

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

Page 1 of 2

EL PASO District

In Minute Order 110573, dated June 29, 2006, the Texas Transportation Commission (commission) authorized creation of the Camino Real Regional Mobility Authority (authority), with the boundaries of the authority to be the entire geographic area of the City of El Paso.

The Texas Department of Transportation (department) and the authority have worked together to identify an approach to pursue the development of certain transportation system improvements within the jurisdictional limits of the authority.

The authority's goals are to improve mobility by implementing projects proposed within the authority's 2008 Comprehensive Mobility Plan, which generally consist of the LP 375 Southern Corridor projects comprising seven distinct toll projects in three different phases, and the Northeast Parkway toll project connecting LP 375 in northeast El Paso with I-10 at the Texas/New Mexico state line. These projects would be accomplished by accelerating the delivery of individual segments and projects with innovative funding and partnerships.

Transportation Code, §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code, §222.103 authorizes the department to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission.

Pursuant to Transportation Code, §222.103, the commission adopted Title 43, Texas Administrative Code, §§27.50-27.58 (toll equity rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In accordance with Sections 27.53 and 27.54(a) of the toll equity rules, the commission, in Minute Order 111705, dated February 26, 2009, granted preliminary approval of financial assistance in the amount of \$1.1 million for the costs of project management, data collection and evaluation, and preparation of a regional toll plan for development of the LP 375 Phase I, Phase II, and Phase III Southern Corridor projects, and development of the Northeast Parkway Phase I Corridor project (projects) to include engineering, environmental, legal, financial, and public outreach services. The financial assistance may also be used for necessary or incidental administrative and other expenses relating to the development, acquisition, construction, maintenance, or operation of the projects. The financial assistance was approved in the form of a loan.

In accordance with Section 27.54 of the toll equity rules, negotiations have been completed and a financial assistance agreement that complies with Section 27.55 of those rules will be developed. The agreement shall provide that the financial assistance is in the form of a loan, and shall also provide that if the projects are not constructed by the authority, all work product prepared by the authority in connection with projects shall be transferred to the department, and the transfer of this work product shall constitute repayment of the loan.

TEXAS TRANSPORTATION COMMISSION

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Page 2 of 2

EL PASO District

The projects will benefit the state and the traveling public and improve the efficiency of the state's transportation system by enhancing mobility and safety within this segment of the state transportation system.

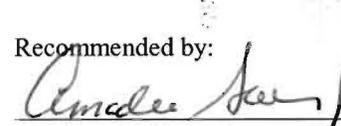
The projects are consistent with the approved Statewide Transportation Plan and the Metropolitan Transportation Plan of the El Paso Metropolitan Planning Organization. The projects are in a nonattainment area and will also be consistent with the Statewide Transportation Improvement Program, with the conforming plan and Transportation Improvement Program for the El Paso Metropolitan Planning Organization, and with the State Implementation Plan.

The authority has indicated that they will fund a portion of the costs of developing the proposed projects through revenue bond sales, local contributions, and various loans. Accordingly, the projects have the potential to expand the availability of funding for transportation projects or reduce direct state costs.

Based on the above information, the commission has determined that providing financial assistance will prudently provide for the protection of public funds, and that, given the level of project development to date, the project will provide for all reasonable and feasible measures to avoid, minimize, or mitigate adverse environmental impacts.

NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by the Camino Real Regional Mobility Authority meets the applicable requirements of 43 TAC §27.53 and §27.54(a) and, in accordance with those provisions, the commission grants final approval of the request for financing in the amount of \$1.1 million, in the form of a loan, to be used for the costs of project management, data collection and evaluation, and preparation of a regional toll plan for the projects, and authorizes the executive director to enter into a financial assistance agreement with the Camino Real Regional Mobility Authority.

Submitted and reviewed by:   
Director, Texas Turnpike Authority Division

Recommended by:   
Executive Director  
**111743 MAR 26 09**

Minute Number Date Passed