

TEXAS TRANSPORTATION COMMISSION

Brazoria County

MINUTE ORDER

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Houston District

Pursuant to Texas Transportation Commission (commission) Minute Order 114768, dated November 17, 2016, the commission approved the Brazoria County Expressway as a county toll project within the existing median of State Highway 288 from 200 feet south of abutment of the Clear Creek Bridge to County Road 58, and approved the connection of the Brazoria County Expressway to the state highway system.

Brazoria County, Texas and Brazoria County Toll Road Authority (BCTRA) have been proceeding with the development of an extension of the Brazoria County Expressway (Extension Project), a project under the jurisdictional limits of Brazoria County and BCTRA, which will be a tolled project. The Texas Department of Transportation (department) has been assisting with that development.

Transportation Code § 228.011 gives Brazoria County (county) the primary responsibility to develop, construct, and operate a toll project in the Brazoria County portion of the SH 288 corridor between US 59 and Grand Parkway South (State Highway 99). The Extension Project is a planned project in Brazoria County in which the county and BCTRA will extend the current Brazoria County Expressway with two northbound toll lanes and two southbound toll lanes in the median of the existing SH 288, with a hard barrier separation from the general-purpose lanes along SH 288. The Extension Project begins at the southern terminus of the current Brazoria County Expressway and continuing southward to County Road 60.

Transportation Code § 228.011(b-1) requires the department to assist the county in the financing, construction, and operation of a toll project by allowing the county to use state highway right-of-way owned by the department and to access the state highway system, provided that the county pay an amount to reimburse the department's actual costs to acquire the right-of-way.

The county has committed to reimburse the department in the amount of \$183,045.03 for the use by the county and BCTRA of portions of the state-owned right-of-way, inclusive of air space, for the development, construction, operation and maintenance of the Extension Project. This amount equals the department's actual costs to acquire the right-of-way used by the county and BCTRA for the use in the Extension Project or the amount equal to the average historical right-of-way acquisition values for comparable right-of-way located in proximity to the Extension Project on the date of original acquisition of the right-of-way.

Transportation Code § 228.011(c) authorizes the department and the county to enter into an agreement that includes reasonable terms to accommodate the use of the right-of-way by the county and to protect the interests of the commission and the department in the use of the right-of-way for operations of the department, including public safety and congestion mitigation on the right-of-way.

The department, the county, and BCTRA have negotiated a project development agreement (agreement) pursuant to which the county and BCTRA will procure, design, construct, finance, operate and maintain the tolled portion of the Extension Project, including the toll collections and operations equipment and systems. The agreement prescribes there is no anticipated use of state or federal funds

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for the Extension Project and should state or federal funds be used, commission approval is required prior to use.

Transportation Code, § 201.103 provides that the commission shall, in planning and making policies, consider for incorporation into the state highway system, turnpikes that other governmental or private entities are authorized to construct.

In connection therewith, Transportation Code, § 284.008(c) provides that a project becomes a part of the state highway system and the commission shall maintain the project without tolls when (i) all of the bonds and interest on the bonds that are payable from or secured by revenues of the project have been paid by the county (or another person with the consent or approval of the county), or (ii) a sufficient amount for the payment of all bonds and the interest on the bonds to maturity has been set aside by the county (or another person with the consent or approval of the county) in a trust fund held for the benefit of the bondholders, unless the commission approves a request submitted pursuant to Transportation Code § 284.008(d) that the project will not become part of the state highway system. The county has not submitted a request that the Extension Project not become part of the state highway system.

Title 43, Texas Administrative Code, § 11.58 provides that the commission must approve a public or private entity's connection of a regionally significant highway to the state highway system. Pursuant to that provision, the county has submitted a request to the executive director to connect the Extension Project to the state highway system. Pursuant to 43 TAC § 11.58(c), the Extension Project is in a conforming transportation improvement program, and the county agrees to design and construct the portion of the Extension Project that comprises the connection to the state highway system in compliance with the standards prescribed in 43 TAC § 11.58(d).

Transportation Code, § 362.051(a) and Title 43, Texas Administrative Code, §27.73 provide that a county must obtain the commission's approval before beginning construction of a toll project that is to be part of the state highway system. The county has submitted a request for approval of the Extension Project pursuant to that provision, and the commission finds that (i) the Extension Project may be effectively integrated into the state highway system; (ii) the department is able to construct any connecting roads necessary for the Extension Project to generate sufficient revenue to pay the debt incurred for its construction; and (iii) the environmental review and public involvement for the Extension Project have been conducted in the manner prescribed by Chapter 2, Subchapter C of Title 43, Texas Administrative Code.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is hereby authorized to enter into an agreement with Brazoria County and the Brazoria County Toll Road Authority pursuant to Transportation Code §228.011, to design, construct, finance, operate, and maintain the Extension Project, including the toll collections and operations equipment and systems, and that allows for the use of state owned right of way by Brazoria County and the Brazoria County Toll Road Authority.

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IT IS FURTHER ORDERED by the commission that the agreement shall require the county and the BCTRA to reimburse the department's actual costs to acquire the right of way needed for the Extension Project, in the amount of \$183,045.03.

IT IS FURTHER ORDERED that pursuant to Transportation Code, § 362.051(a) and Title 43, Texas Administrative Code, § 27.73, the Extension Project is approved.

IT IS FURTHER ORDERED that the commission has considered the Extension Project for incorporation into the state highway system, the project is not currently designated as part of the state highway system, but will become a part of the state highway system and the commission shall maintain the Extension Project without tolls when (i) all of the bonds and interest on the bonds that are payable from or secured by revenues of the Extension Project have been paid by the county (or another person with the consent or approval of the county), or (ii) a sufficient amount for the payment of all bonds and the interest on the bonds to maturity has been set aside by the county (or another person with the consent or approval of the county) in a trust fund held for the benefit of the bondholders.

IT IS FURTHER ORDERED that pursuant to 43 TAC § 11.58, the connection of the Extension Project with a segment of the state highway system is approved.

Submitted and reviewed by:

Recommended by:

Signed by:

Humberto Gonzalez Jr

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Director, Transportation Planning and Programming Division

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Ma Williams

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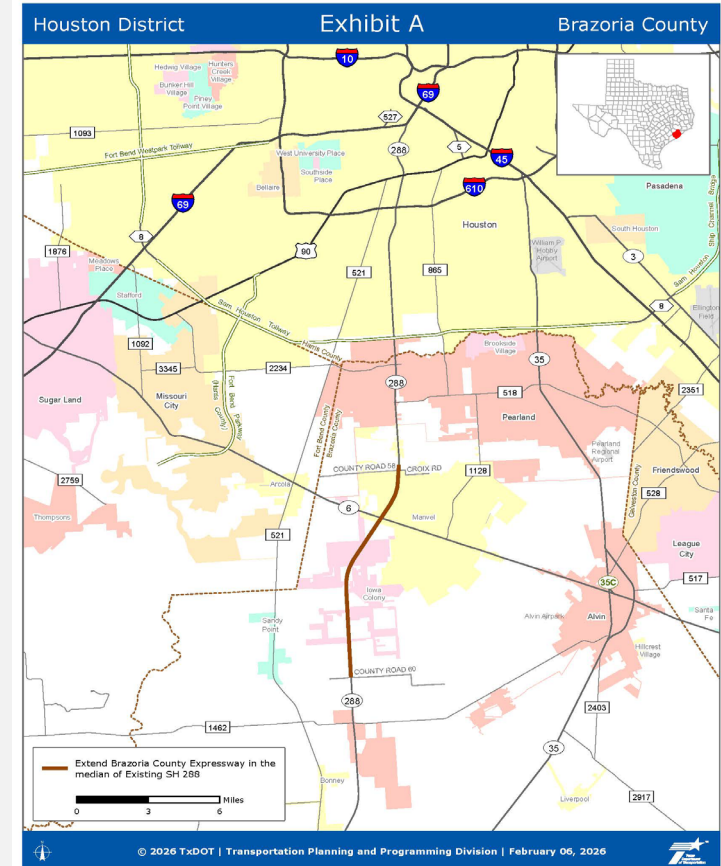
Executive Director

117133 02/26/2026

Minute	Date
Number	Passed

Brazoria County Expressway Extension

- **Length:** Approximately 10 miles
- **Limits:** south terminus of the current Brazoria County Expressway (CR 58) and continuing southward to CR 60
- **Scope:** Two northbound and two southbound toll lanes in the median of the existing State Highway 288 including a hard barrier separation from the general-purpose lanes
- **County Responsibilities:** Design, construction, financing, operations and maintenance, include of tolling.



- **Funding: 100% local funding. No state or federal funds are anticipated to be used on the extension project**
- Brazoria County has committed to reimburse the department \$183,045 for the use of the state right-of-way (ROW)
- **TxDOT Responsibilities:** Lead the environmental reevaluation, authorize use of state ROW, review plans and specifications, conduct required inspections (excluding toll-related facilities), and operate and maintain non-toll general-purpose lanes.

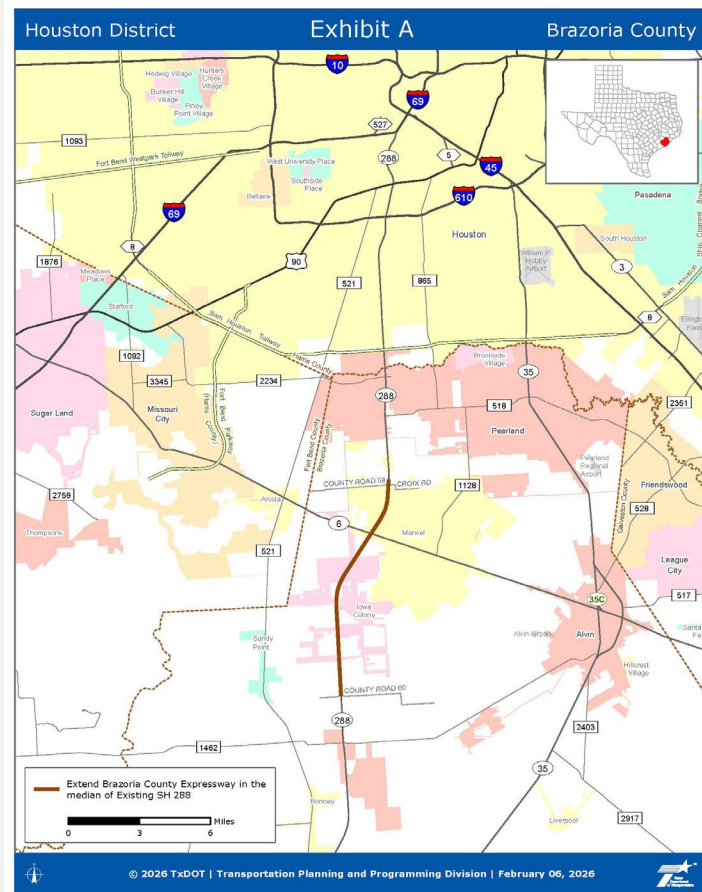


Exhibit A: Overview of 288 Brazoria County Expressway Extension project details.

