TEXAS TRANSPORTATION COMMISSION

WASHINGTON County

MINUTE ORDER

BRYAN District

On August 24, 2006 the City of Brenham (city) submitted a proposal for a pass-through toll agreement. The city's proposal provided for improvements to US 290 and associated access roads from FM 577 to the Burlington Northern Santa Fe Railroad line.

Section 222.104(b), Transportation Code, authorizes 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.

After considering factors described by §5.54 of the commission's rules, it is determined that: (1) the proposal has the potential to provide significant financial benefits to the state; (2) the city's proposal indicated broad support for the projects and did not identify any opposition; (3) the projects are in the current UTP; (4) the projects demonstrate the potential to relieve congestion on the state highway system, and the extent of the relief to the system will be quantified and documented in consultation with Washington County and the City of Brenham; (5) potential benefits to regional air quality must be quantified and documented by the city and Washington County through the air quality conformity process in accordance with all state and federal regulations; (6) the projects are compatible with existing and planned transportation facilities; and (7) the city lacks significant experience developing highway projects, but has proposed that the department's Bryan District deliver the project.

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 negotiate a pass-through toll agreement with the City of Brenham. If the negotiations are successful, the executive director shall submit to the commission a summary of the final terms of the agreement so that the commission may consider final approval under §5.56 of its rules.

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