

TEXAS TRANSPORTATION COMMISSION

GREGG County

MINUTE ORDER

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District TYLER

Section 350 of the National Highway System Designation Act of 1995 (Public Law No. 104-59) authorized states to establish a State Infrastructure Bank (SIB) for the purpose of making loans and providing other financial assistance to public and private entities. Transportation Code, Chapter 222, Subchapter D, created a SIB within the Texas Department of Transportation (department). The Texas Transportation Commission (commission) has adopted administrative rules implementing that subchapter and establishing eligibility criteria for an entity applying for financial assistance from the SIB. These rules are codified as Title 43, Texas Administrative Code, Chapter 6.

Under 43 TAC §6.32(b), applications for financial assistance in the amount of \$250,000 or less may be approved by the commission using one final approval process if the application complies with all requirements prescribed in subsections (c)-(h) of that section except the negotiation process.

In accordance with 43 TAC §6.23, the city of Easton (city) has submitted an application to borrow \$120,000 from the SIB to fund the relocation of utilities required by the reconstruction of FM 349 from SH 322 in Lakeport, east to SH 149. The highway improvement project will reconstruct FM 349 from a two-lane roadway to a four-lane divided urban facility, and is authorized for Category 1, Preventive Maintenance and Category 11, District Discretionary funds.

The roadway improvements are needed to accommodate the anticipated increase in traffic resulting from the growth and expansion expected in the surrounding area. The completion of the project will provide improved safety for the traveling public, and improve the efficiency of the state transportation system. These facts indicate that there is a transportation need for and anticipated public benefit from the proposed project. The project is consistent with the Texas Transportation Plan, and is included in the 2004-2006 Statewide Transportation Improvement Program.

The city has represented that the loan will be secured by city utility revenue. Given the term of the loan, the project and the applicant are likely to have sufficient revenue to assure repayment of the requested financial assistance. The present and projected financial condition of the SIB is sufficient to cover this request.

On June 10, 2003, the city council passed a resolution authorizing submission of this application to the department. This resolution indicates the official written approval of the project by the governing body of the city and demonstrates local public support.

In accordance with 43 TAC §6.32(d), all necessary studies of the social, economic, and environmental impact of the project have been conducted, resulting in a finding of no significant impact and no further coordination is required. Accordingly, the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate for adverse environmental impacts.

The proposed project and loan are in conformity with the purposes of the SIB and will expand the availability of funding for transportation projects and reduce direct state costs.

In accordance with 43 TAC §6.31, the department has reviewed and analyzed the application, finds the application to be in compliance with the requirements of 43 TAC, Chapter 6, and recommends that the commission grant final approval of the application pursuant to 43 TAC §6.32.

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NOW, THEREFORE, IT IS DETERMINED that the application for SIB financial assistance submitted by the city of Easton meets the requirements of 43 TAC §6.32(b) and (e), and in accordance with that section, the commission grants final approval of the application to borrow \$120,000 from the State Infrastructure Bank, to be repaid over a period of 15 years at 4 percent interest per annum, and authorizes and directs the executive director to enter into a financial assistance agreement with the city of Easton.

Submitted and reviewed by:

JAMES M. BOSS  
Director, Finance Division

Recommended by:

M. W. Behrens  
Executive Director

**109525 DEC 18 03**

Minute  
Number

Date  
Passed