

Toll Equity

Overview of Toll Equity Provisions
Commission Discussion

August 25, 2010

Toll Equity Statute

□ Transportation Code, 222.103 Cost Participation

- (a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission:
- (1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity; and
 - (2) shall require the repayment of any money spent by the department for the cost of a toll facility of a private entity.

Toll Equity Statute (Continued)

□ Transportation Code, 222.103 Cost Participation

- (f) This section applies to any participation by the department in the cost of a project under Chapter 284, 361, or 366.
- (h) Money granted by the department each fiscal year under this section may not exceed an amount that, together with the money granted for the preceding four fiscal years, results in an average annual expenditure of \$2 billion. This limitation does not apply to money required to be repaid.

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Toll Equity Rules

□ Texas Administrative Code, Title 43, Part 1, Chapter 27, Subchapter E

§27.52 Available Financing

The commission may loan or grant funds under this subchapter for any combination of the following purposes relating to the development, acquisition, construction, maintenance, and operation of a toll facility:

- (1) development costs;
- (2) preparation of project plans, specifications, and engineer's estimate;
- (3) construction, including right of way acquisition and utility relocation;
- (4) operation*;
- (5) maintenance*; and
- (6) necessary or incidental administrative, legal, and other expenses.

* Not eligible for all sources of TxDOT funding.

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Toll Equity Rules

□ Texas Administrative Code, Title 43, Part 1, Chapter 27, Subchapter E

§27.53 Request

(a) Eligibility.

- (1) A public or private entity that is authorized by state law to construct or maintain a toll facility is eligible to submit a request for financing under this subchapter.
- (2) A private entity is not eligible to submit a request for a grant.
- (3) For requests submitted after January 1, 2010, to be eligible to receive funds under this subchapter, an entity must have adopted an internal ethics and compliance program that satisfies the requirements of §1.8 of this title (relating to Internal Ethics and Compliance Program) and must enforce compliance with that program.

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Toll Equity Rules

□ Texas Administrative Code, Title 43, Part 1, Chapter 27, Subchapter E

§27.54 Commission Action

- (a) Preliminary Approval
- (b) Project impacts and traffic and revenue report
- (c) Final approval

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Toll Equity Prior Approvals

- ❑ **Forms of Assistance to others**
 - Grants
 - 10 for \$433 Million
 - Loans
 - 9 for a total of \$91 Million
 - ❖ Excludes loan for SH 161 (NTTA) and “Equity” for CRRMA

- ❑ **Type of Work**
 - Development (Design, Environmental, ROW, Studies, etc)
 - 16 for \$390 Million
 - Construct
 - 2 for \$140 Million
 - Both
 - 1 for \$10 Million
 - ❖ Excludes loan for SH 161 (NTTA) and “Equity” for CRRMA

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Toll Equity Revenue Sharing

- ❑ **NTTA – Eastern Extension to the President George Bush Turnpike**
 - Toll Equity Grant of \$160,270,000

 - Regional Toll
 - Revenue sharing through a supplemental toll

 - Collected by NTTA and sent to TxDOT for the benefit of the North Central Texas region (TxDOT Dallas District)
 - ❖ Not revenues of NTTA or the DNT System

 - Set toll rate schedule into the future
 - ❖ Adjustments to the set schedule if:
 - » CPI is negative for a two-year period
 - » Scheduled rate is at or above 80% of the toll sensitivity maximum point

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