

On July 17, 2009, the Camino Real Regional Mobility Authority (CRRMA) submitted a proposal for pass-through toll financing in the amount of \$25 million. The proposal provided for the CRRMA to develop (1) a portion of the I-10 at Loop 375 (Americas Interchange) project which includes four direct connectors to/from I-10 to/from Loop 375, and (2) the I-10 corridor aesthetic project from Mile Post 6 (Loop 375-Transmountain Road) through Mile Post 34 (Loop 375-Americas Avenue) (collectively the projects).

In accordance with §222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on September 24, 2009 in Minute Order 111961 authorizing the Texas Department of Transportation (department) to negotiate the financial terms of an agreement with the CRRMA that provides for the payment of pass-through tolls to the CRRMA as reimbursement for construction of the projects 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 a facility.

On January 29, 2009 by Minute Order 111669 the commission adopted revised rules, codified as Title 43 Texas Administrative Code §§5.51-5.60 (rules), that prescribe the policies and procedures governing the department's implementation of the pass-through toll program under Section 222.104(b), Transportation Code.

The department and the CRRMA have agreed to a total reimbursement through pass-through tolls of \$10,000,000 for construction of the projects. The reimbursement rate will be \$0.055 cents per vehicle. The minimum amount to be reimbursed in any year with all projects open to traffic is \$2,000,000 and the maximum amount per year will be \$3,000,000. The agreement will expire once the total amount of that agreement has been reimbursed. The projects will be authorized and reimbursed from Category 2 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 toll agreement is 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 this proposal are planned, 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 projects; (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

EL PASO County

MINUTE ORDER

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IT IS THEREFORE ORDERED that the executive director or his designee is authorized to negotiate and execute a pass-through toll agreement with the CRRMA for construction of the projects in accordance with the negotiated terms and such other terms the department determines to be necessary, and to amend Category 2, Metropolitan Area (Transportation Management Areas) Corridor Projects, of the 2007 Statewide Mobility Program, approved by Minute Order 110753, dated November 16, 2006, to authorize the projects included in the executed agreement.

Submitted and reviewed by:

John A. Zaiton, P.E.
Assistant Executive Director for
Engineering Operations

Recommended by:

Amadeo Sany
Executive Director

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Minute Number Date Passed