



**COUNTY JUDGE**  
Fort Bend County, Texas

**AGENDA ITEM**  
**23**

Robert E. Hebert  
County Judge

(281) 341-8608  
Fax (281) 341-8609

October 20, 2009

Mr. John A. Barton, P.E.  
Assistant Executive Director  
Engineering Operations  
Texas Department of Transportation  
125 E. 11<sup>th</sup>  
Austin, Texas 78701-2483

Re: TxDOT Pass Through Toll Proposal

Dear Mr. Barton,

Fort Bend County Commissioners Court received your Proposal dated October 19, 2009, this morning, October 20, 2009. The Fort Bend County Commissioners Court formally voted to accept the Pass Through Toll Proposal, subject to a final review of the numbers and execution of the definitive agreement.

Very truly yours,

A handwritten signature in black ink that reads "Robert E. Hebert". The signature is written in a cursive, flowing style.

Robert E. Hebert  
County Judge

cc: Delvin L. Dennis, P.E. Houston, District Engineer, TxDOT  
Mark A. Marek, P.E., Director Design Division, TxDOT  
Mark E. Tomlinson, P. E. Director, Texas Turnpike Authority Division, TxDOT  
John D. Ewald, Office of General Counsel, TxDOT  
Jesse Hegemier, P.E., Fort Bend County Engineer



# Texas Department of Transportation

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

October 20, 2009

Jesse Hegemier, P.E.  
Fort Bend County Engineer  
1124-52 Blume Road  
Rosenberg, Texas 77471

RE: Pass Through Toll Negotiations  
Date: October 15, 2009; 9:00 -10:00 am  
Applicant: Fort Bend County (county)

Projects:

A: Phase 1 - The initial phase will consist of building a pair of one-way frontage roads from SH 99 (meet and match recently constructed frontage road alignments) west to transition to FM 1093, at the eastern boundary of the city limits of Fulshear.

B: Phase 2 - The second phase of development will involve constructing approximately six miles of express lanes to interstate highway standards from east city limits of Fulshear to SH 99. The highway section would consist of two 12-foot lanes and 10-foot outside and four-foot inside paved shoulders in each direction. *(The Fort Bend County Toll Road Authority will fund all of the stages of development, including construction of Phase 2.)*

C: Phase 3 – The third and last phase would be to make improvements to FM 1093 for approximately 2 miles to develop a two-lane in each direction, a “parkway” section highway from James Lane to FM 359/FM 1093, and then continuing to the east city limits of Fulshear.

Dear Mr. Hegemier:

The Texas Department of Transportation (TxDOT) would like to thank you for your time and efforts in the negotiation process for your selected pass-through toll proposal. I realize this process is being expedited and the schedule is aggressive. But, as noted in my previous letter sent to your office earlier this month, it is essential to successfully negotiate your proposal by October 23, 2009, as per the approved minute order. Therefore, I appreciate your cooperation as we strive to meet this deadline.

Listed below, for your review, are the following project development items and financial terms that were discussed and agreed upon by the county and TxDOT in our recent negotiation meeting and/or conference call.

- The scope of work and limits for Phase I and III are defined as shown above. These two projects will be part of the pass-through toll agreement. The typical sections for Phase I and Phase III, as agreed upon, are included as Attachment 1.

THE TEXAS PLAN


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INCREASE THE VALUE OF OUR TRANSPORTATION ASSETS

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- For the Phase I portion, the county will be responsible for preparing the schematic, the project design (plans, specs, estimates), and the environmental documents. The county will also be responsible for any right of way acquisition, any utility relocation, project letting, and construction management.
- For the Phase III portion, the county will be responsible for preparing the schematic, the project design (plans, specs, estimates), and the environmental documents. The county will also be responsible for any right of way acquisition, any utility relocation, project letting, and construction management.
- TxDOT and the county have tentatively negotiated the following financial terms for the pass-through toll agreement:
  - The total reimbursement through pass-through tolls for the construction of the project will be \$39,600,000;
  - the per-vehicle-mile reimbursement rate will be \$0.08 per vehicle-mile;
  - the minimum annual reimbursement for the project once it is opened to traffic will be \$1,980,000; and
  - the maximum annual reimbursement for the project once it is opened to traffic will be \$3,960,000.

Please provide me with a written response indicating whether the negotiated items described above are acceptable to the county after your review of these listed items and financial terms. Your response must be received by October 23, 2009, in order to proceed with the development of this potential pass-through toll agreement. If you should have any questions or need additional information, please feel free to contact me at (512) 305-9504.

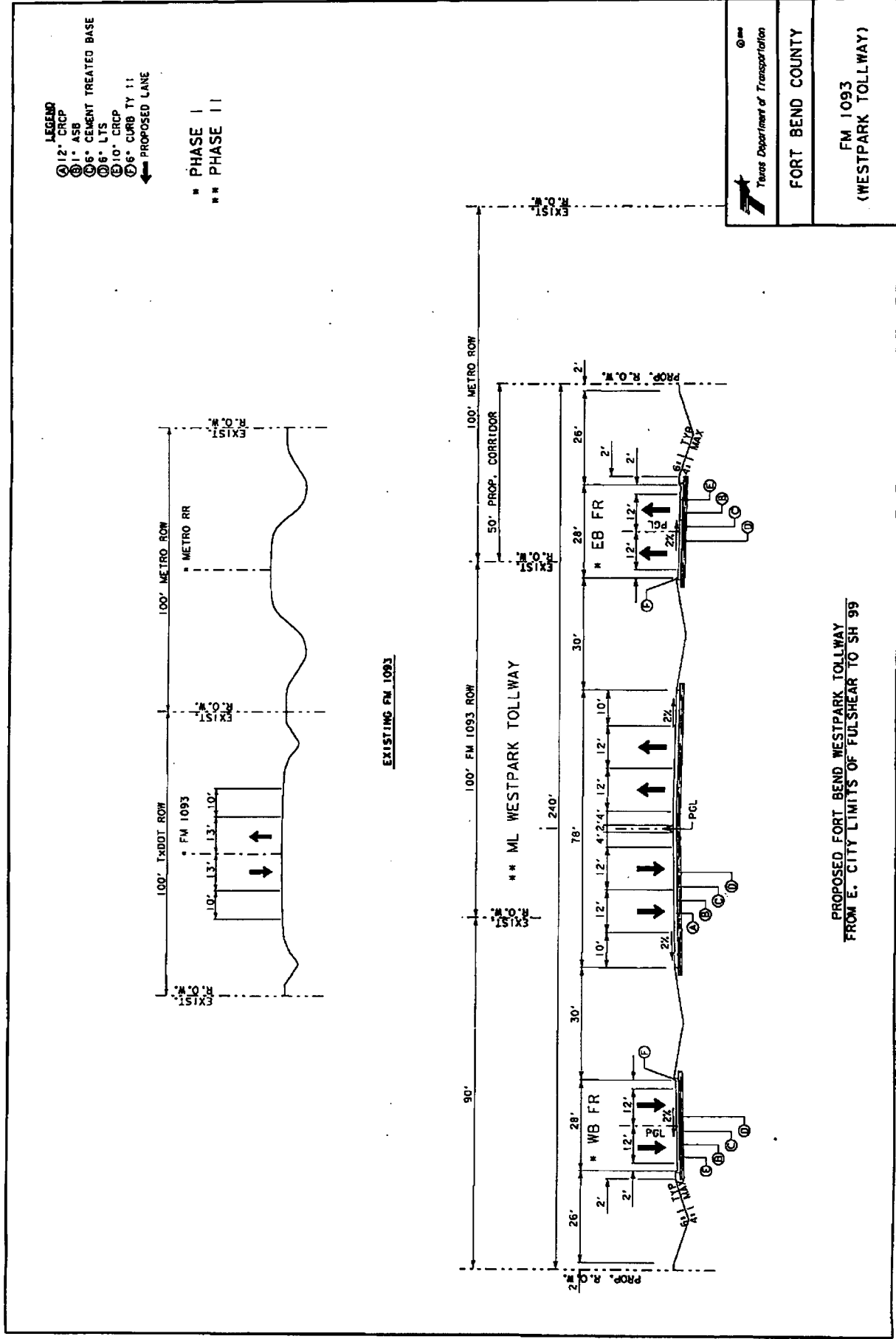
Sincerely,

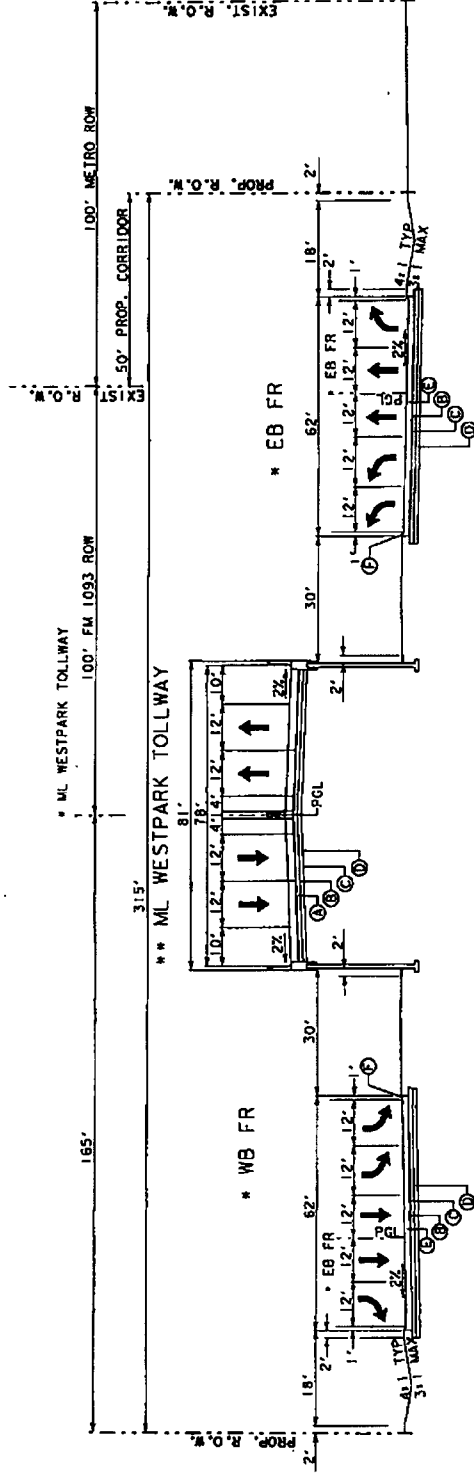


John A. Barton, P.E.  
Assistant Executive Director  
Engineering Operations

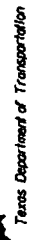
Attachment

cc: Delvin L. Dennis, P.E., Houston District Engineer, TxDOT  
Mark A. Marek, P.E., Director, Design Division, TxDOT  
Mark E. Tomlinson, P.E., Director, Texas Turnpike Authority Division, TxDOT  
John D. Ewald, Office of General Counsel, TxDOT





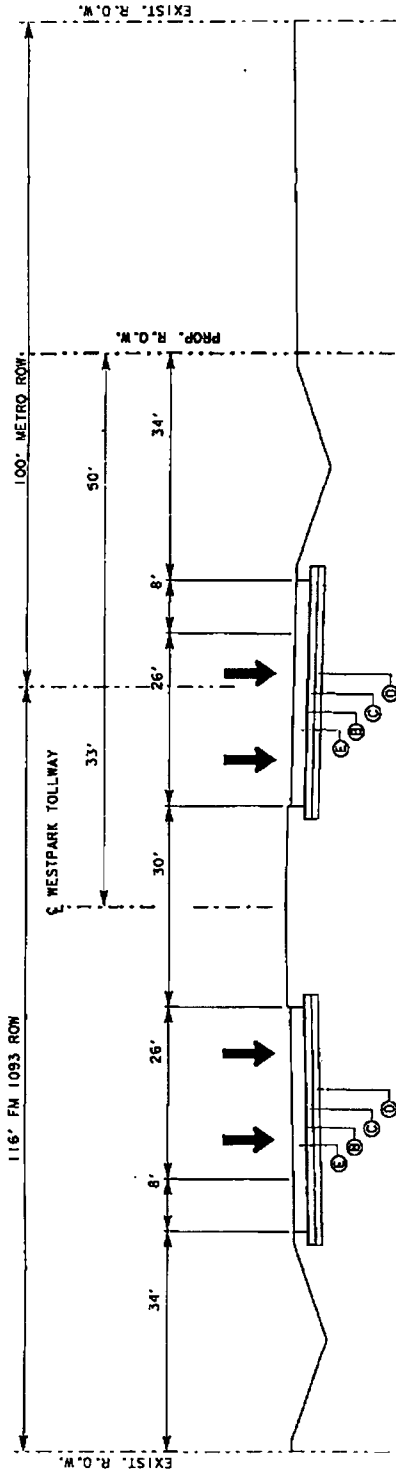
PROPOSED FORT BEND WESTPARK TOLLWAY  
FROM E. CITY LIMITS OF FULSHEAR TO SH 99



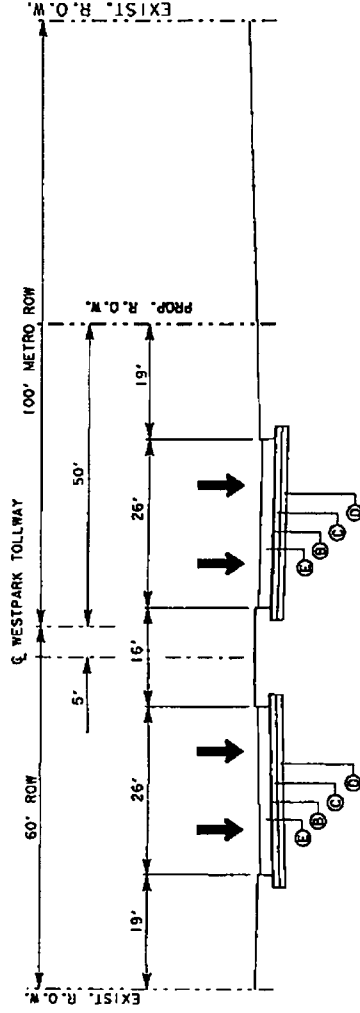
FM 1093  
(WESTPARK TOLLWAY)

- LEGEND
- ① 12" CRCP
  - ② 1" ASP
  - ③ 6" CEMENT TREATED BASE
  - ④ 6" LTS
  - ⑤ 10" CRCP
  - ⑥ 6" CURB TY 11
  - PROPOSED LANE

• PHASE 3



FM 359  
FROM FM 1093 TO E. CITY LIMIT OF FULSHEAR



FM 1093  
FROM JAMES LANE TO FM 359



FORT BEND COUNTY

FM 1093  
(WESTPARK TOLLWAY)