

TEXAS TRANSPORTATION COMMISSION

TRAVIS County

MINUTE ORDER

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AUSTIN District

The Texas Department of Transportation (department) and the Central Texas Regional Mobility Authority (CTRMA) 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, including the US 290 East project.

Pursuant to Transportation Code, §228.0111, the CTRMA has exercised its option to develop, construct, and operate the US 290 East project. The CTRMA has proposed an innovative plan for the financing and development of the US 290 East project that contemplates the planning, financing, design, construction, operation, and maintenance of a CTRMA turnpike project in the median of US 290 East from east of US 183 to east of FM 734. Existing US 290 would be reconstructed and expanded to provide, on the highway and adjacent facilities, an equivalent or greater number of nontolled lanes than currently exist. The nontolled portion of the project would remain on the state highway system as US 290.

Transportation Code, §370.301 authorizes the department to provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project by a regional mobility authority (RMA) on terms agreed to by the department and the RMA. Transportation Code, §222.103 authorizes the department to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the Texas Transportation Commission (commission).

Pursuant to Transportation Code, §222.103, the commission adopted Title 43, Texas Administrative Code, §§27.50-27.58 (toll equity rules) to prescribe conditions for the commission's financing of a toll facility of a public or private entity.

In accordance with Section 27.53 of the toll equity rules, the CTRMA has submitted a request for financing in the amount of up to \$281 million to pay for certain costs relating to the construction of the 290 East toll project from east of US 183 to east of FM 734 in Travis County, including the costs of right of way acquisition and utility relocation, and the costs of constructing direct connectors at the US 183 interchange. The request is for the financial assistance to be in the form of a grant.

Information and data required by Section 27.53(b) is either contained in the request for financing or is already in the department's possession. Supplemental information and data required by Section 27.53(c) is contained in the request for financial assistance or has already been provided to the department.

The CTRMA will benefit the state and the traveling public and improve the efficiency of the state's transportation system through the potential construction and operation of this project, which will enhance mobility and safety within this segment of the state transportation system.

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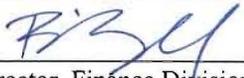
The projects are consistent with the approved Texas Transportation Plan and the Metropolitan Transportation Plan of the Capital Area Metropolitan Planning Organization.

The CTRMA has indicated that they will fund a portion of the costs of developing the proposed projects through revenue bond sales and loans. Along with the requested financial assistance, the projects have the potential to expand the availability of funding for transportation projects or reduce direct state costs.

Of the \$281 million in financing requested, \$90 million is from federal economic stimulus funds authorized by the American Recovery and Reinvestment Act (ARRA) of 2009, that the commission has authorized the department to commit to the costs of constructing the direct connectors at the US 183 interchange. The remaining \$191 million in financial assistance is still under consideration.

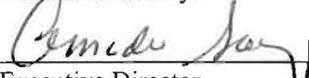
NOW, THEREFORE, IT IS DETERMINED that the request for financial assistance submitted by the Central Texas Regional Mobility Authority meets the applicable requirements of 43 TAC §27.53 and §27.54(a) and, in accordance with those provisions, the commission grants preliminary approval of the request for financing in the amount of \$90 million, in the form of a grant, to be used for the purposes described herein, and directs the executive director to implement the actions authorized and required by those and other applicable toll equity rule provisions.

Submitted and reviewed by:



Director, Finance Division

Recommended by:



Executive Director

111784 APR 30 09

Minute Number Date Passed