

**AMENDED AND RESTATED
POLICIES AND PROCEDURES**

FOR TOLL COLLECTION OPERATIONS

ON THE ALAMO RMA TURNPIKE SYSTEM

SECTION 1 **PURPOSE**

These Amended and Restated Policies and Procedures for Toll Collection Operations (“Policies and Procedures”) are established pursuant to Alamo RMA Resolution No. 07-20, adopted on October 10, 2007 and revised by Resolution No. 12-08, adopted on April 12, 2012. Under provisions of Chapter 370 of the Texas Transportation Code, ALAMO RMA possesses the authority to designate a turnpike project or a portion of a turnpike project as a controlled-access toll road (Sec. 370.179). These Policies and Procedures establish Alamo RMA practices and operations for toll collection systems on designated controlled-access toll roads operating within the Alamo RMA turnpike system, and incorporate provisions of Texas Transportation Code Sec. 370.177 regarding failure or refusal to pay turnpike project tolls and related penalties and offenses.

SECTION 2 **DEFINITIONS**

ACH	Automated Clearing House Network.
CSC	The Customer Service Center or its successor(s).
Electronic Toll Tag or Toll Tag or Tag	A device that records the usage of a vehicle using a toll road; usually adhered to the windshield of the vehicle, allowing motorists to drive non-stop through designated electronic toll collection lanes. (Electronic Toll Tags are a type of “transponder” pursuant to Texas Transportation Code Sec. 370.178.)
ETC	Electronic Toll Collection.
Facilities	Facilities operated by the Alamo RMA including toll and managed lanes
IVR	Interactive Voice Response.
Managed Lane	A travel lane that allows transit, registered car pool users with a tag account, and vehicles exempted by state law to use the facility for no charge. All vehicle types not mentioned above will be charged a toll fee for the usage of the lane.
Non-payment Transaction	A transaction where the customer does not pay the toll in the lane at the time of travel through the toll lane.
Non-Tagged Non-payment	Vehicles not equipped with toll tags and that do not pay the toll at the time of travel through the toll lane.

Tag Class	The Alamo RMA class that is determined using the vehicle information that is programmed in the toll tag.
Tagged Non-payment	A vehicle equipped with a toll tag that is not valid
Toll Lane	A lane operated by the Alamo RMA as a traditional turnpike lane with a fixed fee for usage paid by all drivers unless exempted by state law or these policies.
U/O	Unusual Occurrence.
VES	Violation Enforcement System.
VPC	Violation Processing Center.

SECTION 3 EXEMPTIONS FROM TOLL PAYMENT

Users of Alamo RMA Toll Facilities shall be required to pay a toll unless they are determined to be exempt under Texas State Statutes or as authorized by the Alamo RMA Board under the provisions of the Texas State Statutes.

- (a) Emergency and Military Vehicles: In accordance with the provisions of Sec. 370.177, 362.901 and 541.201 of the Texas Transportation Code, the Alamo RMA will ensure that authorized emergency vehicles, as well as state and federal military vehicles, are exempt from paying tolls on the Alamo RMA toll road system.

- (b) Public Transportation Vehicles: In accordance with the provisions of Sec. 370.177 and Sec 541.201 of the Texas Transportation Code and to facilitate a multi-modal transportation system that ensures safe and efficient travel for all individuals in the San Antonio Metropolitan Statistical Area, public transit vehicles operated by a public agency and having the characteristics of a bus as defined by 541.201 of the Texas Transportation Code shall be permitted free usage of any managed lanes in operation by the Alamo RMA. On traditional toll facilities without the managed lane designation, exemptions shall be established on an annual basis between the Alamo RMA and the public agency transit provider based on projected usage within the toll corridor.

- (c) Registered Carpool Vehicles – In accordance with the provisions of Sec 370.177 of the Texas Transportation Code, users who are part of a registered car pool that have a declared vehicle as part of a carpool as a funded account with a tag will be able to use the managed lane facility under the operation of the Alamo RMA for no charge dependent on the technology available to implement this provision. On traditional toll facilities without the managed lane designation, the tag account will be charged the published rate for a toll tag transaction as determined by the Alamo RMA on an annual basis in accordance with these policies.

SECTION 4

PAYMENT METHODS

To promote an efficient and effective system of toll collection within the Alamo RMA system, the Alamo RMA will utilize an all-electronic system of toll collection providing for open road travel without the requirement to stop at a toll gantry or plaza.

In accordance with Sec 370.178 (d) of the Texas Transportation Code, transponder customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552 of the Texas Government Code.

The Alamo RMA may expand options for payment by subsequent actions and the availability of technology.

Toll Tag

- a) Toll Tag – The Alamo RMA may provide toll tags to the community through storefront customer service operations, online distribution, and/or other venues that may be determined to be in the best interest of the Alamo RMA and its customers.
- b) Toll Tag accounts – The Alamo RMA may provide customers with the option of having a pre-paid tag account acting as a debit card against the balance on the tag account or a linked account allowing the tag account to withdraw funds on a preset threshold.
- c) Toll Tag account access – The Alamo RMA may provide storefront customer service operation, telephone and/or online customer account access for all registered account holders. Cash tag account users will be able to convert their account to a linked account via these options.
- d) Tag replenishment methods – The Alamo RMA may provide customers with options for tag replenishment as outlined in this section. i) Automatic replenishment – this option will require a customer to have a linked tag account with a major credit card or bank account with authorization allowing for their funds to be withdrawn when the balance on their tag account reaches a specific threshold as outlined in the tag user account agreement. This replenishment will occur without additional action being needed by the customer. ii) Manual replenishment – this option will require a customer to routinely replenishment the tag account, either via a cash payment at one of the locations discussed under Section C or via a credit card or bank account. This option requires the customer to take the appropriate action when the tag account is approaching a zero balance and the customer is responsible for ensuring the tag account has funding in order to avoid being referred to the violation enforcement process as discussed in this policy. More details on the cash / manual replenishment method are spelled out below.
- e) Toll Tag Cost – the specific cost of a toll tag may be determined by the Alamo RMA in coordination with the tag provider. The Alamo RMA may elect to utilize an existing statewide interoperable toll tag for the Alamo RMA system and will, at the time of

selection, adopt the business policies for toll tag cost in place by the operator of the tag account.

Video Tolling

Those users electing to utilize the video tolling system, in lieu of having a toll tag account, will see an additional amount, no less than 33% but no more than 50% of the total toll fees added to cover the processing costs for each video transaction in addition to a \$1.00 handling charge. The specific amount of a video toll surcharge will be determined prior to operational activity by the Alamo RMA for the tolling system and will be reviewed annually.

Cash Access

As the Alamo RMA system will utilize open road tolling, customers will not be able to stop on the travel lanes to pay a toll with cash. The Alamo RMA, therefore, encourages cash customers to either utilize the video tolling option, or a pre-paid tag option in order to utilize the Alamo RMA toll system. The Alamo RMA may utilize one or more of the following options to provide cash customers access to pre-paid toll tags, allow for deposits onto toll tag accounts, or to process video toll bill:

- i) Retail operations – the Alamo RMA may seek to partner with local establishments in and around the Alamo RMA operational regions to provide walk up tag operations, similar to those techniques employed by other public sector entities in the region
- ii) Kiosk operations – the Alamo RMA may seek to provide kiosk locations, operating similar to Automated Teller Machines, throughout the Alamo RMA operational regions to provide for replenishment of tag accounts
- iii) Store front operations – the Alamo RMA may seek to provide dedicated customer service space for tag accounts within the administrative offices of the Alamo RMA
- iv) Call Center – the Alamo RMA may seek to provide a customer service operation to allow video toll bills to be paid via phone, by mail, or in person

The options listed above may be utilized in conjunction with other Alamo RMA operations to provide access to the Alamo RMA tolled lane system.

SECTION 5 TOLL INCENTIVES AND PROMOTIONS

To promote the use of Alamo RMA toll roads and to maximize the use of toll tags on Alamo RMA facilities, the Alamo RMA may offer customers incentives and discounts. All actions undertaken by this section shall be in accordance with Section 370.180 of the Texas Transportation Code.

- (a) Incentive Offers: From time to time the Alamo RMA may conduct promotions or marketing activities that encourage drivers to use Alamo RMA toll roads and/or toll tag and/or reward customers for such use.
- (b) Corridor specific promotions: The Alamo RMA may conduct promotions on a corridor by corridor basis to encourage drivers to use Alamo RMA toll roads and/or toll tag and/or reward customers for such use. The corridor specific promotions may be in limited duration and targeted area and may be replicated at the Alamo RMA's discretion for other corridors.

SECTION 6 CUSTOMER SERVICE AND VIOLATION POLICIES

In addition to the other powers and duties provided by Chapter 370 of the Texas Transportation Code, with regard to its toll collection and enforcement powers for its turnpike projects or other toll projects developed, financed, constructed, and operated under an agreement with the authority or another entity, an authority has the same powers and duties as the department under Chapter 228, a county under Chapter 284, and a regional tollway authority under Chapter 366 of the Texas Transportation Code. As such, the Alamo RMA may, from time to time, review and revise the customer service and violation policies to provide the highest possible experience for customers on the Alamo RMA system.

Upon implementation of the Alamo RMA toll collection system, Alamo RMA expects that there may be a high percentage of customers using a toll road who will not have a toll tag. The objective of the toll operations procedures and policies created by the Alamo RMA is to increase the percentage of toll road customers who establish toll tag accounts with the CSC. Additionally, because tolling is a new concept for customers in the South Texas region, it will take some time for customers to adjust to the toll road operations, rules and regulations. It is understood that the objective of the Alamo RMA is to collect revenue and minimize toll violation abuse; Alamo RMA believes that a moderate approach towards customers who do not pay the toll ultimately will allow for a period of adjustment as customers begin using the new toll roads, and will create new toll customers for the Alamo RMA.

The CSC provides customer service to Alamo RMA customers and supports all operations related to customer toll tag account setup, account maintenance and customer service. The efficient operation of the CSC is critical to the success of the Alamo RMA toll collections. The CSC will adhere to the following provisions with respect to customer service, toll violations, and toll tag use:

(a) Customers That Use Toll Tag Lanes Without Corresponding Toll Tags:

If a customer who believes they caused a Non-payment Transaction contacts the CSC and establishes (or re-establishes, if the customer has an invalid toll tag account) a valid, funded toll tag account within seven (7) days, or such period of time that is dictated by the terms of any agreement with the CSC, after the Non-payment Transaction was committed, the administrative fee that CSC is allowed to charge will be waived, and the unpaid toll amount will be deducted from the customer's account balance upon the customer providing proof of said action to the Alamo RMA.

In the event that the violating customer does not either open and adequately fund a new toll tag account, or adequately fund their existing toll tag account, within the specified time frame, that customer will then receive a "Notice of Nonpayment" via regular mail for the unpaid toll amount plus an administrative fee, set in accordance with state law. If the violating customer contacts the CSC within thirty (30) days after such notice is mailed, and either opens and adequately funds a new toll tag account, or adequately funds their existing toll tag account, all of the administrative fee will be waived, and any remainder of the fee not waived, plus the unpaid toll amount, will be deducted from the customer's account balance upon the customer providing proof of said action to the Alamo RMA.

(b) Violation Enforcement Strategies:

If a customer who receives a "Notice of Nonpayment" does not take any of the actions described in subsection (a) above within thirty (30) days after such notice is mailed, the Non-payment Transaction becomes an offense under Sec. 370.177 of the Texas Transportation Code, and a collection process will be implemented to attempt collection of the unpaid toll amount plus the additional administrative fee (which may include the collection agency's fees). If the collection process does not succeed in obtaining the toll amount and corresponding fees owed, the violating customer may be referred for prosecution. An offense for failure or refusal to pay a toll under Sec. 370.177 of the Texas Transportation Code is a misdemeanor subject to a fine of up to \$250.00 for each offense. If convicted of the offense, a violating customer will be liable for the unpaid toll amount, plus a \$100 administrative fee, plus court costs and a fine of up to \$250.00. In the prosecution of an offense under Sec. 370.177, proof that the vehicle passed through a toll collection facility without payment of the proper toll, together with proof that the defendant was the registered owner or the customer of the vehicle when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or Alamo RMA employee or representative, video surveillance, or any other reasonable evidence. Under provisions of Sec. 370.177, there are certain exceptions to violation for failure to pay toll regarding rental cars and vehicles sold but for which title has not been officially transferred by TxDOT. In addition, it is a defense to prosecution if the vehicle is stolen prior to the failure to pay a toll, but only if the theft is reported to the appropriate law enforcement agency within

the required time period, as described in Section 370.177 (j) of the Texas Transportation Code.

(c) Procedures for Disputing Toll Violations:

Customers may dispute an alleged failure to pay toll violation by contacting the CSC by walk-in, telephone, regular mail, e-mail, and/or facsimile.

(d) Appealing a Toll Violation to Alamo RMA

A customer who has contacted the CSC and/or VPC and has been unable to satisfactorily resolve a dispute regarding a toll violation may submit a written appeal to the Alamo RMA. Such appeal shall be for the purposes of the customer providing the Alamo RMA with the information upon which they base their appeal. The Alamo RMA may or may not determine that there is any merit to such appeal and is not required to undertake any formal proceedings to make such determination.

SECTION 7 TOLLING POLICY FOR PHASES OF ALAMO RMA TURNPIKE PROJECT "UNDER CONSTRUCTION"

- (a) For any toll project to be developed in phases, the authority may defer the commencement of toll collection operations on that phase until additional phases of the project are constructed so as to provide continuous uninterrupted travel for a distance, or to a destination, to be designated by the Board of Directors on a project specific basis. The deferral of toll collection operations shall end once the component phases of the project or the designated travel corridor as identified by the Board of Directors are "substantially complete."
- (b) The phrase "substantially complete" shall mean that the toll project is open to traffic for its entire length as designated by the Board of Directors on a project specific basis. Temporary closures due to emergencies or short-term construction or maintenance operations shall not preclude a toll project from being deemed substantially complete.
- (c) The authority may install signage and toll collection equipment on or along a project (or any phase thereof) indicating that toll collection operations are being deferred and that tolls will be collected on the entirety (or any portion) of the project in the future.
- (d) The designation of a project as a toll project or candidate toll project in SABCMPO's then governing transportation plan or transportation improvement program prior to the time it is open to traffic shall preclude the project from being deemed a "conversion" under provisions of the Texas Transportation Code when toll collection operations begin.
- (e) Notwithstanding the foregoing, the Board of Directors may, upon receipt of a written request from SABCMPO or from the Commissioners Court, waive this policy and toll a phase of project that is under construction prior to completion of the entirety of the project.

SECTION 8 PARALLEL FACILITIES

The Alamo RMA anticipates constructing new toll capacity within existing corridors in the San Antonio / Bexar County region, which will create additional choice within these corridors. As such, parallel facilities providing non-toll travel will remain available for all motorists.

SECTION 9 EQUAL ACCESSES TO ALAMO RMA SYSTEM AND AGENCY

In accordance with Title VI of the Civil Rights Act of 1965 and Executive Order 12898 relating to actions to address environmental justice in minority and low-income populations and Executive Order 13166 relating to improving access to services for persons with limited English proficiency, and relevant state law and guidance, the Alamo RMA will provide customer service access, informational pieces and operational pieces that fully comply with the directives established by each of these documents as may be amended from time to time.

The Alamo RMA primary website will be available in English and Spanish, via online based translation program, as well as other languages offered via online based translation programs.

Customer service will be offered in the predominant language(s) in the region served by the Alamo RMA, as determined by the Alamo RMA Executive Director in consultation with the Alamo RMA Board of Directors.

The Alamo RMA will comply fully with the Americans with Disabilities Act of 1990, as may be amended from time to time.

SECTION 10 TOLL SYSTEM OPERATIONS

ELECTRONIC TOLL SYSTEM

On a periodic basis, the Alamo RMA electronic toll system may undergo performance auditing to ensure operational compliance with established system specifications provided at the time of procurement of the system.

SECTION 11 TOLL RATES AND ESCALATION

INITIAL TOLL RATES

Initial toll rates may be set in the range of \$0.17 to \$0.50 per mile for toll facility usage, dependent on the final project financial plan as developed and approved by the Alamo RMA Board of Directors. Toll rates will be set on a project by project basis for the type of facility and with approval by the Alamo RMA Board of Directors.

ESCALATION FACTOR

The Alamo RMA toll rates will be adjusted on an annual basis. The minimum increase each year is to be set at 2.75% or the Consumer Price Index for the immediate preceding year, whichever is greater for the first ten years of operation. Starting in year eleven and for each subsequent year the minimum increase shall be 3% or the Consumer Price Index for the immediate preceding year, whichever is greater. This increase will be automatic in accordance with the bond covenants of the Alamo RMA.

SECTION 12 REVIEW AND REVISIONS

REVIEW OF TOLL POLICY

As established in this toll policy, the Alamo RMA will conduct reviews of the toll policy from time to time to ensure optimal performance and operation of the Alamo RMA toll system.

REVISIONS OF TOLL POLICY

The Alamo RMA toll policy may be revised from time to time by the Alamo RMA Board of Directors on the advice of the Alamo RMA Executive Director. All revisions will be required to comply with any outstanding bond covenants, federal and state law.