

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 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. A direct connector from the eastbound Westpark Tollway mainlanes to the northbound mainlanes of SH 99 will also be constructed.

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 the toll equity rules, the commission, in Minute Order 112793, dated August 25, 2011, granted final approval of the 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 commission further ordered that final approval of the financial assistance is conditioned on the project receiving the necessary environmental approvals and that funding from the financial assistance will not be made available to the county until one year following completion of the project and opening of the roadway to traffic.

The county has indicated that its earlier financial projections anticipated that the department would begin disbursing funds to the county on a date earlier than that authorized in Minute Order 112793. The county has run new financial projections, and has requested that the department agree to begin disbursing funds to the county after substantial completion of the project and opening of the roadway to traffic.

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 time, and by reducing traffic delays along the congested and developing FM 1093 corridor. Without the financial assistance, the timeline to complete the project and realize the benefits described above could be delayed indefinitely.

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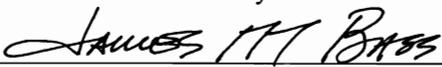
HOUSTON District

The financial assistance will improve the efficiency of the state transportation system by adding capacity to the FM 1093 corridor. With the requested financial assistance, the project has the potential to expand the availability of funding for transportation projects or to reduce direct state costs. Based on the above information, the commission has determined that providing financial assistance will provide for the protection of public funds, and that, given the level of project development to date, the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate adverse environmental impacts.

IT IS THEREFORE ORDERED by the commission that the provisions of Minute Order 112793 are amended to authorize the department to make funding from the financial assistance approved in that order available to Fort Bend County following substantial completion of the project and opening of the roadway to traffic.

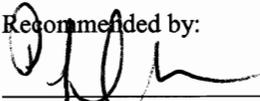
IT IS FURTHER ORDERED that all other provisions of Minute Order 112793 remain in effect.

Submitted and reviewed by:



Chief Financial Officer

Recommended by:



Executive Director

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Minute Number Date Passed