

TEXAS TRANSPORTATION COMMISSION

TRAVIS and WILLIAMSON Counties

MINUTE ORDER

Page 1 of 1

AUSTIN District

Title 43, Texas Administrative Code, §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in a traffic and revenue report; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

In Minute Order 110817, dated January 25, 2007, the commission determined that a toll rate charged to customers that do not have a transponder affixed to their vehicle, or that have a transponder, but have an insufficiently funded or closed customer account (video toll rate), should be offered as part of a pilot program (known as pay-by-mail) to determine its value to the operation of the Central Texas Turnpike System 2002 Project (CTTS). The video toll rate was set 33 percent higher than the electronic toll collection rate in order to cover the additional costs to the Texas Department of Transportation (department) attributable to video transactions.

Minute Order 110817 also provided that after an analysis of the benefit and value of the introductory video toll rate option, the commission would take further action to permanently adopt the video toll rate pricing in accordance with the requirements of the CTTS Indenture of Trust (indenture) or would discontinue the video toll rate option.

The pay-by-mail program was subsequently offered as an option on other toll facilities operated by the department.

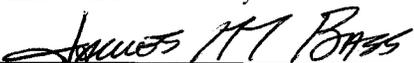
Pursuant to Section 501(a) of the indenture, prior to adopting any change in the toll rate schedule, the commission shall obtain and file with the trustee a certificate by the traffic and revenue consultant that, in the consultant's opinion, the adoption of such proposed toll rate schedule will not adversely affect the ability of the commission to comply with its rate covenant in the indenture. The commission has received such certification from the traffic and revenue consultant and filed it with the trustee.

Under Section 17(r) of the TIFIA Master Secured Loan Agreement for the CTTS, the commission may not amend or supplement the CTTS Traffic and Revenue Forecast without the prior written consent of the U.S. Department of Transportation.

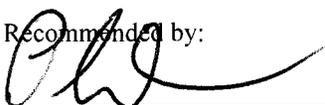
The commission has determined that the pay-by-mail program provides a benefit to the traveling public and enhances the operation of the CTTS and other toll facilities.

IT IS THEREFORE ORDERED that, subject to the approval of the U.S. Department of Transportation, the pay-by-mail program is permanently adopted for use on the CTTS and other toll facilities operated by the department.

Submitted and reviewed by:

  
\_\_\_\_\_  
Chief Financial Officer

Recommended by:

  
\_\_\_\_\_  
Executive Director

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Minute Number      Date Passed