

TEXAS TRANSPORTATION COMMISSION

HARRIS County

MINUTE ORDER

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HOUSTON District

Transportation Code, §228.0111, establishes a process for providing local toll project entities, defined as regional tollway authorities, regional mobility authorities, or counties acting under Transportation Code, Chapter 284, 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.

As required by Transportation Code, §228.0111(e), the agreed terms and conditions were approved by the Houston-Galveston Transportation Policy Council, the metropolitan planning organization for the area in which the Grand Parkway is located, in Resolution No. 2008-08, dated August 22, 2008.

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 On January 11, 2011, the Harris County Commissioners Court rescinded the September 15, 2009, action to exercise the county's option, effectively failing to exercise its option, and providing for the reversion to the department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.

Transportation Code, §228.0111(i) provides that if a local toll project entity does not exercise the option to develop, finance, construct, and operate a toll project, or does not enter into a contract for the construction of the project and make a commitment described in Transportation Code, §228.0111(g)(2) within the prescribed two-year period, the department has the option to develop, finance, construct, and operate the toll project under the agreed terms and conditions.

The department has determined that its option to develop, finance, construct, and operate the portion of the Grand Parkway located within the county should be exercised. Minute Order 111410 provides that the commission must approve any department determination to exercise an option to develop, finance, construct, and operate a toll project under Transportation Code, §228.0111.

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Transportation Code, §201.619 authorizes the department to enter into an agreement with a county identifying future transportation corridors within the county, and Local Government Code, §232.0033 authorizes a county to refuse to approve a plat of a subdivision if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to a future transportation corridor identified in such an agreement, thereby limiting the impact of development on both the acquisition price and damage to property needed for the transportation project. Entering into the agreement will accordingly assist in reducing project costs by limiting the cost to acquire right of way needed for the project.

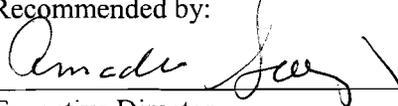
IT IS THEREFORE ORDERED by the commission that the department's determination to exercise its option to develop, finance, construct, and operate the portion of State Highway 99 (Grand Parkway) in Harris County, pursuant to Transportation Code, §228.0111(i), is approved, and the project is authorized with DEVELOP authority.

IT IS FURTHER ORDERED that the executive director of the department is authorized to enter into an agreement with Harris County under Transportation Code, §201.619 that includes the future transportation corridor in which the project is located.

Submitted and reviewed by:

  
Director, Texas Turnpike Authority Division

Recommended by:

  
Executive Director

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Minute Number      Date Passed