

TEXAS TRANSPORTATION COMMISSION

WASHINGTON County

MINUTE ORDER

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BRYAN District

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

In accordance with Section 222.104(b), Transportation Code, the Texas Transportation Commission (commission) granted preliminary approval on October 26, 2006 by Minute Order 110723 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 design, development, financing, construction, maintenance, or operation of this facility on the state highway system by the city. 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.

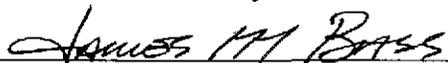
The commission previously adopted rules, codified as 43 TAC §§5.51-5.59, that prescribe the policies and procedures governing the department's implementation of Section 222.104(b), Transportation Code.

The department and the city have agreed to a reimbursement through pass-through tolls of \$15 million for the construction of the projects in the proposal. The reimbursement rate will be 12.5 cents per vehicle mile. The minimum amount to be reimbursed in any year with all projects open to traffic is \$2.5 million and the maximum amount per year will be \$3.75 million. 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.

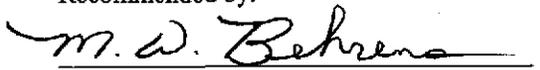
Before the projects in this proposal are planned, developed, or constructed using funds administered by the department, the projects: (1) must be included in the department's UTP, thereby identifying committed funding for each project; (2) prior to construction, must be included in the department's Statewide 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 the City of Brenham, on the improvements to US 290 and associated access roads from FM 577 to the Burlington Northern Santa Fe Railway line, 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

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Minute Number Date Passed