



Harris County Toll Road Authority

330 Meadowfern Drive
Houston, Texas 77067-3295
832.601.7800
Fax 281.875.6941

April 22, 2008

Commissioners Court
Administration Building
Houston, Texas 77002

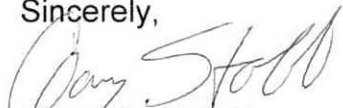
Vote of the Court:	Yes	No	Abstain
Judge Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBJECT: Recommendation that Commissioners Court Adopt the Harris County Toll Roads Non-Revenue Usage Policy

Dear Court Members:

It is recommended that the Harris County Toll Roads Non-Revenue Usage Policy be adopted for the Harris County Toll Road system. The Harris County Toll Road Authority was authorized on July 10, 2007, to coordinate with the County Attorney, County Auditor, and any other necessary County department to develop and ultimately recommend to Commissioners Court a comprehensive policy for toll road non-revenue usage. The policy minimizes the granting of free passage, while ensuring all legal requirements and public safety issues are addressed.

Sincerely,


Gary Stobb, P.E.
Director

GS/ajl

cc: Art Storey
Peter Key
Ed Smith
Patti Evans
Kay Aune
Agenda File
Reading File

08 APR 16 AM 9:03
HARRIS COUNTY
MANAGEMENT SERVICES

Presented to Commissioner's Court

APR 22 2008

APPROVE G/E
Recorded Vol 252 Page 33-37

TRA-copy

Adm. copy

Budget (Nestle) copy

HARRIS COUNTY TOLL ROADS NON-REVENUE USAGE POLICY

Definitions. As used in this policy, the following terms shall be understood to have these meanings:

“Harris County” means Harris County, Texas and the Harris County Flood Control District.

“HCTRA” means the Harris County Toll Road Authority.

“Toll Roads” means any or all of the roads made part of the Harris County Toll Road system.

“Bond Indentures” means the various covenants and indentures contained within the revenue bonds that finance construction of the Toll Roads.

Section 1. Declaration of Policy. In order to comply with applicable statutes of the State of Texas and the Bond Indentures, Harris County declares that there shall be no free service granted to vehicles using the Toll Roads, except as provided herein.

Section 2. Findings. It is hereby found, determined, and declared that allowing free passage to the vehicles described in Section 3 below is in the public interest and in the interest of the Toll Roads; will facilitate public safety and mobility; develop public and governmental awareness, support, and acceptance of the Toll Roads; and promote enhanced use and increase total revenue collections.

Section 3. Categories of Free Passage on Toll Roads.

Section 3.1 Vehicles.

1. Marked police vehicles, fire department vehicles, and ambulances are permitted free passage.
2. Authorized emergency vehicles identified in Texas Transportation Code §541.201 (as amended from time to time by the Texas Legislature) are permitted free passage.
3. Vehicles designated by the Department of Public Safety as emergency vehicles during disasters declared by the governor of Texas are permitted free passage on the Toll Roads (Texas Transportation Code §546.006).
4. Individual military vehicles and convoys are permitted free passage to the greatest extent practicable, considering the technological and personnel limitations of operating the toll project (Texas Transportation Code §362.901). Vehicles which are clearly identifiable as military vehicles may use the electronic tolling lanes. Military vehicles that are not clearly identifiable as military vehicles should use the collector lane and “sign through” on a log maintained by the collector in order to obtain free passage. Vehicles not clearly identifiable as military vehicles will not be allowed free passage on toll roads where there are no collector lanes.

5. Vehicles that are part of a funeral procession are permitted free passage on the toll road system under these conditions:
 - a. HCTRA is notified of the procession at least 24 hours in advance;
 - b. HCTRA's Director determines that it is in the interest of public safety that the procession be routed onto the toll road system;
 - c. the procession is escorted by certified peace officers; and
 - d. the procession enters and exits the toll road system outside of these hours: Monday through Friday – 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m.
6. Processions and motorcades for heads-of-state and dignitaries are permitted free passage if the procession or motorcade is escorted by the United States Secret Service, Texas Department of Public Safety, or other law enforcement agency charged with the responsibility for the safety and security of the head-of-state/dignitary.
7. Harris County owned/leased vehicles are permitted free passage on the toll road system while used in the performance of County business. With the exception of authorized emergency vehicles covered in Section 3.1.2., a Harris County employee who is assigned a County vehicle and authorized to take the vehicle home will be required to reimburse HCTRA for tolls incurred when not doing County business. The reimbursement to HCTRA should include all commuting and any de minimis personal usage throughout the day.

Section 3.2. Individuals. The following individuals are permitted free passage in the specified situations described below:

1. Current federal and state military members with Military ID are permitted free passage through collector lanes. The military member will be required to present valid military ID and sign a non-revenue sheet for free passage. Free passage is not available on Toll Roads with no collector lanes or through combination collector/electronic tolling lanes if the military member's vehicle is equipped with an EZ TAG device.
2. HCTRA employees who must incur a toll to access or depart their duty station will be permitted free passage for that purpose. These duty stations are the Hardy North Toll Plaza, Hardy South Toll Plaza, Sam Houston North Toll Plaza, and Sam Houston South Toll Plaza. These employees are permitted sign through privileges or may obtain a reimbursement for the incurred toll through the Harris County reimbursement process detailed in the Harris County Auditor's Office Accounting Procedure I.1-2, *Mileage Reimbursement*.
3. HCTRA employees assigned to the Sam Houston Toll Bridge or Sam Houston East Plaza, and whose most practical and reasonable route to work includes crossing the Toll Bridge are permitted sign through privileges for the Toll Bridge to access or depart their duty station.
4. HCTRA employees who, during their work day, must use the Toll Roads on HCTRA-related business in their private vehicles are permitted sign-through privileges upon presentation of proper authorization.
5. All Harris County employees may use the Harris County reimbursement process, detailed in the Harris County Auditor's Office Accounting Procedure

1.1-2, *Mileage Reimbursement*, to obtain reimbursement for tolls incurred in carrying out County business.

Section 3.3. Circumstances. It is the intent of this policy to authorize personnel to react quickly to emergencies and events that endanger public safety and/or jeopardize human life while staying within the guidelines provided by applicable bond indentures. Where sufficient notice of an impending catastrophic event allows a reasonable opportunity for Commissioners Court to convene and act, authority to permit free passage on the Toll Roads must be obtained from Commissioners Court. When the emergency or event is unexpected or unforeseen, this policy strives to delegate authority to persons in the best position to exercise informed judgment in a manner that is timely and appropriate to the situation that exists.

The County Judge is authorized to permit free passage on part or all of the Toll Roads when a large-scale emergency or calamity (natural or man-made) threatens public safety and necessitates the immediate evacuation or relocation of large numbers of people that may obstruct or impede rapid movement on the Toll Roads.

In the event of a localized emergency or condition (such as refinery explosions, gas leaks, hazardous material spills, flooding, traffic accidents, lane closures, etc.) that substantially threatens public safety and mobility, an on-site Incident Management certified peace officer may permit limited free passage for a period of no more than one hour. Approval of the County Judge, Executive Director of Harris County Public Infrastructure, or the Director of HCTRA must be obtained to extend free passage beyond the initial one-hour period. HCTRA will notify TranStar of localized emergencies and provide the coordination the circumstances require.

Lane and road closures required for construction and maintenance of the Toll Roads should be planned and coordinated so as to have the least impact on traffic flow.

Where such closures are expected to substantially and adversely affect traffic flow and/or threaten public safety, free passage may be permitted by the Director of HCTRA, the Executive Director of Harris County Public Infrastructure, or their designee.

HCTRA may elect to not collect tolls at ramps on dates or during hours where the Director concludes that the amount of vehicle traffic at those ramps and the tolls likely to be collected do not justify the cost of assigning collectors during those times. In addition to this cost/benefit analysis, the Director will consider as a factor in making the decision the safety of any toll collector who may be assigned to work the ramp.

When opening a new road project or segment, HCTRA's Director may designate a time period where free passage may be permitted to allow for testing of the infrastructure supporting the toll collection process. If the test period needs to exceed 45 days, HCTRA's Director should obtain authorization from Commissioners Court to extend the test period.

Section 4. Contractors. Contractors will not be permitted free passage unless specifically provided for through the contracting process.

Section 5. Privately Owned Vehicles. Unless specifically addressed in Section 3. of this policy, privately owned vehicles will not be permitted free passage without specific approval from Commissioners Court.

A non-accountable car allowance is paid in lieu of reimbursement for mileage, parking, tolls, or other auto related expenditures incurred within the Harris County limits. Individuals who receive non-accountable car allowances are not permitted free passage, with the exception of law enforcement personnel covered under Section 3.1.1.

Section 6. Items Not Addressed. Any free vehicular passage and/or temporary closure of the Toll Roads that has not been addressed through this policy must be approved and authorized by Commissioners Court on a case by case basis.

Section 7. Ratification of Prior Actions. All prior actions, policies and determinations with respect to permitting vehicles to use the Toll Roads without paying tolls are hereby ratified and affirmed and determined to have been in the public interest or the interest of the Toll Roads during the period they were in effect within the meaning of the Bond Indentures.

Section 8. Conformity With Bond Indentures. Notwithstanding anything contained herein to the contrary, it is the intention of the Commissioners Court of Harris County to provide for the collection of tolls from vehicles using the Toll Roads in conformity with the requirements of the Bond Indentures. The County expressly reserves the right to take such further actions as shall be required by, permitted under or consistent with the terms of such Bond Indentures, including, without limitation, providing for the use of commutation or other tickets or privileges based upon frequency or volume or other method which the Traffic Engineers (as defined in the Bond Indentures) may recommend will produce the maximum amount of net revenues to the Toll Roads and/or take such actions with respect to the collection of tolls as may be recommended by the Traffic Engineers consistent with the terms of the Bond Indentures.

Section 9. Effective Date. This Order shall take effect from and after the date of adoption.

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ____ day of _____, 2008 with the following members present, to-wit:

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Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Sylvia R. Garcia	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4

and the following members absent, to-wit: none,
constituting a quorum, when among other business, the following was transacted:

**ORDER ADOPTING HARRIS COUNTY TOLL ROADS
NON-REVENUE USAGE POLICY**

Commissioner Garcia introduced an order and made a motion that the same be adopted. Commissioner Eversole seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Vote of the Court	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the Order had been duly and lawfully adopted. The Order adopted reads as follows:

Recitals

The County's Toll Road Authority desires Commissioners Court to adopt a non-revenue usage policy that identifies circumstances where free passage on the County's toll roads is allowed.

Now, therefore, be it Ordered by the Commissioners Court of Harris County:

1. That the recitals set forth in this Order are true and correct.
2. That the Harris County Toll Roads Non-Revenue Usage Policy, a copy of which is attached and incorporated herein, is adopted and shall govern circumstances where free passage on the County's toll roads is appropriate.
3. All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.