TEXAS TRANSPORTATION COMMISSION

BEXAR County **MINUTE ORDER**

SAN ANTONIO District

On April 15, 2005, Bexar County (county) submitted a proposal for a pass-through toll agreement. The county's proposal provided for the county to construct improvements to FM 3487 (Culebra Road) 3.2 miles from I-410 to FM 471 and FM 2696 (Blanco Road) 3.8 miles from Glade Crossing to W. Oak Estates.

In accordance with Section 222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on June 30, 2005 in Minute Order 110113 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 Texas Transportation Commission (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 Bexar County have agreed to a reimbursement through pass-through tolls of $37,527,600 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 $3,752,760 and the maximum amount will be $7,505,520. 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 SABC-MPO 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 SABC-MPO 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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SAN ANTONIO District

IT IS THEREFORE ORDERED that the executive director or his designee is authorized to execute a pass-through toll agreement with Bexar 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