

TEXAS TRANSPORTATION COMMISSION

MINUTE ORDER

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HAYS County

AUSTIN District

On March 11, 2005, the City of San Marcos (city) submitted a proposal for a pass-through toll agreement. The city's proposal, among other things, provided for the city to construct the extension and expansion of FM 3407 (Wonder World Drive) from FM 2439 (Hunter Road) westward to intersect with RM 12.

In accordance with Section 222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on May 26, 2005 in Minute Order 110089 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 the City of San Marcos have agreed to a reimbursement through pass-through tolls of \$60,600,000 for the construction of the projects in their proposal. The per vehicle mile reimbursement rate will be \$0.15 per mile. The minimum amount to be reimbursed in any year with all projects open to traffic is \$3,030,000 and the maximum amount will be \$6,060,000. 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 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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HAYS County

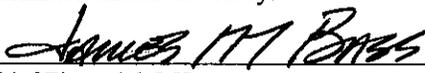
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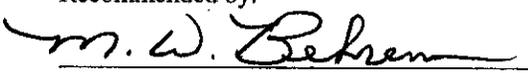
AUSTIN District

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

Submitted and reviewed by:


Chief Financial Officer

Recommended by:


Executive Director

110426 FEB 23 06

Minute Number Date Passed