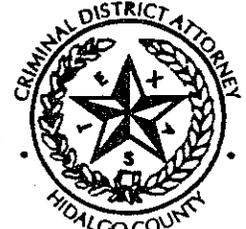


RENE GUERRA



RECEIVED

MAR 22 2011

OPINION COMMITTEE

March 16, 2011

FILE # ML-46699-11

I.D. # 46699

RQ-0955-BA

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

Re: Request for Attorney General Opinion

Dear General Abbott,

On October 26, 2004 the Commissioner's Court of Hidalgo County (the "County") approved a petition to the Texas Department of Transportation (the "Department") requesting the Department's authorization and approval to form the Hidalgo County Regional Mobility Authority (the "HCRMA"). On March 30, 2005 the County amended its original petition and submitted an amended and restated petition (the "Petition") to the Department for approval. This Petition sought to address comments received by the County from the Department regarding the composition of the HCRMA's board of directors. On November 17, 2005 the Texas Transportation Commission (the "Commission") approved a minute order stating that "[t]hat the board of directors of the [HC]RMA as set forth in the [P]etition, will be composed of seven members, with six members appointed by the Hidalgo County Commissioners Court and the presiding officer, who will serve as chairperson, appointed by the Governor."

Section Seven of the Petition states that the initial Board of Directors for the HCRMA will be appointed as follows:

"One (1) member shall be appointed from the Delta Area (Edcouch, Texas and Elsa, Texas area); One (1) member shall be appointed from the Mid-Valley Area (Weslaco, Texas, Mercedes, Texas and Donna, Texas area); One (1) member shall be appointed from Pharr, Texas and San Juan, Texas area; One (1) member shall be appointed from the City of McAllen, Texas; One (1) member shall be appointed from Mission, Texas and La Joya, Texas area; and One (1) member shall be appointed from the City of Edinburg, Texas. One (1) member (the Presiding Officer) shall be appointed by the Governor of the State of Texas."

The following paragraph in the Petition states that "[t]he Petitioner [the County] will make appointments according to Texas Transportation Code Section 370.251 that adequately represent Hidalgo County as a whole."

Section 370.251 of the Texas Transportation Code provides who may be appointed to the board of directors of a regional mobility authority and who may not. However, this statute does not specifically address how the original representation criteria or the appointment process for appointment of the HCRMA's board of directors, approved by the Commission in the Petition, may be revised or amended by the County.

Section 370.251 states that the board must consist "of representatives of each county in which a transportation project of the authority is located or is proposed to be located" and outlines further requirements regarding the eligibility of individuals who are appointed to the board. Furthermore, the Commission is allowed to refuse the creation of a regional mobility authority "if the Commission determines that the proposed board will not fairly represent political subdivisions in the counties of the authority that will be affected by the creation of the authority." TEX. TRANSP. CODE ANN. § 370.251(j). Finally if a vacancy occurs the statute only states that the HCRMA "shall promptly appoint a successor" but does not require or specify that the successor must be appointed using the same representation criteria used to appoint his or her predecessor. TEX. TRANSP. CODE ANN. § 370.251(e).

The Texas Administrative Code does not provide any further guidance regarding amending or revising the representation criteria or the appointment process by the County. 43 TAC § 26.11(a)(6) states that a petition to the Commission must include "the representation criteria and the appointment process for board members", 43 TAC § 26.14(a)(2) states that the minute order of the Commission will "establish, consistent with Transportation Code § 370.251, the initial size of the board, which shall be composed of an odd number of directors," and 43 TAC § 26.15 (a) states that a County resolution "shall appoint directors consistent with the provisions of § 26.14(a)(2)" and § 26.15(b) states that the County "shall provide the appointment of any additional members described in § 26.11(6) of this subchapter."

Because of the ambiguity and vagueness that appears to exist in the current state of the law regarding the composition of a board of directors of a Texas regional mobility authority, we respectfully ask that you review and opine on the following questions:

- (1) Does Texas law require that the County must always abide by and utilize the representation criteria and appointment process for appointing individuals to the board of directors of the HCRMA, including filling vacancies or subsequent director terms, in the manner set forth in the Petition approved by the Commission? Or does the Petition only require the County abide by the criteria and process for appointing the **initial** board of directors for the **initial** board of the HCRMA?
- (2) If Texas law does not require that the County abide by and utilize the representation criteria and appointment process for appointing the board of directors of the HCRMA as stated in the Petition, what process must the County follow in choosing the new representation criteria and amending the appointment process of the HCRMA? Must the County seek approval from the Commission prior to making appointments with new representation criteria and a new appointment process?

- (3) If the answer to question number one is no, what factors must or should the County take into consideration in order to determine that any new criteria and appointment process for appointing the HCRMA board "fairly represent political subdivisions in the counties of the authority?"

In order to assist you with your review we enclose a copy of the Petition and the minute order of the Commission which are attached hereto. If you should need any additional information, please do not hesitate to contact us. Thank you for your consideration of this matter.

Very Truly Yours,



Rene Guerra
Hidalgo County Criminal District Attorney

Enclosures

Cc: (w/out encl.)

The Honorable Ramon Garcia, Hidalgo County Judge
Hidalgo County Commissioner Mr. Joel Quintanilla, Precinct #1
Hidalgo County Commissioner Mr. Hector "Tito" Palacios, Precinct #2
Hidalgo County Commissioner Mr. Joe M. Flores, Precinct #3
Hidalgo County Commissioner Mr. Joseph Palacios, Precinct #4
Mr. Dennis Burleson, Chairman Hidalgo County Regional Mobility Authority
Mr. Stephen L. Crain, Esq. Attorney for Hidalgo County
Ms. Blakely Fernandez, Esq. Attorney for Hidalgo County Regional Mobility Authority

**AMENDED AND RESTATED PETITION
BY HIDALGO COUNTY FOR AUTHORIZATION TO FORM
A REGIONAL MOBILITY AUTHORITY TO THE TEXAS
TRANSPORTATION COMMISSION**

Amend
3-31

TEXAS TRANSPORTATION
COMMISSION

§
§
§

RMA APPLICATION NO. 1

**AMENDED AND RESTATED
PETITION BY HIDALGO COUNTY
FOR AUTHORIZATION TO FORM A REGIONAL MOBILITY AUTHORITY
TO THE TEXAS TRANSPORTATION COMMISSION**

WHEREAS, on October 26, 2004, the Commissioners Court of Hidalgo County, Texas, at a special meeting of the Commissioners Court approved a Petition to the Texas Department of Transportation (TxDOT) requesting the authorization to form the Hidalgo County Regional Mobility Authority (the "Hidalgo County RMA") as required by 43 TAC Section 26.11;

WHEREAS, the Commissioners Court desired to amend the number of Hidalgo County RMA Board of Directors and the method by which Hidalgo County shall appoint the Board of Directors of the proposed Hidalgo County RMA;

WHEREAS, at a regular meeting held on March 30, 2005 of the Commissioners Court, the Commissioners amended and restated the Hidalgo County RMA Petition to TxDOT to read as follows:

Pursuant to provisions of Texas Transportation Code Chapter 370 and 43 Texas Administrative Code (TAC), Section 26.1, *et seq.*, Hidalgo County (hereinafter referred to as **Petitioner**) tenders this, their Petition and Request for Authorization to Form the **Hidalgo County Regional Mobility Authority**. As required by 43 TAC Section 26.11, the **Petitioner** submits the following in support of their petition.

1. COMMISSIONERS COURT APPROVAL

On October 26, 2004, the Hidalgo County Commissioners Court approved the creation of the **Hidalgo County Regional Mobility Authority** (hereinafter referred to as **Hidalgo County RMA**). A copy of the Hidalgo County

Commissioner's Court Resolution is attached hereto as **ATTACHMENT 1**.

2. DESCRIPTION OF NEEDS FOR IMPROVEMENT TO REGIONAL MOBILITY

The importance of effective and efficient transportation infrastructure is a highly-regarded concern of governmental entities, transportation officials, commercial owners and residents within the lower Rio Grande Valley/Texas-Mexico border region. Texas is considered a major gateway for trade between the United States and Mexico; NAFTA has provided increased interest as well as a major avenue to facilitate this trade. Even while it appears that the existing ports of entry along the Texas-Mexico border have become congested and somewhat inefficient, the **Petitioner** recognizes, what may be even more important, is the congestion and inefficiency of the existing transportation infrastructure within Hidalgo County.

The **Petitioner** recognizes that it encompasses the nation's third fastest growing Metropolitan Statistical Area (MSA). Traffic data from the 2025 Metropolitan Planning Organization (MPO) Hidalgo County Metropolitan Transportation Plan, December 1999 indicates that 2025 - Build and No-Build will provide only level of service (LOS) E and F for the majority of roadway facilities in Hidalgo County, and previous traffic data shows to be under-estimated by 20 percent (20%). The population of Hidalgo County continues to grow at an accelerated rate. The 2000 Census population was approximately 569,463 and the population is expected to be 900,000 by 2025. Therefore, improvements to transportation infrastructure within Hidalgo County are vital to meet the demands resulting from this tremendous growth.

The formation of the **Hidalgo County RMA** will allow an entity, under local control but working in cooperation with the Texas Department of Transportation (TxDOT), to develop turnpike road projects and provide support to other transportation improvements in the region which otherwise might depend solely on state or federal funding. Thus, badly needed transportation infrastructure can be delivered to the region more quickly than would be the case without a regional mobility authority.

The **Hidalgo County RMA** will benefit the State by relieving TxDOT of the burden of constructing certain transportation projects. For example, the initial projects to be pursued by the **Hidalgo County RMA** are identified in paragraph 4.

3. BENEFITS

These projects will be important links to the border infrastructure within and adjacent to Hidalgo County. The State will also benefit by having a local entity which will study, plan, and develop projects that otherwise might be the sole responsibility of the State.

The **Hidalgo County RMA** will also benefit Hidalgo County, the various ports of entry, governmental entities, transportation officials and cities and communities by having increased local control over projects and a more direct impact on transportation planning decisions. The region will also have the opportunity to benefit from surplus revenues generated by the **Hidalgo County RMA** that may be used for other transportation projects in the region.

The traveling public will benefit by an improved system of roadways in the

region, delivered sooner than would otherwise be possible under traditional methods of transportation funding and project development. Easing the severe traffic congestion which plagues the area encompassed by the **Hidalgo County RMA** will also enhance safety, decrease travel time, and generally improve the quality of life of citizens of the region.

4. PROJECT DESCRIPTION - HIDALGO COUNTY LOOP

The Petitioner began approximately two years ago a comprehensive study to develop and define a transportation loop, preliminarily identified in the MPOs previous and recent circulation studies. The development of the **Hidalgo County Loop** by the Petitioner involved a three-phase approach incorporating Texas Department of Transportation (TxDOT) guidelines and the National Environmental Policy Act (NEPA) requirements for major highway improvements: Phase I - to perform a route analysis within a six mile wide corridor, including preliminary project planning elements for route analysis, preliminary environmental investigations, and public involvement; Phase II(A) - to perform an alignment analysis within the recommended route identified in Phase I, developing final planning elements, including determination of final alignment, preparation of a final environmental document, public involvement, including a public hearing, preparation of a schematic of final alignment and identification of required right of way, and final evaluation and determination of logical termini for phased construction; Phase II(B) - to develop right of way mapping and acquisition; and, Phase III - to develop final design, plans, specifications and estimates, and begin construction for portions of

the project, as determined by logical termini for phased construction, in order of priority need and consistent with availability of funding. Recently, the **Petitioner** completed Phase I of project development, which included a corridor-route analysis, preliminary environmental investigations/documentation, and public involvement. The results of Phase I are documented in the ***Hidalgo County Loop Alternatives Route Analysis Report***, adopted by Hidalgo County Commissioners Court on May 13, 2003. This report identified the preferred route of the **Hidalgo County Loop**.

Recognizing that the **Hidalgo County Loop** is approximately 104 miles in length, that it will have to be developed in phases consistent with funding availability, and that the Texas Transportation Commission has a commitment to supporting projects with potential toll feasibility, the **Petitioner** has identified, from Phase I project development and documented in the ***Hidalgo County Loop Alternatives Route Analysis Report***, two projects with logical termini to be carried forward for further development: (1) the **South Truck/Haz-Mat Connector**, from US 281 to US 83, with future extension to north of Edinburg (see **ATTACHMENT 2** for project location map), and (2) the **Southeast Loop**, from US 83 to near US 281 at the proposed South Truck / Haz-Mat Connector (see **ATTACHMENT 2** for project location map).

(a) Consistency with MPO Plan and the Texas Transportation Plan. The **Hidalgo County Loop** is supported by the Hidalgo County Metropolitan Planning Organization (MPO) and the Lower Rio Grande Valley Development Council, and has been identified in the 2002 *MPO Circulation*

Study. The TxDOT - Pharr District has identified portions of the project for Construct authority under Category 2 and will be included in the Statewide Mobility Plan (SMP) to be approved by the Texas Transportation Commission in November 2004. Coordination with the TxDOT - Pharr District has been on-going through Phase I project development. The Pharr District has begun preliminary engineering and environmental commensurate with Phase II as identified above, on the project identified as the Southeast loop with connection into Cameron County.

(b) Description of Known Environmental, Social, Economic or Cultural Resource Issues. The **Petitioner** completed a preliminary environmental analysis during Phase I project development of the **Hidalgo County Loop**. The preliminary environmental analysis was developed in accordance with TxDOT and NEPA guidelines and requirements, including the identification of constraints and issues involving floodplains, prime farmlands, wetlands, stream crossings, threatened and endangered species, vegetation, wildlife communities, land use, historical and archaeological resources, number of businesses and residences affected, community/civic facilities, recreational facilities, hazardous materials, and ranching facilities. The results of the preliminary environmental analysis are documented in the ***Hidalgo County Loop Alternatives Route Analysis Report***, adopted by Hidalgo County Commissioner's Court on May 13, 2003. In general, the preliminary environmental analysis provided the opportunity to determine the preferred

route by minimizing and/or avoiding social, economic and cultural impacts. The **Petitioner** understands that final environmental permits, issues, and commitments will be documented during Phase II project development, with the determination and identification of the final alignment of each portion of the **Hidalgo County Loop**, including the **South Truck/Haz-Mat Connector**, and future extension to north of Edinburg, and the **Southeast Loop**.

(c) Known Opposition and/or Controversies Regarding Project. Throughout Phase I project development, the **Petitioner** held sixteen public forums, including workshops and meetings (public and stakeholder) during the period of March 2002 to May 2003. The **Petitioner** is aware of no known significant opposition to, or controversies regarding the **Hidalgo County Loop**.

(d) Preliminary Financing Plan. At this time only general estimates of costs, financing, and sources and uses of funds are available for the project. To the extent that they are available, estimates are set forth below:

(i) Estimated Project Costs*

	South Truck/Hazmat Connector	US 83 - La Joya Relief Route	Southeast Loop
Construction Cost	\$151,492,000.	\$70,000,000.	\$143,312,000.
Planning & Engineering #	\$15,149,200.	\$7,000,000.	\$14,331,200.
Construction Phase Engineering ##	\$11,361,900.	\$5,250,000.	\$10,748,400.
Right-of-Way & Utility Relocation	\$18,604,000.	\$4,000,000.	\$9,825,150.
Environmental Mitigation	\$3,787,300.	\$7,000,000.	\$3,582,000.
Miscellaneous	\$15,149,200.	\$7,000,000.	\$14,331,200.
ESTIMATED TOTAL	\$215,543,600.	\$100,250,000.	\$196,129,800.

(ii) Estimated Financing and Sources and Uses of Funds*

	South Truck/Hazmat Connector	US 83 - La Joya Relief Route	Southeast Loop
TxDOT (TxDOT Mobility Fund) Participation	\$66,000,000.	-	-
Hidalgo County	\$3,100,000.	-	-
Net Issuance Bond**	\$97,820,000.	-	-
Federal Earmark***	\$12,000,000.	-	-
TxDOT Toll Equity	\$36,623,600.	-	-
TOTALS	\$215,543,600.	-	-

* Note that these are only estimates and actual figures may vary considerably once additional information becomes available.

** Obtained from Texas Department of Transportation, Texas Turnpike Authority Division, Project Specific Toll Feasibility Analysis (Truck Hazmat Route - Scenario 1)

Based on 10% of construction cost

Based on 7.5% Engineering and contingencies standard for projects over \$25M

*** Anticipated in next Highway Bill

5. COMMITMENT TO SECURE ENVIRONMENTAL APPROVALS

As noted above in paragraph 3, the development of the Hidalgo County Loop was a 3-phase approach incorporating TxDOT guidelines and the National Environmental Policy Act (NEPA) requirements for major highway improvements. Recently, Hidalgo County completed Phase I of project development, which included a corridor-route analysis, preliminary environmental investigations/documentation, and public involvement. Both of the initial projects are inclusive of Phase I preliminary environmental investigations and public

involvement. The Phase I preliminary environmental documentation is included in the **Hidalgo County Loop Alternatives Route Analysis Report**, adopted by Hidalgo County Commissioners Court on May 13, 2003, and will be transferred to the **Hidalgo County RMA**. The **Hidalgo County RMA** will be responsible for preparing any updates (as required), and, to the extent not otherwise undertaken by TxDOT or the TxDOT - TTA Division, will be responsible for identifying and securing all additional federal and state environmental permits, issues, and commitments (EPIC) necessary for development of the **South Truck/Haz Mat Connector**, the **Southeast Loop**, and all other **Hidalgo County RMA** projects.

6. ADDITIONAL PROJECT

The US 83 – La Joya Relief Route will be developed in phases consistent with funding availability and the identification of logical termini. In addition to the initial projects described in paragraph 3, the **Petitioner** has made preliminary determinations of this project with logical termini and potential turnpike roads. (See **ATTACHMENT 2** for project location map).

7. BOARD COMPOSITION

The initial Board of Directors for the **Hidalgo County RMA** will consist of up to seven (7) members. Six (6) members will be appointed by the **Petitioner** in the following manner: One (1) member shall be appointed from the Delta Area (Edcouch, Texas and Elsa, Texas area); One (1) member shall be appointed from the Mid-Valley Area (Weslaco, Texas, Mercedes, Texas and Donna, Texas area); One (1) member shall be appointed from the Pharr, Texas and San Juan, Texas

area; One (1) member shall be appointed from the City of McAllen, Texas; One (1) member shall be appointed from the Mission, Texas and La Joya, Texas area; and One (1) member shall be appointed from the City of Edinburg, Texas. One (1) member (the Presiding Officer), shall be appointed by the Governor of the State of Texas.

A geographical representation of the County's precincts and their respective proposed Board of Directors for the **Hidalgo County RMA** is exhibited as **ATTACHMENT 3**. The **Petitioner** will make appointments according to Texas Transportation Code Section 370.251 that adequately represent Hidalgo County as a whole. The **Petitioner** believes that the proposed composition of the Board of Directors for the **Hidalgo County RMA** and the common interest in the region shared by all board members will result in adequate representation of all political subdivisions within the geographic area of the **Hidalgo County RMA**.

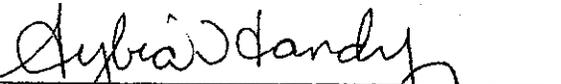
REQUEST FOR PUBLIC HEARING AND APPROVAL

The foregoing sets forth all information required by 43 TAC Section 26.11. The **Petitioner** requests that TxDOT review the petition and conduct a Public Hearing as required by 43 TAC Section 26.12 as soon as possible. Thereafter, the **Petitioner** requests that the Texas Transportation Commission review the petition and any supplemental information concerning public support for the **Hidalgo County RMA**, and that the Texas Transportation Commission issue a Minute Order authorizing the formation of the **Hidalgo County Regional Mobility Authority**.

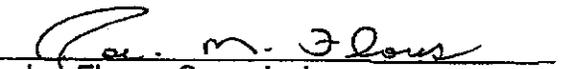
Respectfully Submitted,

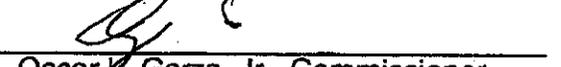
HIDALGO COUNTY, TEXAS

By: 
Ramon Garcia, County Judge

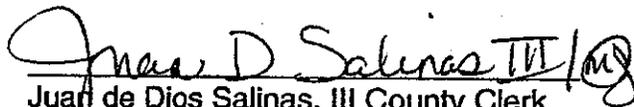
By: 
Sylvia Handy, Commissioner
Hidalgo County Precinct 1

By: 
Hector "Tito" Palacios, Commissioner
Hidalgo County Precinct 2

By: 
Joe Flores, Commissioner
Hidalgo County Precinct 3

By: 
Oscar L. Garza, Jr., Commissioner
Hidalgo County Precinct 4

ATTEST:


Juan de Dios Salinas, III County Clerk

ATTACHMENTS:

ATTACHMENT 1 - Copy of Hidalgo County Commissioners Court Minutes and Resolution.

ATTACHMENT 2 - Hidalgo County Loop Proposed Project Location Maps.

ATTACHMENT 3 - Geographical Representation of County's Precincts.

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

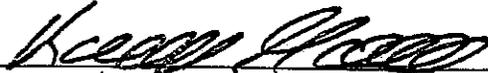
RESOLUTION AND ORDER

WHEREAS, the Commissioners Court of Hidalgo County, at a duly called and noticed meeting on March 30, 2005 came to be heard the Amended and Restated Petition of Hidalgo County for Authorization to form a Regional Mobility Authority (RMA) to implement critical mobility improvements in Hidalgo County; and

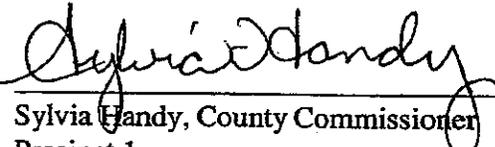
WHEREAS, pursuant to Texas Transportation Code Chapter 370 and Title 43 Texas Administrative Code Chapter 26, the Commissioners Court of Hidalgo County desires to petition the Texas Department of Transportation Commission to create an RMA;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Hidalgo County Commissioners Court authorizes the Hidalgo County Commissioners Voting in favor of the Petition and to execute the Petition of Hidalgo County for Approval to Form a Regional Mobility Authority in substantially the same form as is attached hereto.

PASSED, APPROVED, ADOPTED AND ORDERED, this the 30th day of March 2005 by the Commissioners Court of Hidalgo County, Texas.



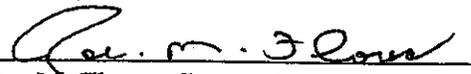
Ramon Garcia, County Judge



Sylvia Handy, County Commissioner
Precinct 1



Hector Palacios, County Commissioner
Precinct 2

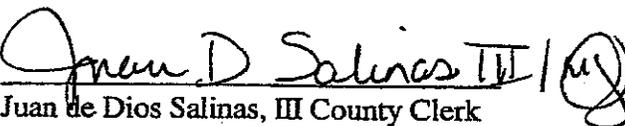


Joe M. Flores, County Commissioner
Precinct 3



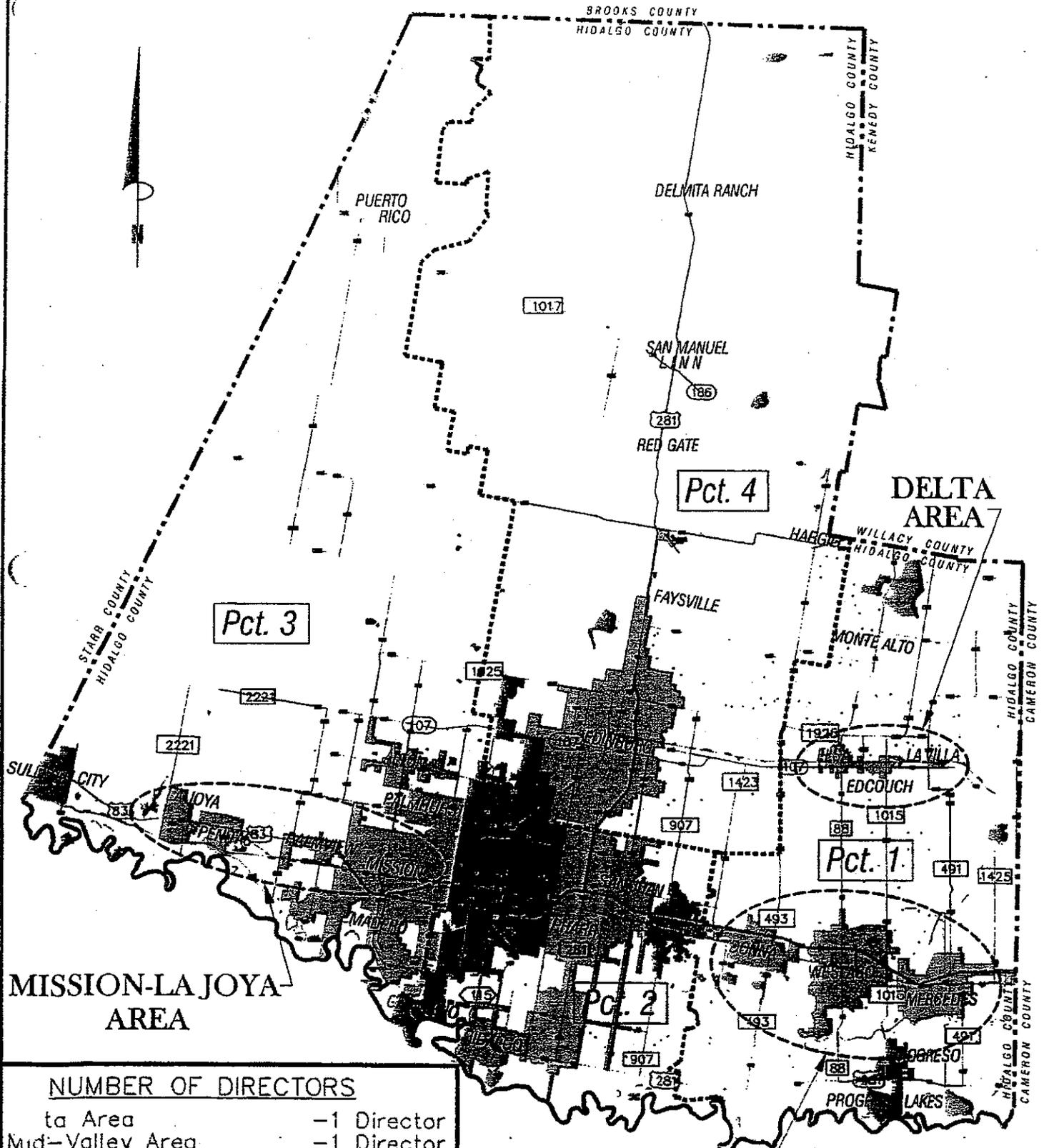
Oscar Garza, County Commissioner
Precinct 4

ATTEST:



Juan de Dios Salinas, III County Clerk

HIDALGO COUNTY REGIONAL MOBILITY AUTHORITY



MISSION-LA JOYA AREA

MID-VALLEY AREA

DELTA AREA

NUMBER OF DIRECTORS

Delta Area	-1 Director
Mid-Valley Area	-1 Director
Pharr-San Juan Area	-1 Director
McAllen Area	-1 Director
Mission - La Joya Area	-1 Director
Edinburg Area	-1 Director

Pct. Line -
County Line - - - - -

**TEXAS DEPARTMENT OF TRANSPORTATION
MINUTE ORDER**

TEXAS TRANSPORTATION COMMISSION

HIDALGO County

MINUTE ORDER

Page 1 of 2

PHARR District

Pursuant to Chapter 370 of the Transportation Code, and 43 TAC Chapter 26 (RMA rules), Hidalgo County (county) petitioned the Texas Transportation Commission (commission) for authorization to form a Regional Mobility Authority (RMA) in Hidalgo County. The petition was filed on April 21, 2005.

By letter dated May 27, 2005, the Texas Department of Transportation (department) notified the county that the petition met the requirements of §26.11 of the RMA rules.

The petition identifies a toll-road network as potential candidate projects for development by the RMA. The projects identified in the petition consist of an approximately 104-mile Hidalgo County Loop, the US 83 La Joya Relief Route, and a US 281 alternate route from north of Edinburg to the Pharr International Bridges. The initial project cited in the petition, the proposed Hidalgo County Loop, will provide an important reliever route for some of the noncommercial traffic, and will provide for improved traffic circulation within the county.

The board of directors of the RMA, as set forth in the petition, will be composed of seven members, with six members appointed by the Hidalgo County Commissioners Court, and the presiding officer, who will serve as chairperson, appointed by the Governor.

On July 13, 2005, the department conducted a public hearing in Hidalgo County, pursuant to §26.12 of the RMA rules, to receive public comment on the proposed formation of the RMA. Notice of the public hearing was published in the *Texas Register* and in a newspaper of general circulation in the county.

At the public hearing, five elected officials and five individuals spoke in favor of the creation of the RMA. One elected official and seven individuals spoke in opposition to the creation of the RMA, with an additional thirteen individuals speaking in opposition to a specific project. Three individuals submitted written comments, one in favor of creation of the RMA and two opposing the development of a specific toll road.

The commission finds that the creation of the RMA has sufficient public support. The commission bases this finding on: (1) the resolution of support from the Commissioners Court of Hidalgo County; and (2) the support indicated at the public hearing and in the written comments.

The commission finds that creation of the RMA will result in direct benefits to the state, local governments, and the traveling public, and will improve the efficiency of the state's transportation systems. The RMA will benefit the state by constructing needed roadway projects, such as the network identified in the county's petition, as the county's potential candidate projects. The RMA will benefit local governments by increasing local control over transportation planning and through additional transportation projects that may be funded through surplus revenue earned by the RMA. The traveling public will also benefit through improved mobility and traffic safety throughout the region encompassed by the RMA. The RMA will improve the efficiency of the state's transportation systems through the construction of the potential candidate project, which will enhance mobility and safety within these segments of the state highway system, and through the development and financing of additional projects in the future.

TEXAS TRANSPORTATION COMMISSION

HIDALGO County

MINUTE ORDER

Page 2 of 2

PHARR District

The commission finds that the potential candidate project is: consistent with the approved Texas Transportation Plan; included in the Statewide Transportation Improvement Program; and included in the approved plan of the Metropolitan Planning Organization. Subject to commission approval of the project under §26.31 of the RMA rules, the commission also finds that the project will benefit the traveling public.

IT IS THEREFORE ORDERED that the commission authorizes the creation of the RMA.

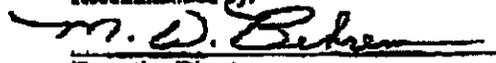
IT IS FURTHER ORDERED that the potential candidate project that may be developed, maintained, and operated by the RMA shall be the network identified above. This order does not constitute final commission approval of the project, which must be obtained pursuant to Chapter 370 of the Transportation Code and the applicable provisions of the RMA rules.

IT IS FURTHER ORDERED that the initial board of directors shall be composed of seven members, with six members appointed by the Hidalgo County Commissioners Court, and the presiding officer appointed by the Governor.

Submitted and reviewed by:


Director, Texas Turnpike Authority
Division

Recommended by:


Executive Director
110315 NOV 17 05

Minute Date
Number Passed