

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

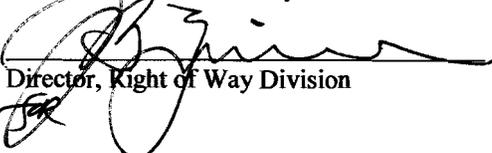
The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §21.23, relating to state participation in toll-related relocations, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth at length verbatim in this minute order.

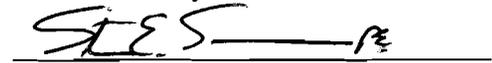
IT IS THEREFORE ORDERED by the commission that the amendments to §21.23 are adopted and are authorized for filing with the Office of the Secretary of State.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

  
Director, Right of Way Division

Recommended by:

  
Interim Executive Director

**111078 SEP 27 07**

Minute Date  
Number Passed



1 state reimbursement for utility relocations on toll-related  
2 projects from September 1, 2007 to September 1, 2013.

3

4 COMMENTS

5 No comments on the proposed amendments were received.

6

7 STATUTORY AUTHORITY

8 The amendments are adopted under Transportation Code, §201.101,  
9 which provides the Texas Transportation Commission with the  
10 authority to establish rules for the conduct of the work of the  
11 department, and more specifically, Transportation Code,  
12 §203.095, which directs the department to adopt rules to  
13 implement Transportation Code, Chapter 203, Subchapter E  
14 concerning relocation of utility facilities required by  
15 improvements to the state highway system.

16

17 CROSS REFERENCE TO STATUTE

18 Transportation Code, §203.092.

1 SUBCHAPTER B. UTILITY ADJUSTMENT, RELOCATION, OR REMOVAL

2 §21.23. State Participation in Toll-Related Relocations.

3 (a) This section applies to the relocation of utility  
4 facilities made necessary by:

5 (1) an improvement of a nontolled state highway facility  
6 to add one or more tolled lanes;

7 (2) an improvement of a nontolled state highway that has  
8 been converted to a toll project on the state highway system; or

9 (3) the construction on a new location of a toll project  
10 on the state highway system or the expansion of such a toll  
11 project.

12 (b) As a condition for reimbursement under this section:

13 (1) the Texas Transportation Commission must designate  
14 the highway facility to be constructed or improved as a toll  
15 project; and

16 (2) the utility owner must enter into an agreement  
17 concerning the terms of the relocation under subsection (c) of  
18 this section.

19 (c) Agreement.

20 (1) The utility owner, prior to incurring relocation  
21 costs, shall enter into an agreement concerning the terms of the  
22 relocation with the department, or with a department contractor  
23 under a comprehensive development agreement whose scope of work

1 includes responsibility for utility relocations made necessary  
2 by the project.

3 (2) Execution of an agreement shall be based on a  
4 determination by the department, or a department contractor if  
5 authorized under a comprehensive development agreement, that a  
6 conflict exists between a proposed project and a utility  
7 facility.

8 (3) If a dispute arises concerning the existence of a  
9 conflict, the Right of Way Director may authorize the execution  
10 of a toll road utility agreement based on evidence presented by  
11 the affected utility.

12 (d) Eligible relocation costs.

13 (1) Eligible relocation costs include necessary material  
14 acquisition, engineering and planning costs, and the physical  
15 installation of materials.

16 (2) The department will reimburse 50% of eligible  
17 relocation costs that are actually incurred prior to September  
18 1, 2013 [~~2007~~]. Relocation costs incurred on or after that date  
19 [~~September 1, 2007~~] will not be reimbursed.