

# Brazoria County Toll Road Authority

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## Non Revenue Usage Policy



## BRAZORIA COUNTY TOLL ROADS

### NON-REVENUE USAGE POLICY

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

“Brazoria County” means Brazoria County, Texas.

“BCTRA” and/or “Authority” means the Brazoria County Toll Road Authority.

“HCTRA” means the Harris County Toll Road Authority.

“Toll Roads” means any or all of the roads made part of the Brazoria County Toll Road system, including the Brazoria County Expressway.

“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. Pursuant to Texas Transportation Code §284.003, Brazoria County is vested with authority, without state approval, supervision, or regulation, to impose tolls or charges for the Toll Roads, except as otherwise provided by applicable law. In order to comply with applicable statutes of the State of Texas, the Texas Constitution, and the Bond Indentures, Brazoria County declares that there shall be no free service granted to vehicles using the Toll Roads, except as provided herein, or as required by applicable law (acknowledging that the Texas Constitution may limit or delay the implementation of applicable law). Brazoria County shall update this policy as may be required by applicable laws of the State of Texas, subject to the provisions of the Texas Constitution, including the limitations and protections contained therein.

Section 2. Findings. It is hereby found, determined, and declared that allowing free passage to the vehicles described in Section 3 below is in conformity with applicable laws of the State of Texas (including but not limited to the Texas Transportation Code, as amended) and the Texas Constitution and, therefore, 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. The following vehicles are permitted free passage on the BCTRA toll road system.

- a. Marked police vehicles, fire department vehicles, and ambulances.
- b. Authorized emergency vehicles identified in Texas Transportation Code §541.201 (as amended from time to time by the Texas Legislature).

- c. Vehicles designated by the Department of Public Safety as emergency vehicles during disasters declared by the governor of Texas (Texas Transportation Code §546.006).
- d. Convoys of military vehicles of the State of Texas, another state, or the United States. Individual military vehicles, including unmarked military vehicles operated by military personnel conducting an emergency preparedness, response, or recovery operation or participating in a training exercise for an emergency preparedness, response, or recovery operation, 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). The preceding sentence does not include military vehicles operated for personal use.
- e. Processions and motorcades for heads-of-state and dignitaries 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.
- f. Vehicles used by non-profit disaster relief organizations that are registered under and in compliance with Texas Transportation Code §502.454. These vehicles must be owned by a non-profit disaster relief organization and used by the organization exclusively for emergencies, training, equipment maintenance, transportation of disaster relief supplies, or other activities related to disaster relief.

Section 3.2 Electronic Toll Tag Required. The following vehicles are permitted free passage on the BCTRA toll road system, provided the vehicle has an electronic toll tag linked to a vehicle and account meeting one of the qualifications below. To the extent permitted by applicable law, the Authority may require an additional registration (“opt in”) to ensure all qualifying vehicles are not charged tolls. These requirements are necessary to allow the Authority to provide free passage in the most cost effective manner. The Authority may, at its discretion, assist users in obtaining an electronic toll tag at a discount when in the opinion of the Authority the cost of the electronic toll tag is less than the cost to administer the free passage for a class or fleet of vehicles without an electronic toll tag.

- a. Brazoria County owned/leased vehicles while used in the performance of County business. With the exception of authorized emergency vehicles covered in Section 3.1.b., a Brazoria County employee who is assigned a County vehicle and authorized to take the vehicle home will be required to reimburse BCTRA for tolls incurred when not doing County business. The reimbursement to BCTRA should include all commuting and any de minimis personal usage throughout the day. Qualifying vehicles under this section must be equipped with a HCTRA EZ-Tag on an active EZ-Tag account maintained by Brazoria County. EZ-Tags for qualifying vehicles must be approved and authorized by a Brazoria County department head.
- b. Vehicles with qualifying license plates for Disabled Veterans, Purple Heart recipients, Medal of Honor recipients, and Legion of Valor recipients if the vehicle has an electronic toll tag linked to the qualifying license plate and the vehicles are registered with the Central US

Interoperability Hub (Texas, Oklahoma, and Kansas). A veteran qualifying under this section may register up to three (3) vehicles to receive free passage on the toll road system.

- c. Vehicles with qualifying license plates for peace officers who are disabled as a result of an injury suffered during the course and scope of employment as a peace officer if the vehicle has an electronic tag linked to the qualifying license plate and the vehicle is registered with the Central US Interoperability Hub. A disabled peace officer qualifying under this section may register up to three (3) vehicles to receive free passage on the toll road system. Vehicles must be for the peace officer's own use, owned by the peace officer, and have a gross vehicle weight of 18,000 pounds or less or be a motor home.
- d. Harris County owned/leased vehicles while used in the performance of business related to the BCTRA toll road system. With the exception of authorized emergency vehicles covered in Section 3.1.b., a Harris County employee who is assigned a County vehicle and authorized to take the vehicle home will be required to reimburse BCTRA for tolls incurred when not doing business related to the BCTRA toll road system. The reimbursement to BCTRA should include all commuting and any de minimis personal usage throughout the day. Qualifying vehicles under this section must be equipped with a HCTRA EZ-Tag on an active EZ-Tag account maintained by Harris County. EZ-Tags for qualifying vehicles must be approved and authorized by a Harris County department head.

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 the Brazoria County Commissioners Court to convene and act, authority to permit free passage on the Toll Roads must be obtained from the Brazoria County Commissioners Court with notice to BCTRA. 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 Brazoria 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 Brazoria County Judge, Brazoria County Engineer, or the BCTRA Manager must be obtained to extend free passage beyond the initial one-hour period. BCTRA 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 BCTRA Manager, the Brazoria County Engineer, or their designee.

When opening a new road project or segment, the BCTRA Manager or the Brazoria County Engineer may designate a time period where free passage may be permitted to allow for testing of the infrastructure supporting the toll collection process

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 BCTRA and confirmed by the Brazoria County 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 Brazoria 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.a.

Section 6. Public Agency and Commercial Buses. Public agency buses and commercial passenger buses will not be permitted free passage without specific approval from BCTRA and confirmed by the Brazoria County Commissioners Court.

Section 7. 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 BCTRA and confirmed by the Brazoria County Commissioners Court on a case-by-case basis.

Section 8. 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 9. Conformity With Bond Indentures. Notwithstanding anything contained herein to the contrary, it is the intention of BCTRA and the Brazoria County Commissioners Court to provide for the collection of tolls from vehicles using the Toll Roads in conformity with the requirements of the Bond Indentures. BCTRA and Brazoria County expressly reserve 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 10. Effective Date. This Policy shall take effect from and after its approval by BCTRA and shall be implemented as soon as practical thereafter.