

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

**RESOLUTION NO. 07-02**

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 43 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, 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, in Resolution 04-62, dated December 8, 2004, the CTRMA Board of Directors adopted formal toll policies for the CTRMA (the "Toll Policies") that were consistent with the Program and reflected input received through public comment and a public hearing held by the CTRMA for such purpose; and

WHEREAS, the Board of Directors anticipated in Resolution 04-62 that the Toll Policies would be subject to revision and amendment from time to time to insure that the Toll Policies best implement the mission and goals of the CTRMA in its efforts to serve the public regarding mobility matters; and

WHEREAS, certain provisions of the Toll Policies are no longer consistent with the actual operational methods to be used in the operation of various transportation improvements developed under the Program; and

WHEREAS, CTRMA staff has undertaken development of various proposed amendments and revisions to the Toll Policies for the CTRMA and such proposed revisions to the Toll Policies are attached hereto as Attachment "A" ("Revisions to Toll Policies"); and

WHEREAS, CTRMA staff presented the proposed Revisions to Toll Policies to the CTRMA Board of Directors at the December 13, 2006 Board Meeting, and the Board of Directors approved Resolution 06-72 authorizing CTMRA staff to undertake the necessary review and analysis of the fiscal results of such revisions as required under the bond covenants the CTRMA is subject to in order to fully consider the impact of the proposed Revisions to Toll Policies; and

WHEREAS, such review and analysis has been completed and the impacts presented to the CTRMA Board of Directors and the Board of Directors has determined that the Revisions to Toll Policies are acceptable and in the best interest of furthering CTRMA's efforts to serve the public regarding mobility matters.

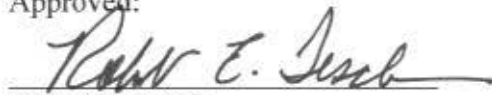
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA hereby adopts the Revisions to the Toll Policies attached hereto as Attachment "A" and hereby amends the CTRMA Toll Policies accordingly; and

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 31st day of January, 2007.

Submitted and reviewed by:

  
Tom Nielson  
Legal Counsel for the Central  
Texas Regional Mobility Authority

Approved:

  
Robert E. Tesch  
Chairman, Board of Directors  
Resolution Number 07-02  
Date Passed 1/31/07

**ATTACHMENT "A"**  
**TO**  
**RESOLUTION NO. 07-02**

**Additional Revisions to CTRMA Toll Policy**  
**Regarding Brushy Creek Ramps**

WHEREAS, the CTRMA Board of Directors has, by passage of its Resolution 07-02 dated January 31, 2007, adopted certain revisions to the Toll Policies of the Authority;

WHEREAS, most of the adopted revisions are reflected in the amendments dated January 31, 2007 and made to the Policies and Procedures for Toll Collection Operations on the CTRMA Turnpike System ("Policies and Procedures Document") originally adopted December 8, 2004;

WHEREAS, certain aspects of the adopted Toll Policies of the Authority are not included in the Policies and Procedures Document, but are instead set forth in the Toll Rates Structure (the "Official Statement Toll Rate Structure") included in the Official Statement dated February 16, 2005 in connection with the CTRMA issuance of various debt obligations (the "Official Statement"), including under Section 6.3 of the Traffic and Revenue Study attached as Appendix "D" to the Official Statement;

WHEREAS, to the extent authorized revisions have been made to the Policies and Procedures Document, such revisions are reflected therein, and the authorized revision to the Official Statement Toll Rate Structure is as stated below:

NOW THEREFORE, the following revision to the Official Statement Toll Rate Structure is authorized as follows:

The Official Statement Toll Rate Structure originally provided that the Brushy Creek Ramps toll collection booths would be manned twenty-four hours per day in order to allow discernment of the various types of vehicles passing through the cash collection lanes and determining the proper toll based on the number of axles of each vehicle. However, it has been determined that significant efficiencies will be realized if this provision is revised.

This revision provides that for the overnight hours of 10 pm to 6 am, all vehicles traveling through any of the Brushy Creek Ramps lanes will be charged the toll rate established for passenger cars. This will allow for the Brushy Creek Ramps toll collections booths to not be required to be manned between 10 pm and 6 am, all days of the week.

This revision shall be deemed part of the Official Statement Toll Rate Structure unless and until further revised by the CTRMA Board of Directors by appropriate resolution and in accordance with the provisions of the Official Statement.

**ATTACHMENT "A"**  
**TO**  
**RESOLUTION 07-02**  
**REVISIONS TO TOLL POLICIES**

**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 on December 8, 2004 and as further amended by CTRMA Resolution No. 07-02 adopted on January 31, 2007. 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	The TxDOT Customer Service Center or its successor(s).
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. EXEMPTION FROM TOLL PAYMENT

Users of CTRMA Toll Facilities shall be required to pay a toll unless they are determined to be exempt under Texas State Statutes or as authorized by the CTRMA Board under the provisions of the Texas State Statutes.

- (a) Emergency and Military Vehicles: In accordance with the provisions of Sec. 370.177, 362.901 and 541.201 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 toll road system.
- (b) Public Transportation Vehicles: As authorized under the provisions of Sec. 370.177 of the Texas Transportation Code and to facilitate a multi-modal transportation system that ensures safe and efficient travel for all individuals in Central Texas, public transportation vehicles with a carrying capacity of 16 or more individuals that are owned and/or operated on behalf of the Capital Metropolitan Transportation Authority or the Capital Area Rural Transportation System shall be exempt from paying tolls on CTRMA toll facilities..

### SECTION 4. TOLL INCENTIVES AND DISCOUNTS

To promote the use of CTRMA toll roads and to maximize the use of toll tags on CTRMA facilities, the CTRMA will offer customers incentives and discounts.

- (a) Discounts for Toll Tag Users: Customers who pay their toll using a toll tag will receive a discount equal to ten percent (10%) off of the toll amount paid by cash toll customers.
- (b) Incentive Offers: From time to time the CTRMA may conduct promotions or marketing activities that encourage drivers to use CTRMA toll roads and/or TxTag and/or reward customers for such use.
- (c) 183A Introductory Period: CTRMA shall offer a four month introductory period after 183A is constructed and open to traffic. The initial two months of such introductory period will allow free usage for all customers. The period of free usage will be extended for an additional month for toll tag customers, and toll tag customers shall additionally be provided a fifty percent (50%) discount in the amount of the applicable toll charged during the fourth month of the introductory period.

## 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 TxDOT 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 do 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.

The TxDOT 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 TxDOT 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 believes they caused a Non-payment Transaction contacts the TxDOT CSC and establishes (or re-establishes, if the customer has an invalid toll tag account) a valid, funded toll tag account within seven (7) 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 TxDOT is allowed to charge 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 \$5.00 administrative fee. If the violating customer contacts the TxDOT 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, all of the \$5.00 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 may 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 or representative, 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 by contacting the TxDOT CSC by walk-in, telephone, regular mail, e-mail, or facsimile.

(d) Appealing a Toll Violation to CTRMA

A customer who has contacted the TxDOT CSC and has been unable to satisfactorily resolve a dispute regarding a toll violation may submit a written appeal to the CTRMA. Such appeal shall be for the purposes of the customer providing the CTRMA with the information upon which they base their appeal. The CTRMA may or may not determine that there is any merit to such appeal and is not required to undertake any formal proceedings to make such determination.

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"

<b>INITIAL PHASE</b>	<b>CONTRACT EXECUTION DATES</b>	<b>TRAVEL CORRIDOR TO BE COMPLETED PRIOR TO TOLLING</b>
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)