

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

RESOLUTION NO. 12-029

**AMENDING THE POLICY CODE RELATING TO TOLL RATES AND TOLL
COLLECTION POLICIES**

WHEREAS, by Resolution No. 12-016 adopted February 29, 2012, the Board of Directors adopted the Mobility Authority Policy Code ("Policy Code"); and


WHEREAS, the Policy Code adopted February 29, 2012, was a non-substantive codification of all policy resolutions adopted by the Board of Directors since 2003, and includes certain provisions relating to toll rates and toll collection policies that are obsolete or inapplicable to current practices and policies; and

WHEREAS, the Executive Director recommends that the Board of Directors amend the Policy Code relating to toll rates and toll collection policies to remove obsolete or inapplicable provisions, as shown in the proposed revision to Article 1 (Toll Policies), Chapter 3 of the Policy Code attached and incorporated into this resolution as Attachment A; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts the amendments to Article 1 (Toll Policies), Chapter 3 of the Policy Code set forth in Attachment A to this resolution.


Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of April, 2012.

Submitted and reviewed by:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 12-029
Date Passed: 4/25/2012

Attachment A to Resolution 12-____

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1 3, Article 1 of the Policy Code is amended to read in its entirety as follows:

2 **Chapter 3: OPERATIONS**

3 **Article 1. TOLL POLICIES**

4 Subchapter A. TOLL RATES

5 **301.001 Priority of Bond Documents**

6 Notwithstanding any conflicting provision in this subchapter or in a prior resolution adopting the
7 Toll Policies, the toll rates and schedules set forth in this subchapter shall always be sufficient to
8 meet or exceed all covenants and requirements set forth in all applicable bond documents and
9 obligations of the authority. If any conflict arises between the bond documents and this subchapter
10 or a prior resolution adopting the Toll Policies, the covenants and requirements of the bond
11 documents shall control to the extent of such conflict.

12 **301.002 Toll Rates for 183A**

13 (a) Effective April 6, 2012, the toll for a passenger car (2 axles) charged at each toll gantry is as
14 follows:

Toll Gantry	Transponder Customer Toll (e.g., TxTAG)	Pay By Mail (Video Tolling) Customer Toll
Crystal Falls Ramps	\$0.36	\$0.48
Crystal Falls Mainline	\$0.95	\$1.27
Scottsdale Drive Ramps	\$0.54	\$0.72
Park Street Mainline Plaza	\$1.35	\$1.80
Brushy Creek Ramps	\$0.54	\$0.72
Lakeline Mainline Plaza	\$0.50	\$0.67

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1 (b) A vehicle with more than two axles will pay the applicable toll rate for a passenger car (2 axles)
2 times (n-1), with “n” being the number of axles on the vehicle.

3 **301.003 Annual Toll Rate Escalation**

4 (a) The following provisions are fully adopted and made a part of this subchapter and may be
5 incorporated in any Trust Indenture or Supplemental Trust Indenture issued in conjunction with
6 bond financing to be utilized for the financing of the construction and development of projects by
7 the authority (defined terms in these provisions shall be in accordance with the terms and definitions
8 set forth in the Master Trust Indenture and any applicable Supplemental Trust Indenture):

9 Subject in all instances to the provisions, requirements and restrictions of the Master
10 Indenture, as amended and supplemented from time to time, beginning on October 1, 2012
11 and on each October 1 thereafter (the “Toll Escalation Determination Date”), a percentage
12 increase in the Toll rates charged on all toll facilities in the Turnpike System will be
13 determined in an amount equal to the Toll Rate Escalation Percentage. The Toll Rate
14 Escalation Percentage, as calculated on each Toll Escalation Determination Date, shall be
15 reported to the board each year at its October board meeting. The percentage increase in the
16 Toll rates shall be effective on the January 1 of the next calendar year, unless at such board
17 meeting the board affirmatively votes to modify the Toll Rate Escalation Percentage. If the
18 board votes to modify the Toll Rate Escalation Percentage, the Toll rate increase to be
19 effective on January 1 of the next calendar year shall be based on the modified Toll Rate
20 Escalation Percentage.

21 (b) For purposes of determining the Toll Rate Escalation Percentage, the following capitalized
22 terms shall have the meanings given below:

23 (1) “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
24 0%, then the Toll Rate Escalation Percentage shall be deemed to equal 0%.
25

26 (2) “CPI^b” = the most recently published non-revised index of Consumer Prices for All Urban
27 Consumers (CPI-U) before seasonal adjustment (“CPI”), as published by the Bureau of Labor
28 Statistics of the U.S. Department of Labor (“BLS”) prior to the Toll Escalation Determination
29 Date for which such calculation is being made. The CPI is published monthly and the CPI for
30 a particular month is generally released and published during the following month. The CPI is
31 a measure of the average change in consumer prices over time for a fixed market basket of
32 goods and services, including food, clothing, shelter, fuels, transportation, charges for doctors’
33 and dentists’ services, and drugs. In calculating the index, price changes for the various items
34 are averaged together with weights that represent their importance in the spending of urban
35 households in the United States. The contents of the market basket of goods and services and
36 the weights assigned to the various items are updated periodically by the BLS to take into

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1 account changes in consumer expenditure patterns. The CPI is expressed in relative terms in
2 relation to a time base reference period for which the level is set at 100.0. The base reference
3 period for the CPI is the 1982-1984 average.

4 (3) "CPI^{t-12}" = the CPI published by the BLS in the month that is 12 months prior to the month
5 used to established CPI^t.

6 (4) If the CPI is discontinued or substantially altered, as determined in the sole discretion of the
7 authority, the authority will determine an appropriate substitute index or, if no such substitute
8 index is able to be determined, the authority reserves the right to modify its obligations under
9 this section.

10 **301.004 Exemption from Toll**

11 (a) Users of toll facilities are required to pay the toll established by this subsection unless
12 exempted by state law, or as authorized by the board under state law and the bond documents.

13 (b) Pursuant to Sections 370.177, 362.901, and 541.201, Transportation Code, the authority will
14 create technical procedures to ensure that authorized emergency vehicles, as well as state and federal
15 military vehicles, are exempt from paying tolls on the authority's toll facilities.

16 (c) Pursuant to Section 370.177, Transportation Code, and to facilitate a multi-modal
17 transportation system that ensures safe and efficient travel for all individuals in Central Texas, public
18 transportation vehicles with a carrying capacity of 16 or more individuals that are owned or operated
19 on behalf of the Capital Metropolitan Transportation Authority or the Capital Area Rural
20 Transportation System are exempt from paying tolls on the authority's toll facilities.

21 **301.005 Discounts and Incentives**

22 (a) A primary objective of the authority's marketing and public information program is to
23 encourage enrollment of as many customers as possible in interoperable transponder programs.
24 Transponder programs that are interoperable with the authority's facilities currently include the
25 Texas Department of Transportation's TxTag; the North Texas Tollway Authority's TollTag; and
26 the Harris County Toll Road Authority's EZ TAG. The board will determine appropriate
27 introductory and marketing activities on a project-by-project basis by separate resolution, which may
28 include, but not be limited to, those described in subsection (b).

29 (b) During the initial start-up phase of tolling on a particular project, incentives to customers may
30 be offered depending on the level of toll tag enrollment, such as the following discounts and
31 incentives:

32 (1) The authority may offer incentives with each new toll project that is opened to encourage
33 ridership.

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- 1 (2) The authority may offer discounts for transponder users from the toll amount paid by Pay By
2 Mail toll customers.

3 Subchapter B. TOLL COLLECTIONS

4 **301.020 Purpose**

5 This subchapter establishes practices and operations for toll collection systems on designated
6 controlled-access toll roads operating within the turnpike system, and incorporates provisions of
7 Section 370.177, Transportation Code, regarding failure or refusal to pay turnpike project tolls and
8 related penalties and offenses.

9 **301.021 Transponder Account**

10 A customer may establish a transponder account by contacting any interoperable Customer Service
11 Center (“CSC”). A transponder is an electronic device that records the presence of a vehicle on a toll
12 road and is usually attached to the windshield of the vehicle. Each CSC that is interoperable with the
13 authority’s toll facilities has its own user agreement concerning requirements to open and maintain a
14 transponder account.

15 **301.022 Unauthorized Transfer of Transponder**

16 A transponder that is interoperable with the authority’s toll facilities is for use with one vehicle per
17 transponder, and should not be transferred to another vehicle once the transponder is attached to
18 the original vehicle’s windshield. Transfer of a transponder to a vehicle other than the original
19 vehicle is against authority policy. If a transponder is transferred to another vehicle in violation of
20 this section, the authority may refuse to recognize an electronic toll transaction incurred with respect
21 to an unauthorized vehicle.

22 **301.023 Video Billing**

23 (a) The authority offers video billing as payment option for customers that use the authority’s toll
24 facilities without a transponder account. The authority, through its Violations Process and Toll
25 Collection Provider (the “Collections Contractor”), will use the license plate information of a vehicle
26 that does not have a valid toll transponder but travels on the authority’s toll facilities to determine
27 the registered owner of such a vehicle via an interface with Vehicle Title Registration or similar
28 institution.

29 (b) The Collections Contractor will send an invoice to the registered owner of the vehicle and
30 accept payment on behalf of the authority. The Collections Contractor will add a \$1.00 handling fee
31 for each invoice. The Collections Contractor will retain the additional toll surcharge and handling
32 fee to cover their cost and forward the toll payments to the authority. All toll bills/invoices require
33 payment within 30 days of the date thereof.

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1 **301.024 Establishment of Administrative Fee for Unpaid Tolls**

2 (a) Section 370.177, Transportation Code, authorizes the assessment and collection of an
3 administrative fee to recover the authority's cost of collecting unpaid tolls. An administrative fee
4 may not exceed \$100.00 per unpaid toll. The authority has determined that such fees may vary
5 depending on how far in the collection process a delinquent account proceeds.

6 (b) The current administrative fee shall be applied at each phase of the collection process. This
7 means that upon issuance of a notice of non-payment, a \$15.00 administrative fee shall be collected
8 in addition to the unpaid toll and any other fees that are due.

9 (c) If payment is not received in connection with the first notice of non-payment, and a second
10 notice of non-payment is sent, an additional \$15.00 administrative fee shall become due. Therefore,
11 full payment of a second notice of non-payment will require payment of \$30.00 in administrative
12 fees, in addition to all other amounts due.

13 (d) If payment is not received in connection with either the first or second notice of non-
14 payment, the unpaid account shall be considered for collection, an additional \$30.00 administrative
15 fee shall become due, and the cumulative administrative fee due shall be \$60.00.

16 (e) The board recognizes that the amount of the administrative fee should be subject to periodic
17 change when collection costs and associated matters are considered. Therefore, the board delegates
18 the authority to revise the administrative fee, or any aspect thereof, to the executive director, in
19 consultation with the director of operations, and the executive director may revise an administrative
20 fee by written amendment. The executive director shall give notice to the board of any such revision
21 at the next regularly scheduled board meeting after the revision is put into effect.

22 **301.025 Customer Service and Violation Policies**

23 (a) A tolerant and customer-friendly approach will be employed towards customers who use the
24 road without paying the required toll. While it is understood that the objective of the authority is to
25 collect revenue and minimize toll violation abuse, the authority believes that a moderate approach
26 towards customers who did not pay the toll ultimately will allow for a period of adjustment as
27 customers begin using the toll roads, and will create new toll customers for the authority.

28 (b) The authority will establish a "Violation Processing Center (VPC)" where vehicle images
29 captured at the toll collection point and for which no toll was paid will be reviewed and processed
30 according to authority policies in accordance with the toll enforcement process established by state
31 law. Repeat offenders will be issued notices of nonpayment and will be given the opportunity to
32 make outstanding toll and administrative payments. Failure to respond to the established customer
33 contact process and to satisfy outstanding, unpaid toll amounts will result in the issuance of citation
34 and prosecution in accordance with state law.

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1 301.026 Procedures for Disputing Toll Violations

2 (a) A customer may dispute an alleged failure to pay a toll on the authority's web site or by
3 contacting the CSC where a valid transponder account has been established.

4 (b) A customer who has contacted a CSC or the authority's collection contractor and has been
5 unable to satisfactorily resolve a dispute regarding a toll violation may submit a written appeal to the
6 authority. Such appeal shall be for the purposes of the customer providing the authority with the
7 information upon which they base their appeal. The authority may or may not determine that there
8 is any merit to such appeal and is not required to undertake any formal proceedings to make such
9 determination.