

TEXAS TRANSPORTATION COMMISSION

HARRIS County

MINUTE ORDER

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HOUSTON District

The Metropolitan Transit Authority of Harris County (METRO), a metropolitan rapid transit authority created under Transportation Code, Chapter 451, currently operates high occupancy vehicle (HOV) lanes and related facilities on certain highways on the state highway system in Harris County pursuant to an agreement (HOV Agreement) with the Texas Department of Transportation (department). The HOV lanes were open to traffic as HOV lanes prior to May 1, 2005.

To increase mobility on the state highways described in Exhibit A, and to improve the efficiency of the HOV lanes, METRO has expressed a desire to operate the portions of the HOV lanes on the segments of the state highway system generally described in Exhibit A as high occupancy toll (HOT) lanes, which METRO would allow high occupancy vehicles occupied by a specified minimum number of passengers to continue to use free of charge, while charging tolls for use by all other vehicles.

Under Transportation Code, §228.051 and §228.201, the Texas Transportation Commission (commission) may designate the HOT lanes as toll projects, and the department may operate the HOT lanes as toll lanes, if the highway or segment was open to traffic as an HOV lane on May 1, 2005, and if the department or the entity operating the lanes allows vehicles occupied by a specified number of passengers to use the lane without paying a toll.

Pursuant to Transportation Code, §228.007, if the commission authorizes the department to charge a toll for the use of the HOT lanes, the department may enter into an agreement with METRO to design, construct, operate and maintain the HOT lanes, and to charge a toll for the use of the HOT lanes. Under Section 228.007, the commission may authorize METRO to set the amount of the toll charges, which must be imposed in a reasonable and nondiscriminatory manner.

IT IS THEREFORE ORDERED by the commission that the HOT lanes are hereby designated as toll projects.

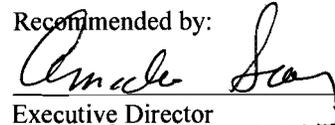
IT IS FURTHER ORDERED that the department is authorized to charge a toll for the use of the HOT lanes, provided that vehicles occupied by a specified number of passengers may use the HOT lanes without paying a toll.

IT IS FURTHER ORDERED that upon execution of the HOT Lanes Agreement between the department and METRO, METRO may set the amount of toll charges for use of the HOT lanes, which shall be imposed in a reasonable and nondiscriminatory manner and in accordance with the terms of this minute order and the HOT Lanes Agreement.

Submitted and reviewed by:


Director, Traffic Operations Division

Recommended by:


Executive Director

112556 JAN 27 11

Minute Number Date Passed

EXHIBIT A

HIGH OCCUPANCY TOLL LANES

I-45 North Freeway: From downtown Houston to north of FM 1960 (approximately 19.9 miles)

I-45 Gulf Freeway: From downtown Houston to Dixie Farm Road (approximately 15.5 miles)

US 59 Eastex Freeway: From downtown Houston to Loop 494 (approximately 20.2 miles)

US 59 Southwest Freeway: From downtown Houston to West Airport Boulevard (approximately 14.3 miles)

US 290 Northwest Freeway: From Northwest Transit Center to south of FM 1960 (approximately 13.5 miles)