

**CAMINO REAL REGIONAL MOBILITY AUTHORITY  
BOARD RESOLUTION**

**WHEREAS**, the Camino Real Regional Mobility Authority (CRRMA) and the Texas Department of Transportation (TxDOT) are cooperatively pursuing the development of the Loop 375 César Chávez – Border Highway Managed Lanes Project, whereby TxDOT will construct the entire project, the CRRMA will install tolling equipment and the CRRMA will operate the managed lanes upon their completion;

**WHEREAS**, pursuant to such approach, the CRRMA and its consultants have taken various steps in furtherance of the implementation of the César Chávez Project, the El Paso region's first managed lanes project, including the execution of a market valuation agreement, a Section 129 agreement and other initial steps necessary prior to the opening of a managed lanes facility; and

**WHEREAS**, there are several remaining steps necessary in advance of the opening of the proposed César Chávez managed lanes, including the adoption of toll policies for the CRRMA, which have been drafted and reviewed by the CRRMA's Executive Committee;

**NOW, THEREFORE, BE IT RESOLVED BY THE CAMINO REAL REGIONAL MOBILITY AUTHORITY:**

**THAT** the Toll Policies and Road Use document attached hereto as **ATTACHMENT "A"** is hereby adopted by the Camino Real Regional Mobility Authority as recommended by its Executive Committee on May 17, 2012.

**PASSED AND APPROVED THIS 23<sup>RD</sup> DAY OF MAY 2012.**

**CAMINO REAL REGIONAL  
MOBILITY AUTHORITY**

**ATTEST:**

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Ralph Adame, Vice Chair

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Susan A. Melendez, Board Secretary

**APPROVED AS TO CONTENT:**

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Raymond L. Telles  
Executive Director

# CAMINO REAL REGIONAL MOBILITY AUTHORITY

## Toll Policies and Road Use

### 1.0 PURPOSE

The mission of the Camino Real Regional Mobility Authority (CRRMA) is to assist in the establishment of a comprehensive transportation system to directly benefit the traveling public within the El Paso region through the development of additional transportation alternatives within the region. The CRRMA has the statutory authority to pursue toll and non-toll transportation projects in furtherance of this mission. In addition to the numerous new non-toll facilities being developed by the CRRMA, the CRRMA also intends to construct and operate new toll and managed lane facilities within existing transportation corridors in the El Paso region, which will create additional mobility options for the traveling public. However, the number of non-toll lanes available for all motorists within the existing transportation corridors will not be reduced in the event a toll or managed lane facility is developed within the corridor. The policies identified within this policy document are applicable only to CRRMA toll facilities.

### 2.0 REVISIONS TO TOLL POLICIES

Policies reflected herein may be revised by formal action of the CRRMA Board of Directors. Revisions may be necessary to address operational changes, changes in law that affect the CRRMA, 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 CRRMA 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. 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

CRRMA toll facilities will be interoperable with all interoperable toll agencies in Texas. CRRMA 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 CRRMA toll facilities.

CRRMA'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 CRRMA 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 CRRMA Board of Directors.

#### **3.3.1 Emergency and Military Vehicles**

In accordance with the provisions of Sec. 370.177 and 362.901 of the Texas Transportation Code, CRRMA 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 CRRMA 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 El Paso region, the CRRMA shall allow "public transit vehicles" free usage of any toll facilities in operation by the CRRMA. 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 El Paso (Sun Metro) or the County of El Paso. Public transit operators will be required to outfit public transit vehicles with transponders to receive any applicable benefits.

### **3.4 Toll Rates & Fees: César Chávez Managed Lanes**

The César Chávez managed lanes toll rate structure will use time-of-day pricing based on peak traffic periods. The toll rate schedule will reflect defined peak period pricing as well as a differential between customers' use of TxTag and other interoperable transponders and tolls collected through the VTC process. Toll rates may vary based on the method of collection to reflect the operational goal of using cost effective means to collect toll payments and the CRRMA may assess reasonable fees for VTC to defray the additional operational expense of processing video toll bills.

As reflected in the Amended and Restated Market Valuation Agreement for the Loop 375 César Chávez – Border Highway Managed Lanes Project dated April 18, 2011, the base toll rate for cars will be \$0.10 per mile in 2015 dollars. As provided for herein, actual tolls will vary based on time-of-day and other factors.

CRRMA may allow trucks to use the facility. Trucks are defined as self-propelled or towed commercial vehicles used to haul freight that are included in Classes 5 - 13 of the Texas 6 Vehicle Classifications set forth in TxDOT Traffic Data and Analysis Manual. In the event the CRRMA allows trucks on the César Chávez managed lanes, the base toll rate for such trucks will be 2-5 times the base toll rate for non-commercial motor vehicles based on weight, shape or axle distribution.

#### **3.4.1 Time of Day Rate Setting**

Time-of-day pricing adjustments for the César Chávez managed lanes will be made to the base toll rate to manage congestion during higher volume travel periods. The toll rate schedules will be reviewed and adjusted periodically, but not less than once per three calendar months in an effort to ensure that the minimum travel condition of Level of Service "C" is maintained.

#### **3.4.2 Annual Toll Rate Escalation**

The base toll rate for the César Chávez managed lanes shall be adjusted annually beginning on September 1st following the first full year of revenue operation of the project. Each annual increase shall be at a percentage equal to the Consumer Price Index ("CPI") for the year immediately preceding the year of adjustment; provided that no annual increase shall be less than 2% (even if applicable CPI is less than 2%). CPI, for purposes of this policy document, 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.

### 3.4.3 Removal of Tolls

As also reflected in the Amended and Restated Market Valuation Agreement for the Loop 375 César Chávez – Border Highway Managed Lanes Project dated April 18, 2011, in the event the Gross Toll Revenues do not meet or exceed the Toll Collection and Operation Costs by the later of 2028 or the date which is 15 years after the opening of the Managed Lanes to traffic, the Managed Lanes will revert to a non-toll facility unless there is an affirmative action of the Transportation Policy Board of the El Paso Metropolitan Planning Organization to allow the Managed Lanes to continue to be operated as a toll facility beyond that date.

### 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. CRRMA 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 CRRMA Board recognizes that the amount of the Administrative Fee should be subject to periodic revision when collection costs and associated matters are considered. Therefore, the CRRMA may periodically reevaluate collection costs and may revise the associated Administrative Fees accordingly. Administrative Fees may also be waived by the CRRMA 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 CRRMA 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 CRRMA toll facilities and maximize the use of toll tags in lieu of the use of VTC transactions at its toll facilities, the CRRMA may from time to time conduct promotions and marketing activities. Accordingly, the CRRMA may offer customer incentives and discounts for use of CRRMA toll facilities. Similarly, the CRRMA 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 CRRMA 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 CRRMA 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 CRRMA may also adopt additional toll incentives, discounts and deferrals in the sole discretion of the CRRMA Board of Directors.

## **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 CRRMA'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 CRRMA expressly adopts these provisions and those set forth in the Statutory Rules of the Road. To the extent any conflict arises between the provisions hereof and the Statutory Rules of the Road that cannot be overcome through any reasonable consideration of both, 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. The CRRMA has the authority to alter prima facie speed limits on its toll roads, provided the Procedures for Establishing Speed Zones 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 CRRMA operated toll facilities. The data collected during the Speed Zone Studies are analyzed to determine the 85<sup>th</sup> Percentile Speed. The 85<sup>th</sup> Percentile Speed is the speed at which 85% of the traffic at a specific test site is traveling at or slower. The 85<sup>th</sup> Percentile Speed will be the basis for how the posted speed limit is determined.

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 CRRMA 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 CRRMA operated toll facilities.

#### **4.4 Median Strip**

The median strip is the area between the dual or triple traffic lanes for the purpose of separating traffic. Crossing, driving, parking or stopping on the median strip is prohibited on any CRRMA 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 CRRMA 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 CRRMA toll facilities. Solicitation of rides or "hitchhiking", panhandling, passing of handbills, displaying signs or attempting to sell merchandise is prohibited on CRRMA operated toll facilities. Loitering on any CRRMA 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 CRRMA:

- 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;
- Bicycles or tricycles, with or without motors, and motor driven cycles, including motor scooters, provided, however, that after review of safety and related concerns, the CRRMA may elect to accommodate the use of bicycles within its non-managed lane facilities;
- Farm implements;
- Disabled vehicles in tow by tow-rope or chain;
- Rollers, graders, power shovels or other construction 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 mainlane roadways of CRRMA operated toll roads, weather and road conditions permitting, or owned or controlled by the CRRMA or by any contractor in connection with the performance of work authorized by the CRRMA; 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	13 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.
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#### 4.8 Evasion of Fare

Entering or leaving CRRMA operated toll facilities or any part of its right of way except through the regular tolled lanes or ingress and egress 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 CRRMA 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.

### 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
CRRMA	Camino Real Regional Mobility Authority
CPI	Consumer price index
Managed Lane	A lane or lanes on a grade separated highway that are separate from the general purpose lanes and tolled to manage performance and generate revenue.
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
Time of Day Pricing	Toll rate pricing that is set according to traffic volumes at various times of the day. Rates do not change within a time-of-day period, but traffic data is reviewed periodically to adjust rates based on trends in traffic volume.
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]

