

## TEXAS TRANSPORTATION COMMISSION

FORT BEND County

### MINUTE ORDER

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HOUSTON District

The Texas Department of Transportation (department) and Fort Bend County (county) have been proceeding with the extension of the Westpark Tollway facility in the county, including frontage roads, from the Grand Parkway (SH 99) to FM 1463 (Westpark Toll Road Phase II or project), for a total length of approximately 4.2 miles.

The project is consistent with the Statewide Transportation Plan (Plan) and the Metropolitan Transportation Plan of the Houston-Galveston Area Metropolitan Planning Organization (HGAC). The frontage roads portion of the project will be included in the HGAC Transportation Improvement Program in 2013, and is listed in the FY 2011-2014 Statewide Transportation Improvement Program (STIP). HGAC is currently revising the conformity model to move the tolled mainlanes portion of the project forward to a construction year between 2015 and 2018.

The tolled mainlines will consist of four lanes extending for a total length of 3.0 miles and will include grade separations over Katy-Gaston Road and FM 723/Spring Green Drive. The mainlanes will transition to the frontage roads which will continue west to FM 1463. The project also includes a direct connector from the eastbound Westpark Tollway mainlanes to the northbound mainlanes of SH 99.

Transportation Code, §284.008 authorizes the Texas Transportation Commission (commission) to provide for and contribute toward the acquisition, construction, improvement, operation, maintenance, or pooling of a project under that chapter and under terms agreed to by the commission and the county. Transportation Code, §222.103 authorizes the department to participate by spending money from any available source in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission.

Pursuant to Transportation Code, §222.103, the commission adopted Title 43, Texas Administrative Code, §§27.50-27.58 (toll equity rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In accordance with Section 27.53 of the toll equity rules, the county has submitted a request for financial assistance in the amount of \$4 million a year for 10 years to pay for the development and construction of the Westpark Toll Road Phase II. The financial assistance was requested to be in the form of a grant.

As required by Section 27.53, on April 4, 2011, the county, acting through its Commissioners Court, certified that it has adopted and is enforcing an internal ethics and compliance program that satisfies the requirements set forth in 43 TAC §1.8.

Section 27.53(d) authorizes the executive director of the department to waive submission of individual items of information or data required by Section 27.53(c) if: (1) the information or data required by this section is not relevant to the project or the financial assistance requested; (2) the department already possesses information or data in a format that may be substituted for the required information or data; or (3) the past performance of the requestor on previous projects developed in collaboration with the department indicates that the requestor will adequately and prudently address the issues and impacts described in the requested information or data.

TEXAS TRANSPORTATION COMMISSION

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Information and data required by Section 27.53(b) is either contained in the request for financing or is already in the department's possession. Supplemental information and data required by Section 27.53(c) is contained in the request for financial assistance, is already in the department's possession, or is waived under Section 27.53(d).

The county has committed that the project will comply with all applicable environmental laws, and has committed that all environmental permits, issues, and commitments will be implemented.

The completion of the project will benefit the state and the traveling public and improve the efficiency of the state's transportation system by improving safety, mobility, traffic operations, and travel times, and by reducing traffic delays along a congested and developing FM 1093 corridor.

The financial assistance will improve the efficiency of the state transportation system by providing added capacity to the FM 1093 corridor, and by potentially expanding the availability of funding for transportation projects or reducing direct state costs. Without the financial assistance, the timeline to complete the project and realize the benefits described above could be delayed indefinitely.

NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by Fort Bend County meets the applicable requirements of 43 TAC §27.53 and §27.54(a) and, in accordance with those provisions, the commission grants preliminary approval in the amount of \$4 million per year for 10 years to be used for the purposes described herein with a requirement that the county then deliver an adjacent project with a value which exceeds \$40 million as soon as the necessary environmental approvals for the adjacent project are received and directs the executive director to implement the actions authorized and required by those and other applicable toll equity rule provisions.

Submitted and reviewed by:

James M. Bass  
Chief Financial Officer

Recommended by:

Armede Lee  
Executive Director

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Minute Number Date Passed