



Hays County Pass Through Financing Program

**Commissioners Court
Worksession
February 1, 2011**

Hays County Pass Through Financing Program

Agreements


- ❑ Original PTF Agreement - 12/20/06
- ❑ PTF Amendment Agreement – 5/21/08

Terms

- ❑ TxDOT Construction Partner
- ❑ TxDOT Repayment
 - ❑ Quarterly Payments
 - ❑ \$.14 a Vehicle-Mile Traveled
 - ❑ Total Reimbursement \$133,170,000

TxDOT Contract No. PT 2005-013-001

STATE OF TEXAS §
COUNTY OF TRAVIS §

 ORIGINAL

AMENDMENT TO
PASS-THROUGH AGREEMENT FOR PAYMENT
OF PASS-THROUGH TOLLS BY THE DEPARTMENT

Amendment Number 1

THIS AMENDMENT to the Pass-Through Agreement for Payment of Pass-Through Tolls by and between the State of Texas acting by and through the Texas Department of Transportation, (the Department), and Hays County (the Developer), and becomes effective when fully executed by both parties.

AMENDMENT BACKGROUND

The Department and the Developer executed an agreement on the December 20th, 2006. It has become necessary to amend that contract due to changes to the Background, Project Locations, Scope of Work, Project Costs, Construction Responsibilities, Repayment, and Project Implementation.

NOW THEREFORE, In consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the Developer do agree as follows:

AGREEMENT

The Department and the Developer agree that the contract is amended as follows:

Part I

BACKGROUND of the original contract shall be voided in its entirety and replaced with the following:

BACKGROUND

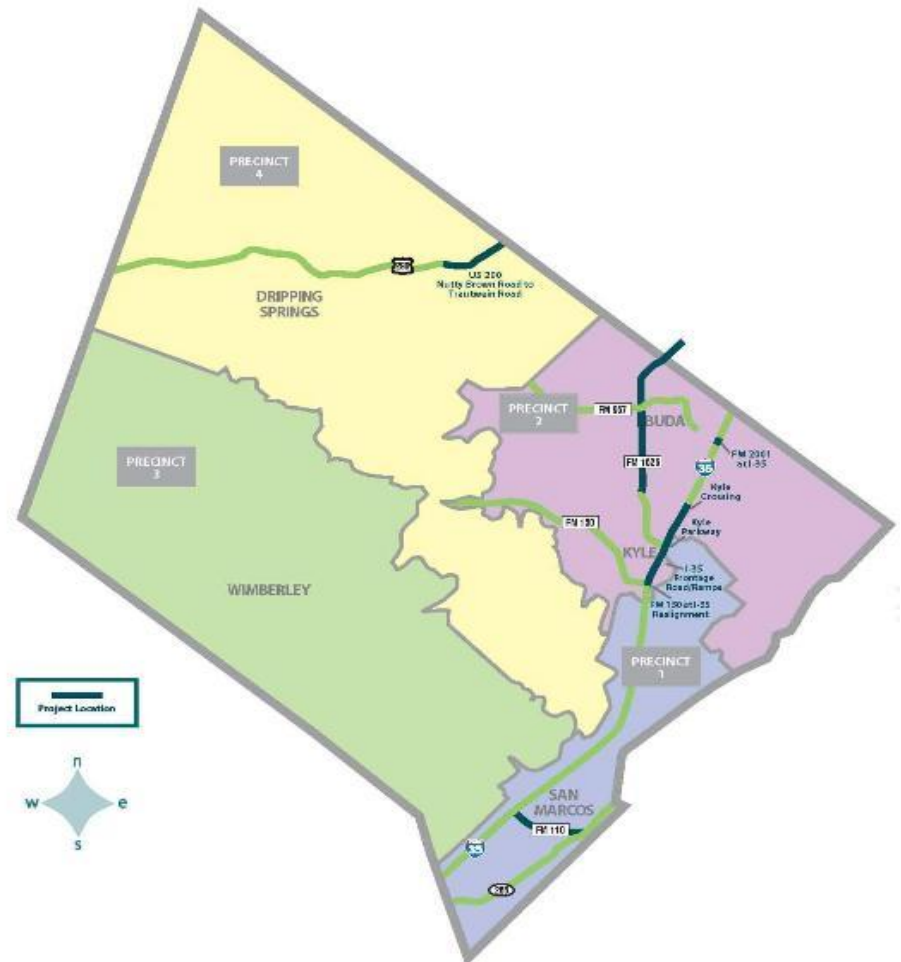
Texas Transportation Code, §201.103, authorizes the Department to plan and to make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads. Transportation Code, §222.104, authorizes the Department to enter into pass-through toll agreements for the purpose of improving the state highway system. The Texas Transportation Commission has implemented this provision by enacting rules to be found at 43 TAC Chapter 5, Subchapter E. On January 26, 2006, the Texas Transportation Commission passed Minute Order 110390, authorizing Hays County to construct improvements to FM 110 (San Marcos Loop), RM 12, and FM 1626. On May 25, 2006, the Texas Transportation Commission passed Minute Order 110537, authorizing the Department to enter into a pass-through toll agreement with the Developer. On February 28, 2008, the Texas Transportation Commission passed Minute Order 111258, authorizing an amendment to the pass-through toll agreement with Hays County to include improvements on I-35 and US 290 West instead of the improvements proposed for RM 12. For each project that the department

Pass-Through_Amendment Page 1 of 6 03/05/2008

Hays County Pass Through Financing Program

Projects

- ❑ US 290 West
- ❑ IH-35 Phase 1
- ❑ IH-35 at FM 2001
- ❑ IH-35 Phase 2A
- ❑ IH-35 Phase 2B
- ❑ FM 110
- ❑ 1626 A
- ❑ 1626 B





Pass Through Financing Program Budget Summary

<u>Program Estimate Total</u>	\$167,031,520
-------------------------------	---------------

<u>Potential Program Savings</u>	\$13,350,096
----------------------------------	--------------

- | | |
|---|--------------|
| ❑ Projects Complete or in Construction* | \$11,880,704 |
| ❑ Projects in Design* | \$1,469,392 |

* *Includes ROW Donations*

<u>Additional Funding Sources Contribution</u>	\$16,000,000
--	--------------

- | | |
|----------------------------------|--------------|
| ❑ City of Kyle (RM 150) | \$3,000,000 |
| ❑ City of Kyle (CR 210) | \$11,000,000 |
| ❑ Congressional Earmark (FM 110) | \$2,000,000 |

<u>Hays County Estimated Program Total</u>	<u>\$137,771,424</u>
---	-----------------------------

US 290 West Project Summary

Program Estimate

\$8,230,040

Project Cost

\$7,200,700

Project Savings

\$1,029,340

Project Highlights -

- ❑ Oak Branch Realignment
- ❑ Project Completed Ahead of Schedule
- ❑ Hays County has Collected Over \$1.8 Million of TxDOT Reimbursements To Date



IH-35 Phase 1 Project Summary

Program Estimate	\$31,372,609
Projected Project Cost	\$21,000,000
<u>Potential Project Savings</u>	<u>\$10,372,609</u>

Project Highlights -

Open to Traffic

- ❑ NB Frontage Road
- ❑ FM 1626 SB-NB Turnaround
- ❑ Kohlers Crossing

Anticipated Completion 7/2011



IH 35 at FM 2001

Project Summary

Program Estimate	\$1,028,755
Projected Project Cost	\$550,000
<u>Potential Project Savings</u>	<u>\$478,755</u>

Project Highlights -

- ❑ Project Completed On Schedule



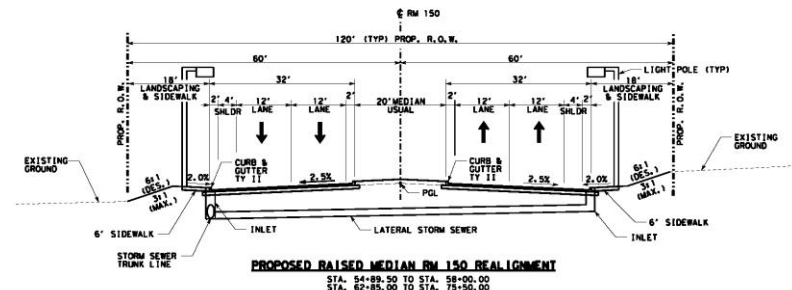
IH-35 Phase 2A – RM 150 Project Summary

Program Estimate*	\$6,280,820
Projected Project Cost	\$9,370,000
<u>Potential Cost Adjustment</u>	<u>(\$3,089,180)</u>

Project Highlights -

- ❑ 1/2 Mile New Alignment
- ❑ Design 95% Complete
- ❑ Project Letting 2011

**Project Limits and Improvements
Increased after Program Estimate
was Complete*

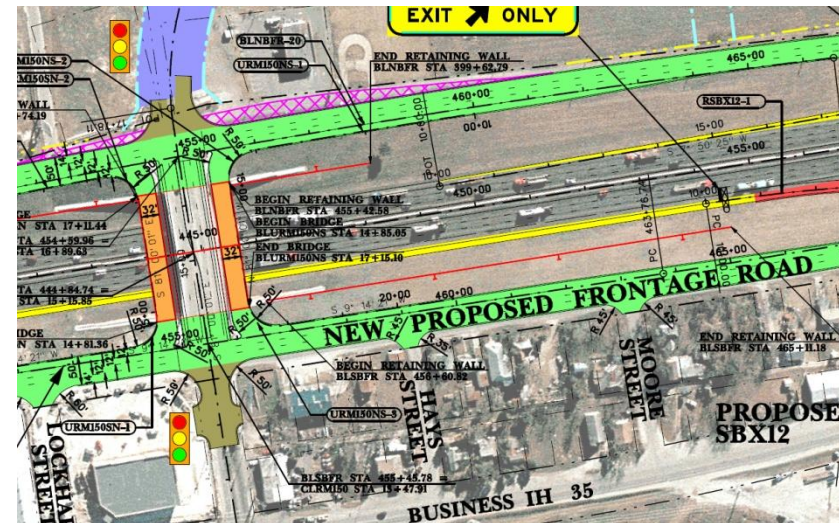


IH-35 Phase 2B Project Summary

Program Estimate	\$17,229,447
Projected Project Cost	\$14,500,000
<u>Potential Project Savings</u>	<u>\$2,729,447</u>

Project Highlights -

- ❑ 2.7 Miles SB Frontage Rd
- ❑ Design 90% Complete
- ❑ Project Letting 2011



FM 110

Project Summary

Program Estimate	\$19,834,396
Projected Project Cost*	\$22,560,000
<u>Potential Cost Adjustment</u>	<u>(\$2,725,604)</u>

Project Highlights -

- ❑ 1 Mile New Alignment
- ❑ Design 90% Complete
- ❑ Project Letting 2011

**Projected Project Cost Includes
\$2.3 Million funding for McCarty
Lane*

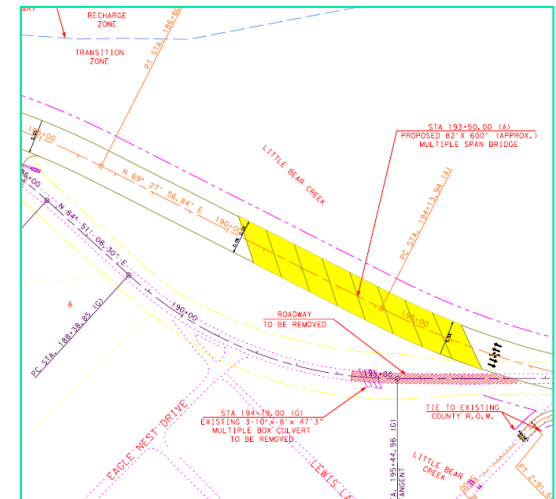


FM 1626 A (Northern Section) Project Summary

Program Estimate	\$43,248,414
Projected Project Cost	\$40,000,000
<u>Potential Project Savings</u>	<u>\$3,248,414</u>

Project Highlights -

- ❑ Brodie Lane to FM 967 - 3.6 Miles
- ❑ Design 90% Complete
- ❑ Project Letting 2011

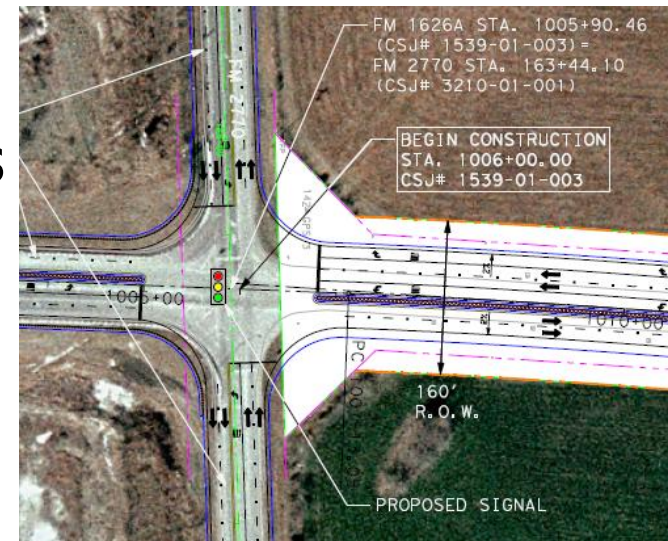


FM 1626 B (Southern Section) Project Summary

Program Estimate	\$39,806,315
Projected Project Cost	\$38,500,000
<u>Potential Project Savings</u>	<u>\$1,306,315</u>

Project Highlights -

- ❑ FM 967 to FM 2770 - 3.2 Miles
- ❑ Design 55% Complete
- ❑ Project Letting 2012





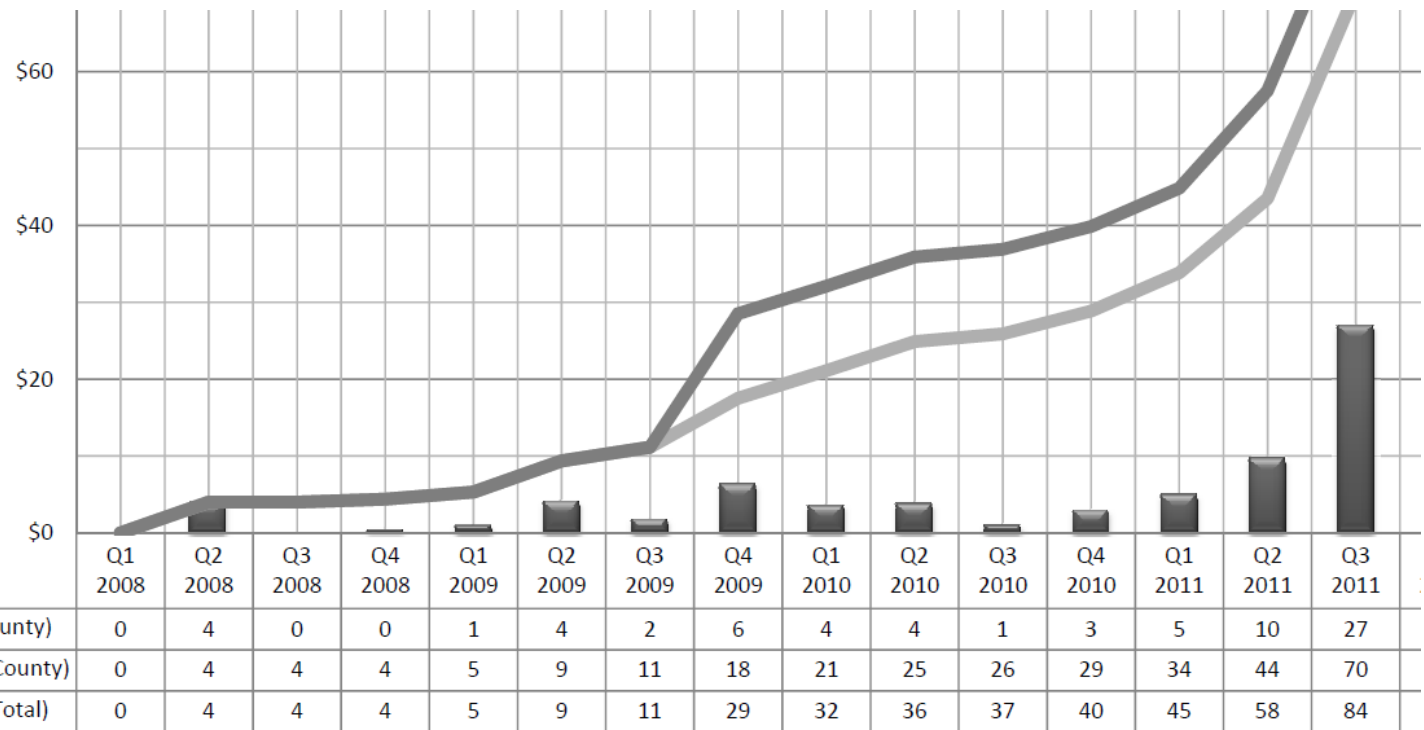
Pass Through Financing Program Potential Program Savings

❑ US 290 West (Constr.)	\$1,029,340
❑ IH-35 Phase 1 (Constr.)	\$10,372,609
❑ IH-35 at FM 2001 (Constr.)	\$478,755
❑ IH-35 Phase 2A (Design)	(\$3,089,180)
❑ IH-35 Phase 2B (Design)	\$2,729,447
❑ FM 110 (Design)	(\$2,725,604)
❑ 1626 A (Design)	\$3,248,414
❑ 1626 B (Design)	\$1,306,315
<u>PROGRAM SAVINGS TOTAL</u>	<u>\$13,350,096</u>

Pass Through Financing Program Reimbursement Schedule

	Department IH 35/FM 150 FR and FM 150 Realignment Maximum Reimbursement				\$19,294,880.00
	Department IH 35/Kyle Crossing Maximum Reimbursement				\$18,697,920.00
	Department US 290 Maximum Reimbursement				\$7,600,000.00
	Total Department-Constructed Maximum Project Reimbursement				\$45,592,800.00
	Developer/County FM 1626A Project Maximum Reimbursement				\$35,337,745.00
	Developer/County FM 1626B Project Maximum Reimbursement				\$36,399,455.00
	Developer/County FM 110 Project Maximum Reimbursement				\$15,840,000.00
	Year				
	All projects substantially open to traffic; triggers guaranteed minimum and maximum yearly reimbursements				
	Minimum yearly reimbursement:				\$6,658,500.00
	Maximum yearly reimbursement:				\$13,317,000.00
	Year Maximum Yearly Reimbursement Is Achieved				
	Year Program Maximum Reimbursement Is Achieved				\$133,170,000.00

Pass Through Financing Program Cash Flow



❑ Program Needs Bond Sale by Mid 2011