



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #8 SUMMARY

---

Waive certain Mobility Authority options under Chapter 373, Transportation Code, relating to development of a portion of SH 71 right-of-way in Travis County.

Strategic Plan Relevance:	Regional Mobility
Department:	Executive Director
Associated Costs:	None
Funding Source:	None
Board Action Required:	Yes

Description of Matter: The Texas Department of Transportation is considering undertaking near-term improvements to a portion of SH 71, from east of SH 130 to US 183 (the "SH 71 Project"). Among the financing alternatives TxDOT could consider would be tolling for some of the lanes. Adding tolled lanes to the SH 71 Project would be subject to the CAMPO Transportation Policy Board amending the *2035 Regional Transportation Plan* and the *Transportation Improvement Plan*.

Under state law, the Mobility Authority has first option (primacy) to develop any new toll projects within Travis and Williamson Counties. To facilitate construction of the SH 71 Project, if tolled lanes are added to the SH 71 Project, this resolution waives the Mobility Authority's option to develop, finance, and construct the SH 71 Project. The proposed resolution does not waive the Mobility Authority's option to operate tolled lanes in the SH 71 Project and collect revenue.

The resolution also provides that Executive Director is authorized to negotiate appropriate agreements with TxDOT for the Mobility Authority to operate any future tolled lanes in the SH 71 Project. The proposed agreement would be brought to the Mobility Authority Board for its consideration and action.

Attached documentation for reference: Draft Resolution

Contact for further information: Mike Heiligenstein, Executive Director

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 13-\_\_\_**

**WAIVING CERTAIN MOBILITY AUTHORITY OPTIONS UNDER  
CHAPTER 373, TRANSPORTATION CODE, RELATING TO DEVELOPMENT  
OF A PORTION OF SH 71 RIGHT-OF-WAY IN TRAVIS COUNTY.**

WHEREAS, the Texas Department of Transportation (“TxDOT”) intends to develop, finance, and construct a portion of SH 71 in Travis County from east of SH 130 to US 183 (the “SH 71 Project”); and

WHEREAS, one alternative that may be considered includes adding tolled lanes to the SH 71 Project, if approved by the Capital Area Metropolitan Planning Organization (“CAMPO”) by amendments to the 2035 Regional Transportation Plan and the Transportation Improvement Plan (the “CAMPO Plans”); and

WHEREAS, under Section 373.052, Transportation Code, the Central Texas Regional Mobility Authority (“Mobility Authority”) has the first option to develop, finance, construct, and operate any new toll project located in the territory of the Mobility Authority, including Travis County; and

WHEREAS, under Section 373.055(a), Transportation Code, the Mobility Authority may at any time waive or decline to exercise any option, step, or other right under Subchapter B, Chapter 373, Transportation Code, that solely benefits the Mobility Authority; and

WHEREAS, the Mobility Authority supports the goal of relieving traffic congestion near the Austin Bergstrom International Airport by improving SH 71 at the earliest possible date, including adding tolled lanes if TxDOT determines tolled lanes are needed to finance the SH 71 Project; and

WHEREAS, the Mobility Authority could operate tolled lanes included in the SH 71 Project in accordance with an agreement between the Mobility Authority and TxDOT under Chapter 373, Transportation Code, and other applicable law; and

WHEREAS, to facilitate timely completion of the TxDOT SH 71 Project, the Executive Director recommends that the Mobility Authority waive and decline to exercise its option under Section 373.052, Transportation Code to develop, finance, and construct tolled lanes in the SH 71 Project, if those tolled lanes are added to the CAMPO Plans.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby waives and declines to exercise the Mobility Authority's option to develop, finance, and construct the SH 71 Project from east of SH 130 to US 183 in Travis County; and

BE IT FURTHER RESOLVED, that the Board of Directors hereby retains and does not waive the Mobility Authority's option under Chapter 373, Transportation Code, to operate any potential tolled lanes in the SH 71 Project and to retain the revenues generated therefrom if the SH 71 Project includes tolled lanes for the benefit of the region for projects included in the CAMPO Plans; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to initiate negotiations with TxDOT for agreements under Chapter 373, Transportation Code, and other applicable law, for (i) TxDOT to design, develop, finance, and construct the SH 71 Project with the benefit of input from, and collaboration with, the Mobility Authority; and (ii) for the Mobility Authority to operate the tolled lanes in the SH 71 Project, if included in the CAMPO Plans, and to retain the revenues generated therefrom; and

BE IT FURTHER RESOLVED, that the Executive Director will bring the proposed agreements to the Board for its consideration and action; and

BE IT FURTHER RESOLVED, that the Executive Director is directed to provide a copy of this resolution to the Texas Department of Transportation on behalf of the Mobility Authority.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27<sup>th</sup> day of February, 2013.

Submitted and reviewed by:

Approved:

---

Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

---

Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number: 13-\_\_\_\_\_  
Date Passed: 02/27/13