

# Texas Department of Transportation

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

April 20, 2010

The Honorable Dan A. Gattis  
Williamson County Judge  
710 Main Street, Suite 101  
Georgetown, Texas 78626

Re: Amendment No. 2 to the Williamson County Pass-Through Agreement for Payment of Pass-Through Tolls by the Department (TxDOT Contract No. PT 2005-001-01)

Dear Judge Gattis:

Please find enclosed one (1) executed original Amendment No. 2 to the Pass-Through Toll Agreement between the Williamson County, Texas and the Texas Department of Transportation.

If you have questions, please feel free to call me at (512) 374-5120.

Sincerely,

Janice Mullenix  
Director of Contract Services  
General Services Division

JM: wb

cc: John A. Barton, P.E., Engineering Operations  
Rene Garcia, P.E., Design Division  
Carlos A. Lopez, P.E., Austin District Engineer

Enclosure

## Article 11. Repayment

### 11. Repayment

- a. This paragraph applies until the Project as a whole is substantially complete and all highway improvements are open to the public. The Department shall reimburse the Developer by paying a semi-annual amount equal to \$0.10 for each vehicle-mile traveled on the highway improvements that were substantially complete and open to the public at any time during the previous year. The total cumulative reimbursement by the Department shall not exceed 87% of the Developer Participation shown in **Attachment C-1** for the highways that are substantially complete and are open to the public. For each highway improvement that is opened after the first highway improvement, the number of vehicle-miles traveled on the Project during the previous year shall include vehicle-miles traveled on the newly opened highway improvement beginning on the date that the newly opened highway improvement is substantially complete and opened to the public.
- b. This paragraph applies after the Project as a whole is substantially complete and all highway improvements are open to the public. The Department shall reimburse the Developer by paying a semi-annual amount equal to \$.10 for each vehicle-mile traveled on the Project during the previous year. The annual reimbursement will be no less than \$7,523,100 and no more than \$15,046,200. Under no circumstances will the total payments under this article during the course of this agreement exceed \$150,462,000 unless this agreement is amended.
- c. The number of vehicle-miles traveled on the Project during a year will be based on the Department's traffic estimates, which shall be derived from a mutually agreed upon counting method and performed in good faith and shall be conclusive and not subject to litigation in any forum.
- d. The semi-annual payment shall be made within 60 days after the first six months of the date on which the first highway improvement is substantially complete and opened to the public. Subsequent semi-annual payments shall be made on or before each succeeding six month anniversary of the first semi-annual payment.

**ATTACHMENT B-1****PROJECT DESCRIPTION AND SCOPE OF WORK**

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**US 79****(Hutto to CR 402)**

US 79 is a major highway connecting the cities of Round Rock and Taylor with the IH 35 corridor. It is a four-lane undivided roadway with an intermittent center turn lane at some intersections. This project will improve the 4.3 mile section from just east of the Hutto city limits to CR 402. Improvements will consist of upgrading the roadway to a four-lane divided section for approximately 2.8 miles with median openings and left-turn bays at the significant intersections. Approximately 1.5 miles will be upgraded to a 4-lane divided with a flush median. Existing (2003) annual average daily traffic count for this section of US 79 east of Hutto is 16,200.

The 90% Environmental Assessment has been submitted and is pending approval. The Schematic is complete and has been submitted to TxDOT for review. Some right-of-way has been acquired. PS&E has not been started.

The construction cost of this project is estimated at \$11,914,000. Right-of-Way and Utility costs are estimated at \$2,500,000.

**FM 1660 Realignment****(CR 134 to CR 101)**

FM 1660 is a two-lane State facility running east of the cities of Round Rock and Georgetown through the City of Hutto. This project would relocate approximately 7.5 miles of the roadway from the CR 134 intersection at the south end to CR 101 intersection at the north. The purpose of the project is to divert the significant traffic volumes (including substantial truck traffic) out of downtown Hutto. Two lanes will be built in the interim – ultimately, a four-lane divided section is planned. Existing (2003) annual average daily traffic count for this section of FM 1660 north of Hutto is 3,400.

The Environmental Assessment has been submitted. The Schematic has been submitted to TxDOT for approval. No right-of-way has been acquired. PS&E has not been started.

The construction cost of this project is estimated at \$17,000,000. Right-of-Way and Utility costs are estimated at \$2,000,000.

**SH 29 / IH 35 Interchange**

This project would improve the operation of the existing interchange through the construction of northbound and southbound U-turn lanes for the IH 35 frontage roads, as well as additional improvements to the intersection approaches. No widening of the existing bridge is anticipated. The FY 2003 average daily traffic count for this section of SH 29 is 13,900.



The Environmental Assessment process is planned to be completed by early 2007. Schematic development and PS&E should be complete by late 2007. No right-of-way has been acquired.

The construction cost of this project is estimated at \$4,100,000, with no additional right-of-way required.

### **US 79 (East of Taylor to County Line)**

US 79 is a four-lane undivided major arterial providing a link between eastern Williamson County and the cities of Taylor, Hutto, and Round Rock. US 79 is part of the State's Trunk system. This project would improve the roadway to a four-lane divided section to improve safety for turning movements to intersecting roadways and businesses. Through the City of Thrall, the roadway will be upgraded to a 4-lane divided with flush median. The FY 2003 average daily traffic count for this section of US 79 is 7,200.

The Environmental Impact Statement process, including schematic development, should be completed by mid 2006. Most right-of-way has been acquired along this segment of US 79. PS&E is planned to be completed by mid 2008.

The construction cost of this project is estimated at \$35,414,000. Right-of-Way and Utility costs are estimated at \$2,300,000.

### **US 183 (183A to North of SH 29)**

US 183 is a four-lane undivided major arterial that will carry an ever-increasing amount of traffic as development continues north of Leander and other sections of northwest Williamson County. This project, starting at the northern terminus of the 183-A tollway would improve this segment of roadway by constructing a 4-lane rural frontage system on an average of 400 feet of right of way. The main lanes could be built as an extension of the CTRMA's 183-A toll road. The FY 2003 average daily traffic count is 13,100.

The Environmental Assessment process, including schematic development, should be completed by July, 2007. No right-of-way has been acquired at this point. PS&E is planned to be completed by July, 2008.

The construction cost of this project is estimated at \$18,621,000. Right-of-Way and Utility costs are estimated at \$5,500,000.

### **FM 2338 (FM 3405 to Ronald Reagan Blvd.)**

FM 2338 is a rural two lane state facility running west from IH 35 in Georgetown. TxDOT has a funded project to improve FM 2338 to FM 3405. This project would continue the States 5-lane rural section from FM 3405 to proposed Ronald Reagan Blvd. Ronald Reagan Blvd. is a major 4-lane north-south arterial being constructed (FM 1431 to FM 2243 open to traffic; FM 2243 to

FM 3405 under construction; and FM 3405 to FM 2338 start construction Summer 2006) located in Western Williamson County halfway between US 183 and IH 35.

The construction cost of the project is estimated at \$7,900,000. Right-of-Way and Utility costs are estimated at \$2,000,000. The FY 2003 average daily traffic count is 7,400.

## Attachment C-1

## Budget

## Williamson County Multi-Corridor Transportation Program Phase I (2005 \$ in 1,0

Projects (2005-2008)	CSJ	Construction	ROW	PS&E/CEI	Subtotal	Inflation Adjustment	Approve Pass Thro Toll Amount (Department)
US 79 From 1000' East of FM 1660 to CR 402	0204-02-027, etc	\$11,914	\$2,350	\$3,700	\$17,964	\$2,874	\$20
US 79 From US 79-B East of Taylor to Milam County Line	0204-04-040 0204-04-042	\$35,414	\$2,100	\$8,000	\$45,514	\$7,282	\$52
FM 1660 From CR 101 North of Hutto to FM 3349	1566-01-009	\$17,000	\$1,980	\$3,700	\$22,680	\$3,629	\$26
IH 35 NB/SB turnaround structures at SH 29	0015-08-122	\$4,100	\$225	\$980	\$5,305	\$849	\$6
US 183 From 183A to SH 29	0151-04-063, etc	\$18,621	\$4,950	\$3,550	\$27,121	\$4,339	\$31
FM 2338 From FM 3405 to Ronald Reagan Blvd.	2211-01-023	\$7,900	\$1,800	\$1,425	\$11,125	\$1,780	\$12
<b>Total</b>		<b>\$94,949</b>	<b>\$13,405</b>	<b>\$21,355</b>	<b>\$129,709</b>	<b>\$20,753</b>	<b>\$150</b>

**Total Phase I – Williamson County = \$172,890**

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Rene Garcia, P.E., Design Division  
Carlos A. Lopez, P.E., Austin District Engineer

Enclosure



STATE OF TEXAS §

COUNTY OF TRAVIS §

**AMENDMENT TO  
PASS-THROUGH AGREEMENT FOR PAYMENT  
OF PASS-THROUGH TOLLS BY THE DEPARTMENT**

**Amendment Number 2**

**THIS AMENDMENT** to the Pass-Through Agreement for Payment of Pass-Through Tolls by and between the State of Texas, acting by and through the Texas Department of Transportation (the Department), and Williamson County (the Developer), becomes effective when fully executed by both parties.

**BACKGROUND**

The Department and the Developer executed an agreement on the February 22, 2006. The original Agreement was amended on October 23, 2007, to remove the reference to concurrent environmental reviews. It has become necessary to amend the contract due to changes to the Project Costs and Repayment.

**AGREEMENT**

The Department and the Developer agree that the contract is amended as follows:

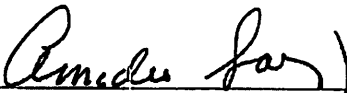
- 1) Article 11. Repayment, of the original Agreement is deleted in its entirety and replaced by Article 11, contained herein.
- 2) Attachment B Project Description and Scope of Work, of the original Agreement is deleted in its entirety and replaced by Attachment B-1, contained herein.
- 3) Attachment C Budget, of the original Agreement is deleted in its entirety and replaced by Attachment C-1, contained herein.

All other terms and conditions of the above numbered agreement not hereby amended remain in full force and effect.

Texas Department Of Transportation

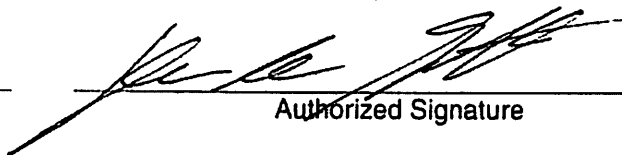
Williamson County

Developer's Name



Authorized Signature

Amadeo Saenz, Jr., P.E.  
Executive Director  
Texas Department of Transportation  
Type Or Printed Name And Title



Authorized Signature

Dan A. Gattis  
County Judge  
Williamson County  
Typed Or Printed Name And Title

Date: 4/15/10

Date: 3-5-2010