



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #4 SUMMARY

Authorize an agreement with the Federal Highway Authority and the Texas Department of Transportation addressing use of toll revenues that may be generated by the MoPac Improvement Project.

Strategic Plan Relevance: To increase Regional Mobility

Department: Engineering

Associated Costs: None

Funding Source: N/A

Board Action Required: Yes

Description of Matter: Execution of the 129(a) agreement permits Federal participation in the construction of a toll facility and is a requirement for the use of Federal funding on the MoPac Improvement Project.

Reference documentation: Draft 129(a) Agreement
Draft Resolution
129(a) Agreement and Resolution for 183A

Contact for further information: Wesley M. Burford, P.E., Director of Engineering

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

RESOLUTION NO. 12-___

**AUTHORIZING AN AGREEMENT WITH THE FEDERAL HIGHWAY
ADMINISTRATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION
ADDRESSING USE OF MOPAC IMPROVEMENT PROJECT TOLL REVENUES.**

WHEREAS, Section 129(a) of Title 23 of the United States Code places certain restrictions on the use of federal funds for the construction of tolled highways, requiring that the toll authority enter into an agreement concerning the use of toll revenues; and

WHEREAS, the Mobility Authority has agreed to comply with Section 129(a) and has negotiated terms and provisions of a proposed Section 129 agreement with the Federal Highway Administration and the Texas Department of Transportation, a copy of which is attached and incorporated into this resolution as Attachment A;

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the proposed Section 129 Agreement; and

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to execute the proposed Section 129 Agreement in the form or substantially the same form attached as Attachment A.

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

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

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

Attachment A

Section 129(a) Amendment (on the following 3 pages)

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

RESOLUTION NO. 04-60

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 46 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

WHEREAS, the CTRMA identified the proposed US 183-A turnpike as its initial project in the petition filed under the RMA Rules; and

WHEREAS, in Resolution No. 04-58, dated December 8, 2004, the CTRMA approved entry into a financial assistance agreement with TxDOT for the disbursement of up to \$65 million in funds in connection with the development of US 183-A; and

WHEREAS, it is contemplated that the TxDOT grant will be funded from federal funds; and

WHEREAS, the CTRMA also anticipates securing a loan in the amount of \$66 million from the U.S. Department of Transportation under the Transportation Infrastructure Finance and Innovation Act ("TIFIA"); and

WHEREAS, Section 129(a) of Title 23 of the United States Code places certain restrictions on the use of federal funds for the construction of tolled highways, requiring that the toll authority enter into an agreement concerning the use of toll revenues; and


WHEREAS, the CTRMA has agreed to comply with Section 129(a) and has negotiated the terms and provisions of a Section 129 agreement to be entered into by and among CTRMA, TxDOT, and the Federal Highway Administration ("FHWA");

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA hereby approves the entry into the Section 129 Agreement, attached hereto as Attachment "A", with TxDOT and the FHWA; and

BE IT FURTHER RESOLVED, that the Chairman be authorized to execute such agreement on behalf of the CTRMA.


Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 8th day of December 2004.

Submitted and reviewed by:



C. Brian Cassidy
Legal Counsel for the Central
Texas Regional Mobility Authority

Approved:



Robert E. Tesch
Chairman, Board of Directors
Resolution Number 04-60
Date Passed 12/08/04

ATTACHMENT "A"
TO RESOLUTION NO. 04-60

Section 129 Agreement

AGREEMENT BETWEEN THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY, THE TEXAS DEPARTMENT OF TRANSPORTATION, AND THE FEDERAL HIGHWAY ADMINISTRATION FOR FUNDING FOR THE DEVELOPMENT, DESIGN, AND CONSTRUCTION OF THE 183-A TURNPIKE PROJECT

THIS AGREEMENT, made and entered into as of this 7th day of February 2005 ~~2004~~, by and between the CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY, a political subdivision of the State of Texas, hereinafter referred to as the "Authority", the TEXAS DEPARTMENT OF TRANSPORTATION, an agency of the State of Texas, hereinafter referred to as "TxDOT"; and the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "FHWA";

WITNESSETH:

WHEREAS, the Authority desires to construct a toll highway, designated as 183-A, a turnpike project from US 183 at SH 45/RM620, extending northward and reconnecting with US 183 at the San Gabriel River in Williamson County, Texas (hereinafter referred to as the "Project" or the "toll facility"); and

WHEREAS, pursuant to Chapter 370 of the Texas Transportation Code (the "RMA Act"), the Authority is authorized and empowered to finance, construct, operate, maintain, improve, and modify turnpike projects; and

WHEREAS, pursuant to the RMA Act, the Authority has requested that TxDOT participate in the funding of the Project; and

WHEREAS, Article III, Section 52-b of the Texas Constitution and Section 222.103 of the Texas Transportation Code authorize the State to grant funds to assist in the development of turnpike projects; and

WHEREAS, TxDOT has previously made a grant of \$12.7 million in state funds to the Authority for use in connection with development of the Project; and

WHEREAS, the Authority has submitted a request to TxDOT for an additional grant of up to \$65 million to assist in funding the construction of the Project, and it is contemplated that this grant will be funded from federal funds; and

WHEREAS, the Authority also anticipates securing a loan in the amount of \$66 million from the U.S. Department of Transportation under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") program; and

WHEREAS, Section 129(a)(1) of Title 23, United States Code, as amended, permits Federal participation in the initial construction of toll high

AUSIZN: 053071.00003: 3080474

Page 1


OPTIONAL FORM NO 7-90

FAX TRANSMITTAL # of pages **3**

To	Mr. Dan Rogan	From	Bojg Wang
Dept./Agency	TxDOT	Phone #	202-366-6651
Fax #	512-586-5990	Fax #	202-366-3988

IN WITNESS WHEREOF, the Authority, TxDOT and FHWA hereunto have caused this Agreement to be duly executed in four (4) counterparts as of this day and year first written above.

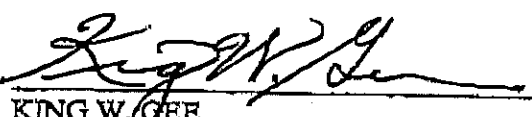
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY


ROBERT TESCH
Chairman, Board of Directors

TEXAS DEPARTMENT OF TRANSPORTATION


MICHAEL W. BEHRENS, P.E.
Executive Director

FEDERAL HIGHWAY ADMINISTRATION


KING W. GEE
Associate Administrator for Infrastructure