

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE NORTH EAST TEXAS  
REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 11-23**

WHEREAS, the North East Regional Mobility Authority (“NET RMA”) was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Cass, Panola, Van Zandt, Wood and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, the Union Pacific Railroad Company has abandoned a segment of rail line between Troup and Whitehouse, Texas; and

WHEREAS, in Resolution No. 09-25, dated September 17, 2009, the Board of Directors recognized the desirability of acquiring the abandoned rail corridor between Troup and Whitehouse for possible future freight and passenger rail projects and public utility improvements; and

WHEREAS, in Resolution No. 11-22, dated August 17, 2011, the NET RMA Board of Directors authorized the Chairman or his designee to negotiate and execute an interlocal agreement with the cities of Troup, Tyler, and Whitehouse, Smith County, the Tyler Chamber of Commerce, and the Tyler Economic Development Council setting forth the parties’ roles and responsibilities with respect to the proposed acquisition of the abandoned rail corridor between Troup and Whitehouse and further directed the NET RMA Project Director and consultants to prepare and issue a request for proposals from institutions interested in financing the acquisition of the rail corridor; and

WHEREAS, on February 7, 2006, the NET RMA Board of Directors approved the selection of Atkins North America, formerly PBS&J, to serve as the general engineering consultant (“GEC”) to the NET RMA and authorized the Chairman to execute an agreement with Atkins for the provision of general consulting civil engineering services; and

WHEREAS, the GEC has developed a proposed scope of services related to securing an appraisal of the abandoned rail corridor between Troup and Whitehouse; and

WHEREAS, a copy of that proposed scope of services is contained in the work authorization attached hereto as Attachment “A” (“Work Authorization No. 16.0”); and

WHEREAS, the GEC has represented to the Board of Directors that the work reflected in Work Authorization No. 16.0 is necessary and appropriate.

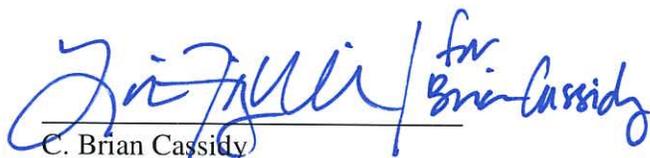
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Work Authorization No. 16.0 in the form attached hereto as Attachment "A"; and

BE IT FURTHER RESOLVED, that all work performed under Work Authorization No. 16.0 shall be subject to the Agreement for General Consulting Civil Engineering Services between the NET RMA and the GEC and that no additional work may be undertaken without the specific approval of the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 17th day of August, 2011.

Submitted and reviewed by:

Approved:

 *C. Brian Cassidy*

C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority

 *Jeff Austin, III*

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Chair, Board of Directors  
Resolution Number 11-23  
Date Passed: 08/17/11