

**TEXAS TRANSPORTATION COMMISSION
MINUTE ORDER**

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Harris County

Houston District

Harris County (county) operates a toll road system under Chapter 284 of the Texas Transportation Code (code), which includes the Sam Houston Tollway. The Texas Department of Transportation (department) and the county wish to provide for the design, construction, operation, and maintenance of five direct connectors (DC) at the interchange of the non-tolled SH 225 and the Sam Houston Tollway.

Pursuant to Chapter 373, Subchapter C of the code, the department shall allow a local toll project entity, including the county, to use state highway right-of-way and to access the state highway system as necessary to construct and operate a toll project. Transportation Code § 373.103 provides that a local toll project entity, such as the county, and the department shall enter into an agreement for any toll project for which the entity intends to use state highway right-of-way necessary to protect the interests of the Texas Transportation Commission (commission) and the department in the use of state highway right-of-way for operations of the department.

The five DCs with one DC connecting northbound Sam Houston Tollway with westbound non-tolled SH 225, one DC connecting westbound non-tolled SH 225 with northbound Sam Houston Tollway, one DC connecting northbound Sam Houston Tollway with eastbound non-tolled SH 225, one DC connecting southbound Sam Houston Tollway with eastbound non-tolled SH 225, and one DC connecting southbound Sam Houston Tollway with westbound non-tolled SH 225, will be designed, constructed, operated and maintained by the county as a project under Chapter 284 of the code, and subject to the requirements of § 284.008 of the code, will not be on the state highway system. The construction, operation, and maintenance of the five DCs will involve work by the county within the limits of state-owned right-of-way. The county also wishes to include within an agreement with the department provisions relating to the design of the remaining three DCs at this interchange.

Title 43 Texas Administrative Code, (TAC)§ 11.58, provides that a public or private entity may not connect a regionally significant highway to a segment of the state highway system without the approval of the commission, and provides the criteria for that approval. Pursuant to that provision, the county has submitted a request to the executive director to connect the Sam Houston Tollway to the state highway system by means of the five DCs. The commission has determined that all criteria and conditions for the connection of the Sam Houston Tollway to the state highway system by means of the five DCs, including the criteria for approval of a request under TAC § 11.58 have been met or satisfied.

IT IS THEREFORE ORDERED by the commission that the county is permitted to use state highway right-of-way as necessary to develop, construct, operate, and maintain the five DCs, subject to terms that the executive director may include in an agreement with the county that are in furtherance of the state's interests and are consistent with this minute order and applicable law, which agreement may also include terms related to the design of the three future DCs.

IT IS FURTHER ORDERED that pursuant to TAC § 11.58, the connection of the Sam Houston Tollway by means of the five DCs with a segment of the state highway system is approved, subject to terms that the executive director may include in an agreement with the county that are in furtherance of the state's interests and are consistent with this minute order and applicable law.

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IT IS FURTHER ORDERED that any agreement between the department and the county governing the use of state-owned right-of-way and the county's development, design, construction, operation, and maintenance of the DCs shall include any provisions necessary to carry out the purposes of this minute order.

IT IS FURTHER ORDERED that the executive director is authorized to take all actions necessary to carry out the purposes of this minute order.

Submitted and reviewed by:

DocuSigned by:

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Director, Transportation Planning and
Programming Division

Recommended by:

DocuSigned by:

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Executive Director

116428 February 23, 2023

Minute Number	Date Passed
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