

## **Private Toll Road Development Process**

Texas Turnpike Corp. (TTC) is a Texas private toll road corporation that was formed under Texas Civil Statutes, Title 32, Articles 1448-1464. These articles allowed such corporations to construct, build, acquire, own, operate and maintain toll roads in Texas. In order to develop private toll roads in Texas and connect to the State Highway System, certain governmental approvals are required as well as studies outlined in the Texas Administrative Code. Chapter 362 of Texas Transportation Code requires Texas Transportation Commission approval prior to the construction of a private toll road and outlines the procedure for obtaining such approval. The chapter points to the Texas Administrative Code for further definition of the process.

Title 43 of Texas Administrative Code, Chapter 27, Subchapter C states that in order to be considered for approval to construct a private toll road, application must be filed with TxDOT and must be accompanied by a feasibility study as well as a study of the social and environmental impact of the project. The feasibility study is required to contain a proposed method of financing the planning, design, construction, maintenance and operation of the project and also relevant traffic data and projections. The study of the social and environmental impact of the project must be consistent with the spirit and intent of NEPA. As part of that study, the applicant must provide a design geometric layout certified by a professional engineer registered in Texas. Further, the study and subsequent environmental document must describe all reasonable and feasible measures to avoid, minimize, or mitigate adverse environmental impacts, as well as all practicable measures by which the project might enhance the environment.

Once the above mentioned studies are completed, application can be made to the executive director of TxDOT in a form prescribed by TxDOT and must be accompanied by the completed studies and an analysis of the project's impact on both the state highway system and on the economy in the project region.

If TxDOT finds that the initial application meets the requirements and that the preliminary design is in compliance with design manuals, it shall notify the applicant of its findings and shall conduct one or more public hearings to receive public comment on the proposed project; and, subsequent to the public hearings, it shall submit the application together with its findings and recommendations to the Texas Transportation Commission for appropriate action.