

TEXAS TRANSPORTATION COMMISSION

TRAVIS & CALDWELL Counties

MINUTE ORDER

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AUSTIN District

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA), the surplus revenue of a toll project or system, and payments received under Transportation Code, §§228.0111(g)(2) and (i)(2).

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which a project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount.

The department has created subaccounts in the state highway fund to hold the payments received from the SH 130 Concession Company, LLC, for the right to develop, finance, design, construct, operate, and maintain the SH 130 toll project from US 183 in Travis County to I-10 in Guadalupe County. Selection of projects to be financed using those funds shall be made by the department, subject to Texas Transportation Commission (commission) concurrence. The projects are to be selected in a cooperative selection process which considers the desires of the cities and counties in which the project is located.

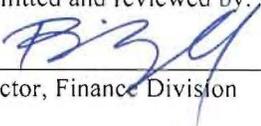
The department has established work programs to account for and track projects in the Austin and San Antonio Districts that are to be funded with the SH 130 payments. The department has developed a list of projects to be funded with the SH 130 payments and has placed a portion of those projects located in the work program established for the Austin District. Additional projects may be added to the work program through commission approval.

The projects to be funded with the SH 130 payments relate to two owner directed change orders. The first change order is to fund an adjustment of column locations at the SH 45/SH 130 interchange to accommodate future railroad tracks. The second change order is for the construction of a turnaround bridge near Plum Creek. This turnaround bridge will facilitate traffic movements along SH 130 where the overpasses are spaced four miles apart. Pursuant to the requirements of the SH 130, Segments 5 and 6 Facility Concession Agreement, the department is obligated to pay the costs of the change orders, which will be funded with a portion of the concession payment.

IT IS THEREFORE ORDERED by the commission that the use of payments received from SH 130 Concession Company, LLC for the right to develop, finance, design, construct, operate, and maintain the SH 130 toll project from US 183 in Travis County to I-10 in Guadalupe County to fund two change orders on the SH 130 toll project is approved, with the work under those change orders to be carried out consistent with applicable state and federal laws, regulations, and procedures.

IT IS FURTHER ORDERED that the placement in the work program of the SH 130 toll project work to be carried out under the change orders, as shown in Exhibit A, is approved.

Submitted and reviewed by:

  
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Director, Finance Division

Recommended by:

  
\_\_\_\_\_  
Executive Director

**111857 JUN 25 09**

Minute Number      Date Passed

**EXHIBIT A**

**Projects to be funded with SH 130 Concession Payment**

**TRAVIS COUNTY**

<b>CSJ</b>	<b>Project Location</b>	<b>Description</b>
3583-01-003	SH 130 at SH 45 SE	Adjust column locations for future railroad accommodation

**CALDWELL COUNTY**

<b>CSJ</b>	<b>Project Location</b>	<b>Description</b>
3583-02-004	SH 130 at Plum Creek	Construct turnaround bridge at Plum Creek