

**TEXAS TRANSPORTATION COMMISSION**

BRAZORIA County

**MINUTE ORDER**

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HOUSTON District

The Texas Department of Transportation (department) and Brazoria County have been proceeding with the development of a toll facility in the median of SH 288, from the Brazoria/Harris county line to CR 58 in Brazoria County (project).

The project is located within the boundaries of Brazoria County, and under Section 228.011 of the Transportation Code, Brazoria County has the option to design, construct, finance, operate and maintain the project.

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 Texas Transportation Commission (commission). The department will use concession payment money that it received under the comprehensive development agreement for the SH 288 Toll Lanes Project in Harris County (SH 288 concession payment).

Pursuant to Transportation Code §222.103, the commission adopted Title 43 Texas Administrative Code §§27.50-27.58 (financial assistance 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 financial assistance rules, Brazoria County has submitted a request to receive a grant of up to \$10,000,000 to pay costs of developing and designing the project. The information and data required by Section 27.53 of the financial assistance rules is either contained in the request for financing, is already in the department's possession, or may be waived.

On February 24, 2011, the commission adopted Minute Order 112605, directing that if financial assistance is provided to a public entity under Transportation Code §222.103 from a statewide funding source: (1) that assistance shall be repaid, or (2) the department shall require the entity to which the assistance is provided to agree to share project revenue with the department, in such amounts and for such period of time as is approved by the commission. These requirements do not apply to financial assistance provided from funds allocated to metropolitan planning organizations and department districts.

In accordance with 43 TAC §27.54(a)(2), the commission finds that: (1) the project is consistent with the Statewide Long-Range Transportation Plan and the metropolitan transportation plan developed by the applicable metropolitan planning organization; (2) the project is not in a Clean Air Act non-attainment area; (3) the project will improve the efficiency of the state's transportation systems; and (4) the project will expand the availability of funding for transportation projects or reduce direct state costs.

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BRAZORIA County

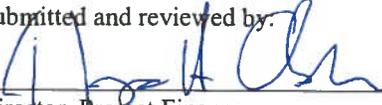
MINUTE ORDER

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HOUSTON District

IT IS THEREFORE DETERMINED AND ORDERED that the request submitted by Brazoria County for financial assistance in the form of a grant meet the applicable requirements of 43 TAC §§27.53 and 27.54(a) and, in accordance with those provisions, and including an exception to the requirements of Minute Order 112605, the commission grants preliminary approval of the request for financial assistance in an amount not to exceed \$10,000,000 as a grant of money from the SH 288 concession payment, to be used for costs of developing and designing the project.

Submitted and reviewed by:

  
\_\_\_\_\_  
Director, Project Finance,  
Debt & Strategic Contracts Division

Recommended by:

  
\_\_\_\_\_  
Executive Director

114742 OCT 27 '16  
Minute Date  
Number Passed