

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

RESOLUTION NO. 12-085

**AMENDING THE POLICY CODE RELATING TO
TOLL POLICIES AND OPERATIONS.**

WHEREAS, by Resolution No. 12-16 adopted February 29, 2012, the Board of Directors approved and adopted the Mobility Authority Policy Code as a non-substantive codification of the policies adopted as individual Board resolutions starting in 2003; and

WHEREAS, resolutions adopting the policies currently set forth in Article 1 (Toll Policies) and Article 2 (Operations), of Chapter 3 (Operations) of the Policy Code were adopted in 2007 and 2009, respectively, and include provisions that are obsolete, such as those to relate to on-site cash toll collection, or do not reflect current practices; and

WHEREAS, the proposed revisions attached as Exhibit 1 to this resolution will clarify and reflect current toll and operations policies of the Mobility Authority.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby amends the Policy Code by repealing Articles 1 and 2, Chapter 3, of the Policy Code and adopting in their entirety the provisions of Articles 1 and 2, Chapter 3, to read as set forth in Exhibit 1 to this resolution, effective December 5, 2012.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 5th day of December, 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: 12-085
Date Passed: 12/5/2012

Exhibit 1 to Resolution No. 12-085

Policy Code Amendment

(on the following 10 pages)

MOBILITY AUTHORITY POLICY CODE

Chapter 3: OPERATIONS

Article 1. TOLL POLICIES

Subchapter A. TOLL RATES

301.001 Priority of Bond Documents

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

301.002 Toll Rates

- (a) Each toll established by this section is subject to an adjustment on January 1 of each year under the procedure set forth in Sec. 301.003 (Annual Toll Rate Escalation). The executive director is authorized and directed to edit a toll established by this section to update and certify any change to a toll made pursuant to Sec. 301.003.
- (b) A "toll gantry" means a structural frame installed over a tolled roadway or ramp that supports components of an electronic toll collection system.
- (c) The toll for a passenger car (2 axles) charged at each 183A Turnpike toll gantry is as follows:

183A Turnpike 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 Ramp	\$0.54	\$0.72
Park Street Mainline	\$1.35	\$1.80
Brushy Creek Ramps	\$0.54	\$0.72

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Lakeline Mainline	\$0.50	\$0.67
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(d) Beginning on the date Phase 1 of the Manor Expressway is open to traffic and ending on the date the entire length of the Manor Expressway is open to traffic, the toll for a passenger car (2 axles) charged at each Manor Expressway toll gantry is as follows:

Manor Expressway Toll Gantry	Transponder Customer Toll (e.g., TxTAG)	Pay By Mail (Video Tolling) Customer Toll
US 183 Direct Connectors	\$0.50	\$0.67
Springdale Road Ramps	\$0.50	\$0.67

(e) Beginning on the date the entire length of the Manor Expressway is open to traffic, the toll for a passenger car (2 axles) charged at each Manor Expressway toll gantry is as follows:

Toll Gantry	Transponder Customer Toll (e.g., TxTAG)	Pay By Mail (Video Tolling) Customer Toll
US 183 Direct Connectors	\$0.53	\$0.71
Springdale Road Ramps	\$0.53	\$0.71
Giles Lane Ramps	\$0.53	\$0.71
Giles Lane Mainline	\$1.06	\$1.41
Harris Branch Parkway Ramps	\$0.53	\$0.71
Parmer Lane Mainline	\$0.53	\$0.71

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

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301.003 Annual Toll Rate Escalation

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

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

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

- (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 0%, then the Toll Rate Escalation Percentage shall be deemed to equal 0%.
- (2) "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.

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

301.004 Payment of Toll Required

- (a) The operator or registered owner of a vehicle operated on an authority toll road is required to pay the toll established by this subchapter unless exempted by state law, or as authorized by the board under state law and the bond documents.
- (b) Subsection (a) does not apply to a vehicle exempt from toll payment under Section 301.005.

301.005 Exemption from Toll Payment

- (a) The operator or registered owner of a vehicle identified by this section is exempt from paying a toll required by Section 301.004:
 - (1) a vehicle with a carrying capacity of 16 or more persons that is owned by or operated on behalf of the Capital Metropolitan Transportation Authority or the Capital Area Rural Transportation System;
 - (2) a military vehicle of Texas, of another state, or of the United States allowed the free use of a toll project under Section 362.901, Transportation Code and other applicable law; or
 - (3) an authorized emergency vehicle as defined by Section 541.201, Transportation Code, exempt under subsection (a) of Section 370.177, Transportation Code and other applicable law.
- (b) The executive director shall adopt rules and establish procedures to implement a toll exemption authorized or required by state law and by this section.

Subchapter B. TOLL COLLECTIONS

301.020 Purpose

This subchapter establishes practices and procedures for collection and payment of tolls charged for use of an authority toll road.

301.021 Transponder Account

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(a) A transponder is an electronic device that records the presence of a vehicle on an authority toll road. The transponder is to establish an account that may be used to pay tolls incurred by operation of a vehicle on authority toll roads (a "transponder account").

(b) A person may establish a transponder account with any tolling entity that establishes and maintains a transponder account accepted by the authority for payment of tolls incurred on authority toll roads (e.g., a TxTag, EZ Tag, or TollTag account established, respectively, with the Texas Department of Transportation, the Harris County Toll Road Authority, or the North Texas Tollway Authority).

301.022 "Pay By Mail" Video Billing

(a) The authority offers "Pay By Mail" video billing as a payment alternative for the operator or owner of a vehicle who incurs a toll on an authority toll road and when the authority does not receive timely payment for that toll through a transponder account.

(b) The authority records an image of the license plates on each vehicle that uses an authority toll road. When the Authority does not receive payment for a toll through a transponder account under Section 301.021, the authority identifies the registered owner of the vehicle from license plate records maintained by the Texas Department of Motor Vehicles or the analogous department or agency of another state or country.

(c) The authority will send an invoice by first-class mail to the registered owner of the vehicle at the registered owner's address as maintained on file with the Texas Department of Motor Vehicles or the analogous department or agency of another state or country. The invoice will include the toll amount owed and a "Pay By Mail" processing fee of \$1.00.

(d) An invoice under this section is due and must be fully paid no later than 30 days after the date of the invoice.

301.023 Administrative Fee for Unpaid Tolls

(a) Under Section 370.177(b), Transportation Code, the registered owner of a vehicle is liable for payment of both the proper toll and an administrative fee after the authority issues a written notice of nonpayment to the registered owner under Section 101.001.

(b) A registered owner who does not timely pay the amount due under a "Pay By Mail" video toll invoice sent under Section 101.001 is required to pay an administrative fee of \$15.00. This fee is due upon issuance of the first notice of nonpayment and is in addition to the amount due for the invoice sent under Section 101.001.

(c) A registered owner who does not timely pay the amount due under a first notice of nonpayment sent under subsection (b) is required to pay an additional administrative fee of \$15.00.

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This fee is due upon issuance of the second notice of nonpayment and is in addition to the \$15.00 administrative fee charged under subsection (b), and thus requires a total payment of \$30.00 in administrative fees in addition to the amount due for the invoice sent under Section 101.001.

(d) A registered owner who does not timely pay the amount due under a second notice of nonpayment sent under subsection (c) is subject to collection and enforcement action by the authority. A registered owner referred to collection and enforcement under this subsection is required to pay an additional \$30.00 administrative fee. This fee is due upon issuance of the second notice of nonpayment and is in addition to the \$15.00 administrative fee charged under subsection (b), and thus requires a total payment of \$30.00 in administrative fees in addition to the amount due for the invoice sent under Section 101.001., for a total payment of \$60.00 in administrative fees in addition to the amount due for the invoice sent under Section 101.001.

(e) A notice to a registered owner under this section shall be sent in the same manner as an invoice under Section 301.023.

(f) An administrative fee established by this section is assessed to mitigate the additional costs incurred by the authority to collect unpaid tolls and is subject to periodic adjustments based on those costs.

301.024 Offense of Failure to Pay Toll and Administrative Fee

(a) The registered owner of a vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under Section 101.001, Section 301.023, or both, and who fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense.

(b) Each failure to pay a toll or administrative fee under this section is a separate offense.

(c) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$250.00.

Article 2. OPERATIONS

301.025 Additional Rules for Authority Roads

(a) This article adopts and establishes rules for the use of authority toll roads pursuant to Section 370.033(a)(12), Transportation Code. These provisions are in addition to and an enhancement of the provisions of Subtitle C, Title 7, Transportation Code (the "Statutory Rules of the Road").

(b) All laws, rules, and regulations of the State of Texas pertaining to the use of public highways and policing thereof, including but not limited to the Statutory Rules of the Road, apply to authority

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toll roads; but to the extent there is any irreconcilable conflict between a state law and a provision of this article, state law shall govern.

301.026 Speed Limits

(a) Subchapter H, Chapter 545, Transportation Code, governs speeds on highways in the State of Texas. Under Section 370.033, Transportation Code, the authority may alter a prima facie speed limit for an authority toll road by following the procedures set forth in this section.

(b) The authority will comply with the guidelines established by Texas Department of Transportation *Procedures for Establishing Speed Zones*, current edition, to conduct speed zone studies and to establish speed limits for authority toll roads, including for frontage roads operated and maintained by the authority.

(c) Maximum speeds within construction, transitional, or reduced speed zones or during any period of adverse atmospheric or weather conditions shall be in accordance with signs displayed for such speed zones. The operator of a vehicle shall obey all regulatory and speed zone signs displayed on an authority toll road.

(d) Motor vehicles shall not be driven in excess of the mechanical limits of vehicles or tires. If traffic, weather, pavement, or other conditions render the maximum allowable speed hazardous, the operator of a vehicle shall reduce the speed of the motor vehicle consistent with such conditions.

301.027 183A Turnpike Speed Limits

(a) A speed in excess of 75 miles per hour on the 183A Turnpike mainlanes is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

(b) A speed in excess of 60 miles per hour on a frontage road for the 183A Turnpike north of FM 1431 is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

301.028 Parking

(a) Parking or stopping a vehicle on any traffic lane, deceleration lane, acceleration lane, or on any bridge is prohibited. Parking or stopping a vehicle is permitted only on the shoulder to the right of the traffic lane. All wheels and projecting parts of the vehicle or load shall be completely clear of the traffic lane.

(b) During the period beginning 30 minutes after sunset and ending 30 minutes before sunrise, or at any other time when insufficient light or unfavorable atmospheric or weather conditions require, a parked vehicle shall display illuminated parking and tail lights, or lighted flares to indicate its location.

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(c) Unnecessary parking or parking of a vehicle for a period of time in excess of 24 hours is prohibited. The operator or owner of a disabled vehicle shall arrange for its prompt removal from authority operated toll roads.

(d) For an offense under this section, it is presumed that the registered owner of the vehicle is the person who parked the vehicle at the time and place an offense under this section occurs.

301.029 Median Strip

Crossing, driving, parking or stopping on the median strip of an authority toll road is prohibited, except as necessary for official maintenance, operational, or emergency uses. The median strip is the area between the dual or triple traffic lanes for the purpose of separating traffic.

301.030 No U-Turn

Except as specifically provided for at a standard turnaround, an operator of a vehicle shall not make a U-Turn at any location on an authority toll road.

301.031 Pedestrians

Pedestrians are not permitted on the mainlane roadways, access ramps, or any interchange of authority toll roads. Solicitation of rides or "hitchhiking", panhandling, passing of handbills, displaying signs, or attempting to sell merchandise is prohibited on authority operated toll roads. Loitering in or about Toll Plazas or upon any Turnpike property is prohibited.

301.032 Prohibited Modes of Transportation

(a) No person shall operate any of the following on the mainlane roadway or an access ramp of an authority toll road:

- (1) a bicycle or tricycle, with or without a motor, or a motor driven cycle, including a motor scooter; or
- (2) a farm implement.

(b) No person shall operate any of the following on any roadway or access ramp operated by the authority:

- (1) an animal-drawn vehicle;
- (2) an animal that is led, ridden, or driven;
- (3) a vehicle loaded with animals or poultry not properly confined;
- (4) a vehicle with a flat pneumatic tire;

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- (5) a vehicle in the charge of an intoxicated or otherwise incapacitated operator;
- (6) a vehicle with an improperly secured load which may shift or litter the highway;
- (7) a vehicle with metal tires or which have solid tires worn to metal;
- (8) a roller, grader, power shovel, or other type of construction equipment, either self-propelled or in tow of another vehicle, unless the equipment is either:
 - (A) truck mounted, and the truck is operated at a minimum speed of 45 miles per hour while traveling on the mainlane roadway of an authority toll road, weather and road conditions permitting; or
 - (B) owned or controlled by the authority or by a contractor in connection with the performance of work authorized by the authority;
- (9) a vehicle exceeding the maximum weight allowed on State highways under the motor vehicle laws of the State of Texas in effect from time to time;
- (10) a vehicle (including any load thereon) that exceeds the following maximum dimension:
 - (A) 13 feet, 6 inches in height; or
 - (B) 8 feet, 6 inches in width; or
 - (C) without an over-length permit, the maximum allowable length permitted on an Interstate highway and other controlled access roadways in Texas pursuant to the motor vehicle laws of the State of Texas in effect from time to time; or
- (11) a disabled vehicle in tow by a tow-rope or chain.

301.033 Evasion of Fare

Entering or leaving an authority toll road or any part of its right-of-way except through a regular traffic lane, or committing any act with intent to defraud or evade payment of a required toll is prohibited.

301.034 Trees, Shrubs and Plants

Culling, mutilating or removing trees, shrubs, or plants located within an authority toll road right-of-way is prohibited.

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301.035 Penalties

- (a) Any violation of a provision of this article is an offense as defined in the Statutory Rules of the Road and shall be subject to prosecution and the penalties as set forth in the Statutory Rules of the Road.
- (b) If a penalty for a violation of this article is not otherwise established by the Statutory Rules of the Road, a violation of a provision of this article is a Class C misdemeanor offense punishable by a fine not to exceed \$250.00.