

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

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EL PASO District

On December 1, 2005, J. D. Abrams, L. P. (developer) submitted a proposal for a pass-through toll agreement. The proposal provided for the developer to design and construct STATE SPUR 601, the Inner Loop, from US 54 to Loop 375 in El Paso County (project).

In accordance with Section 222.104(b), Transportation Code, and 43 TAC §§5.51-5.59, the Texas Transportation Commission (commission), in Minute Order 110391, dated January 26, 2006, authorized the executive director of the Texas Department of Transportation (department) or his designee to issue a notice of request for competing proposals to private entities to design and construct the project under a pass-through toll agreement.

The commission also authorized the executive director or his designee to negotiate a pass-through toll agreement with the private entity whose proposal, based on the department's evaluation, provides the best value to the department. Upon completion of negotiations, the commission directed the executive director to submit to the commission a summary of the final terms of the agreement so that the commission could consider final approval under 43 TAC §5.56.

The department received two proposals in response to the request for competing proposals, from J.D. Abrams, L.P. and Zachry Construction Corporation. After an evaluation of the two proposals, the department determined that the proposal provided by J.D. Abrams, L.P. provided the best value to the department.

The department proposes to reimburse the developer through pass-through tolls of an amount not to exceed \$350,000,000 for the construction of the project. The term of the reimbursement will not exceed twenty (20) years and the maximum amount to be reimbursed per year will not exceed \$35,000,000. The agreement will expire once the agreed total amount has been reimbursed. The project will be authorized and reimbursed from Strategic Priority funds.

In accordance with 43 TAC §5.56(a), the commission finds that:

- (1) the project serves the public interest and not merely a private interest;
- (2) the proposed pass-through agreement is in the best interest of the state;
- (3) the project is compatible with existing and planned transportation facilities; and
- (4) the project furthers state, regional, and local transportation plans, programs, policies, and goals.

* The commission recognizes the importance and priority of projects that enhance the military value of military installations and facilities in Texas.

Before the project in this proposal is planned, developed, or constructed using funds administered by the department, the project: (1) must be included in the department's UTP, thereby identifying committed funding for the project; (2) prior to construction, must be included in the department's Statewide Transportation Improvement Program; and (3) will be subject to any and all applicable planning and environmental processes and approvals as mandated by state and federal regulations regarding such matters.

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IT IS THEREFORE ORDERED that the executive director or his designee is authorized to execute a pass-through toll agreement with J. D. Abrams, L. P., for the design and construction of State Spur 601, in accordance with the terms set out in this order and such other terms the department determines are necessary, and to amend Category 12, Strategic Priority, of the 2007 Statewide Mobility Program (SMP), approved by Minute Order 110753, dated November 16, 2006, to authorize the project included in the executed agreement.

Submitted and reviewed by:

Recommended by:

Chief Financial Officer

Executive Director

Minute
Number

Date
Passed