

TEXAS TRANSPORTATION COMMISSION

TITUS County

MINUTE ORDER

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ATLANTA District

On December 28, 2005, Titus County (county) submitted a proposal for a pass-through toll agreement. The proposal provided for the county to construct improvements to US 271 (West Loop) from US 67 to FM 3417, FM 1000 (East Loop) from US 271 (new) to FM 1735, and FM 2348 (East Loop) from US 67 to SH 49.

In accordance with Section 222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on March 30, 2006 by Minute Order 110471 authorizing the Texas Department of Transportation (department) to enter into an agreement with the county that provides for the payment of pass-through tolls to the county as reimbursement for the design, development, financing, construction, maintenance, or operation of this facility on the state highway system by the county. 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.

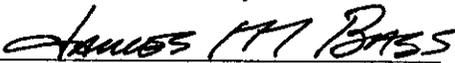
The commission previously adopted rules, codified as 43 TAC §§5.51-5.59, that prescribe the policies and procedures governing the department's implementation of Section 222.104(b), Transportation Code.

The department and the county have agreed to a reimbursement through pass-through tolls of \$168,620,000 for the construction of the projects in the proposal. The reimbursement rate will be \$0.15 per vehicle mile. The minimum amount to be reimbursed in any year with all projects open to traffic is \$8,431,000 and the maximum amount per year will be \$16,862,000. The agreement will expire once the total amount of that agreement has been reimbursed. The projects will be authorized and reimbursed from Strategic Priority funds.

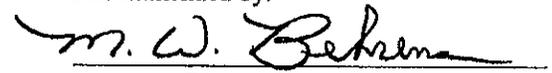
Before the projects in this proposal are planned, developed, or constructed using funds administered by the department, the projects: (1) must be included in the department's UTP, thereby identifying committed funding for each project; (2) prior to construction, must be included in the department's Statewide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

IT IS THEREFORE ORDERED that the executive director or his designee is authorized to execute a pass-through toll agreement with Titus County, on the development of US 271, FM 1000 and FM 2348, in accordance with the negotiated terms and such other terms the department determines are necessary and to amend Category 12, Strategic Priority, of the 2006 Statewide Mobility Program (SMP), approved by Minute Order 110266, dated October 27, 2005, to authorize the projects included in the executed agreement.

Submitted and reviewed by:

  
Chief Financial Officer

Recommended by:

  
Executive Director

**110758 NOV 16 06**

Minute Number      Date Passed