

TEXAS TRANSPORTATION COMMISSION

HARRIS County

MINUTE ORDER

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HOUSTON District

The Texas Department of Transportation (department), assisted by the Grand Parkway Association and other entities, has been proceeding with the development of SH 99 (Grand Parkway), a planned facility that will extend from State Highway 146 in Galveston County to State Highway 146 at Spur 55 in Chambers County.

The Grand Parkway project is subject to the market valuation provisions set forth in Transportation Code, §228.0111. The department and the seven counties in which the project is to be located (counties), including Harris County, have been working together to identify an approach to provide for the funding and development of the Grand Parkway project.

Section 228.0111 contains provisions relating to the development of a market valuation, based on terms and conditions that are agreed to by the department and the local toll project entity (or entities) within whose jurisdiction a project is located, which in the case of the Grand Parkway Project are the counties.

With respect to the Grand Parkway project, Section 228.0111 also requires that the terms and conditions be approved by the metropolitan planning organization for the region, which is the Houston-Galveston Transportation Policy Council (TPC) of the Houston-Galveston Area Council, the council of governments in the region that includes the proposed Grand Parkway.

Terms and conditions for development of the Grand Parkway have been agreed to by the department and the counties and have been approved by the TPC.

The department and the counties have evaluated the terms and conditions and other information and have determined that development of a market valuation for the Grand Parkway should be waived, and intend to enter into a market valuation waiver agreement in accordance with Transportation Code, §228.0111.

Transportation Code, §228.0111(g) grants the local toll project entities the first option to develop, finance, construct and operate the Grand Parkway project. The department and the counties are in the process of negotiating an agreement to construct the entire length of the Grand Parkway project, and it has not been determined who will be the developer of the Grand Parkway.

Transportation Code, §201.209 authorizes the department and a local government to enter into an agreement to increase the efficiency and effectiveness of government within the scope of their authorized duties. Transportation Code, Section 222.052 allows a political subdivision of the state to contribute funds for the development and construction of public roads and the state highway system located within the jurisdiction of the political subdivision.

The market valuation waiver agreement contemplates the counties undertaking work on all or any portion of the Grand Parkway project, subject to agreements between the department and the counties that provide for reimbursement of costs to the counties if the counties are ultimately not responsible for the development of the project.

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The department and Harris County desire to proceed with the development, design, construction, operation and maintenance of toll lanes and interchanges on Segment E of the Grand Parkway, from I-10 to US 290, along with approaches thereto (Segment E), as soon as practical.

The department and Harris County have negotiated an advance funding agreement under which Harris County agrees to fund, develop, design, construct, operate and maintain Segment E, subject to the reimbursement of Harris County's costs as provided in the agreement.

On February 24, 2009, the Harris County Commissioners Court adopted an order exercising Harris County's option to develop, design, construct, operate and maintain Segment E, subject to certain conditions prescribed in the order.

The development of Segment E is essential and urgent, as construction of this segment would alleviate congestion and improve traffic flow in the north and northwest Houston metropolitan area, and would provide a connection to the existing Segment D facility from US 59 to I-10. Construction of Segment E will enhance mobility and operational efficiency, decrease congestion, increase safety, and increase economic development opportunities in this corridor.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is authorized to enter into an advance funding agreement with Harris County for the development, design, construction, operation, and maintenance by Harris County of toll lanes and interchanges on Segment E of SH 99 (Grand Parkway), from I-10 to US 290, and approaches thereto, with all costs to be paid for by Harris County, but subject to reimbursement as provided in the agreement.

Submitted and reviewed by:

Assistant Executive Director for Innovative Project Development

Recommended by:

Executive Director

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Minute Number Date Passed