

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 from I-410 to Loop 1604 North; and the US 281/Wurzbach Parkway Interchange.

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 an 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 Section 27.53 of the toll equity rules, the authority has submitted a request for \$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. The requested financial assistance would be in an amount 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.

Information and data required by Section 27.53(b) is either contained in the request for financing or in the petition for authorization to form the authority filed with the department on September 3, 2003. Supplemental information and data required by Section 27.53(c) is contained in the request for financing or has already been provided to the department.

As provided in Minute Order 109523, the AlamoRMA will benefit the state and the traveling public and improve the efficiency of the state's transportation system through the potential construction and operation of the projects, which will enhance mobility and safety within these segments of the state highway system.

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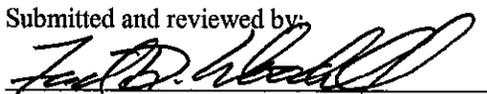
The proposed projects are consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the San Antonio-Bexar County Metropolitan Planning Organization.

NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by the Alamo Regional Mobility Authority meets the requirements of 43 TAC §27.53 and §27.54(a) and, in accordance with those provisions, the commission grants preliminary approval of the request for financing in the amount up to \$7.5 million, in the form of a loan, and directs the executive director to implement the actions authorized and required by those provisions.

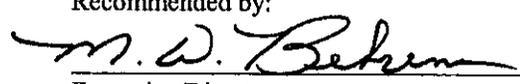
IT IS FURTHER ORDERED that the negotiated financial assistance agreement provide that repayment of this loan will be from toll revenue generated from the projects or revenue obtained by the AlamoRMA under a comprehensive development agreement. The financial assistance agreement shall also provide that 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.

IT IS FURTHER ORDERED that, should this request be finally approved, the AlamoRMA 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

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Minute
Number

Date
Passed