The Texas Department of Transportation (department) and the Camino Real Regional Mobility Authority (CRRMA) have been proceeding with the preliminary development of the Loop 375 Cesar Chavez – Border Highway Project, a toll project from US 54 to Zaragoza Road (Cesar Chavez Project)in El Paso County.

The Cesar Chavez Project is located within the boundaries of the CRRMA, and is subject to the market valuation and primacy requirements of Transportation Code, §228.0111. The Cesar Chavez Project is one segment of a proposed regional network of toll facilities that are part of the 2008 Comprehensive Mobility Plan for the El Paso area (2008 CMP). The 2008 CMP contemplates that the Cesar Chavez Project will be developed by the CRRMA.

The department and the CRRMA are negotiating an agreement on the terms and conditions applicable to the development, construction, and operation of the Cesar Chavez Project, and the waiver of the development of a market valuation of the Cesar Chavez Project. Approval of the agreement by the Board of Directors of the CRRMA (Board) and a determination by the El Paso Metropolitan Planning Organization that the Cesar Chavez Project be developed under the agreed terms and conditions are required before the Board considers the exercise of the CRRMA's option to develop, construct, and operate the Cesar Chavez Project pursuant to Transportation Code, §228.0111(g) and other applicable law.

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 Texas Transportation Commission (commission).

On July 21, 2010, the CRRMA submitted a formal request to develop the Cesar Chavez Project, to be a part of the state highway system. Transportation Code, §370.301(e) provides that a turnpike project developed by a regional mobility authority may not be part of the state highway system unless otherwise agreed to by the authority and TxDOT.

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 112274, dated May 27, 2010, granted preliminary approval of financial assistance in the amount of $80.25 million, in the form of a grant, to pay for the costs of the procurement, design, and construction of the Cesar Chavez Project, including the costs of engineering, environmental, legal, financial, public outreach, and related direct and indirect services and costs associated with the development of the project.

In accordance with Section 27.54 of the toll equity rules, negotiations have been conducted and a financial assistance agreement that complies with Section 27.55 of those rules has been developed.

The department previously conducted environmental studies and analyses of the Cesar Chavez Project, and a Finding of No Significant Impact has been issued for the project by the Federal Highway Administration.

The CRRMA has committed to implementing the Cesar Chavez Project in compliance with all applicable local, state and federal environmental laws, regulations and requirements, and has committed to implement all environmental permits, issues, and commitments (EPIC).

The completion of the Cesar Chavez Project will benefit the state and the traveling public and improve the efficiency of the state's transportation system by enhancing local and regional mobility, decreasing congestion, increasing safety, increasing economic development opportunities, decreasing travel time, decreasing air pollution, and enhancing quality of life in the corridor.

The Cesar Chavez Project is consistent with the approved Statewide Transportation Plan and is included as a toll project in the approved metropolitan transportation plan (MTP) of the El Paso Metropolitan Planning Organization (MPO), and in the MPO's transportation improvement program and the Statewide Transportation Improvement Program. Both the MTP and the TIP were found to conform to the State Implementation Plan.

The Cesar Chavez Project will expand the availability of funding for transportation projects or reduce direct state costs. The financial assistance will reduce the amount of funding required from local governments and will realize the benefits described above. This financial assistance will enhance the ability of the Cesar Chavez Project to go forward as a toll facility, improving the efficiency of the state transportation system. Without the financial assistance, the timeline to complete the Cesar Chavez Project and realize the benefits could be indefinitely delayed.

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.

The commission further finds that the CRRMA is fully capable of awarding and managing the construction contract for the improvement of the state highway system in a cost-effective and timely manner, consistent with applicable federal and state laws and regulations, and finds that the CRRMA's improvement of the state highway system will provide for the expeditious completion of a critically needed project within the Loop 375 corridor that will relieve traffic congestion on the existing state highway system and improve mobility in El Paso County.

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 and, in accordance with those provisions, the commission grants final approval of the request for financing in the amount of $80.25 million, in the form of equity, to be used for the purposes described herein, and authorizes the executive director to enter into a financial assistance agreement with the Camino Real Regional Mobility Authority.

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

EL PASO District

IT IS FURTHER ORDERED by the commission that the Camino Real Regional Mobility Authority is authorized to develop and construct improvements to the state highway system in connection with the design and construction of the Cesar Chavez Project, and the executive director is authorized to enter into a project development agreement with the Camino Real Regional Mobility Authority that provides for such improvements to the state highway system.

Submitted and reviewed by:

Director, Finance Division

Recommended by:

Executive Director

112349 JUL 29 10

Minute Number

Date Passed