

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

RESOLUTION NO. 13-19

WHEREAS, the North East Texas 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, Panola, Wood, Cass, Van Zandt, and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is responsible for the operation of Toll 49, and in connection therewith it is necessary for the NET RMA to establish certain rules and regulations regarding use of Toll 49; and

WHEREAS, in Resolution No. 13-09, dated March 26, 2013, the Board of Directors approved the adoption of a policy permitting the use of a limited portion of Toll 49 by bicycles, subject to certain conditions outlined in the resolution; and

WHEREAS, on June 27, 2013, by Minute Order 113621, the Texas Transportation Commission (the “Commission”) prohibited bicycles from using the mainlanes and adjacent mainlane shoulders of TxDOT limited access or controlled access toll projects on the state highway system, finding that it was necessary to do so “in order to protect the safety of the traveling public”; and

WHEREAS, the Board of Directors has previously expressed concerns about the safety issues raised by the presence of bicycle traffic on the mainlanes and adjacent mainlane shoulders of Toll 49, which concerns were the reason for certain of the conditions in Resolution No. 13-09; and

WHEREAS, NET RMA intends to seek funding from TxDOT in the form of a state infrastructure bank (“SIB”) loan for the development of additional segments of Toll 49; and

WHEREAS, one of the required findings for the Commission’s approval of SIB loan funding as set forth in 43 Tex. Admin. Code Sec. 6.32(e)(1), is that “providing financial assistance will protect the public’s safety and prudently provide for the protection of public funds, while furthering the purposes of this chapter”; and

WHEREAS, the Commission has already determined that banning bicycle use of mainlanes and adjacent mainlane shoulders on TxDOT toll projects is necessary to protect public safety; and

WHEREAS, the failure to ban bicycle use on the mainlanes and adjacent mainlane shoulders of Toll 49 may be viewed as failing to protect the safety of the traveling public, and may therefore preclude the Commission from approving future SIB loan funding for Toll 49; and

WHEREAS, Section 370.179(b)(1) of the Texas Transportation Code provides that a regional mobility authority such as the NET RMA may prohibit the use of or access to or from a turnpike project by a motor vehicle, bicycle, another classification or type of vehicle, or a pedestrian; and

WHEREAS, in order to protect the safety of the traveling public and so as not to compromise its ability to receive future funding from TxDOT, the Board of Directors desires to exercise this authority to prohibit the use of or access to or from Toll 49 by bicycles, mopeds, motor-driven cycles, and electric bicycles as defined in Section 541.201 of the Transportation Code; and

WHEREAS, the Board of Directors desires to work with the bicycle community to identify a possible shared use path location within the Toll 49 corridor for the use of bicycles that is separate from the Toll 49 mainlines, and to address issues related to the funding of the development of a shared use path.

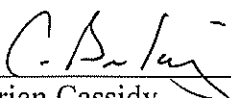
NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby rescinds the adoption of Resolution No. 13-09, dated March 26, 2013 and approves of the adoption of a regulation prohibiting the use of Toll 49 by bicycles, mopeds, motor-driven cycles, and electric bicycles as defined in Section 541.201 of the Transportation Code; and

BE IT FURTHER RESOLVED, that the Interim Executive Director is directed to cause to be installed appropriate signage reflecting such restriction on the Toll 49 mainlanes and adjacent shoulders; and

BE IT FURTHER RESOLVED, that the Interim Executive Director and consultants are directed to work with the bicycle community to identify a safe location and source of funding for a possible shared use path that can be used by bicycles and which is separated from the Toll 49 mainlines and mainlane shoulders. .

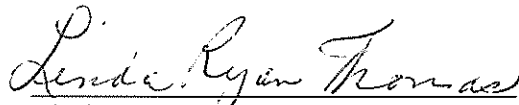
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 9th day of July, 2013.

Submitted and reviewed by:



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

Approved:



Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 13-19
Date Passed: 07/09/13