

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

Senate Bill 1209, 80th Legislative Regular Session adds Section 203.0922 to the Transportation Code authorizing the Texas Transportation Commission (commission) to establish a new funding arrangement with utility companies that are required to relocate their utility facilities by the improvement of a segment of the state highway system. This funding arrangement will cover the costs of relocation that are not eligible for reimbursement under Section 203.092, Transportation Code.

Under Section 203.0922, the Texas Department of Transportation (department) and a utility company may execute an agreement 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. 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. The program will be voluntary and open to all utility companies that choose to participate.

To implement this new program, the commission will be adopting rules to establish the conditions for eligibility, procedures for calculating the annual prepayment amounts, methodologies for submission and timely payment of reimbursable costs, and required terms for the prepayment funding agreements.

Pursuant to §203.0922, Transportation Code, the commission is required to appoint a rules advisory committee to advise the department and the commission on development of administrative rules for establishing the prepayment funding agreement program.

IT IS THEREFORE ORDERED by the commission that the Utility Prepayment Funding Program Rules Advisory Committee is created and that it shall be composed of six members, report its advice and recommendations to the commission, and continue indefinitely for consideration of future rule changes or additions.

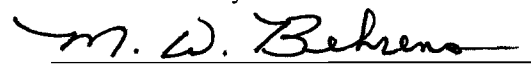
IT IS FURTHER ORDERED that the executive director or designee is directed to designate an office of the department to be responsible for providing any necessary administrative support essential to the functions of the committee.

IT IS FURTHER ORDERED that the individuals identified in the attached Exhibit A are appointed as members of the Utility Prepayment Funding Program Rules Advisory Committee.

Submitted and reviewed by:


Assistant Executive Director
Engineering Operations

Recommended by:


Executive Director

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Minute Number Date Passed

EXHIBIT A

MEMBERS OF UTILITY PREPAYMENT FUNDING PROGRAM RULES ADVISORY COMMITTEE

1. Robert H. Digneo, AT&T Texas
2. Jeffrey Knights, Atmos Energy Corporation
3. Jeff Myerson, CenterPoint Energy
4. Paul Thornhill, Lower Colorado River Authority
5. Ronald N. McMillan, Time Warner Cable
6. Bruce D. Cohen, Verizon