

**HARRIS COUNTY**  
**PUBLIC INFRASTRUCTURE DEPARTMENT**

1001 Preston, 5<sup>th</sup> Floor  
 Houston, Texas 77002  
 (713) 755-4400

October 7, 2009

Commissioners Court  
 Administration Building  
 Houston, Texas 77002

Vote of the Court:	<i>Refer</i>		
	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

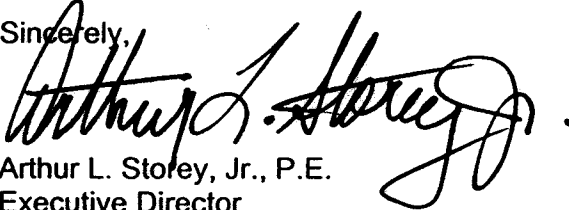
**SUBJECT: Recommendation that TxDOT be informed of federal permit delays for Segment E of SH 99 and that TxDOT be urged to redirect the allocation of ARRA (stimulus) funds to another eligible project in Harris County**

Dear Court Members:

It is recommended that TxDOT be informed of federal permit delays for Segment E of SH 99 and that TxDOT be urged to redirect the allocation of ARRA (stimulus) funds to another eligible project in Harris County. Staff and consultants have worked diligently and successfully to be on schedule to meet the deadlines to enable Segment E construction to qualify for and receive the stimulus funding, but the federal permit from the U.S. Army Corps of Engineers cannot be completely processed by the required mid-February date. In fact, because of conflicts over environmental impacts and mitigation, that permit might never be issued.

Because of ongoing permit difficulties and consequent loss of the ARRA funding, it is further recommended that Harris County neither schedule nor fund the construction phase of this project until a program is developed that considers other segments of SH 99 in Harris County, Segments F1 and F2, and reviews overall funding priorities and constraints for HCTRA's list of proposed projects. With your approval, TxDOT will be informed of that action, its justification, and its impact on the existing Advance Funding Agreement between TxDOT and Harris County.

With your approval, right-of-way acquisition will stop after transactions already begun have been completed with no further spending or project adjustments, and engineering efforts will cease upon completion of plans and specifications, including agency approvals. The acquired right-of-way and approved plans would be ready for use by HCTRA, by TxDOT, or by others if/when the project moves forward, and HCTRA would negotiate compensation for their transfer at that time.

Sincerely,  
  
 Arthur L. Storey, Jr., P.E.  
 Executive Director

Presented to Commissioner's Court

*4/2* OCT 13 2009  
 APPROVE *Refer to Co.*

HARRIS COUNTY MANAGEMENT SERVICES  
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cc: Dick Raycraft  
 Robert Collie

Vince Ryan  
 Edwin Harrison

*Gary Webb*  
 Delvin Dennis

J.F. Thompson  
 Bob Gaskins

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