

TEXAS TRANSPORTATION COMMISSION

WILLIAMSON County

MINUTE ORDER

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AUSTIN District

On December 14, 2004, Williamson County (county) submitted a proposal for a pass-through toll agreement. The county's proposal, among other things, provided for the county to construct improvements to FM 1660 from CR 134 to CR 101, I-35/SH 29 Interchange turnaround structures, US 79 from east city limits of Hutto to CR 402 and from east of Taylor to the Milam county line, RM 2338 from FM 3405 to Ronald Reagan Boulevard and US 183 from San Gabriel River to SH 29.

In accordance with Section 222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on March 31, 2005 by Minute Order 110003 authorizing the Texas Department of Transportation (department) to enter into an agreement with a public or private entity that provides for the payment of pass-through tolls to the public or private entity as reimbursement for the construction, maintenance, or operation of a toll or non-toll facility on the state highway system by the public or private entity. 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.

The commission previously adopted rules, codified as 43 TAC §§5.51-5.59, that prescribe the policies and procedures governing the department's implementation of Section 222.104(b), Transportation Code.

Section 5.54 of the commission's rules provide that the commission may authorize the department's executive director or his designee to negotiate a pass-through toll agreement with a public entity after considering the following factors: (1) financial benefits to the state; (2) local public support for the projects; (3) whether the projects are in the department's Unified Transportation Program (UTP); (4) the extent to which the projects will relieve congestion on the state highway system; (5) the potential benefits to regional air quality that may be derived from the projects; (6) compatibility of the proposed projects with existing and planned facilities; and (7) the entity's experience in developing highway projects.

The department and Williamson County have agreed to a reimbursement through pass-through tolls of \$151,942,000 for the construction of the projects in their proposal. The per-vehicle-mile reimbursement rate will be \$0.10 per mile. The minimum amount to be reimbursed in any year with all projects open to traffic is \$7,597,100 and the maximum amount will be \$15,194,200. The agreement will expire once the total amount of the agreement has been reimbursed. The project will be authorized in Category 12, Strategic Priority, and will be reimbursed from Strategic Priority funds.

Before the projects in this proposal are planned, developed, or constructed using funds administered by the department, the projects: (1) must be included in the Capital Area Metropolitan Planning Organization (CAMPO) Metropolitan Transportation Plan; (2) must be included in the department's UTP, thereby identifying committed funding for each project; (3) prior to construction, must be included in the CAMPO Transportation Improvement Program and the department's Statewide Transportation Improvement Program; and (4) will be subject to any and all applicable planning and environmental processes and approvals as mandated by state and federal regulations regarding such matters.

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IT IS THEREFORE ORDERED that the executive director or his designee is authorized to execute a pass-through toll agreement with Williamson County in accordance with the negotiated terms and such other terms the department determines are necessary.

Submitted and reviewed by:

JAMES M. BASS
Chief Financial Officer

Recommended by:

M. W. Behrens
Executive Director

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Minute Number Date Passed