

## TEXAS TRANSPORTATION COMMISSION

TRAVIS County

### 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, including the Manor Expressway, a 6.2-mile toll project to improve US 290 from US 183 to east of SH 130 (Manor Expressway). On May 24, 2010, CAMPO approved the 2035 Transportation Plan. The Manor Expressway is included in this plan.

Pursuant to Transportation Code, §228.0111, the CTRMA has exercised its option to develop, construct, and operate the Manor Expressway, including the cost of utility relocations and ROW acquisition. The existing US 290 would be reconstructed and expanded to provide, on the highway and adjacent facilities, an equivalent or greater number of nontolled lanes than currently exist. The nontolled portion of the project would remain on the state highway system as US 290.

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 112348, dated July 29, 2010, granted preliminary approval of financing in the amount of \$126.7 million to pay for the costs of constructing Segments 1A, 2, and 3 of the Manor Expressway, from east of US 183 to east of SH 130, including the costs of right-of-way acquisition and utility relocation.

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.

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Environmental clearance was obtained for the project on March 9, 2009. The CTRMA has committed that the project will comply with all applicable environmental laws, and has committed that the CTRMA will assume responsibility for identifying and securing all federal and state environmental permits, issues, and approvals necessary for the development of the project.

The completion of the 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 operational efficiency and quality of life in the project corridor and the regional transportation system.

The project is 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 proposed project through revenue bond sales and loans, based on an investment grade traffic and revenue report for the project obtained by the CTRMA. Along with the requested financial assistance, the project has 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 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 project 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 \$126.7 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 Central Texas Regional Mobility Authority.

Submitted and reviewed by:

  
Director, Finance Division

Recommended by:

  
Executive Director

112444 SEP 30 10

Minute  
Number

Date  
Passed