

TEXAS TRANSPORTATION COMMISSION

KAUFMAN County

MINUTE ORDER

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DALLAS District

On May 10, 2005, the City of Forney (city) submitted a proposal for a pass-through toll agreement. The city's proposal provided for the city to construct and maintain improvements to FM 740 from Ranch Road to US 80, FM 741 from Bois D' Arc to east of Forney High School, and a proposed interchange at the US 80/FM 548 intersection.

In accordance with Section 222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on August 25, 2005 by Minute Order 110194 authorizing the Texas Department of Transportation (department) to enter into an agreement with the city that provides for the payment of pass-through tolls to the city as reimbursement for the construction, maintenance, or operation of a toll or non-toll facility on the state highway system, specifically for construction and improvement to FM 740 from Ranch Road to US 80, FM 741 from Bois D' Arc to east of Forney High School, and a proposed interchange at the US 80/FM 548 intersection. 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 have agreed to a reimbursement through pass-through tolls of \$40,191,406 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 \$2,009,570.30 and the maximum amount will be \$4,019,140.60. 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 North Central Texas Council of Governments (NCTCOG) 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 NCTCOG 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 the City of Forney in accordance with the negotiated terms and such other terms the department determines are necessary.

Submitted and reviewed by:

James M. Buss
Chief Financial Officer

Recommended by:

M. W. Behren
Executive Director

110443 FEB 23 06

Minute Date
Number Passed