

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

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).

Transportation Code, §366.301 and §370.301 authorize the Texas Department of Transportation (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 tollway authority (RTA) or regional mobility authority (RMA), on terms agreed to by the department and the RTA or RMA.

Under Transportation Code, §222.103, 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. The commission thus, for public entities, has the flexibility to either require repayment of the financial assistance or to provide the assistance as a grant. For financial assistance provided in the form of a grant, the parties could, in the financial assistance agreement, provide for revenue sharing to the department in consideration of the financial assistance.

As a result of the previous discussions with staff, the commission has determined that a policy should be established that would require repayment of financial assistance provided [to a public entity] under Transportation Code, §222.103 from a statewide funding source, or would alternatively require participation in revenue sharing. This policy would not apply to financial assistance provided from funds allocated to metropolitan planning organizations and department districts (e.g., Category 2 - Metropolitan and Urban Area Corridor Projects, and Category 11 - District Discretionary).

IT IS THEREFORE ORDERED that if financial assistance is provided to a public entity under Transportation Code, §222.103 from a statewide funding source: (1) that assistance shall be repaid, or (2) the department shall require the entity to which the assistance is provided to agree to share project revenue with the department, in such amounts and for such period of time as is approved by the commission.

IT IS FURTHER ORDERED that the foregoing requirements shall not apply to financial assistance provided from funds allocated to metropolitan planning organizations and department districts.

Submitted and reviewed by:

James M Bass  
Chief Financial Officer

Recommended by:

Cemal Saray  
Executive Director

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