

On January 20, 2011, the Camino Real Regional Mobility Authority (CRRMA) submitted a proposal for pass-through toll financing in the amount of \$5.7 million. The proposal provided for the CRRMA to supply the Texas Department of Transportation (department) with partial funding for the department's construction of Loop 375 mainlanes from approximately one mile west of US 54 to Business US 54 in far northeast El Paso County (project).

In accordance with §222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on January 27, 2011 in Minute Order 112563 authorizing the department to negotiate the financial terms of an agreement with the CRRMA that provides for the payment of pass-through tolls to the CRRMA as reimbursement for its funding of the project on the state highway system. A pass-through toll is a per-vehicle fee or a per-vehicle-mile fee that is determined by the number of vehicles using a facility.

On January 29, 2009, by Minute Order 111669 the Texas Transportation Commission (commission) adopted revised rules, codified as Title 43 Texas Administrative Code §§5.51-5.60 (rules), that prescribe the policies and procedures governing the department's implementation of the pass-through toll program under Section 222.104(b), Transportation Code.

The total estimated cost of the project is \$80,648,000 and the CRRMA will contribute partial funding up to the amount of \$25.7 million. The department will construct the project and be responsible for all associated project costs, including any overruns in excess of the total estimated cost.

The department and the CRRMA have agreed to a total reimbursement through pass-through tolls of \$5.7 million to be paid to the CRRMA for its partial funding of the project. The reimbursement rate will be 43 cents per vehicle mile. The minimum amount to be reimbursed in any year with all projects open to traffic is \$2 million and the maximum amount per year will be \$3 million. The agreement will expire once the total amount of that agreement has been reimbursed. The project will be authorized and reimbursed from Category 2 funds.

In accordance with §5.57 of the rules, the commission finds that: (1) the project serves the public interest and not merely a private interest; (2) the proposed pass-through agreement is in the best interest of the state; (3) the project is compatible with existing and planned transportation facilities; and (4) the project furthers state, regional, and local transportation plans, programs, policies, and goals.

Before the project in this proposal is planned, developed, or constructed using funds administered by the department, the project: (1) must be included in the department's Unified Transportation Program, thereby identifying committed funding for the project; (2) must be included in the department's Statewide Transportation Improvement Program; and (3) will be subject to any and all applicable planning and environmental processes and approvals as mandated by state and federal regulations regarding such matters.

IT IS THEREFORE ORDERED that the executive director or his designee is authorized to negotiate and execute a pass-through toll agreement with the CRRMA for partial funding of the project in accordance with the negotiated terms and such other terms the department determines to be necessary.

IT IS FURTHER ORDERED that this authorization is contingent upon final commission approval of a financial assistance request submitted by the CRRMA to borrow \$20 million from the State Infrastructure Bank (SIB) for the project, and execution by the CRRMA of a SIB loan agreement for payment of the loan obligation.

Submitted and reviewed by:

John A. Barton, PE.
Assistant Executive Director for
Engineering Operations

Recommended by:

Arnoldo J. ...
Executive Director

112636 MAR 31 11

Minute
Number

Date
Passed