

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

RESOLUTION NO. 04-62

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 46 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

WHEREAS, the CTRMA is charged with funding and developing transportation improvements throughout the region to help solve the current mobility crisis and to improve the quality of life for residents of Central Texas; and

WHEREAS, CTRMA staff, working in partnership with the Austin District of the Texas Department of Transportation ("TxDOT"), developed a proposed "CTRMA/TxDOT Regional Implementation Program" (the "Program") which provides for the funding and development of various transportation system improvements through tolling of new roadway capacity; and

WHEREAS, implementation of the Program required amendments to the "2025 Transportation Plan" and the "Transportation Improvement Program" by the Capital Area Metropolitan Planning Organization ("CAMPO"); and

WHEREAS, CAMPO voted to approve the Program after adopting several resolutions affecting certain projects in the Program and encouraging the CTRMA to initiate various processes and implement certain procedures; and

WHEREAS, one of the resolutions encouraged the CTRMA to consider certain factors in the establishment of tolling policies and to initiate a process for receiving public input on the establishment of such policies; and

WHEREAS, the CTRMA Planning Committee, working with staff and the CTRMA's consultants, initiated a process for receiving public input on tolling policies and developed draft recommendations concerning tolling policies for the purposes of receiving further public input; and

WHEREAS, in Resolution No. 04-54, dated October 27, 2004, the CTRMA Board of Directors approved for public comment the draft tolling policies recommended by the CTRMA Planning Committee; and

WHEREAS, the Board of Directors solicited public comment on the draft tolling policies from November 1, 2004 to December 1, 2004 and held a public hearing on the draft tolling policies on November 10, 2004; and

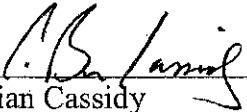
WHEREAS, CTRMA staff and consultants have considered the comments provided by the public and have developed final recommendations concerning Tolling Policies for the CTRMA, a copy of which is attached hereto as Attachment "A";

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA hereby approves the Tolling Policies attached hereto as Attachment "A"; and

BE IT FURTHER RESOLVED, that such Tolling Policies may be amended from time to time in accordance with the procedures set forth in the CTRMA's Bylaws.

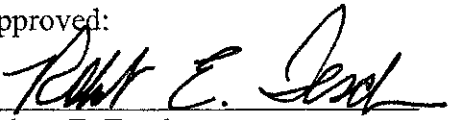
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 8th day of December, 2004.

Submitted and reviewed by:



C. Brian Cassidy
Legal Counsel for the Central
Texas Regional Mobility Authority

Approved:



Robert E. Tesch
Chairman, Board of Directors
Resolution Number 04-62
Date Passed 12/08/04

**POLICIES AND PROCEDURES
FOR TOLL COLLECTION OPERATIONS
ON THE CTRMA TURNPIKE SYSTEM**

SECTION 1. PURPOSE

These Policies and Procedures for Toll Collection Operations (“Policies and Procedures”) are established pursuant to CTRMA Resolution No. 04-62, adopted by the CTRMA Board of Directors on December 8, 2004. Under provisions of Chapter 370 of the Texas Transportation Code, CTRMA possesses the authority to designate a turnpike project or a portion of a turnpike project as a controlled-access toll road (Sec. 370.179). These Policies and Procedures establish CTRMA practices and operations for toll collection systems on designated controlled-access toll roads operating within the CTRMA turnpike system, and incorporate provisions of Texas Transportation Code Sec. 370.177 regarding failure or refusal to pay turnpike project tolls and related penalties and offenses.

SECTION 2. DEFINITIONS

ACH	Automated Clearing House Network.
CSC	Customer Service Center.
Electronic Toll Tag or Toll Tag	A device that records the usage of a vehicle using a toll road; usually adhered to the windshield of the vehicle, allowing motorists to drive non-stop through designated electronic toll collection lanes. (Electronic Toll Tags are a type of “transponder” pursuant to Texas Transportation Code Sec. 370.178.)
ETC	Electronic Toll Collection.
IVR	Interactive Voice Response.
Non-payment Transaction	A transaction where the customer does not pay the toll in the lane at the time of travel through the toll lane.
Non-Tagged Non-payment	Vehicles not equipped with toll tags and that do not pay the toll at the time of travel through the toll lane.
Tag Class	The CTRMA class that is determined using the vehicle information that is programmed in the toll tag.
Tagged Non-payment	A vehicle equipped with a toll tag that is not valid and does not stop to pay toll.
U/O	Unusual Occurrence.

VES Violation Enforcement System.
VPC Violation Processing Center.

SECTION 3. ESTABLISHMENT OF CUSTOMER TOLL TAG ACCOUNTS; PAYMENT; DISTRIBUTION OF TOLL TAGS

3.1 Toll Tag Accounts Generally

Customers may establish either individual or business toll tag accounts by contacting the CTRMA Customer Service Center ("CSC"). Qualification for an "individual" account versus a "business" account will depend upon the number of toll tags a customer seeks to obtain as set forth below. Any customer personal or business information provided to CTRMA, including but not limited to name, address, telephone number, facsimile number, or e-mail address, and information regarding the type of account or number of toll tags issued, shall not be disclosed by CTRMA to any third parties, except for where such disclosure is required as a matter of law. Toll tags will be provided free of charge to customers who establish toll tag accounts; provided, however, that customers with an "initial deposit" individual account described below must pay an additional account set up fee if they request an additional toll tag. Upon issuance, the toll tag will remain the property of CTRMA and the Texas Department of Transportation (TxDOT), and are subject to the provisions of Sec. 370.178 of the Texas Transportation Code. If and when a customer returns a toll tag to the CTRMA, any remaining account balance in the customer's account will be refunded.

The following is a description of the three types of CTRMA toll tag accounts that customers may establish:

(a) Individual Account (Registered)

A customer opens a toll tag account with a minimum of \$20.00. A minimum account balance of \$0.50 is required per toll tag. The first toll tag for the toll tag account is free, however, customers must pay an additional \$20.00 for each additional toll tag requested in conjunction with a toll tag account. Customer will be notified via regular mail, or e-mail if the customer so elects, when their account balance falls to \$10.00. Such notification is provided as a courtesy by CTRMA, and failure to notify shall not relieve the customer of their obligation to remain apprised of their toll tag account balance at all times.

(b) Individual Account (Unregistered)

A customer opens a toll tag account with a minimum of \$20.00. A minimum account balance of \$0.50 is required per toll tag. Customers choosing to remain anonymous by selecting the unregistered account option will be responsible for remaining apprised of their toll tag account balance because CTRMA will not be able to issue any balance notifications due to the account's unregistered status. In addition, unregistered customers will not be eligible for a refund or replacement for any toll tag that is lost or

stolen. Customers should consider the toll tags affiliated with their unregistered account the same as cash, and should take extreme caution to prevent the loss or theft of such toll tag(s).

(c) Business Account (Registered)

To qualify for a Business Account, customer must order a minimum of six (6) toll tags. Customers must open a Business Account with a minimum of \$30.00 per toll tag, with \$30.00 for the account per toll tag, and including the \$.50 required minimum account balance per toll tag. Customer will be notified via regular mail, or e-mail should the customer so elect, when their account balance falls below fifty percent (50%) of the starting account balance. Such notification is provided as a courtesy by CTRMA, and failure to notify shall not relieve the customer of their obligation to remain apprised of their toll tag account balance at all times. Business Account customers are allowed to obtain an unlimited number of toll tags for their account.

3.2 Toll Tag Distribution

(a) Distribution by Mail: Toll tags will be mailed via regular mail to customers who choose to open their toll tag accounts via the following methods, or for customers who request additional toll tags:

- Request via Telephone
- Request via Facsimile
- Request via E-mail
- CTRMA Web Site Application
- Request by Regular Mail
- Certain Authorized Retail Outlets

(b) Distribution via In-Person Pickup: A customer may obtain their toll tag(s) in person when establishing a toll tag account via the following methods:

- In-person visit to CTRMA CSC or any CSC Remote Counter Location
- Vending Kiosk or Machine
- Authorized Retail Outlets
- Toll Lane Attendant Booth

(c) CTRMA Use of Distribution Information: CTRMA will track the number and frequency of toll tags distributed according to the particular type of distribution method to identify the most frequently used distribution channels.

(d) Technical Operation and Technical Problems With Toll Tag Function: CTRMA will make reasonable efforts to test each toll tag that is issued to a customer. However, customers should test the functioning of their toll tag by passing through a tollbooth lane upon their first use of the toll tag to verify whether the toll tag is capable of being read by the toll collection equipment. If a customer becomes aware of a technical problem, either through self-testing, or because the customer is contacted by CTRMA for a Non-

payment Transaction even though the customer has an adequate balance in their account, the customer should immediately contact the CSC to make arrangements to correct the problem or to receive a new toll tag.

3.3 Payment Methods

Accounts (Registered or Unregistered) are pre-paid, and can be established and maintained by credit card, debit card, automatic clearing house (ACH) transaction, money order, check, and/or cash. To establish a registered account, the customer is required to complete the Account Setup Application and establish a means of account replenishment. Customers with unregistered accounts are not required to provide any information.

The following payment methods are available for the corresponding methods of opening a customer account:

- Customers may pay with cash to open an account via: walk-in visits to the CSC or CSC Remote Location Counter; vending machines or kiosks; authorized retail outlets; or request to open an account made to a toll lane attendant.
- Customers may pay with checks or money orders to open an account via: walk-in visits to the CSC or CSC Remote Location Counter; regular mail; authorized retail outlets; or request to open account made to a toll lane attendant.
- Customers may pay with credit cards, or debit cards that do not require personal identification numbers (PINs), to open an account via: walk-in visits to the CSC or CSC Remote Location Counter; telephone; IVR; CTRMA Web Site Application; facsimile; e-mail; vending machines or kiosks; authorized retail outlets.

SECTION 4. DISCOUNTS AND INCENTIVES

A primary objective of the CTRMA's Marketing and Public Information Program is to enroll as many customers as possible in the ETC program. CTRMA will determine appropriate introductory and marketing activities on a project-by-project basis, which may include, but not be limited to, the following:

4.1 Special Toll Tag Accounts and Applicable Legal Exemptions

CTRMA recognizes the importance of encouraging mass transit users to travel on toll roads to further relieve congestion and increase regional mobility. Special toll tags accounts and discounts will be provided to these users. Police, law enforcement and certain other "authorized emergency vehicles" as defined by Sec. 541.201 of the Texas Transportation Code are required to be exempt from paying tolls under Sec. 370.177 of the Texas Transportation Code, and state and federal military vehicles are also exempt from paying tolls under Sec. 362.901 of the Texas Transportation Code.

- (a) Capital Metro Bus: Capital Metro/ CARTS vehicles shall receive a toll tag rate equal to the rate for cars, and shall also receive a ten percent (10%) discount off that rate.

- (b) School Buses: School buses from school districts in the Central Texas region that elect to establish a toll tag account with the CTRMA shall receive a toll tag rate equal to the rate for cars, and shall also receive a ten percent (10%) discount off that rate.
- (c) Emergency Vehicles: In accordance with the provisions of Sec. 370.177 and 362.901 of the Texas Transportation Code, CTRMA will create technical procedures to ensure that authorized emergency vehicles, as well as state and federal military vehicles, are exempt from paying tolls on the CTRMA turnpike system.
- (d) Express Buses: Express buses operated by transportation providers other than Capital Metro/CARTS shall receive a toll tag rate equal to the rate for cars, and shall also receive a ten percent (10%) discount off that rate.
- (e) Other Mass Transit Provider Vehicles: Vehicles belonging to additional mass transit providers other than Capital Metro/CARTS that choose to establish a toll tag account with CTRMA shall receive a toll tag rate equal to the rate for cars, and shall also receive a ten percent (10%) discount off that rate.

4.2 Incentives and Discounts

During the initial start-up phase of tolling on a particular CTRMA project, some incentives to customers may be offered depending on the level of toll tag enrollment, such as the following discounts and incentives:

- (a) Incentive Offers: CTRMA may offer incentives with each new toll project that is opened to encourage ridership.
- (b) Discounts for CTRMA Toll Tag Users: Ten percent (10%) toll tag user discount; equals a discount of ten percent (10%) off of the toll amount paid by cash only toll customers.

4.3 US183-A Turnpike Introductory Programs

- (a) Discount For New CTRMA Customers: Free \$10.00 credit for toll charges given to a new CTRMA customer per each toll tag account.
- (b) Step-Up or No Charge for Introductory Period: CTRMA shall offer a six-month Introductory Period after US 183-A is constructed and opened to traffic. The initial four weeks of the Introductory Period will be free usage for all customers. The period of free usage will be extended up to eight weeks free usage for toll tag customers, and for the remaining four months of the Introductory Period, there will be a fifty percent (50%) reduction in amount of tolls charged for those toll tag customers.
- (c) Customer Friendly Toll Violation Enforcement Process: If a customer who realizes they caused a Non-payment Transaction contacts the CSC and establishes (or re-establishes, if the customer has an invalid toll tag account) a valid, funded toll tag account within ten (10) days, or such period of time that is dictated by the terms of any agreement with TxDOT concerning the VPC, after the Non-payment Transaction was

committed, the administrative fee that CTRMA is allowed to charge under Texas Transportation Code Sec. 370.177(c) will be waived, and the unpaid toll amount will be deducted from the customer's account balance. In the event that the violating customer does not either open and adequately fund a new toll tag account, or adequately fund their existing toll tag account, within the specified time frame, that customer will then receive a "Notice of Nonpayment" via regular mail for the unpaid toll amount plus a \$25.00 CTRMA administrative fee. If the violating customer contacts the CSC within thirty (30) days after such notice is mailed, and either opens and adequately funds a new toll tag account, or adequately funds their existing toll tag account, either part of or all of the \$25.00 administrative fee will be waived, and any remainder of the fee not waived, plus the unpaid toll amount, will be deducted from the customer's account balance.

The waiver of CTRMA administrative fees will be graduated over an eighteen (18) month period of time, where: during the first six (6) months of the toll road operations, all administrative fees will be waived; during next six (6) months of operations, \$15.00 of the fee will be waived; during the third six (6) to twelve (12) months of operations, \$10.00 of the administrative fee will be waived; and after a total period of eighteen (18) months after opening of operations, no portion of the administrative fee will be waived.

SECTION 5. CUSTOMER SERVICE AND VIOLATION POLICIES

Upon implementation of the CTRMA toll collection system, CTRMA expects that there may be a high percentage of customers using a toll road who will not have a toll tag. The objective of the toll operations procedures and policies created by the CTRMA is to increase the percentage of toll road customers who establish toll tag accounts with the CSC. Additionally, because tolling is a new concept for customers in the Central Texas region, it will take some time for customers to adjust to the toll road operations, rules and regulations. During the few months after the start of CTRMA toll collection operations, a tolerant and customer-friendly approach will be employed towards customers who use the road without paying toll charges. While it is understood that the objective of the CTRMA is to collect revenue and minimize toll violation abuse, CTRMA believes that a moderate approach towards customers who did not pay the toll ultimately will allow for a period of adjustment as customers begin using the new toll roads, and will create new toll customers for the CTRMA.

CTRMA will establish a "Violation Processing Center (VPC)" where vehicle images captured at the toll collection point and for which no toll was paid will be reviewed and processed according to CTRMA policies in accordance with the toll enforcement process set forth in Sec. 370.177 of the Texas Transportation Code. Repeat offenders will be issued notices of nonpayment and will be given the opportunity to make outstanding toll and administrative payments. Failure to respond to the established Customer Contact Process, and to satisfy outstanding, unpaid toll amounts, will result in the issuance of citation and prosecution under the provisions of Section 370.177.

The (CSC) provides customer service to CTRMA customers and supports all operations related to customer toll tag account setup, account maintenance and customer service. The efficient operation of the CSC is critical to the success of the CTRMA toll collections. The CSC will adhere to the following provisions with respect to customer service, toll violations, and toll tag use:

(a) Customers That Use Toll Tag Lanes Without Corresponding Toll Tags:

If a customer who realizes they caused a Non-payment Transaction contacts the CSC and establishes (or re-establishes, if the customer has an invalid toll tag account) a valid, funded toll tag account within ten (10) days, or such period of time that is dictated by the terms of any agreement with TxDOT concerning the VPC, after the Non-payment Transaction was committed, the administrative fee that CTRMA is allowed to charge under Texas Transportation Code Sec. 370.177(c) will be waived, and the unpaid toll amount will be deducted from the customer's account balance. In the event that the violating customer does not either open and adequately fund a new toll tag account, or adequately fund their existing toll tag account, within the specified time frame, that customer will then receive a "Notice of Nonpayment" via regular mail for the unpaid toll amount plus a \$25.00 CTRMA administrative fee. If the violating customer contacts the CSC within thirty (30) days after such notice is mailed, and either opens and adequately funds a new toll tag account, or adequately funds their existing toll tag account, either part of or all of the \$25.00 administrative fee will be waived, and any remainder of the fee not waived, plus the unpaid toll amount, will be deducted from the customer's account balance.

(b) Violation Enforcement Strategies:

If a customer who receives a "Notice of Nonpayment" does not take any of the actions described in subsection (a) above within thirty (30) days after such notice is mailed, the Non-payment Transaction becomes an offense under Sec. 370.177 of the Texas Transportation Code, and a collection process will be implemented to attempt collection of the unpaid toll amount plus the additional administrative fee (which may include the collection agency's fees). If the collection process does not succeed in obtaining the toll amount and corresponding fees owed, the violating customer will be referred for prosecution. An offense for failure or refusal to pay a toll under Sec. 370.177 of the Texas Transportation Code is a misdemeanor subject to a fine of up to \$250.00 for each offense. If convicted of the offense, a violating customer will be liable for the unpaid toll amount, plus a \$100 administrative fee, plus court costs and a fine of up to \$250.00. In the prosecution of an offense under Sec. 370.177, proof that the vehicle passed through a toll collection facility without payment of the proper toll, together with proof that the defendant was the registered owner or the customer of the vehicle when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or CTRMA employee, video surveillance, or any other reasonable evidence. Under provisions of Sec. 370.177, there are certain exceptions to violation for failure to pay toll regarding rental cars and vehicles sold but for which title has not been officially transferred by TxDOT. In addition, it is a defense

to prosecution if the vehicle is stolen prior to the failure to pay a toll, but only if the theft is reported to the appropriate law enforcement agency within the required time period.

(c) Procedures for Disputing Toll Violations:

Customers may dispute an alleged failure to pay toll violation via the CTMRA web site or by contacting the CSC by walk-in, telephone, regular mail, e-mail, or facsimile.

(d) Unauthorized Transfer of Toll Tag:

Toll tags are issued by the CTRMA for use with one (1) corresponding vehicle per toll tag. Customers should not attempt to remove and transfer a toll tag to another vehicle once the tag is adhered to the original vehicle's windshield. To engage in such unauthorized transfer of a toll tag is against CTRMA policy, and CTRMA reserves the right to refuse to recognize as valid any toll transaction made pursuant to such unauthorized transfer of a toll tag from its original vehicle.

SECTION 6. TOLLING POLICY FOR PHASES OF CTRMA TURNPIKE PROJECT
"UNDER CONSTRUCTION"

- (a) For any phase of a toll project "under construction" as of the date the project is included in CAMPO's then governing transportation plan or transportation improvement program as a toll project or candidate toll project, the authority shall defer the commencement of toll collection operations on that phase until additional phases of the project are constructed so as to provide continuous uninterrupted travel for a distance, or to a destination, to be designated by the Board of Directors on a project specific basis. Toll projects subject to this provision shall be designated on Attachment "A" hereto, which shall be updated periodically by action of the Board. The deferral of toll collection operations shall end once the component phases of the project or the designated travel corridor (as identified on Attachment "A") are "substantially complete".
- (b) For purposes of this policy the phrase "under construction" shall mean that a contract has been executed by the authority or TxDOT which provides for roadway construction of a phase of the toll project. The phrase "substantially complete" shall mean that the toll project is open to traffic for its entire length as designated on Attachment "A". Temporary closures due to emergencies or short-term construction or maintenance operations shall not preclude a toll project from being deemed substantially complete.
- (c) The authority may install signage and toll collection equipment on or along a project (or any phase thereof) indicating that toll collection operations are being deferred and that tolls will be collected on the entirety (or any portion) of the project in the future.
- (d) The designation of a project as a toll project or candidate toll project in CAMPO's then governing transportation plan or transportation improvement program prior to the time it is open to traffic shall preclude the project from being deemed a "conversion" under provisions of the Texas Transportation Code when toll collection operations begin.

- (e) Notwithstanding the foregoing, the Board of Directors may, upon receipt of a written request from CAMPO or from the Commissioners Court(s) of the county(s) in which a project is located, waive this policy and toll a phase of project that is under construction prior to completion of the entirety of the project.

ATTACHMENT "A"

INITIAL PHASE	CONTRACT EXECUTION DATES	TRAVEL CORRIDOR TO BE COMPLETED PRIOR TO TOLLING
US 183 (S): South of IH 35 (N) to South of US 290 (E)	February 10, 2003	From main lanes of US 183 at IH35 to Presidential Blvd. (permitting travel on main lanes unimpeded by traffic signals on US 183 South from IH35 to ABIA)
SH 71 (E): West of Burleson Rd. to West of Riverside Dr.	September 16, 2002	From main lanes of SH 71 from IH35 to Presidential Blvd. (permitting travel on main lanes unimpeded by traffic signals on SH71 East from IH35 to ABIA)
Loop 1 (MOPAC Blvd): South of William Cannon Dr. to US 290 (W)	September 15, 2003	From main lanes of Loop 1 at William Cannon Dr. to south of Barton Skyway (permitting travel on express lanes from William Cannon Dr. to south of Barton Skyway)