

TEXAS TRANSPORTATION COMMISSION

FORT BEND County

MINUTE ORDER

Page 1 of 2

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 area's metropolitan planning organization, the Houston-Galveston Transportation Policy Council, in Resolution No. 2008-08, dated August 22, 2008.

In accordance with the requirements of Transportation Code, §228.0111(g), on September 8, 2009, FORT BEND COUNTY (county) elected to exercise its option to develop, construct, maintain, and operate the portion of the Grand Parkway located within the county.

Transportation Code, §228.0111(k) requires the department to assist a local toll project entity in the development, financing, construction, and operation of a toll project for which the local toll project entity has exercised its option by allowing the local toll project entity to use state highway right of way owned by the department and to access the state highway system as necessary to construct and operate the toll project.

Transportation Code, §228.0111(l) provides that a local toll project entity shall enter into an agreement with the department for any project for which the entity has exercised its option to develop, finance, construct, and operate the project under Section 228.0111(g) and for which the entity intends to use state highway right-of-way. An agreement must contain provisions necessary to ensure that the local toll project entity's construction, maintenance, and operation of the project complies with the requirements of applicable federal and state law.

Minute Order 112117, dated January, 28, 2010, designated 15 intersection overpasses, approaches, and mainlanes to be constructed on the Grand Parkway, from US 59 to Franz Road in Fort Bend and Harris counties, as a toll project on the state highway system.

TEXAS TRANSPORTATION COMMISSION

FORT BEND County

MINUTE ORDER

Page 2 of 2

HOUSTON District

Minute Order 112592, dated February, 24, 2011, authorized the department to enter into agreements with the counties in which the Grand Parkway is located for the development, financing, construction, and operation of the Grand Parkway.

The department and county have been negotiating an agreement under which the county agrees to fund, develop, design, construct, operate and maintain Segment D of the Grand Parkway project.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is authorized to enter into an agreement with Fort Bend County pursuant to Transportation Code, §228.0111, for the county's use of state-owned right of way to develop, construct, and operate the portion of the Grand Parkway toll project, from US 59 to just north of FM 1093, with all costs to be paid by the county.

Submitted and reviewed by:

Mark E. Amburn

Director, Texas Turnpike Authority Division

Recommended by:

Amelia Sey

Executive Director

112666 APR 28 11

Minute
Number

Date
Passed