



Texas Department of Transportation[®]

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

March 31, 2015

The Honorable Joseph C. Pickett
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768

Dear Representative Pickett:

Thank you for your letter of March 9, 2015, regarding the removal of the toll from the Cesar Chavez Border Highway Managed Lanes Project located in the Texas Department of Transportation's (TxDOT) El Paso District. The following is provided in response to your inquiry about what steps would be required to remove the tolls from the Loop 375 Cesar Chavez project.

The Camino Real RMA (CRRMA) has primacy, and therefore has jurisdiction over the project, including the right to set toll rates for the project. Under the Project Development Agreement (PDA) for the Loop 375 Cesar Chavez project, the CRRMA has the exclusive right to impose tolls; establish, modify and adjust the rate of such tolls; and enforce and collect tolls from the users of the Managed Lanes. These rights are granted through the PDA and the Market Valuation Agreement for this project executed by TxDOT and the CRRMA. The PDA may only be terminated by mutual agreement of the parties.

Under these agreements, TxDOT provided a consolidated loan of approximately \$10 million to the CRRMA. The loan agreement requires the CRRMA to repay the \$10 million plus interest, with the interest to be paid as a flat fee of \$6 million. Should the managed lanes revert to a non-tolled lanes, the CRRMA essentially is obligated to repay the portion of the consolidated loan drawn and prorated interest. We estimate this value to currently be \$5,574,037 if the loan was paid off at this time.

To remove tolls from this portion of Loop, the CRRMA would first have to agree to remove the tolls from the project since the project is a CRRMA project for which the CRRMA has the exclusive right to impose tolls or not. The parties could then agree to terminate the PDA and other related agreements, which would allow TxDOT to assume responsibility for the operation and maintenance of the entire facility. The Texas Transportation Commission (Commission) could either require repayment of the loan from the CRRMA or chose not to require repayment. The Commission could then remove the toll designation from this portion of Loop 375.

OUR GOALS

MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY

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If you have any questions, please contact me at (512) 305-9515. If your staff needs additional information, they may contact Lauren Freriks in our State Legislative Affairs Section at (512) 463-8746 or via email at Lauren.Freriks@txdot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'L.F. Weber', with a large, stylized flourish on the left side.

LtGen L.F. Weber, USMC (Ret)
Executive Director

cc: Robert Bielek, El Paso District Engineer
Katie Nees, Director, Strategic Projects Division
Lauren Freriks, Legislative Liaison, State Legislative Affairs