

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS District

Transportation Code, §228.0111 establishes a process for providing local toll project entities with the first option to develop, construct, and operate toll projects located within the boundaries of the local toll project entity. In Minute Order 111410, dated June 26, 2008, the Texas Transportation Commission (commission) adopted policies relating to the implementation of this process, which determines whether the Texas Department of Transportation (department) or a local toll project entity will develop, construct, and operate a toll project located within the boundaries of the local toll project entity.

In accordance with the requirements of Transportation Code, §228.0111 and the policies included in Minute Order 111410, the department and the counties in which State Highway 99 (Grand Parkway) is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway, agreed to waive the development of a market valuation of the Grand Parkway, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway.

In accordance with the requirements of Transportation Code, §228.0111(g), on September 15, 2009, Harris County (county) elected to exercise its option to develop, construct, and operate the portion of the Grand Parkway located within the county (Project). On January 11, 2011, the Harris County Commissioners Court rescinded the September 15, 2009 action to exercise the county's option, effectively failing to exercise its option, and providing for the reversion to the department of the right to develop, construct, and operate the Project.

In Minute Order 112558, dated January 27, 2011, the commission approved the department's determination to exercise its option to develop, finance, construct, and operate the Project, and authorized the Project with DEVELOP authority.

The Market Valuation Waiver Agreement contemplates that the department will enter into one or more agreements with the counties in which the Grand Parkway is located concerning the development, financing, construction, and operation of the Grand Parkway. Those agreements will provide for the assignment of responsibilities for the development and financing of the various segments of the Grand Parkway, including provisions relating to the use of toll revenues from segments of the Grand Parkway to pay for the costs of other segments. Entering into those agreements will assist the department in the development, construction, and operation of the portions of the Grand Parkway for which the department is responsible, including the Project.

Under the Market Valuation Waiver Agreement, the department and the counties agreed that the Grand Parkway will be developed under definitive project agreements that provide that toll revenues from each segment of the Grand Parkway will not be used for any purpose other than the Grand Parkway until the ultimate scope is completed. The Market Valuation Waiver Agreement also provides that the department will be responsible for required environmental approvals, and that the counties and the department will cooperate in developing and implementing a process for right of way designation and acquisition.

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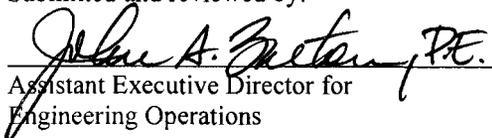
VARIOUS District

The timely development and construction of the Project is a priority of the commission and the department as it will benefit the state and the traveling public and improve the efficiency of the state's transportation system by enhancing mobility and operational efficiency, increasing safety, increasing economic development opportunities, decreasing air pollution, and enhancing quality of life in the Grand Parkway corridor.

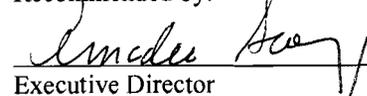
IT IS THEREFORE ORDERED by the commission that the Project is authorized with CONSTRUCT authority.

IT IS FURTHER ORDERED that the department is authorized to enter into agreements with the counties in which the Grand Parkway is located for the development, financing, construction, and operation of the Grand Parkway, subject to the terms and conditions of the Market Valuation Waiver Agreement.

Submitted and reviewed by:


Assistant Executive Director for
Engineering Operations

Recommended by:


Executive Director

112592 FEB 24 11

Minute Date
Number Passed