

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE NORTH EAST TEXAS
REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 14-36

WHEREAS, the North East Texas Regional Mobility Authority ("NET RMA") was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the "RMA Rules"); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Panola, Wood, Van Zandt, Titus, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, in Resolution No. 13-02, dated January 22, 2013, the NET RMA Board of Directors adopted Tolling Policies for the NET RMA, including a base toll rate and biennial annual toll rate escalation methodology for Toll 49 (the "Tolling Policies"); and

WHEREAS, in Resolution No. 14-07, dated February 11, 2014, the NET RMA Board of Directors approved the adoption of amended Tolling Policies to correct the toll rates consistent with the Market Valuation requirements for Toll 49 and to provide for the implementation of biennial annual toll rate escalations; and

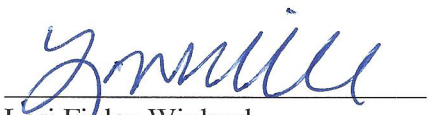
WHEREAS, the NET RMA Interim Executive Director recommends that the Tolling Policies be further amended to clarify that vehicles traveling on NET RMA facilities shall observe the maximum speed limit allowed by law in the event that the maximum legal speed limit is slower than the minimum speed limit established by the NET RMA.

NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors approves of the adoption of the amended Tolling Policies, attached hereto as Attachment "A"; and


BE IT FURTHER RESOLVED, that such Tolling Policies may be further amended from time to time at the discretion of the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 9th day of September, 2014.

Submitted and reviewed by:


Lori Fixley Winland
General Counsel for the North East
Texas Regional Mobility Authority

Approved:


Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 14-36
Date Passed: 09/09/14

Attachment A

Amended Tolling and Road Use Policies



NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY

Tolling and Road Use Policies

1.0 PURPOSE

The North East Texas Regional Mobility Authority (NET RMA) is an independent government agency created to accelerate the development of transportation projects in North East Texas. Our mission is to implement transportation solutions that will enhance the quality of life and the economic environment in our area. The policies identified within this document are applicable only to NET RMA toll facilities.

2.0 REVISIONS TO TOLL POLICIES

Policies reflected in this document may be revised by formal action of the NET RMA Board of Directors. Revisions may be necessary to address operational changes, changes in law that affect the NET RMA, or requirements and commitments related to project financing, among other program or project modifications.

3.0 TOLL COLLECTION POLICY

3.1 All Electronic Toll Collection

To promote a safe, efficient, and effective toll collection system, the NET RMA will utilize all-electronic toll collection methods, including the use of transponders (i.e. toll tags) and video capture methods. Under these electronic toll collection (ETC) methods, accommodations for cash toll transactions will not be provided. Rather, customers will be encouraged to utilize a transponder from the TxTag customer service center or other interoperable providers of transponders (Central Texas Regional Mobility Authority, North Texas Tollway Authority, or Harris County Toll Road Authority). The video toll collection (VTC) component of the ETC system shall utilize video images for customers without a transponder, wherein a toll bill is generated from video images of the customer's license plate and sent to the vehicle owner for payment of the toll transaction.

3.2 Interoperability

NET RMA toll facilities will be interoperable with all interoperable toll agencies in Texas. NET RMA recognizes TxTag as the statewide brand and trademark for interoperability in Texas, as well as the brand used by TxDOT for electronic toll collection. TxTag also refers to the physical transponder device that will be made available to customers. Transponders of other interoperable agencies that comply with applicable requirements set forth by the Interoperability Committee of the Team Texas organization (Team-Tx) will be accepted by NET RMA toll facilities.

NET RMA's ETC systems will fully comply with the established business requirements and interface control documents adopted by the Interoperability Committee of Team-Tx to process interoperable transactions.



3.3 Exemption from Payment of Tolls

Users of NET RMA toll facilities shall be required to pay a toll unless they are determined to be exempt under applicable law or, subject to commitments contained in any financing documents, or as authorized by the NET RMA Board of Directors.

3.3.1 Emergency and Military Vehicles

In accordance with the provisions of Sec. 370.177, 362.901, and 541.201 of the Texas Transportation Code, NET RMA will create technical procedures to ensure that authorized emergency vehicles, as well as state and federal military vehicles, are exempt from paying tolls on the NET RMA operated facilities.

3.3.2 Public Transit Vehicles

In accordance with the provisions of Sec. 370.177 of the Texas Transportation Code and to facilitate a multi-modal transportation system that ensures safe and efficient travel for all individuals in the Tyler region, the NET RMA shall allow "public transit vehicles" free usage of any toll facilities in operation by the NET RMA. Public transit vehicles are defined as transit buses and sixteen (16) passenger vans or larger that are operated by or on behalf of the City of Tyler (Tyler Transit) or the County of Smith. Public transit operators will be required to outfit public transit vehicles with transponders to receive any applicable benefits.

3.4 Toll Rates & Fees: Toll 49 Project

3.4.1 Annual Toll Rate Escalation

The toll rates and toll rate escalation methodology were established under the Memorandum of Understanding Regarding Market Valuation For Toll 49 ("Market Valuation") between TxDOT and the NET RMA, effective July 14, 2008. Upon opening of the Toll 49 facility to I-20 the base rate will be \$0.12 per mile increased by \$0.01 per mile annually every year for 5 years until the underlying base rate is \$0.15 per mile.

Subject to the provisions below, as well as to the requirements of any agreements related to project financing, the toll rate will be inflated using the Consumer Price Index ("CPI") every two years on December 31 of the applicable calendar year (the "Toll Rate Escalation Percentage"). Beginning on December 31, 2014 and on December 31 of every second year thereafter (the "Toll Escalation Determination Date"), a percentage increase in the toll rates charged on all toll facilities of the NET RMA will be determined in an amount equal to the Toll Rate Escalation Percentage. The Toll Rate Escalation Percentage, as calculated on each Toll Escalation Determination Date, shall be reported to the board at its October board meeting in years in which a Toll Escalation Determination Date will occur. The percentage increase in the toll rates shall be effective on December 31 of the same calendar year, unless at such board meeting the board affirmatively votes to modify the Toll Rate Escalation Percentage. If the board votes to modify the Toll Rate Escalation Percentage, the toll rate increase to be effective on December 31 of the same calendar year shall be based on the modified Toll Rate Escalation Percentage.

For purposes of this policy document, CPI is defined as the most recently published non-revised index of Consumer Prices for All Urban Consumers (CPI-U) before seasonal adjustment, as published by the Bureau of Labor Statistics of the U. S. Department of Labor.

For the purpose of determining the Toll Rate Escalation Percentage, the maximum annual CPI increase is 6%. If the change in CPI is greater than 6%, the percentage change in CPI over 6% is excluded from that period's inflation adjustment and will be applied in the next inflation adjustment period. If the change in CPI is less than 0%, then the percentage change in CPI shall be deemed to equal 0% for that inflation adjustment period.



Toll Rate Multipliers	
Cars, motorcycles and trucks	1 X Base Rate
SUV, Passenger Car with Trailer	2 X Base Rate
Unibody Truck	3 X Base Rate
Tractor Trucks w/one Trailer	4 X Base Rate
Tractor Trucks w/two Trailers	5 X Base Rate
Emergency first responders	\$0.00

3.4.1 Toll 49 Toll Rates

The toll for a passenger car (2 axles) charged at each Toll 49 toll gantry is as follows:

Toll 49 Toll Gantry	Transponder Customer Toll (e.g., TxTAG)*	Pay By Mail (Video Tolling) Customer Toll*	Transponder Customer Toll (e.g., TxTAG)**	Pay By Mail (Video Tolling) Customer Toll**
Mainlane Plaza North of Prairie Creek	\$1.18	\$1.57	\$1.52	\$2.03
Ramp Plazas South of SH 64	\$0.36	\$0.48	\$0.40	\$0.53
Mainlane Plaza South of SH 31	\$0.83	\$1.11	\$0.92	\$1.23
Mainlane Plaza East of Saline Creek	\$0.69	\$0.92	\$0.77	\$1.03
Ramp Plazas East of FM 2493	\$0.33	\$0.44	\$0.37	\$0.49
Ramp Plazas West of FM 756	\$0.30	\$0.40	\$0.30	\$0.40
Mainlane Plaza West of FM 2964	\$0.63	\$0.84	\$0.70	\$0.93

(* Revised 2-11-2014, Effective 4-1-2014)

(** Revised 2-11-2014, Effective 12-31-2014)

3.5 Administrative Fees for Unpaid Tolls

Section 370.177 of the Texas Transportation Code provides for the collection of an administrative fee to recover a regional mobility authority's cost of collecting unpaid tolls. The referenced "Administrative Fee" cannot exceed \$100.00. NET RMA has determined that such fees may vary depending on how far in the collection process a delinquent account proceeds and shall be assessed as noted in this subsection.

For unpaid tolls, an Administrative Fee of \$15.00 for the entire toll bill is assessed upon issuance of the first notice of non-payment, which shall be in addition to the tolls and fees accrued per Section 3.4 above.

In the event payment is not received in connection with the first notice of non-payment and a second notice of non-payment is sent, an additional \$15.00 Administrative Fee shall become due. Therefore, full payment of a second notice of non-payment will require the payment of \$30.00 in Administrative Fees, in addition to the actual tolls and fees accrued per Section 3.4 above.

In the event payment is not received in connection with either the first or second notice of non-payment, such account shall be considered for collection and an additional \$30.00 Administrative Fee shall become due upon issuance of a third and final notice of non-payment, and the cumulative Administrative Fee shall be \$60.00, in addition to the actual tolls and fees accrued per Section 3.4 above.



The NET RMA Board recognizes that the amount of the Administrative Fee may require periodic revision when collection costs and associated matters are considered. Therefore, the NET RMA may periodically reevaluate collection costs and may revise the associated Administrative Fees accordingly. Administrative Fees may also be waived by the NET RMA Board in accordance with procedures that enhance collection efforts for tolls due by delinquent customers.

3.6 Prosecution for Unpaid Notices of Non-Payment

If payment has not been made in response to the third and final notice of non-payment, and the toll amount and corresponding fees remain outstanding, the violating customer may be referred for prosecution. An offense for failure or refusal to pay a toll under Section 370.177, Transportation Code, is a misdemeanor subject to a fine of up to \$250.00 for each offense.

If convicted of the offense, a violating customer may be liable for: (i) the unpaid toll amount and associated collection fees; (ii) a \$100 Administrative Fee *per offense* in lieu of the Administrative Fees which accrued during the toll bill process; (iii) court costs; and (iv) a fine of up to \$250.00.

In the prosecution of an offense under Sec. 370.177, proof that the vehicle passed through a toll collection facility without payment of the proper toll, together with proof that the defendant was the registered owner when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or NET RMA employee or contractor, video surveillance or any other reasonable evidence.

Under provisions of Sec. 370.177, there are certain exceptions to violation for failure to pay a toll regarding rental cars and vehicles sold but for which title has not been officially transferred by the applicable state agency. In addition, it is a defense to prosecution if the vehicle is stolen prior to the failure to pay a toll, but only if the theft is reported to the appropriate law enforcement agency within the required time period.

3.7 Toll Incentives, Discounts and Deferrals

To promote the use of NET RMA toll facilities and maximize the use of toll tags in lieu of the use of VTC transactions at its toll facilities, the NET RMA may from time to time conduct promotions and marketing activities. Accordingly, the NET RMA may offer customer incentives and discounts for use of NET RMA toll facilities. Similarly, the NET RMA may approve clearly defined introductory periods upon the opening of a new toll facility in which the initial toll rate may be less than the actual toll rate in place at the conclusion of such introductory period.

For any toll project to be developed in phases, and on a project specific basis in the discretion of the Board of Directors, the NET RMA may defer the commencement of toll collection operations on a phase of the project until additional phases of the project are constructed so as to provide continuous uninterrupted travel for a distance, or to a destination. In such event, the NET RMA shall install signage on or along the project (or any phase thereof) indicating that toll collection operations are being deferred and that tolls will be collected on the entirety (or any portion) of the project in the future.

Notwithstanding the preceding, the NET RMA may also adopt additional toll incentives, discounts and deferrals in the sole discretion of the NET RMA Board of Directors.

3.7.1 Disabled Veterans

The NET RMA will allow qualifying military veterans an exemption from the payment of tolls on Toll 49. Section 372.053 of the Texas Transportation Code allows toll agencies the opportunity to reduce or eliminate the payment of tolls for vehicles displaying certain disabled veteran license plates. The NET RMA will provide complete exemption of the toll for these license plates.



Upon receiving a toll bill from NET RMA the veteran must contact the back office provider and ask to become toll exempt on Toll 49. A review of the image(s) of the license plate will confirm that the vehicle in question qualifies per Section 372.053. If the license plate meets the criteria, the back office provider will waive all tolls for the Toll 49 facility. Additionally, the back office provider will put that plate in the database as being exempt from future invoicing for tolls on Toll 49. From that point no invoices will be created for that license plate on Toll 49. The veteran will not need to contact NET RMA or the back office provider going forward unless the license plate changes.

If the vehicle has a toll tag, associated with an account in good standing, the toll will be automatically charged to the account. The NET RMA does not currently have a means to adjust that process and will not be able to provide credit for those transactions. The exemption applies on all NET RMA toll projects.

4.0 ROADWAY OPERATIONS POLICY

4.1 Statement of General Policy

Pursuant to Section 370.033(a) (12), Transportation Code, this section of the policy document adopts and establishes rules for the use of the NET RMA's toll facilities. These provisions are in addition to and an enhancement of the provisions of Subtitle C, Title 7, Transportation Code (the "Statutory Rules of the Road"). The NET RMA expressly adopts these provisions and those set forth in the Statutory Rules of the Road. To the extent any irreconcilable conflict arises between the provisions hereof and the Statutory Rules of the Road, the Statutory Rules of the Road shall control.

4.2 Speed Limits

Subchapter H, Chapter 545, Transportation Code, "Speed Restrictions," governs speeds on highways in the State of Texas. Under Section 370.033, Transportation Code, the authority may alter prima facie speed limits on its toll roads, provided the Texas Department of Transportation Procedures for Establishing Speed Zones, current edition, are followed.

Guidelines established by Texas Department of Transportation Procedures for Establishing Speed Zones, current edition, will be used in conducting Speed Zone Studies and establishing Speed Limits on NET RMA operated toll facilities. The data collected during the Speed Zone Studies are analyzed to determine the 85th Percentile Speed. The 85th Percentile Speed is the speed at which 85% of the traffic at a specific test site is traveling at or slower. The 85th Percentile Speed will be the basis for how the posted speed limit is determined.

To the extent that the maximum speed limit provided by law for a vehicle or class of vehicles is lower than the minimum speed limit established on a NET RMA operated toll facility, then such vehicle or class of vehicles shall observe the maximum speed limit provided by law. In no event shall a vehicle be driven in excess of the legal speed limit.

Maximum speeds within construction, transitional or reduced speed zones or during any period of adverse atmospheric or weather conditions shall be in accordance with signs displayed for such zones. All regulatory and zoning signs displayed on NET RMA operated toll facilities shall be obeyed.

Motor vehicles shall not be driven in excess of the mechanical limits of vehicles or tires. If traffic, weather, pavement or other conditions render the maximum allowable speed hazardous, the speed of motor vehicles shall be reduced consistent with such conditions.

4.3 Parking

Parking or stopping of vehicles on any traffic lane, deceleration lane, acceleration lane or on any bridge is prohibited with exceptions provided for vehicles which become disabled, law enforcement and emergencies. All wheels and projecting parts of the vehicle or load shall be completely clear of the traffic lane.



During the period beginning 30 minutes after sunset and ending 30 minutes before sunrise or at any other time when insufficient light or unfavorable atmospheric or weather conditions require, any parked or disabled vehicle shall display illuminated parking and tail lights or lighted flares to indicate its location.

Unnecessary parking or parking of vehicles for extended periods of time (in excess of 24 hours) is prohibited, and the driver of a disabled vehicle shall arrange for its prompt removal from NET RMA operated toll facilities.

For an offense under this section, it is presumed that the registered owner of the vehicle is the person who parked the vehicle at the time and place an offense under this section occurs.

4.4 Median Strip

The median strip is the area between the entrance/exit ramps and main traffic lanes for the purpose of separating traffic. Crossing, driving, parking or stopping on the median strip is prohibited on any NET RMA toll facilities except as necessary for official maintenance, operational, law enforcement and emergency uses.

4.5 No U-Turn

Except as specifically provided for as standard turnarounds, u-turns at any location on NET RMA operated toll facilities are prohibited with exceptions provided for official maintenance, operational, law enforcement and emergency responders.

4.6 Pedestrians

Pedestrians are not permitted on the main-lane roadways, access ramps or any interchange of NET RMA toll facilities. Solicitation of rides or "hitchhiking", panhandling, passing of handbills, displaying signs or attempting to sell merchandise is prohibited on NET RMA operated toll facilities. Loitering on any NET RMA property is prohibited.

4.7 Prohibited Modes of Transportation

No person shall operate any of the following on any roadway or access ramp operated by the NET RMA:

- Animal drawn vehicles;
- Animals - led, ridden or driven;
- Vehicles loaded with animals or poultry not properly confined;
- Vehicles with flat pneumatic tires;
- Vehicles in the charge of intoxicated or otherwise incapacitated operators;
- Vehicles with improperly secured loads which may shift or litter the highway;
- Vehicles with metal tires or which have solid tires worn to metal;
- Farm implements;
- Disabled vehicles in tow by tow-rope or chain;
- Rollers, graders, power shovels, tractors or other construction or farm equipment, either self-propelled or in tow of another vehicle, unless such equipment is either: truck mounted, and such truck can be operated at a minimum speed of 45 miles per hour while traveling on the main-lane roadways of NET RMA operated toll roads, weather and road conditions permitting, or owned or controlled by the NET RMA or by any contractor in connection with the performance of work authorized by the NET RMA; or
- Vehicles exceeding the maximum weights allowed on State Highways under the motor vehicles laws of the State of Texas in effect from time to time. Additionally, vehicles including any load thereon exceeding the following maximum dimensions are prohibited:



Height	14 feet 6 inches
Width	8 feet 6 inches
Length	The maximum allowable lengths permitted on Interstate highways and other controlled access roadways in Texas pursuant to the motor vehicle laws of the State of Texas, as in effect from time to time, without an over-length permit.

4.8 Evasion of Fare

Entering or leaving NET RMA operated toll facilities or any part of its right of way except through the regular tolled lanes or entrance and exit points or committing any act with intent to defraud or evade payment of fare is prohibited.

4.9 State Laws

All laws, rules and regulations in the State of Texas pertaining to the use of public highways and policing thereof, including but not limited to the Statutory Rules of the Road, shall apply to NET RMA operated toll roads, except insofar as they may be supplemented by this policy document.

4.10 Penalties

Any violation of a provision of this policy document shall be deemed an offense as defined in the Statutory Rules of the Road and shall be subject to prosecution and penalties as set forth in the Statutory Rules of the Road.

4.11 Bicycles, Mopeds, Motor-Driven Cycles and Electric Bicycles

Bicycles or tricycles, with or without motors, motor driven cycles, including motor scooters, mopeds, and electric bicycles, are not permitted on the main-lane roadways or main-lane shoulders of NET RMA toll facilities at any time.



5.0 ACRONYMS & DEFINITIONS

The following words and terms, when used in this policy document, shall have the following meanings, unless the context clearly indicates otherwise, including instances in which the terms are defined terms from an instrument referenced within this document:

Term	Definition
ETC	Electronic toll collection
NET RMA	North East Texas Regional Mobility Authority
CPI	Consumer price index
Toll Bill	An invoice summarizing video toll transactions for a set period of time. The bill is mailed to the registered owner of the vehicle based on data in the TxDOT division of Vehicle Title and Registration.
Toll Facility	Any facility, including but not limited to roads, bridges, tunnels and managed lanes, that are tolled
Transponder	The onboard device that identifies vehicles as part of a radio frequency system to automatically charge the toll to the customer/vehicle associated with the transponder read.
TxDOT	Texas Department of Transportation
TxTag	TxDOT's brand of toll transponders and the statewide brand and trademark of interoperability used by Texas interoperable toll agencies.
VTC	Video toll collection; a component of the ETC system that utilizes video images to generate a toll bill for customers without a transponder.

[END OF POLICY DOCUMENT]



REVISIONS

July 9, 2013	Resolution No. 13-24	Added Section 3.7.1 Disabled Veterans
July 9, 2013	Resolution No. 13-19	Added Section 4.11 Bicycles, Mopeds, Motor-Driven Cycles and Electric Bicycles
February 11, 2014	Resolution 14-07	Revise Annual Toll Rate Escalation and revise Toll 49 Toll Rates effective 4-1-14