2266-02-129	34A

CONTROLLED ACCESS

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Dallas	IH 30	D	1068-04-137	18
Dallas	IH 30	E	1068-04-137	16
Dallas	IH 30	F	1068-04-137	17
Ellis	US 287	G	0172-08-098	28
Ellis	US 287	I	0172-08-098	7
Ellis	US 287	J	0172-08-098	16
Ellis	US 287	K	0172-08-098	29
Ellis	US 287	L	0172-08-098	39,39E,39AC
Ellis	US 287	M	0172-08-098	38,38AC
Ellis	US 287	N	0172-08-098	8,8E
McLennan	IH 35	A	0015-01-234	203
McLennan	IH 35	B	0015-01-234	103
McLennan	IH 35	H	0015-01-234	39,39AC

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CONTROLLED ACCESS (continued)

<u>COUNTY</u>	<u>HIGHWAY</u>	<u>EXHIBIT</u>	<u>ROW CSJ NO.</u>	<u>PARCEL</u>
Tarrant	SH 183	O	0364-05-038	42A
Tarrant	SH 183	P	0364-05-038	44A
Tarrant	SH 183	Q	0364-05-038	62
Tarrant	IH 30	C	1068-02-123	9

DONATIONS TO THE DEPARTMENT

<u>DONOR</u>	<u>DIST</u>	<u>COUNTY</u>	<u>DONATION DESCRIPTION</u>
A.R. Schwartz	TRF	Galveston	Funds sufficient to design, fabricate, and install two memorial highway signs.
HEB Grocery Company, LP	HOU	Fort Bend	Design and construction of two deceleration lanes and widening of roadway pavement along FM 1463 in Fulshear.
River Pointe Community Church	HOU	Fort Bend	Design and construction of a right turn lane from southbound IH 69/US 59 in Richmond.
VBM New Braunfels Land, LLC	SAT	Comal	Design and construction of two right turn lanes from the I-35 frontage road in New Braunfels.