

TEXAS TRANSPORTATION COMMISSION

TRAVIS and HAYS Counties

MINUTE ORDER

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AUSTIN District

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) developed a "CTRMA/TxDOT Regional Implementation Program" that provides for the funding and development of certain transportation system improvements within the jurisdictional limits of the CTRMA.

On October 8, 2007, the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board approved amendments to CAMPO's 2030 Transportation Plan (Plan) and the FY 2008-FY 2011 Transportation Improvement Program (TIP), amending previous authorizations for the development of certain highway projects of the department that are located within the boundaries of CAMPO as toll projects.

These projects are included in Travis and Hays counties: (1) Loop 1 Managed Lanes Project, from north of Parmer Lane to south of Lady Bird Lake (Loop 1 Project), (2) the Manor Expressway (290 East) - Segments 1A, 2 & 3, from east of US 183 to east of State Highway 130, (3) the 183 South Toll Project, from Springdale Road to Patton Avenue (183 South Project), (4) the 290 West/71 West Toll Project, a project to improve 290 West from Joe Tanner Lane to Circle Drive and 71 West from US 290 West to Silvermine Drive (290 West/71 West Project), and (5) the 45 Southwest Toll Project, from Loop 1 South to FM 1626 (45 Southwest Project). The projects are located within the boundaries of the CTRMA, and are subject to the market valuation and primacy requirements of Transportation Code, §228.0111.

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 of 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).

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 112347, dated July 29, 2010, granted preliminary approval of financial assistance in the amount of \$27 million to pay for certain costs relating to the development of the Loop 1 Project (approximately \$5.4 million), Manor Expressway (approximately \$2.2 million), 183 South Project (approximately \$4.4 million), 290 West/71 West Project (approximately \$7.6 million), and 45 Southwest Project (approximately \$7.4 million). The financial assistance consists of \$13.6 million in funding, and in-kind services associated with the environmental clearance of the projects with an estimated cost of \$13.4 million that will be performed and funded by the department.

The CTRMA has indicated the financial assistance will be used for development costs associated with the proposed projects. Specific uses will include, but are not limited to, preparation of environmental documents, traffic and revenue estimates, preliminary engineering studies, general engineering support, procurement support, legal support, railroad coordination, and department coordination. None of the requested funds will be used for construction.

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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 CTRMA has committed that the projects will comply with all applicable environmental laws, and has committed that the CTRMA will assume all liability and responsibility for identifying and securing all federal and state environmental permits, issues, and approvals necessary for the development of the projects.

The completion of the projects 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, providing reliable travel speeds for users and improved access for emergency response, and enhancing operational efficiency and quality of life in the project corridors and the regional transportation system. The projects are consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the Capital Area Metropolitan Planning Organization.

The CTRMA has indicated that they will fund a portion of the costs of developing the projects through revenue bond sales and loans. Along with the requested financial assistance, the projects have the potential to expand the availability of funding for transportation projects or reduce direct state costs. The financial assistance will enhance the ability of the projects to go forward as toll facilities, improving the efficiency of the state transportation system. Without the financial assistance, the timeline to complete the projects and realize the benefits described above 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.

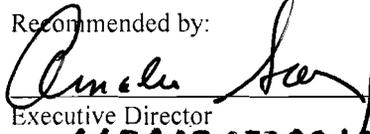
NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by the Central Texas Regional Mobility Authority meets the applicable requirements of 43 TAC §27.53 and §27.54 and, in accordance with those provisions, the commission grants final approval of the request for financing in the amount of \$27 million, in the form of equity, consisting of \$13.6 million in funding, and in-kind services associated with the environmental clearance of the projects with an estimated cost of \$13.4 million that will be performed and funded by the department, to be used for the purposes described herein, and authorizes the executive director to enter into a financial assistance agreement with the Central Texas Regional Mobility Authority.

Submitted and reviewed by:



Director, Finance Division

Recommended by:



Executive Director

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Minute Number Date Passed