

TEXAS TRANSPORTATION COMMISSION

BEXAR County

MINUTE ORDER

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SAN ANTONIO District

In Minute Order 109523, dated December 18, 2003, the Texas Transportation Commission (commission) authorized the creation of the Alamo Regional Mobility Authority (AlamoRMA), formerly known as the Bexar County Regional Mobility Authority, with the boundaries of the authority to be the entire geographic area of Bexar County, Texas.

The Texas Department of Transportation (department) and the AlamoRMA have worked together to identify an approach to provide for the funding and development of certain transportation system improvements within the jurisdictional limits of the AlamoRMA.

The Metropolitan Transportation Plan of the San Antonio-Bexar County Metropolitan Planning Organization identifies several projects within the jurisdictional limits of the AlamoRMA to be developed as toll projects, including I-35 near the Bexar/Guadalupe County line to I-37 in the San Antonio Central Business District; SH 16 west from I-410 to LP 1604 northwest; and the tolled interchange at US 281 and Wurzbach Parkway.

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 by 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 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 110271, granted preliminary approval of financial assistance in the amount of up to \$7.5 million for development costs of the projects. The requested assistance would be utilized for project related work performed by AlamoRMA staff and administration, and legal, financial and engineering consulting for the purpose of developing preliminary feasibility, environmental, public involvement, schematics and preliminary financial plans. The assistance may also include plans, specifications and estimates as needed. The financial assistance will be in the form of a loan, of up to \$7.5 million from department's preliminary engineering funds allocated to the San Antonio District with a \$2.0 million cap for fiscal year 2006.

In accordance with Section 27.54 of the toll equity rules, the executive director has negotiated a financial assistance agreement with the authority that complies with the requirements of Section 27.55 of those rules, including provisions for the repayment of the financial assistance from toll revenue generated from the projects or revenue obtained by the AlamoRMA under a comprehensive development agreement, or from the proceeds of bonds issued by the AlamoRMA secured by revenues of the projects. The negotiated terms also provide that a default on this loan will result in an obligation of the AlamoRMA to transfer the projects and all related work product to the department. The authority has complied with all other applicable requirements of Section 27.54.

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As the financial assistance will be used to pay for the development of needed projects that will improve safety and mobility by adding capacity to existing corridors, and the executive director has negotiated provisions relating to the disbursement and repayment of the financial assistance, the commission has determined that providing financial assistance will prudently provide for the protection of public funds.

As the AlamoRMA will complete the new environmental studies and analysis in consultation with the department and the AlamoRMA has committed, in the request for financing, to comply with all applicable environmental laws and to assume responsibility for identifying and securing all federal and state environmental permits and commitments necessary for the development of its projects, the commission has determined that 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 Alamo Regional Mobility Authority meets the requirements of 43 TAC §27.54(c) and, in accordance with that provision, the commission grants final approval of the request for financing in the amount up to \$7.5 million, in the form of a loan, and authorizes and directs the executive director to enter into a financial assistance agreement with the AlamoRMA.

IT IS FURTHER ORDERED that the AlamoRMA shall update the commission, no later than July 2006, on the advancements made in the development of the projects, including a budget report for funds previously spent and expected expenditures for fiscal year 2007.

Submitted and reviewed by:

  
Director, Texas Turnpike Authority Division

Recommended by:

  
Executive Director

**110299 NOV 17 05**

Minute Date  
Number Passed