

TEXAS TRANSPORTATION COMMISSION

GRIMES and MONTGOMERY Counties

MINUTE ORDER

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BRYAN and HOUSTON Districts

Title 43, Texas Administrative Code, §27.82(d) provides that the Texas Transportation Commission (commission) will establish toll rates for the use of a toll project on the state highway system. In setting toll rates, the commission is required to consider: (1) the results of traffic and revenue studies and any schedule of toll rates established in a traffic and revenue report; (2) the requirements of project bond covenants, if applicable; and (3) vehicle classifications, type and location of the facility, and similar criteria that apply to a specific project.

In Minute Order 114959, dated June 29, 2017, the commission designated Segment 1 of the SH 249 Extension Project, from FM 1774 in Pinehurst in Montgomery County to FM 1774 in Todd Mission in Grimes County, as a toll project on the state highway system (SH 249 System). The SH 249 System is an all-electronic, open road toll facility with a closed ramp system of toll collection.

Minute Order 115393, dated December 13, 2018, authorized the executive director to annually escalate toll rates on the SH 249 System in accordance with established indices and the toll escalation policy set forth in the minute order (Toll Rate Escalation Policy). The Toll Rate Escalation Policy dictates that the Texas Department of Transportation (department) shall report to the commission, at or before its October meeting, the toll rate escalation percentage calculated in accordance with the established indices in effect as of October 1, which shall be applied to the current base toll rates for each paypoint of the SH 249 System, generating a schedule of escalated toll rates which will become effective automatically on January 1 of the next calendar year and implemented by the executive director, unless the commission affirmatively votes prior to January 1 to modify the toll rate escalation percentage.

The department has reported to the commission that the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, as required by the Toll Rate Escalation Policy, is 9.76%. The commission has determined that the reported toll rate escalation percentage is unusually high and therefore intends to modify the toll rate escalation percentage to be 0.00%, which will result in toll rates, set forth in Exhibit A, that will not adversely affect the ability of the commission to comply with its rate covenant in Section 501 of the Master Trust Agreement By and Between Texas Transportation Commission and U.S. Bank National Association, as Trustee, Securing SH 249 System Toll Revenue Obligations, Dated as of February 1, 2019 (SH 249 System Trust Agreement). The Toll Rate Schedule that would result from the calculated toll rate escalation percentage of 9.76% is reported and set forth in Exhibit B.

Pursuant to Section 501 of the SH 249 System Trust Agreement, prior to adopting any change in the toll rate schedule, the commission shall obtain and file with the trustee a certificate by the traffic and revenue consultant that, in the consultant's opinion, either: (A) that if such proposed Toll Rate Schedule had been in effect during the preceding annual period, and taking into effect the Revenues anticipated to have been received in such annual period, it would not have caused a decrease in the Revenues for said preceding annual period; or (B) the adoption of such proposed toll rate schedule will not adversely affect the ability of the commission to comply with its rate covenant in Section 501 of the SH 249 System Trust Agreement. The commission has received such certification from the traffic and revenue consultant and filed it with the trustee.

IT IS THEREFORE ORDERED by the commission that the toll rate escalation percentage of 9.76%, as calculated in accordance with the established indices that will be in effect as of October 1, 2022, and reported by the department, as required by the Toll Rate Escalation Policy, is modified to be

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0.00%, and the resulting Toll Rate Schedule for the SH 249 System, attached as Exhibit A, shall be implemented by the executive director on January 1, 2023.

IT IS FURTHER ORDERED by the commission that the department is not required to report the toll rate escalation percentage to the commission at its October meeting, since the commission has already acknowledged in this minute order that the department has reported the toll rate escalation percentage, calculated in accordance with the established indices that will be in effect as of October 1, 2022, as required by the Toll Rate Escalation Policy.

Submitted and reviewed by:

Recommended by:

DocuSigned by:  
  
63D48F8F370A40E...  
Director, Toll Operations Division

DocuSigned by:  
  
0E1B35AE1911749E...  
Executive Director

116330 September 22, 2022

Minute Number	Date Passed
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**Exhibit A**

**SH 249 System (Segment 1)**

**Toll Rate Schedule**

**(0.0% Toll Rate Escalation Percentage Applied)**

**(Effective January 1, 2023)**

**Exhibit A**

**SH 249 System (Segment 1) Toll Rates (Effective January 1, 2023)**

Tolling Point	Two-Axle		Three-Axle		Four-Axle		Five-Axle		Six-Axle	
	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>
<b>Segment 1A</b>										
Entrance and Exit Ramps: South of FM 149	\$0.57	\$0.86	\$1.14	\$1.72	\$1.71	\$2.58	\$2.28	\$3.44	\$2.85	\$4.30
Mainlane Gantry: North of FM 149	\$1.85	\$2.78	\$3.70	\$5.56	\$5.55	\$8.34	\$7.40	\$11.12	\$9.25	\$13.90
<b>Segment 1B</b>										
Entrance and Exit Ramps: South of CR 107 <sup>(2)</sup>	\$0.44	\$0.66	\$0.88	\$1.32	\$1.32	\$1.98	\$1.76	\$2.64	\$2.20	\$3.30
Entrance and Exit Ramps: South of FM 1486	\$0.89	\$1.34	\$1.78	\$2.68	\$2.67	\$4.02	\$3.56	\$5.36	\$4.45	\$6.70
Entrance and Exit Ramps: South of CR 115 <sup>(2)</sup>	\$1.21	\$1.82	\$2.42	\$3.64	\$3.63	\$5.46	\$4.84	\$7.28	\$6.05	\$9.10
Mainlane Gantry: North of CR 115 <sup>(2)</sup>	\$2.42	\$3.63	\$4.84	\$7.26	\$7.26	\$10.89	\$9.68	\$14.52	\$12.10	\$18.15

**Notes:**

- 1.) A 50% surcharge (for PBM) over the TxTag rate is applied. The 2-axle TxTag & PBM toll rates are rounded to the nearest cent.  
The remaining 3+ axle toll rates are calculated using the 2-axle rates multiplied by the N-1 formula, where N is the number of axles.
- 2.) CR 107 and CR 115 are new roads scheduled to open in January 2030.

## **Exhibit B**

### **SH 249 System (Segment 1)**

#### **Toll Rate Schedule**

**(9.76% Toll Rate Escalation Percentage Applied)**

**Exhibit B**

**SH 249 System (Segment 1) Toll Rates**

Tolling Point	Two-Axle		Three-Axle		Four-Axle		Five-Axle		Six-Axle		
	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	TxTag	PBM <sup>1</sup>	
<b>Segment 1A</b>											
Entrance and Exit Ramps: South of FM 149	\$0.63	\$0.95	\$1.26	\$1.90	\$1.89	\$2.85	\$2.52	\$3.80	\$3.15	\$4.75	
Mainlane Gantry: North of FM 149	\$2.03	\$3.05	\$4.06	\$6.10	\$6.09	\$9.15	\$8.12	\$12.20	\$10.15	\$15.25	
<b>Segment 1B</b>											
Entrance and Exit Ramps: South of CR 107 <sup>(2)</sup>	\$0.48	\$0.72	\$0.96	\$1.44	\$1.44	\$2.16	\$1.92	\$2.88	\$2.40	\$3.60	
Entrance and Exit Ramps: South of FM 1486	\$0.98	\$1.47	\$1.96	\$2.94	\$2.94	\$4.41	\$3.92	\$5.88	\$4.90	\$7.35	
Entrance and Exit Ramps: South of CR 115 <sup>(2)</sup>	\$1.32	\$1.98	\$2.64	\$3.96	\$3.96	\$5.94	\$5.28	\$7.92	\$6.60	\$9.90	
Mainlane Gantry: North of CR 115 <sup>(2)</sup>	\$2.66	\$3.99	\$5.32	\$7.98	\$7.98	\$11.97	\$10.64	\$15.96	\$13.30	\$19.95	

**Notes:**

- 1.) A 50% surcharge (for PBM) over the TxTag rate is applied. The 2-axle TxTag & PBM toll rates are rounded to the nearest cent.  
The remaining 3+ axle toll rates are calculated using the 2-axle rates multiplied by the N-1 formula, where N is the number of axles.
- 2.) CR 107 and CR 115 are new roads scheduled to open in January 2030.