



**CENTRAL TEXAS  
Regional Mobility Authority**

## AGENDA ITEM #4 SUMMARY

---

Approve an agreement with the Texas Department of Transportation relating to the financing, development, and operation of the SH 71 Toll Lanes Project.

Strategic Plan Relevance: Regional Mobility

Department: Administration

Associated Costs: \$5,000,000.00

Funding Source: TxDOT

Board Action Required: Yes

Description of Matter: This project agreement for SH 71E from near Presidential Blvd easterly to SH 130 allows for TxDOT to plan and construct the project and for the Authority to operate and maintain the newly constructed tolled lanes. The agreement sets out the respective roles and responsibilities for each agency with respect to planning, environmental clearance, procurement of design-builder, construction and subsequent maintenance of constructed facilities. Fundamentally, TxDOT will take lead responsibility for planning and delivering the project and the Authority will take full responsibility for operations and maintenance of the newly constructed main lane tolled facilities while TxDOT will operate and maintain the general purpose lanes as well as the frontage roads.

Reference documentation: Draft Resolution  
Proposed Project Agreement to be provided by October 29

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-\_\_\_**

**APPROVING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF  
TRANSPORTATION RELATING TO THE FINANCING, DEVELOPMENT, AND  
OPERATION OF THE SH 71 TOLL LANES PROJECT.**

WHEREAS, the SH 71 Toll Lanes Project is a planned toll road project located in Travis County that will add express toll lanes to SH 71 from Presidential Boulevard to just east of SH 130, and will include the realignment of FM 973 where that road intersects with SH 71 (the “Project”);

WHEREAS, Sections 228.002, 228.003, 370.301, and 370.302 of the Transportation Code authorize an agreement between Texas Department of Transportation (“TxDOT”) and the Central Texas Regional Mobility Authority (“Mobility Authority”) pertaining to the design, construction, financing, operation, ownership, maintenance, and tolling of highways;

WHEREAS, the Project is subject to the “primacy” provisions set forth in Chapter 373 of the Code, and grants the Mobility Authority the first option to develop, finance, construct and operate the Project;

WHEREAS, pursuant to Resolution No. 13-014 passed on February 27, 2013, the Board of Directors (the “Board”) elected to waive and decline to exercise its option to develop, finance, and construct the Project, and retained (and did not waive) its option to operate any potential toll lanes on the Project and to retain the revenues generated therefrom;

WHEREAS, pursuant to Minute Order No. 113494 approved on February 28, 2013, the Commission approved TxDOT’s determination to exercise its option to develop, construct, and finance the Project;

WHEREAS, the Executive Director and staff at TxDOT have discussed and are negotiating a proposed agreement relating to the financing, development, and operation of the Project (the “Project Agreement”), the most current draft of which is attached as Exhibit 1; and

WHEREAS, the Executive Director recommends approval of the proposed Project Agreement subject to completion of negotiations with TxDOT, in the form or substantially in the form attached as Exhibit 1.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves the Project Agreement in the form or substantially in the form attached as Exhibit 1, and authorizes the Executive Director to finalize and execute the Project Agreement in the form or substantially in the form attached as Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30<sup>th</sup> day of October, 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: 10/30/13

**Exhibit 1**

**Project Agreement**

[on the following \_\_ pages]