

TEXAS TRANSPORTATION COMMISSION

MONTGOMERY County

MINUTE ORDER

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HOUSTON District

The Texas Transportation Commission (commission) by Minute Order 109965, dated February 24, 2005, approved execution of a pass-through toll agreement with Montgomery County (county) for the construction of improvements to Farm to Market 1484, Farm to Market 1485, Farm to Market 1488, and Farm to Market 1314, and direct connectors from State Highway 242 and State Highway 105 to Interstate 45. The minute order also required that a minimum of \$76 million of the total reimbursement of \$174,473,000 in department pass-through toll payments be reinvested by the county into future transportation projects.

A Pass-Through Toll Agreement (agreement) between the county and the Texas Department of Transportation (department) for development of the identified projects was executed by the parties and became effective on September 16, 2005. The agreement provided that all sums in excess of \$98 million would be placed into an escrow account to be used for future transportation projects in the county. On November 20, 2012, the county received bids for its final project: the construction of direct connectors from SH 242 and SH 105 to I-45. The amount of the low bid was approximately 20% higher than the design engineer's estimate. Because of this increase, the county needs use of an additional \$20 million in pass-through toll reimbursement payments to complete the project and requests that the reimbursements allocated to escrow be reduced by that amount. The department proposes that the agreement be amended to increase from \$98 million to \$118 million the amount of pass-through toll reimbursement payments that the county can use for the identified projects. The total reimbursements, reimbursement rate, and minimum and maximum amounts to be reimbursed in any year for payment of pass-through tolls by the department under the agreement will remain the same.

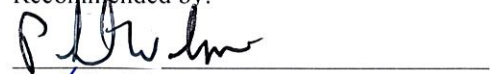
The commission finds that the agreement between the county and the department, as amended by the proposed terms, is in the best interest of the state.

IT IS THEREFORE ORDERED that the executive director or his designee is authorized to execute an amendment to the Pass-Through Toll Agreement with Montgomery County in accordance with the proposal described in this minute order and such other terms the department determines are necessary.

Submitted and reviewed by:

  
Deputy Executive Director

Recommended by:

  
Executive Director

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Minute Number      Date Passed