

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

RESOLUTION NO. 13-04

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, Cass, Van Zandt, and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is currently developing Segment 3B of the Toll 49 project (the “Toll 49 Segment 3B Project”) through a design/build comprehensive development agreement (“CDA”); and

WHEREAS, additional segments of Toll 49 have been or are being developed by the Texas Department of Transportation (“TxDOT”), and Segments 1, 2, 3A, 3B, and 5 are collectively known as “Toll 49”; and

WHEREAS, in Resolution No. 11-14, dated March 4, 2011, the Board of Directors approved entry into a Project Development Agreement with TxDOT specifying the extent and timing of review of project design submittals, clarifying the ownership and use of right-of-way, and addressing other project-related issues with respect to Toll 49; and

WHEREAS, the Project Development Agreement provides that TxDOT will transfer Segments 1, 2, 3A, and 5 of Toll 49 (the “Transferred Segments”) and those parcels owned by TxDOT located within the Toll 49 Segment 3B Project limits to the NET RMA upon Substantial Completion, as defined in the Project Development Agreement, of the Toll 49 Segment 3B Project; and

WHEREAS, following the transfer of the Transferred Segments, the NET RMA will be responsible for toll collection on the Transferred Segments; and

WHEREAS, TxDOT has previously entered into a Statewide Open-Road Toll Collection System Agreement with Raytheon Company (“Statewide Agreement”) for the provision of toll collection services; and

WHEREAS, NET RMA representatives and TxDOT staff have identified potential benefits of entering into an Interlocal Agreement pursuant to Chapter 771 of the Texas Government Code and Section 370.189 of the Texas Transportation Code pursuant to which TxDOT would provide the needed toll collection services to the NET RMA through the Statewide Agreement; and

WHEREAS, NET RMA representatives and TxDOT staff have identified potential funding sources to provide for the needed toll collection services which may require the submission to TxDOT of a Request for Financial Assistance pursuant to 43 Tex. Admin. Code § 27.50 *et seq.*; and

WHEREAS, NET RMA representatives recommend that the NET RMA negotiate and enter into an Interlocal Agreement with TxDOT and possibly submit a Request for Financial Assistance to secure and finance toll collection services for the Transferred Segments through the Statewide Agreement, the terms, scope and conditions of such Interlocal Agreement to be mutually agreed to by the NET RMA and TxDOT.

NOW THEREFORE, BE IT RESOLVED, that the NET RMA Board of Directors hereby approves the negotiation and execution of an Interlocal Agreement with TxDOT to secure certain toll collection services for the Transferred Segments through TxDOT, the terms, scope and conditions of such Interlocal Agreement to be mutually agreed to by the NET RMA and TxDOT; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Interim Executive Director to take such actions as may be necessary to negotiate and finalize an Interlocal Agreement with TxDOT and that such Interlocal Agreement may be executed by the Interim Executive Director upon its completion under the terms hereunder; and

BE IT FURTHER RESOLVED, that, in the event that NET RMA representatives determine it necessary, the Board of Directors approves the submission to TxDOT of a Request for Financial Assistance consistent with this Resolution and authorizes the Interim Executive Director to take such actions as are necessary to prosecute the Request for Financial Assistance and to negotiate the terms of a Financial Assistance Agreement which shall be subject to the approval of the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 22nd day of January, 2013.

Submitted and reviewed by:

Approved:



C. Brian Cassidy
General Counsel for the North East
Texas Regional Mobility Authority



Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 13-04
Date Passed: 01/22/13