

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

RESOLUTION NO. 10-86

**ELECTING TO EXERCISE CTRMA'S FIRST OPTION
TO DEVELOP THE MOPAC IMPROVEMENT PROJECT
(LOOP 1 MANAGED LANES PROJECT)**

WHEREAS, as a regional mobility authority and a local toll project entity, the Central Texas Regional Mobility Authority ("CTRMA") is authorized by state law to exercise an option to develop, finance, construct, and operate a toll project within the region it serves; and

WHEREAS, on June 14, 2007, the Texas Transportation Commission (the "Commission") approved Minute Order Number 110964 in which it identified candidate projects for development, construction, and operation as toll projects and directed TxDOT staff to work with local toll project entities to develop market valuations for those projects; and

WHEREAS, the MoPac Improvement Project, also known as the Loop 1 Managed Lanes Project (the "Project") was included on the list of projects identified in Minute Order Number 110964; and

WHEREAS, on June 26, 2008, the Commission approved Minute Order Number 110410 in which it adopted certain policies regarding the market valuation process established by Texas Transportation Code § 228.0111; and

WHEREAS, Texas Transportation Code § 228.0111 and Minute Order Number 11410 establish procedures by which CTRMA may exercise the first option to develop the Project after the market valuation process has been completed and after the Capital Area Metropolitan Planning Organization ("CAMPO") has determined that the Project should be developed using the business terms incorporated in the market valuation; and

WHEREAS, TxDOT and the CTRMA completed the market valuation process for the Project as required by applicable law, and the respective executive directors of TxDOT and the CTRMA signed that certain "Market Valuation Agreement for the Loop 1 Managed Lanes Project" effective September 13, 2010 (the "Agreement"), a copy of which is attached and incorporated into this Resolution as Attachment A; and

WHEREAS, after considering the Agreement at its meeting on September 13, 2010, the CAMPO Transportation Policy Board determined that the Project should be developed using the business terms incorporated in the Agreement, as provided by subsection (g) of Texas Transportation Code § 228.0111; and

WHEREAS, having satisfied all procedural requirements of Texas Transportation Code § 228.0111, CTRMA now has the power and authority to exercise its option to develop the Project; and

WHEREAS, the CTRMA Board of Directors, recognizing its purpose of accelerating needed transportation projects through the direction of a local board making local choices about local mobility needs that enhance quality of life and economic opportunity for all residents of the region, believes that it is in the best interest of the region for the CTRMA to develop the Project.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby exercises the option of the Central Texas Regional Mobility Authority to develop the Project in accordance with Agreement; and

BE IT FURTHER RESOLVED, that the Executive Director and CTRMA staff are directed to communicate the CTRMA's action to the Texas Department of Transportation; and

BE IT FURTHER RESOLVED, that the Executive Director and staff are authorized and directed to take such other actions as are necessary to proceed with development of the Project.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29th day of September, 2010.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 10-86
Date Passed: 9/29/10

Attachment "A"

**Market Valuation Agreement for
the Loop 1 Managed Lanes Project**

**MARKET VALUATION AGREEMENT
FOR
THE LOOP 1 MANAGED LANES PROJECT**

This Market Valuation Agreement (this "Agreement") is made by and between the Texas Department of Transportation, an agency of the State of Texas ("TxDOT"), and the Central Texas Regional Mobility Authority, a political subdivision of the State ("CTRMA"), for the purpose of setting forth their mutual agreement concerning the development and market valuation for the Loop 1 Managed Lanes Project (the "Project").

RECITALS

The parties acknowledge the following:

- A. The CTRMA was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Texas Transportation Code (the "Transportation Code") and the petition and approval process established in 43 Tex. Admin. Code §26.1, *et. seq.*
- B. The CTRMA is charged with funding and developing transportation projects throughout the Central Texas region to provide innovative transportation solutions, promote economic development, and improve the quality of life for residents of the region.
- C. The CTRMA is governed by Chapter 370 of the Transportation Code, which authorizes regional mobility authorities to study, evaluate, design, finance, acquire, construct, maintain, repair, and operate transportation projects, individually or as one or more systems, provided that the projects are included in a plan approved by the applicable metropolitan planning organization and that the projects are consistent with the statewide transportation plan and the statewide transportation improvement program.
- D. Section 228.0111 of the Transportation Code requires that a market valuation be determined for proposed toll projects, and that the valuation be determined based on terms and conditions agreed to by TxDOT and the "local toll project entity" within whose jurisdiction the project is located, but permits TxDOT and the local toll project entity to waive this requirement.
- E. On June 26, 2008, the Texas Transportation Commission (the "Commission") approved Minute Order 111410 in which it adopted certain policies regarding the market valuation process, including policies related to the agreement on the terms and conditions for the development, construction, and operation of a toll project, agreement on the valuation of a toll project, and the waiver of the development of a market valuation as authorized in Section 228.0111(f-1) of the Transportation Code.
- F. By letter dated December 22, 2009, Mike Heiligenstein, Executive Director of the CTRMA, requested that the market valuation for the Project be waived. In a letter dated February 5, 2010, Carlos A. Lopez, P.E., District Engineer for TxDOT's Austin District (the "District"), responded that certain actions were required before the request for waiver of the

market valuation could be considered, including development of terms and conditions (including project scope, toll rate, and toll rate escalation methodology) for the Project and preparation of a market valuation waiver agreement.

G. On April 5, 2010, Mr. Heiligenstein forwarded proposed terms and conditions for the Project as well as a draft market valuation waiver agreement for consideration by the District. The District and the CTRMA have held a series of meetings to negotiate the terms and conditions and to discuss the market valuation process. Mr. Heiligenstein was the lead negotiator for the CTRMA and Mr. Lopez was the lead negotiator for the District.

H. Pursuant to Section 228.0111(e) of the Transportation Code, TxDOT and the CTRMA have negotiated the terms and conditions for the development, construction and operation of the Project, which are attached as Attachment "A" and incorporated into this Agreement by reference (the "Terms and Conditions").

I. TxDOT authorized its consultant, KPMG, to perform a preliminary financial analysis of the Project, based on the negotiated terms and conditions.

J. TxDOT has evaluated the Terms and Conditions, and the results of the preliminary financial analysis and discussions with CTRMA, and has determined that the development of a market valuation for the Project should be waived. This determination was made in accordance with the provisions of Section 228.0111 of the Transportation Code and the policies adopted in Minute Order 111410, including consideration by TxDOT of whether a greater value may be achieved through an agreement on negotiated value instead of market valuation.

AGREEMENT

In light of the foregoing recitals, TxDOT and the CTRMA (collectively, the "parties") agree as follows:

1. The parties hereby agree that the terms and conditions for the Project are those Terms and Conditions attached hereto as Attachment "A".
2. The parties hereby agree to waive the development of a market valuation for the Project pursuant to Section 228.0111(f-1) of the Transportation Code.
3. The parties hereby agree that the negotiated value of the Loop 1 Managed Lanes Project is the sum of \$180.3 million based on the estimated value of the Loop 1 Managed Lanes Project determined in the preliminary financial analysis performed by KPMG.
4. Following the execution of this Agreement, the CTRMA will present the Terms and Conditions to CAMPO for its consideration pursuant to Section 228.0111(g) of the Transportation Code.
5. If the Terms and Conditions are approved by CAMPO, the CTRMA will formally consider its option to develop the Project as provided by Section 228.0111(g) of the

Transportation Code, and the CTRMA Board of Directors will take appropriate action as required by Section 228.0111 of the Transportation Code. That action may include a commitment to using, for a period to be agreed upon by TxDOT and the CTRMA, all surplus revenue from the Project for other transportation projects as authorized by Section 370.174(b) in an amount equal to the negotiated value of the Project.

6. The parties acknowledge that the recitals set forth above are true and correct. The parties further agree that they have fully complied with the market valuation requirements of Section 228.0111 of the Transportation Code.

This Agreement shall be effective as of the 13th day of Sept., 2010.

TEXAS DEPARTMENT OF TRANSPORTATION

By: *Amadeo Saenz, Jr.*
Amadeo Saenz, Jr., P.E., Executive Director

**THE CENTRAL TEXAS
REGIONAL MOBILITY AUTHORITY**

By: *Mike Heiligenstein*
Mike Heiligenstein, Executive Director

ATTACHMENT "A"

TERMS AND CONDITIONS FOR THE LOOP 1 MANAGED LANES PROJECT

1. **Project Scope:** The Loop 1 Managed Lanes Project (the "Project") is an 11.9 mile toll project, extending from just north of Parmer Lane (FM 734) to just south of Lady Bird Lake. The Managed Lanes extend from just north of Parmer Lane (FM 734) to just north of Lady Bird Lake for a total managed lanes distance of 10.99 miles. The Managed Lanes (one lane in each direction) will be constructed along the median of the existing Loop 1 facility in an area created by reducing the width of the existing lanes and shoulders, as well as widening pavement and bridges as necessary in certain locations. A total of 8 access points (five northbound and three southbound) are proposed for the Project. The Project includes direct connectors at the Cesar Chavez interchange, which will be constructed when financially feasible and upon environmental clearance.
2. **Initial Toll Rate (2010\$):** Toll rates will be established on a congestion-based toll pricing structure with the intent of maintaining reliable free-flow travel speeds of at least 40 to 50 mph on the Managed Lanes (absent any incidents which affect travel flow). The base toll rate is \$0.22 per lane mile. The base toll rate will be adjusted to ensure that free-flow travel speeds are maintained. Under the CTRMA's toll policies, emergency vehicles, military vehicles, registered van pools, and public transportation vehicles with a carrying capacity of 16 or more individuals (CapMetro buses and CARTS) may access the managed lanes without paying a toll. Toll policies may be adjusted periodically by the CTRMA Board of Directors.
3. **Toll Escalation Methodology:** The base toll rate will be escalated per the methodology set forth herein. Beginning on October 1st of the year following the Project's first year of full operations, and on each October 1st thereafter (the "Toll Escalation Determination Date"), a percentage increase in the base toll rate for the Project will be determined in an amount equal to the Toll Rate Escalation Percentage and will become effective on the January 1 of the next calendar year. This is consistent with, and subject to, CTRMA Board policy and bond indenture requirements concerning toll rates.

For purposes of determining the Toll Rate Escalation Percentage, the following capitalized terms shall have the meanings given below:

"Toll Rate Escalation Percentage" = shall mean a percentage amount equal to $[(CPI^t - CPI^{t-12}) / CPI^{t-12}]$. In the event the Toll Rate Escalation Percentage is calculated to equal less than 0%, then the Toll Rate Escalation Percentage shall be deemed to equal 0%.

"CPI^t" = the most recently published non-revised index of Consumer Prices for All Urban Consumers (CPI-U) before seasonal adjustment ("CPI"), as published by the Bureau of

Labor Statistics of the U.S. Department of Labor ("BLS") prior to the Toll Escalation Determination Date for which such calculation is being made. The CPI is published monthly and the CPI for a particular month is generally released and published during the following month. The CPI is a measure of the average change in consumer prices over time for a fixed market basket of goods and services, including food, clothing, shelter, fuels, transportation, charges for doctors' and dentists' services, and drugs. In calculating the index, price changes for the various items are averaged together with weights that represent their importance in the spending of urban households in the United States. The contents of the market basket of goods and services and the weights assigned to the various items are updated periodically by the BLS to take into account changes in consumer expenditure patterns. The CPI is expressed in relative terms in relation to a time base reference period for which the level is set at 100.0. The base reference period for the CPI is the 1982-1984 average.

"CPI^{t-12}" = the CPI published by the BLS in the month that is 12 months prior to the month used to establish CPI^t.

If the CPI is discontinued or substantially altered, as determined in the sole discretion of the Authority, the Authority will determine an appropriate substitute index or, if no such substitute index is able to be determined, the Authority reserves the right to modify its obligations under this Policy.



INTERNET ADDRESS:
<http://www.txdot.gov>

AGENDA

TEXAS TRANSPORTATION COMMISSION

125 East 11th Street
Austin, Texas 78701-2483

THURSDAY
September 30, 2010

9:00 A.M. CONVENE MEETING

1. **Approval of Minutes** of the August 25, 2010 workshop and the August 26, 2010 regular meeting of the Texas Transportation Commission
2. **Aviation**
 - a. **Various Counties** – Award federal and state grant funding for airport improvement projects at various locations (MO)
Federal law authorizes the award of federal funding to preserve and improve the state's general aviation system. State law authorizes the award of state funding for capital improvement projects. The airports listed in Exhibit A are eligible for award of these grant funds and the department seeks approval of the awards.
 - b. **Various Counties** – Approve appointment of two members to the Aviation Advisory Committee (MO)
The commission shall appoint each member for a term not to exceed three years. This minute order approves the appointment of two members to the Aviation Advisory Committee.
3. **Public Transportation**
 - a. **Various Counties** – Award Transportation Development Credits (TDC) to Heart of Texas Workforce Board, Kaufman Area Rural Transportation, Texoma Area Paratransit System, and West Texas Opportunities (MO)
The awards identified in this minute order reflect the award of transportation development credits to various urban and rural transit operators to assist with local match needs for vehicle replacement and other capital infrastructure projects.
 - b. **Various Counties** – Award Federal §5310 Funds, Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities Program (MO)
The commission previously approved awards of §5310 funds to assist various providers in all TxDOT districts. The Laredo District awards included Duval County and the Rural Economic Assistance League, Inc. (REAL). Duval County has decided to provide transportation services through a coordinated effort with REAL, and has requested the transfer of their FY 2010 funding from the county to REAL. This agenda item supersedes the FY 2010 awards under the February 25, 2010 Minute Order 112145, and May 27, 2010 Minute Order 112259 for these two systems; all other awards remain unchanged.

4. **Rail Projects**
Cooke, Denton, and Tarrant Counties – Authorize an agreement with the National Railroad Passenger Corporation for the provision of passenger rail service on the Amtrak Heartland Flyer route and the department's financial support for the operation of the service (MO)
The Heartland Flyer provides daily passenger rail service over the BNSF Railway line between Fort Worth and Oklahoma City. The route has been in service since 1999. Operating losses are funded by the states of Oklahoma and Texas. This minute order authorizes the department to enter into an agreement with Amtrak for continued operations through September 2011 and fund the Texas share of operating losses up to \$2.1 million. Without state subsidies Amtrak will cease passenger rail service on the route.
5. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
- a. **Final Adoption**
- (1) **Chapter 6 – State Infrastructure Bank (MO)**
 Amendments to §6.1, Purpose, §6.2, Definitions, and §6.3, General Policies, the Repeal of §6.4, Applicability, New §6.4, Separate Subaccounts, and the Repeal of §6.5, Separate Subaccounts (General Provisions); Amendments to §6.11, Eligible Entities, and §6.12, Eligible Projects, and New §6.13, Eligibility for Financial Assistance from General Obligation Bond Proceeds (Eligibility); Amendments to §6.21, Department Contact, §6.22, Requested Financial Assistance, and §6.23, Application Procedure, the Repeal of §6.24, Suspension of Applications, New §6.24, Limitation on Applications - Loans from General Obligation Bond Proceeds, and New §6.25, Suspension of Applications (Procedures); Amendments to §6.31, Department Action, and §6.32, Commission Action, and New §6.33, Commission Action - Loans from General Obligation Bond Proceeds (Department and Commission Action); Amendments to §6.41, Executive Director, §6.42, Performance of Work, and §6.43, Design, Construction, and Procurement Standards, the Repeal of §6.44, Maintenance and Operations, and New §6.44, Design and Construction - Loans from General Obligation Bond Proceeds, the Repeal of §6.45, Financial and Credit Requirements, and New §6.45, Maintenance, the Repeal of §6.46, Other Requirements, and New §6.46, Financial and Credit Requirements (Financial Assistance Agreements)
In 2009 the legislature appropriated \$1 billion of Proposition 12 general obligation bond proceeds to capitalize the state infrastructure bank for the purpose of making loans to public entities. These rules change state infrastructure bank rules relating to the requirements and criteria for loans from the bank made with those bond proceeds.
- (2) **Chapter 31 – Public Transportation (MO)**
 Amendments to §31.36, Section 5311 Grant Program (Federal Programs)
This minute order proposes amendments concerning the distribution of federal grant funds to public transportation providers. The amendments clarify current practice and provide for a fair and equitable distribution of public transportation funds.

5. **Promulgation of Administrative Rules (continued)**
 - b. **Proposed Adoption**
(to be published in the Texas Register for public comment)
 - (1) **Chapter 21 - Right of Way (MO)**
New §21.301, Purpose, §21.302, Definitions, §21.303, Request for Proposals, §21.304, Proposals, §21.305, Selection of Entity, §21.306, Negotiation with Selected Entity, §21.307, Agreement, §21.308, Termination of Agreement, §21.309, Payment, §21.310, Sublease, and §21.311, General Requirements (New Subchapter J, Leasing of Highway Assets for Transportation Facility)
This new subchapter will provide for the leasing of the department's right of way for a low emissions freight transportation facility. The procurement process gives highest priority for a facility that reduces congestion on the state highway system and reduces emissions.
 - (2) **Chapter 23 – Travel Information (MO)**
Amendments to §23.1, and Purpose, §23.2, Definitions (General Provisions); and Amendments to §23.10, Travel Literature, §23.12, Texas Official Travel Map, and §23.14, Display of Literature in Travel Information Centers (Travel Information)
These amendments clarify subject matter that can be included in the department's travel literature; clarify items depicted on the Texas Official Travel Map, including changing the criteria for a city or town to be included on the map; and clarify the types of literature and other promotional items that can be distributed at Texas Travel Information Centers.
6. **Transportation Planning**
 - a. **Various Counties – Adopt the Fiscal Year 2011-2014 Statewide Transportation Improvement Program (MO)**
Federal law requires each state to prepare a multiyear program of surface transportation projects. The Statewide Transportation Improvement Program (STIP) is developed in cooperation with metropolitan planning organizations and with input from local entities and the public. The STIP is constrained to the anticipated federal, state, local, and private sector funds that will be available for the time period.
 - b. **Kinney County – Approve the transfer of Border Colonias Access Program funds from a previously selected colonia project to another eligible colonia project (MO)**
The Border Colonias Access Program rules allow a county to use unexpended funds from a project on any other commission-selected county colonia project. Kinney County has requested the transfer of \$107,192.51 of allocated funds from Spofford Colonia to Brackettville Colonia.
7. **Toll Road Projects**
 - a. **Accept the report of actual traffic and revenue for the Central Texas Turnpike System (MO)**
Report of actual traffic and revenue for the Central Texas Turnpike System (CTTS) as of August 31, 2010, as required by the CTTS Indenture of Trust.

7. **Toll Road Projects (continued)**

- b. **Dallas County** – Authorization to enter into a direct agreement with the NTTA and the Trustee under the Trust Agreement for the SH 161 Project and to enter into other necessary agreements in connection with the financing of the SH 161 Project (MO)
In Minute Order 112141, dated February 24, 2010, the commission granted final approval of a toll equity loan to the NTTA in connection with the SH 161 Project and authorized the department to enter into a Toll Equity Loan Agreement. It is a condition to the consummation of a loan under the Transportation Infrastructure Finance and Innovation Act (TIFIA) for the SH 161 Project that that TxDOT and the NTTA enter into a direct agreement with the Trustee to provide certain assurances and agreements in connection with the Toll Equity Loan Agreement. Other agreements are also required as a condition of the TIFIA or toll-equity loans or the NTTA's financing of the SH 161 Project.

8. **Pass-Through Toll Projects**

Authorize the executive director or designee to negotiate and execute a final pass-through toll agreement with certain of those entities whose proposals under the February 25, 2010 pass-through toll program call were conditionally selected by the commission in Minute Order 112305 on June 24, 2010, as providing the best value to the state and which were successful in negotiating the financial terms of a pass-through toll agreement. (MO)
The department evaluated proposals submitted under the February 25, 2010 program call using the items of criteria set forth in 43 TAC §5.55, and presented its analyses to the commission. The commission considered the proposals and selected those, up to a cumulative total of \$300 million, that provided the best value to the state, conditionally selected additional projects in the event that negotiations failed for one or more of the proposals, and directed the department staff to attempt to negotiate the financial terms of a potential pass-through toll agreement with the selected public entity proposers under Minute Order 112305, dated June 24, 2010. This agenda item will allow the commission to approve additional negotiated agreements for execution.

9. **American Recovery and Reinvestment Act (ARRA)**

Approve changes to the lists of mobility, preventive maintenance and rehabilitation, and transportation enhancement projects previously approved for funding from Texas' portion of the ARRA (MO).

The ARRA created an economic stimulus package that provides for investment in transportation infrastructure projects. This agenda item will allow the commission to make changes to the lists of previously approved ARRA mobility, preventive maintenance and rehabilitation, and transportation enhancement projects.

10. **Green Ribbon Program**

Approve the allocation of funds for the Green Ribbon Program, an initiative to enhance the appearance of public highways (MO)

The General Appropriations Act directed the department to allocate a specific amount of funds for landscape improvements in non-attainment and near non-attainment areas. This agenda item will allow the commission to approve the allocation of Green Ribbon Program funds.

11. **Finance**

Grant approval to submit a request to the Governor and the Legislative Budget Board to transfer capital budget appropriation to the Enterprise Resource Planning System capital budget project. (MO)

Provisions of the General Appropriations Act require an agency's governing board's approval of requests to transfer capital budget appropriations over certain limits. The department is seeking approval to request to transfer capital budget appropriation from the Management Information System and the Acquisition of Capital Equipment and Items capital budget projects to the Enterprise Resource Planning System (ProjectONE) capital budget project.

12. **State Infrastructure Bank (SIB)**

a. **Various Counties** - Authorize the designation of a period of time in 2010 during which the department will accept applications from public entities for loans from the State Infrastructure Bank from the proceeds of general obligation bonds issued under Transportation Code, §222.004 (Proposition 12 Bonds) to fund highway improvement projects, prescribe the conditions for the submission of the applications, and authorize the solicitation of applications for loans to be funded from Proposition 12 Bond proceeds (MO)

Under the rules applicable to state infrastructure bank loans to be funded with the proceeds of Proposition 12 bonds, the commission must specify the periods during which applications for loans will be accepted and the conditions for submission of applications. Upon the commission's determination to issue a program call specifying those periods and conditions, the department shall publish a notice in the Texas Register soliciting applications for those loans. This minute order will authorize the first program call and establish the period of time for applications, the estimated amount of funds in the SIB available to be allocated to those applications, and the conditions for submission of applications.

b. **Preliminary Approval**

Smith County – North East Texas Regional Mobility Authority (NETRMA)- Consider granting preliminary approval of an application from the NETRMA to borrow \$39.2 million from the SIB to pay for construction of Segment 3B of Toll 49 (MO)

The NETRMA is requesting a SIB loan to pay for construction of Segment 3B of Toll 49 from SH 31 north to I-20. The initial construction of the proposed 10-mile toll facility that would be funded with the financial assistance includes two lanes of an ultimate four-lane toll road, with connections to the existing Toll 49 facility at SH 31, and ramp connections to I-20.

13. **Regional Mobility Authorities**

a. **Travis County** – Consider granting final approval of a request for financing from the Central Texas Regional Mobility Authority to pay for certain costs relating to the development of the following projects: Loop 1 Managed Lanes Project (from north of Parmer Lane to south of Lady Bird Lake), Manor Expressway (290 East) - Segments 1A, 2 & 3 (from east of US 183 to east of State Highway 130), 183 South Toll Project (from Springdale Road to Patton Avenue), 290 West/71 West Toll Project, a project to improve 290 West (from Joe Tanner Lane to Circle Drive) and 71 West (from US 290 West to Silvermine Drive), and 45 Southwest Toll Project (from Loop 1 South to FM 1626) (MO)

The CTRMA submitted an application for financial assistance for \$27 million, to pay for the costs of developing several toll projects in Travis County and Hays County, including Loop 1 Managed Lanes Project - \$5.4 million; Manor Expressway - \$2.2 million; 183 South Toll Project - \$4.4 million; 290 West/71 West Toll Project - \$7.6 million; and 45 Southwest Toll Project - \$7.4 million.

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13. **Regional Mobility Authorities (continued)**

- b. **Travis County** – Consider granting final approval of a request for financing from the Central Texas Regional Mobility Authority to pay for certain costs relating to

construction of Segments 1A, 2, and 3 of the Manor Expressway (290 East), a 6.2-mile toll project located in Travis County along the existing US 290 facility from east of US 183 to east of State Highway 130, to include the costs of utility relocation and right-of-way acquisition (MO)

The CTRMA submitted an application for financial assistance in the amount of \$126.7 million, to pay for the costs of the Manor Expressway (290 East) project.

14. **Unified Transportation Program (UTP)**

Approve adjustments to the FY 2011 Obligation Limit funding levels in the UTP (MO)

The 2010 UTP approved by the commission in April established obligation limits by category and by district. To more effectively manage available funding levels and optimize construction and maintenance project lettings, the commission adopted Minute Order 112351, dated July 29, 2010, which adjusted the district/category allocations for FY 2010 and effectively reversed those adjustments in FY 2011. This minute order will update the FY 2011 obligation limit funding levels to account for overruns and underruns in FY 2010 funding levels due to change orders, final project closeouts and the August 2010 letting.

15. **Obligation Limit Report**

Status report on the FY 2011 Obligation Limit, the actual obligations utilized through the current month, proposed remaining highway maintenance and construction contract letting for the fiscal year and an update on motor fuel tax receipts.

This report will provide the current overall obligation status, by district, of the FY 2011 Obligation Limit and will also provide the anticipated effect on the obligation limit of remaining proposed highway maintenance and construction letting. The report will also provide an update on motor fuel tax receipts, including estimated versus actual receipts fiscal year to date, and any potential impact on letting volume.

16. **Contracts**

- a. **Award or Reject Highway Improvement Contracts**

Proposed MO will conditionally award contract(s) to low bidders allowing the department to enter into contract(s) for highway improvements, or reject all bids for select projects, allowing the department to re-bid those projects. Conditions required for award may include securing of funding from other sources and the contractor's ability to meet federal DBE contracting requirements.

(1) **Highway Maintenance and Department Building Construction**
(see attached itemized list) (MO)

(2) **Highway and Transportation Enhancement Building Construction**
(see attached itemized list) (MO)

Proposed MO will conditionally award contract(s), including STP 2011(338)TE deferred from August 2010, to low bidders allowing the department to enter into contract(s) for highway improvements, or reject all bids for select projects, allowing the department to re-bid those projects. Conditions required for award may include securing of funding from other sources and the contractor's ability to meet federal DBE contracting requirements.