

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

On April 13, 2009, the Federal Highway Administration (FHWA) issued a Notice of Rescission of Federal-Aid Apportionments (notice). The purpose of the notice was to formally advise the states that \$3.15 billion of unobligated federal-aid highway funds apportioned to the states was rescinded, as required by Division I, Title I of the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8. The Act specifically exempts Highway Safety, Highway Rail Grade Crossing, Transportation Enhancement and sub-allocated Surface Transportation Program funds from the rescission. Not later than 30 days after the date of the notice, the states must identify the amounts to be rescinded from funds apportioned under Chapter 1 of Title 23, United States Code. The portion of the rescission assigned to the State of Texas is \$272,403,085.

Transportation Code, §201.103 requires the Texas Transportation Commission (commission) to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Transportation Code, §203.002 authorizes the commission to lay out, construct, maintain, and operate a modern state highway system, with emphasis on the construction of controlled access highways, and to plan for future highways.

The Texas Department of Transportation (department) previously convened a workgroup consisting of representatives from metropolitan planning organizations to provide input to the department on how rescissions should be distributed across funding categories. This group, known as the Stakeholder Committee on Rescissions (SCOR), discussed past rescissions, anticipated future rescissions, and the constraints the department faces when an official rescission notice is received. The SCOR met several times over the past year, and recently met to recommend funding categories and amounts to be rescinded based on this particular notice.

SCOR considered several factors prior to making a recommendation, including the current balances of each funding category, the amount of funds that were subject to lapse, any funding that was not expected to be used during the period, the impact to non-attainment areas, and the attributes of specific funding categories. The group conceded that any decision was difficult and had the potential for negative impact, but that the most flexibility was retained by preserving the programs with the fewest restrictions. Exhibit A to this minute order describes the funding categories and amounts to be rescinded, as recommended by the SCOR.

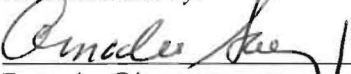
IT IS THEREFORE ORDERED by the commission that the Executive Director shall take the approximate rescission amount shown from each of the eligible categories set forth in Exhibit A to make up the total federally designated rescission amount. Since unobligated balances change on a daily basis in the normal course of obligating federal funds, the Executive Director shall establish the final rescission amounts in consultation with the FHWA as near to the deadline for identification of these amounts as practical.

Submitted and reviewed by:



Director, Finance Division

Recommended by:



Executive Director

111776 APR 30 09

Minute
Number

Date
Passed

**UNOBLIGATED BALANCE OF FHWA APPORTIONED PROGRAMS
AND PROPOSED RESCISSION AMOUNTS**

Pursuant to the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, Division I, Title I

State: Texas Total Amount to be Rescinded: \$272,403,085.00

<u>Code</u>	<u>Program Title</u>	<u>Fiscal Year</u>	<u>Total Unobligated Balance</u>	<u>Unobligated Balance to be Rescinded</u>
Q010	Interstate Maintenance - TEA 21	2003	284,939.47	284,939.47
H010	Interstate Maintenance - STEA03	2005	2,434,881.25	2,434,881.25
L010	Interstate Maintenance	2008	837,498,831.06	150,169,782.75
H050	National Highway Sys - STEA03	2005	2,286,437.57	2,286,437.57
L050	NHS - National Highway System	2009	633,254,860.68	113,547,316.51
Q050	Natl Highway Sys - TEA 21	2003	443,798.69	443,798.69
Q400	CMAQ - TEA 21	2003	1,155,886.83	1,155,886.83
1170	Bridge Repl-15% Off Sys-Mand	1997	262,705.41	262,705.41
Q100	Bridge Repl-65% On Sys - TEA21	2003	29,936.15	29,936.15
1140	Bridge Repl-20% Off/On Sys	1997	108,913.98	108,913.98
Q120	Br Rep & Reh 20% On/Off - TEA21	2003	80,244.23	80,244.23
33B0	STP - Enhancement	1995	71,988.31	71,988.31
Q220	STP - Enhancement - TEA21	2003	792,630.41	792,630.41
Q240	STP - State Flexible - TEA21	2003	670,944.74	670,944.74
H780	Min Guar-Subj to Limitation	2005	62,678.70	62,678.70

\$272,403,085.00