

These are the minutes of the special meeting of the Texas Transportation Commission, which met on June 14, 2007, in Austin, Texas. The meeting opened at 9:02 a.m. with the following members present:

Texas Transportation Commission

Ric Williamson	Chair
Ted Houghton, Jr.	Commissioner
Hope Andrade	Commissioner
Ned Holmes	Commissioner
Fred Underwood	Commissioner

Administrative Staff

Michael W. Behrens, Executive Director
 Steve Simmons, Deputy Executive Director
 Bob Jackson, General Counsel
 Roger Polson, Executive Assistant to the Deputy Executive Director
 Dee Hernandez, Chief Minute Clerk

Registration sheets listing others in attendance are on file with the Texas Department of Transportation Chief Minute Clerk.

A public notice of this meeting was filed in the office of the Secretary of State at 3:50 p.m. on June 6, 2007, as required by Chapter 551, of the Government Code, referred to as "The Open Records Act."

The commission met and received information from staff regarding the following agenda items:

ITEM 1. LEGISLATIVE REPORT

Report on legislation passed during the 80th session of the Texas Legislature

Received a report from Government and Business Enterprise Division Director Coby Chase

ITEM 2. RIGHT OF WAY

Expand the Utility Prepayment Funding Program Rules Advisory Committee to seven members and appoint one additional member to the committee

Commissioner Houghton made a motion, seconded by Commissioner Underwood, and the commission approved the following minute order presented by Assistant Executive Director for Engineering Operations Amadeo Saenz:

110963
ADM

On May 24, 2007, the Texas Transportation Commission (commission) adopted Minute Order No. 110939 creating the Utility Prepayment Funding Program Rules Advisory Committee and appointing six members to that committee. Under the provisions of Section 203.0922, Transportation Code, the committee is to report its advice and recommendations to the commission for adoption of rules to implement a new funding arrangement with utility companies that are required to relocate their utility facilities by improvement of a segment of the state highway system. The statute authorizes a utility company to execute an agreement with the Texas Department of Transportation (department) in which the utility agrees to annually prepay, to the department, 75 percent of estimated utility relocation costs for all state highway improvements that would not be reimbursed under Section 203.092, Transportation Code. The annual prepayment amounts will be based on the average of actual costs paid during the preceding three years. In return, the department agrees to reimburse the utility company for all of its eligible relocation costs on those improvement projects.

In order to provide the Utility Prepayment Funding Program Rules Advisory Committee with more input from local governmental entities, the commission finds that a representative from the City of Austin should be added to the committee.

IT IS THEREFORE ORDERED by the commission that the Utility Prepayment Funding Program Rules Advisory Committee is expanded to seven members and that Kathi Flowers of the Austin Water Utility is appointed to the committee.

ITEM 3. TOLL ROADS

Various Counties - Approve candidate projects for development, construction, and operation as toll projects, and authorize the executive director of the department to initiate the process of establishing the terms and conditions for the development, construction, and operation of those projects, and the process for developing market valuations of those projects, with local toll-project entities within whose boundaries approved candidate toll projects are located (MO)

Commissioner Houghton made a motion, seconded by Commissioner Holmes, and the commission approved the following minute order presented by Assistant Executive Director for Engineering Operations Amadeo Saenz:

110964
ADM

Senate Bill 792, 80th Legislature, Regular Session, 2007, added Section 228.0111 Transportation Code, to establish a process for providing local toll-project entities, defined as regional tollway authorities, regional mobility authorities, or counties acting under Chapter 284, Transportation Code, with the first option to develop, construct, and operate toll projects located within the boundaries of the local toll-project entity.

Section 228.0111(e), Transportation Code, provides that if a local toll-project entity or the Texas Department of Transportation (department) determines that a toll project located within the boundaries of the local toll-project entity should be developed,

constructed, and operated as a toll project, the local toll-project entity and the department shall mutually agree on the terms and conditions for the development, construction, and operation of the toll project, including the initial toll rate and the toll rate escalation methodology.

Section 228.0111(f), Transportation Code, provides that after agreeing on the terms and conditions for a toll project under Section 228.0111(e), the local toll-project entity and the department shall mutually determine which entity, including a third party contracted for that purpose, will develop a market valuation of the project that is based on the terms and conditions established under Section 228.0111(e).

Under Section 228.0111(g), a local toll-project entity has six months after the date that the market valuation is mutually approved under Section 228.0111(f) to decide whether to exercise the option to develop, construct, and operate a toll project located within the boundaries of the local toll-project entity.

Exhibit A to this order contains a list of candidate projects throughout the state, listed by department district, which have been proposed by the department for development, construction, and operation as toll projects.

IT IS THEREFORE ORDERED by the Texas Transportation Commission (commission) that the list of candidate projects for development, construction, and operation as toll projects contained in Exhibit A to this order is approved.

IT IS FURTHER ORDERED that the executive director of the department is authorized to initiate the process of establishing the terms and conditions for the development, construction, and operation of those projects, and the process for developing market valuations of those projects, as described in Section 228.0111, Transportation Code, with the local toll-project entity within whose boundaries an approved candidate toll project is located.

The commission recessed to meet in Executive Session at 11:29 a.m. under Section 551.074 - Discuss the appointment of the executive director of the Texas Department of Transportation.

The commission reconvened from Executive Session at 1:55 p.m. No action was taken.

Commissioner Underwood made a motion to adjourn and Commissioner Houghton seconded the motion.

The special meeting of the Texas Transportation Commission adjourned at 1:55 p.m.

APPROVED:

Ric Williamson, Chair
Texas Transportation Commission

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I hereby certify that the above and foregoing pages constitute the full, true and correct record of all proceedings and official records of the Texas Transportation Commission at its special meeting on June 14, 2007, in Austin, Texas.

Dee Hernandez, Chief Minute Clerk
Texas Department of Transportation