

TEXAS TRANSPORTATION COMMISSION

CAMERON County

MINUTE ORDER

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PHARR District

In CAMERON COUNTY (county), projects have been proposed to construct grade separations over the Union Pacific Railroad (railroad) at US 281, FM 802, and FM 3248. Minute Order 110479, dated March 30, 2006, authorized these projects in Category 6, Structures Replacement and Rehabilitation (Railroad Grade Separations), of the Texas Department of Transportation (department) Unified Transportation Program (UTP).

The United States Congress authorized the Federal-Aid Highway Act of 1973 on August 13, 1973. This authorization provided for numerous demonstration projects in the city of Brownsville for the relocation of railroad lines from the central areas of the city in order to eliminate a substantial number of existing at-grade railroad crossings.

Title 23 United States Code §130 states that railroad relocation costs may be reimbursable expenses when the relocation of a portion of a railroad eliminates the hazards of the railroad-highway crossings, and therefore, the need for the grade separations, and the cost of the relocation is less than the costs of the grade separations.

The county has a considerable interest in the development of a project that would eliminate the three currently authorized railroad grade separation projects by relocating a portion of the railroad. This project is referred to as the Brownsville West Rail Relocation project. This project would eliminate at-grade railroad crossings in and near the city and would improve the transportation network of the area through the proposed rail system improvements and thereby improve the safety and traffic flow of the three named highways. Once the railroad is relocated, the existing rail corridor could be used for other transportation purposes.

IT IS THEREFORE ORDERED by the Texas Transportation Commission (commission) that the executive director is authorized to tender the following proposal to the county:

Provided the county will:

1. Obtain an agreement with the railroad that states they will relocate their rail line to the proposed location.
2. Obtain from the railroad company, in the state's name, the railroad's property interest along the current location of the line from which rail service is being relocated.
3. Notify the department that the international bridge and connecting facilities to the rail line in Mexico is under construction.

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The department will:

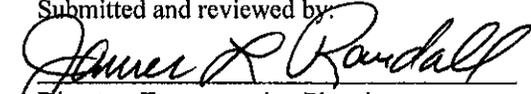
1. Amend the UTP to authorize no more than \$13 million for the elimination of the at-grade railway crossings via relocation of the railroad and the acquisition of the railroad property interests in connection with the construction of the Brownsville West Rail Relocation project.
2. Cancel the development and construction of railroad grade separations at US 281, FM 802 and FM 3248 along the existing alignment of the rail line.

IT IS FURTHER ORDERED by the commission that the executive director is hereby authorized to enter into any necessary agreements with the county containing the terms consistent with the provisions of this order.

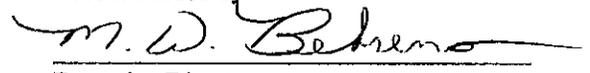
IT IS FURTHER ORDERED by the commission that if the county does not deliver the agreements or provide the notification required under this order no later than three years from the date the order becomes operative, this order shall be automatically cancelled.

This order shall become operative upon acceptance by the county; and if not accepted within 180 days of the date of this order, the order shall be automatically cancelled.

Submitted and reviewed by:

  
Director, Transportation Planning  
and Programming Division

Recommended by:

  
Executive Director

**110690 SEP 28 06**

Minute      Date  
Number      Passed