

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

**RESOLUTION NO. 08-19**

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, Chapter 370 of the Texas Transportation Code authorizes regional mobility authorities to develop projects through the use of comprehensive development agreements; 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, the CTRMA, 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, such Program having been amended and revised from time to time by the actions of TxDOT, CAMPO and/or the CTRMA; and

WHEREAS, various regional transportation projects included in the CAMPO 2030 Plan, TIP and/or the Program have been assigned to the CTRMA for possible design, development and/or operation (collectively or individually, such regional transportation projects being referred to as the "Transportation Projects"); and

WHEREAS, the 80<sup>th</sup> Texas Legislature adopted Senate Bill 792 that addressed various matters related to the development of toll projects, including a process whereby TxDOT and local toll project entities such as the CTRMA develop a market valuation for proposed toll projects and grant local toll project entities primacy as to the development, construction and operation of such projects ("Market Valuation"); and

WHEREAS, in order to insure that the CTRMA may continue to undertake feasibility and development efforts associated with the Transportation Projects in a timely manner, the Texas Transportation Commission will consider issuing a Minute Order (the "Minute Order") at its March 27, 2008 meeting authorizing TxDOT and the CTRMA to negotiate and develop an agreement ("Development Agreement") for the development of the Transportation Projects prior to the completion of the Market Valuation process for those projects, including performance of engineering and other pre-construction work; and

WHEREAS, the Development Agreement is anticipated to provide that funds expended by the CTRMA in relation to the Transportation Projects are subject to reimbursement by TxDOT for any Transportation Project the CTRMA declines to develop, construct and operate after the Market Valuation process is completed for such Project; and


WHEREAS, it will be necessary for the terms and conditions of the Development Agreement to be negotiated and agreed upon by a representative of the CTRMA.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Executive Director to negotiate and finalize the Development Agreement on the terms and conditions acceptable to the Executive Director and consistent with the provisions of the Minute Order and this Resolution; and


BE IT FURTHER RESOLVED, upon finalization of the Development Agreement, the Executive Director is authorized to execute the Development Agreement on behalf of the CTRMA.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26th day of March 2008.

Submitted and reviewed by:

  
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Tom Nielson  
General Counsel for the Central  
Texas Regional Mobility Authority

Approved:

  
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Robert E. Tesch  
Chairman, Board of Directors  
Resolution Number 08-19  
Date Passed 3/26/08

TEXAS TRANSPORTATION COMMISSION

TRAVIS AND WILLIAMSON County

MINUTE ORDER

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AUSTIN District

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) previously developed a "CTRMA/TxDOT Regional Implementation Program" that provides for the funding and development of certain transportation system improvements within the jurisdictional limits of the CTRMA.

On October 8, 2007, the Capital Area Metropolitan Planning Organization (CAMPO) Transportation Policy Board approved amendments to CAMPO's 2030 Transportation Plan (Plan) and the FY 2008-FY 2011 Transportation Improvement Program (TIP), amending previous authorizations for the development of certain highway projects of the Texas Department of Transportation (department) that are located within the boundaries of CAMPO as toll projects.

Department projects that are part of the TIP and Plan amendments include: (1) the US 290 West/SH 71 interchange (the "Y" in Oak Hill), (2) US 183 South from Springdale to Patton, (3) SH 45 Southwest from Loop 1 to FM 1626, (4) US 290 East from east of US 183 to FM 973, (5) SH 71 East from west of Riverside to SH 130, and (6) Loop 1 northbound and southbound managed lanes from FM 794 to the Cesar Chavez interchange (candidate toll projects).

Transportation Code, §228.0111 provides that if a local toll project entity or the department determines that a project located within the boundaries of the local toll project entity should be developed, constructed, and operated as a toll project, the department and the local toll project entity shall agree on terms and conditions for the development, construction, and operation of the project and on a market valuation of the project, and the local toll project entity has the first option to develop, finance, construct, and operate the toll project under the agreed terms and conditions (market valuation process).

Transportation Code, §228.0111 contemplates that preliminary project development work and other activities necessary to implement the market valuation process and meet any conditions for the development of the project as a toll project may be carried out prior to the initiation of the market valuation process, including preliminary engineering, services related to environmentally clearing the development of the project as a toll project, and other pre-construction work, but not including the final design and construction of the project. All of the candidate toll projects are subject to the market valuation process.

In Minute Order 110053, dated April 28, 2005, the Texas Transportation Commission (commission) requested that the CTRMA take such actions or conduct such studies and evaluations as may be necessary to determine the viability of jointly developing and financing with the department all or portions of the candidate toll projects, and to present proposals identifying the relative rights and obligations of the department and the CTRMA in the planning, design, financing, construction, and operation of those projects.

Funding reductions have forced the department to stop work on the candidate toll projects. CTRMA and the department have developed an innovative plan to continue that work so that the candidate toll projects are not delayed. Under this plan, ongoing work that previously was carried out by the department would be carried out by the CTRMA, and would be funded by the CTRMA. That work would be coordinated with the department and subject to the department's review.

TEXAS TRANSPORTATION COMMISSION

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MINUTE ORDER

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AUSTIN District

If CTRMA declines to exercise its option to develop, finance, construct, and operate a candidate toll project, the department will reimburse the CTRMA for work performed by the CTRMA, and the CTRMA will transfer all work product for which reimbursement is made to the department. No reimbursement would be required for any work related to a candidate toll project for which the CTRMA exercised its option to develop, finance, construct, and operate the project.

The development, construction, and operation of the candidate toll projects is of significant importance to mobility in the Austin metropolitan area and in the jurisdictional limits of the CTRMA. The commission recognizes that innovative financing methods, including tolls, are an effective means of maximizing the use of limited available resources, without compromising the quality of Texas' transportation system. The commission encourages the development of partnerships and the employment of innovative methods to finance and construct needed transportation improvements.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to negotiate and develop an agreement with the CTRMA for the development of toll projects included in the CAMPO FY 2008-2011 Transportation Improvement Program prior to the completion of the market valuation process for those projects, including the performance by the CTRMA of engineering and other pre-construction work up to but not including the final design of those toll projects.

IT IS FURTHER ORDERED that the executive director is directed to present the agreement to the commission for its future consideration.

Submitted and reviewed by:

Recommended by:

\_\_\_\_\_  
Director, Texas Turnpike Authority Division

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Minute      Date  
Number      Passed