

TEXAS TRANSPORTATION COMMISSION

CAMERON County

MINUTE ORDER

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PHARR District

CAMERON COUNTY (county) has proposed the Brownsville West Rail Relocation Project to relocate a rail line that runs through downtown Brownsville, moving the line to a less densely populated location. The rail relocation project would eliminate the need for three previously approved projects for rail grade separations at FM 3248, FM 802, and US 281, which were authorized in Minute Order 110479.

The commission by Minute Order 110690 authorized the executive director to approve the expenditure of up to \$13 million for the rail relocation project, and to cancel existing approvals for three rail grade separation projects on the existing rail line in downtown Brownsville. The order was contingent on the county accepting the terms of the order, and then the county completing three matters described in the order. One of the three matters involved the County notifying the department that the international bridge and connecting facilities to the rail line in Mexico is under construction. The county accepted the terms of the order on February 13, 2007, and so according to the terms of the order the county is required to complete the three matters by February 13, 2010.

The commission by Minute Order 111982 changed the deadline in Minute Order 110690 to correspond to the deadline of Minute Order 111982; the county must deliver the agreements and provide the notification required under Minute Order 110690 by March 1, 2010, or Minute Orders 110690 and 111982 will be automatically cancelled. The order also directed the amendment of the 2007 UTP to authorize the additional project selection of the Brownsville West Railroad Relocation, for up to \$13 million in Category 6, Federal Railroad Grade Separation Program, and conditioned the authorization for letting the project to the County providing the department with the agreements and notifications required by Minute Order 110690.

The County has satisfied the requirements of Minute Order 110690 except the County cannot yet give notice concerning the beginning of construction in Mexico because such work has not yet begun.

IT IS THEREFORE ORDERED by the commission that the notification required under MO 11690 regarding the construction of the international bridge and connecting facilities to the rail line in Mexico is revised to instead require the County to notify the department that the diplomatic notes between the United States Department of State and Secretaria de Relaciones Exteriores have been exchanged, they include commitment dates for beginning of construction for the international bridge, and Mexico has selected a concessionaire for the construction of their portion of the rail relocation project and international rail bridge.

IT IS FURTHER ORDERED by the commission that the deadlines in MO's 110690 and 111982 for the county delivering agreements and providing notification be removed, and instead the county not be authorized to award the construction contract for the Brownsville West Rail Relocation project until the county does deliver the agreements and provide the notification required.

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IT IS FURTHER ORDERED by the commission that the requirement in MO 111982 for the county to deliver the agreements and provide the notification required by MO 110690 before the project is authorized for letting, be removed and instead the county not be authorized to award the construction contract for the Brownsville West Rail Relocation, which utilizes up to \$13 million in Category 6, Federal Railroad Grade Separation Program funds, until the county delivers the agreements and provides the notification required.

Submitted and reviewed by:

*FBY*  
Director, Finance Division

Recommended by:

*Amadeo Lopez*  
Executive Director

**112171 FEB 25 10**

Minute      Date  
Number      Passed