

TEXAS TRANSPORTATION COMMISSION

HAYS County

MINUTE ORDER

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AUSTIN District

On May 25, 2006, by Minute Order 110537, the Texas Transportation Commission (commission) authorized and directed the executive director of the Texas Department of Transportation (department) to negotiate and execute a pass-through toll agreement (agreement) with Hays County in accordance with 43 TAC Chapter 5, Subchapter E. An agreement was executed on December 20, 2006, to construct improvements to FM 110 (San Marcos Loop) from McCarty Road/ I-35 to SH 123, RM 12 from the San Marcos city limit to RM 32, and FM 1626 from Bliss Spillar Road to FM 2770. Total payments under this agreement are limited to \$133,170,000. The agreement was amended on May 21, 2008, and August 2, 2009, to revise the scope of work and reallocate the funding.

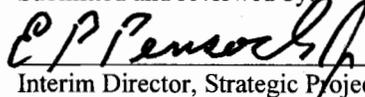
The agreement included the construction of the first phase of FM 110 (San Marcos Loop). This phase was planned as approximately 2 miles of five-lane urban and rural roadway beginning at the intersection of the northbound I-35 frontage road and McCarty Road and traveling north and east connecting to SH 123. The City of San Marcos determined the need to construct a section of the first phase of FM 110 from the I-35 frontage road to 1.2 miles east (McCarty Road) before the entire Hays County project was ready for construction.

Hays County is requesting that the agreement be further amended to remove the section of the first phase of FM 110 from the I-35 frontage road to 1.2 miles east (McCarty Road) and replace the deleted portion of FM 110 with another project that has comparable costs. The remaining section of the first phase of FM 110 will still be completed. The new project is the I-35 at Yarrington Road bridge replacement and turnaround project. The estimated total project cost is \$15,175,000. The minimum and maximum annual reimbursements, once all projects are completed, remain unchanged at \$6,658,500 and \$13,317,000 respectively. Total reimbursement for all projects remains \$133,170,000.

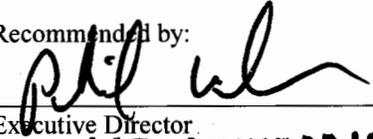
The commission finds that the proposed amendment to remove a 1.2 mile section of FM 110 from the agreement and replace it with the I-35 at Yarrington Road bridge replacement and turnaround project serves the public interest, is in the best interest of the state, is compatible with existing and planned transportation facilities, and serves to further state, regional and local transportation plans and goals.

IT IS THEREFORE ORDERED by the commission that the executive director or his designee is directed to execute an amendment to the pass-through toll agreement with Hays County to incorporate the revised project scope as described above and such other terms the department determines are necessary.

Submitted and reviewed by:


Interim Director, Strategic Projects Division

Recommended by:


Executive Director

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Minute Number Date Passed