



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

November 6, 2008



Mr. Jose Labarra
SH 130 Concession Company, LLC.
7700 Chevy Chase Drive
Chase Park One, Suite 350
Austin, Texas 78752-1562

RE: FCA Amendment No. 4: Amendments to FCA Book 2 Attachment 1, Table A1-4, Items 2B.10, 2D.2 and 2D.21

Dear Mr. Labarra:

This letter is being delivered to you in order to amend the Facility Concession Agreement for the SH 130, Segments 5 & 6 (FCA) dated March 22, 2007, between the Texas Department of Transportation (TxDOT) and SH 130 Concession Company, LLC (Developer). Initially capitalized terms not otherwise defined in this letter have the meanings given those terms in the FCA.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, TxDOT and the Developer hereby agree as follows:

1. Item 2B.10 of Table A1-4 of Attachment 1 (Facility Management Plan Contents) to Book 2 – Technical Requirements of the FCA is amended by deleting the requirement to provide the following deliverable item: “Describe procedures to collect and verify traffic and ridership data”.
2. Item 2D.2 of Table A1-4 of Attachment 1 (Facility Management Plan Contents) to Book 2 – Technical Requirements of the FCA is amended to require that the Developer obtain TxDOT’s approval of the deliverable item (Provide description of the necessary offices and office equipment to be provided by Developer during the Operating Period) no later than May 31, 2009.
3. Item 2D.21 of Table A1-4 of Attachment 1 (Facility Management Plan Contents) to Book 2 – Technical Requirements of the FCA is amended to require that the Developer obtain TxDOT’s approval of the deliverable item (Provide Tolling Plan) no later than May 31, 2009.
4. As hereby amended the FCA is in full force and effect.

If the foregoing correctly reflects your understanding of our mutual agreement, please so indicate by signing this letter in the place indicated below and returning four signed originals to Frank Holzmann.

THE TEXAS PLAN

REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY
INCREASE THE VALUE OF OUR TRANSPORTATION ASSETS

An Equal Opportunity Employer

This letter may be signed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Sincerely,



Phillip E. Russell, P.E.
Assistant Executive Director
Innovative Project Development

cc: Don Toner, SR/WA, Texas Turnpike Authority Division, TxDOT
Brett Jackson, FHWA
Frank P. Holzmann P.E., San Antonio District, SAMI Office

ACCEPTED AND AGREED TO
THIS 13th DAY OF NOVEMBER, 2008

SH 130 CONCESSION COMPANY, LLC

By: _____

Name: Jose Labarra
Title: Chief Executive Officer