

## TEXAS TRANSPORTATION COMMISSION

ALL Counties

### MINUTE ORDER

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ALL Districts

On February 26, 2009, by Minute Order 111710, the Texas Transportation Commission (commission) approved a program call for highway projects to be developed on the state highway system under a pass-through toll agreement (program call). The commission further determined that (i) monies available that can be allocated among all proposals selected under the program call will be limited to an estimated total of \$300 million in Category 12 funds, and (ii) only the category of construction costs will be considered as eligible for reimbursement under the program call.

Pursuant to Minute Order 111710 and Title 43 Texas Administrative Code §§5.51-5.60 (rules), the Texas Department of Transportation (department) published in the Texas Register a notice designating a 60-day period commencing on March 13, 2009 for acceptance of proposals from both public and private entities for projects to be developed under the program call. The deadline for submitting proposals was May 12, 2009. Department staff evaluated the public entity proposals that were timely submitted under the program call using the items of consideration set forth in §5.55 of the rules and provided its analyses of the pass-through toll proposals to the commission. No private entity pass-through toll proposals were received in this program call.

In accordance with §222.104(b), Transportation Code, and §§5.54-5.55 of the rules, the commission granted preliminary approval on September 24, 2009 in Minute Order 111977 authorizing the department to negotiate the financial terms of a pass-through toll agreement (agreement) with each of those public entities whose proposals were selected by the commission in that minute order as providing the best value to the state. The agreements will provide for the payment of pass-through tolls to the selected public entities as reimbursement for the construction of facilities on the state highway system. A pass-through toll is a per-vehicle fee or a per-vehicle-mile fee that is determined by the number of vehicles using the facility.

The department was unable to negotiate financial terms of a pass-through toll agreement with certain of those public entities whose proposals were selected in Minute Order 111977. Negotiations then commenced with other public entities whose proposals were conditionally selected in that same minute order. The department and each of the public entities identified in Exhibit A have agreed to a total reimbursement through pass-through tolls for construction of the projects, a reimbursement rate per vehicle mile, the minimum amount to be reimbursed in any year with all projects open to traffic, and the maximum amount per year as set forth in the exhibit. Each agreement will expire once the total amount of that agreement has been reimbursed. The projects will be authorized and reimbursed from Category 12, Strategic Priority funds.

In accordance with §5.57 of the rules, the commission finds that: (1) the projects serve the public interest and not merely a private interest; (2) the proposed pass-through agreements are in the best interest of the state; (3) the projects are compatible with existing and planned transportation facilities; and (4) the projects further state, regional, and local transportation plans, programs, policies, and goals.

Before the projects in the selected proposals are designed, developed, or constructed using funds administered by the department, the projects: (1) must be included in the department's UTP, thereby identifying committed funding for the project; (2) must be included in the department's Statewide Transportation Improvement Program; and (3) will be subject to any and all applicable planning and environmental processes and approvals as mandated by state and federal regulations regarding such matters.

TEXAS TRANSPORTATION COMMISSION

ALL Counties

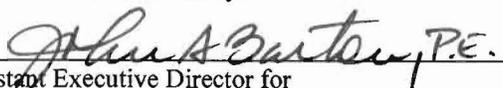
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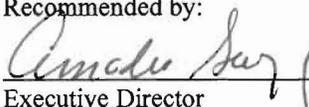
ALL Districts

IT IS THEREFORE ORDERED that the executive director or his designee is authorized to negotiate and execute a pass-through toll agreement with each of the public entities set forth in Exhibit A for the construction of their respective projects as identified in the exhibit, in accordance with the negotiated terms and such other terms the department determines to be necessary, and to amend Category 12, Strategic Priority, of the 2007 Statewide Mobility Program (SMP), approved by Minute Order 110753, dated November 16, 2006, to authorize the projects included in each executed agreement.

Submitted and reviewed by:

  
Assistant Executive Director for  
Engineering Operations

Recommended by:

  
Executive Director

**112074 DEC 17 09**

Minute Number      Date Passed

**EXHIBIT A  
PASS-THROUGH TOLL PROGRAM CALL PROJECTS**

District	County/City Name	Project Description	Total Reimbursement	Reimbursement Rate (per vehicle mile unless otherwise noted)	Minimum Reimbursement Amount per Year	Maximum Reimbursement Amount per Year	Region
ATL	BOWIE CO.	US 82 from FM 1840 to SH 98 – Reconstruct and widen this existing non-freeway facility to either a two lane section with a two-way left turn lane or to add passing lanes.	\$26,200,000	\$0.07	\$1,310,000	\$2,620,000	NORTH
DAL	CITY of MIDLOTHIAN & MIDLOTHIAN DEVELOPMENT AUTHORITY	US 67 at Rail Port Parkway/Miller Road - Construct a grade separated interchange over Rail Port Parkway/Miller Road in Ellis County.	\$9,831,000	\$0.05	\$491,550	\$983,100	NORTH
DAL	CITY of MIDLOTHIAN	FM 663 at US 287 Relief Route - Reconstruct and widen the existing bridge and approaches on FM 663 at the interchange with the US 287 Relief Route in the city of Midlothian.	\$2,542,192	\$0.10	\$127,110	\$254,220	NORTH
YKM	CITY of VICTORIA, VICTORIA CO. & VICTORIA MPO	Loop 463 (Zac Lentz Parkway) from 0.60 miles West of Salem Road to 0.50 miles East of Mockingbird Lane – Construct main lanes, frontage roads, and grade separated structures along Loop 463 ( Zac Lentz Parkway) at Salem Road (FM 1315) and Mockingbird Lane.	\$17,561,000	\$0.12	\$878,050	\$1,756,100	SOUTH
		<b>TOTAL =</b>	<b>\$56,134,192</b>				