

September 16, 2024

FORT BEND COUNTY TOLL ROAD AUTHORITY

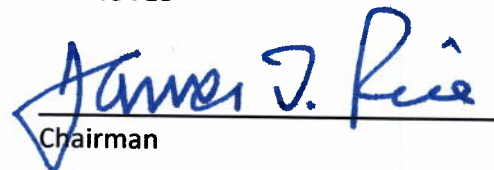
Resolution for Agenda Item 4.e.

RE: Resolution approving recommended changes to Toll Rate Order, including new toll schedule for additional gantries, and request to submit recommended changes to Commissioners Court for further action

The Board of Directors of the Fort Bend County Toll Road Authority (the "Authority") hereby recommends that the Commissioners Court of Fort Bend County, Texas, approve the changes supplementing and clarifying the toll rate order for Authority toll projects, including adding a new rate schedule for additional gantries, all as shown in the proposed Third Supplemental Order to Toll Rate Order attached to this Resolution as Exhibit A.

The Board further directs legal counsel to the Authority to submit this Resolution, together with the recommended changes in the Third Supplemental Order shown in Exhibit A, to Commissioners Court with a recommendation from the Board for Commissioners Court to take further action approving the recommended changes.

APPROVED


Chairman

ATTESTED:

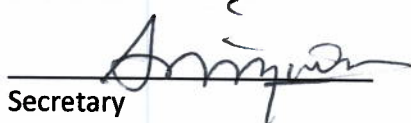

Secretary

Exhibit A

THIRD SUPPLEMENTAL ORDER TO TOLL RATE ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

The Commissioners Court of Fort Bend County, Texas, (“Commissioners Court”) convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the _____ day of _____, 2024, at the County Courthouse, with a quorum of said Court present:

Whereupon, among other business the following was transacted at said meeting: a written order entitled:

THIRD SUPPLEMENTAL ORDER SUPPLEMENTING AND CLARIFYING TOLL RATE ORDER AND ADDING ADDITIONAL GANTRIES TO THE TOLL RATE SCHEDULE FOR THE FORT BEND PARKWAY AND WESTPARK TOLLWAY

(“Order”) was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved by _____ and seconded by _____ that the Order be passed; and, after due discussion, the motion, carrying with it the passage of the Order, prevailed and carried by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

The County Judge thereupon announced that the Order has been duly and lawfully adopted. The Order thus adopted follows:

THIRD SUPPLEMENTAL ORDER SUPPLEMENTING AND CLARIFYING TOLL RATE ORDER AND ADDING ADDITIONAL GANTRIES TO THE TOLL RATE SCHEDULE FOR THE FORT BEND PARKWAY AND WESTPARK TOLLWAY

BACKGROUND

The Fort Bend County Toll Road Authority (“Authority”) is operating the Fort Bend Parkway and Westpark Tollway Toll Roads on behalf of Fort Bend County (“County”); and

The Authority desires to supplement and clarify policies and procedures relating to toll collection and violation enforcement on the Fort Bend Parkway and Westpark Tollway, as provided herein, and to establish to a toll rate schedule for the Sienna Ranch Road Ramp Plaza on the Fort Bend Parkway and the Grand Parkway Direct Connector Plaza on the Westpark Tollway as shown on Schedule 1, attached hereto;

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS THAT:

The Amended and Restated Order Establishing a Toll Rate Schedule for the Fort Bend County Toll Road System; Prohibiting the Operation of a Motor Vehicle on the Road System After Failure to Pay Required Toll or Charge; Establishing an Administrative Adjudication Hearing Procedure for Violation of this Order; Containing Other Provisions Relating to the Subject dated April 6, 2021, the Supplemental Order Establishing a Toll Rate Schedule for the Fort Bend Parkway and Westpark Tollway dated January 11, 2022, and the Second Supplemental Order Supplementing and Clarifying Toll Violation Enforcement Procedures dated September 27, 2022 (collectively, the “Rate Order”), are hereby further supplemented and amended as follows:

SECTION 1. The following replaces the first paragraph of Section 3 of the Rate Order:

“Section 3. Toll Rates; Toll Payment Required.

Unless otherwise exempt by State law or the County’s Non-Revenue and Discount Use Policy, all persons operating vehicles on a County Toll Road System are required to pay tolls at designated toll plazas thru the use of a prefunded toll account. The required toll at each toll plaza of the County Toll Road System is established as those tolls and charges shown on Exhibit A.”

SECTION 2. The following replaces Section 4 of the Rate Order:

“Section 4. Failure to Pay Toll.

Unless otherwise exempt, no person may operate a motor vehicle, or cause or allow the operation of a motor vehicle on the County Toll Road System without a pre-funded toll account.”

SECTION 3. The following replaces Section 5 of the Rate Order:

“Section 5. Toll Violation Notice and Opportunity to Pay Required Toll, Charge, and Fee.

If a person uses a Fort Bend County Toll Road in violation of this Order, the County, the Authority or the appropriate designee shall attempt to collect the required toll as provided in this Section 5, plus the associated fees and charges shown in **Exhibit B**.

First, the County, the Authority or the appropriate designee shall provide to the registered owner of the vehicle a written Courtesy Notice of the unpaid toll.

Second, if the registered owner fails to pay the full amount due as shown on the Courtesy Notice within thirty (30) days of the date of the Courtesy Notice, or has received 5 Courtesy Notices in 365 calendar days that remain unpaid, all future violation notices within the 365 calendar day period will bypass the Courtesy Notice, the County, the Authority or the appropriate designee shall provide to the registered owner of the vehicle a written Toll Violation Notice (TVN).

Third, if the registered owner fails to pay the full amount due as shown on the TVN within thirty (30) days of the date of the TVN, the County, the Authority or the appropriate designee shall provide, to the registered owner of the vehicle, a written Final Toll Violation Notice (FTVN).”

SECTION 4. Exhibit A to the Rate Order is amended by adding the toll rate schedule for the Sienna Ranch Road Ramp Plaza on the Fort Bend Parkway and the Grand Parkway Direct Connector Plaza on the Westpark Tollway as shown on Schedule 1, attached hereto.

SECTION 5. Exhibit B to the Rate Order is amended by striking “Initial Notice” and replacing it with “Courtesy Notice” and adding the following to the end of **Exhibit B**:

Additional fine amounts are added to a citation based upon the amount owed prior to a hearing, as follows:

<u>Amount Outstanding</u>	<u>Additional Fine</u>
\$1-\$100	\$50
\$101-\$200	\$75
\$201-\$300	\$100
\$301-\$400	\$150
\$401-\$500	\$200
\$501-\$600	\$250
\$601-\$700	\$350
\$701-\$800	\$400
\$801-GREATER	\$500

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PASSED AND APPROVED this ____ day of _____, 2024

FORT BEND COUNTY

K.P George, County Judge

ATTEST:

Laura Richard, County Clerk
Clerk of the Commissioners Court of
Fort Bend County, Texas

Schedule 1

The following is added to **Exhibit A** of the Rate Order

Toll Rate Schedule
Fort Bend County Toll Road System
Effective September 2024

Fort Bend Parkway

Sienna Ranch Road Ramp Plaza

<u>Vehicles</u>	<u>Toll Rate</u>	<u>Toll Rate for Non-Tag Transactions</u>	<u>Toll Rate for Non-Revenue and Exempt Vehicles</u>
2 axle	\$0.49	\$0.74	\$0.00
3 axle	\$0.98	\$1.23	\$0.00
4 axle	\$1.47	\$1.72	\$0.00
5 axle	\$1.96	\$2.21	\$0.00
6 axle	\$2.45	\$2.70	\$0.00

Westpark Tollway

Grand Parkway Direct Connector Plaza

<u>Vehicles</u>	<u>Toll Rate</u>	<u>Toll Rate for Non-Tag Transactions</u>	<u>Toll Rate for Non-Revenue and Exempt Vehicles</u>
2 axle	\$0.75	\$1.00	\$0.00
3 axle	\$1.50	\$1.75	\$0.00
4 axle	\$2.25	\$2.50	\$0.00
5 axle	\$3.00	\$3.25	\$0.00
6 axle	\$3.75	\$4.00	\$0.00

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

We, the undersigned officers of the Commissioners Court (“Court”) of Fort Bend County, Texas (“County”), do hereby certify as follows:

1. That we are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the Order described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the Order (“Order”), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. That the Order has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Order; that the County Judge and the County Clerk of the County have duly signed and attested the Order and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Order for all purposes; and that the Order, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. That each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Order would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

6. That written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which the Order and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Governmental Code, as amended.

SIGNED AND SEALED the ____ day of _____, 2024

Laura Richard, County Clerk
Clerk of the Commissioners Court of
Fort Bend County, Texas

K.P George, County Judge

THE STATE OF TEXAS §
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I, the undersigned, County Clerk and Ex-Officio Clerk of the Commissioners Court of Fort Bend County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an Order of the Commissioners Court which was passed and adopted on the ____ day of _____, 2024, together with a copy of so much of the minutes as show the canvassing of the Court, the names of the members present and absent and the passage and adoption of such Order, all as same appears of record in the minutes of said Court and on file in my office.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, this ____ day of _____, 2024.

LAURA RICHARD
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Fort Bend County,
Texas

By:_____