THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

The Commissioners Court of Fort Bend County, Texas, ("Commissioners Court") convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the 25th day of April, 2017, at the County Courthouse, with a quorum of said Court present:

Whereupon, among other business the following was transacted at said meeting: a written order entitled:

AMENDED AND RESTATED ORDER ESTABLISHING A TOLL RATE SCHEDULE FOR THE FORT BEND GRAND PARKWAY TOLL ROAD; PROHIBITING THE OPERATION OF A MOTOR VEHICLE ON THE ROAD AFTER FAILURE TO PAY REQUIRED TOLL OR CHARGE; ESTABLISHING AN ADMINISTRATIVE ADJUDICATION HEARING PROCEDURE FOR VIOLATION OF THIS ORDER; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

(the "Order") was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved by Commissioner Patterson and seconded by Commissioner Morales that the Order be passed; and, after due discussion, the motion, carrying with it the passage of the Order, prevailed and carried by the following vote:

AYES:	5
NOES:	0
ABSENT:	0

The County Judge thereupon announced that the Order has been duly and lawfully adopted. The Order thus adopted follows:

AMENDED AND RESTATED ORDER ESTABLISHING A TOLL RATE SCHEDULE FOR THE FORT BEND GRAND PARKWAY TOLL ROAD; PROHIBITING THE OPERATION OF A MOTOR VEHICLE ON THE ROAD AFTER FAILURE TO PAY REQUIRED TOLL OR CHARGE; ESTABLISHING AN ADMINISTRATIVE ADJUDICATION HEARING PROCEDURE FOR VIOLATION OF THIS ORDER; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

RECITALS

WHEREAS, the Fort Bend Grand Parkway Toll Road Authority is operating the Fort Bend Grand Parkway on behalf of Fort Bend County; and

WHEREAS, the Commissioners Court of Fort Bend County desires to amend the established toll rate schedules policies and procedures relating to the operation and toll violation enforcement on the Fort Bend Grand Parkway (as defined below);

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS THAT:

Section 1. Scope and Purpose.

Pursuant to Texas Transportation Code, Chapter 284, the Commissioners Court of Fort Bend County adopts the following procedures for the safe and efficient use and payment of tolls on the Fort Bend Grand Parkway and an administrative adjudication procedure for persons suspected of the violation of this order. The administrative adjudication hearing procedures are adopted in an effort to enforce the payment of tolls and charges imposed for the use of the Fort Bend Grand Parkway and to deter owners and operators of motor vehicles from failing to pay tolls and charges as required.

Section 2. Definitions.

The words and terms defined in this procedure shall have the meanings ascribed unless the context clearly indicates another meaning.

Account means all tolls, violations, fees, and charges associated with one (1) license plate that remain unpaid up to the time of the Administrative Hearing.

Authority means the Fort Bend Grand Parkway Toll Road Authority.

Delinquent Account means any Account that remains unpaid as of the 30th day after the date of the Final Toll Violation Notice.

Department means the Texas Department of Transportation.

Electronic Toll System means a method of payment of tolls using a Toll Tag.

Fort Bend Grand Parkway means a toll causeway, bridge, tunnel, turnpike, highway, or any combination of those facilities in connection with the Fort Bend Grand Parkway Toll Road.

Inter-Op HUB means a membership of toll entities that share Toll Tag account information for the purpose of accepting payment for tolls incurred on another member's toll facilities, including, but not limited to, the Central US HUB (Texas, Oklahoma, Kansas) and Southern

States HUB (Florida, Georgia, North Carolina, South Carolina)

Motor Vehicle means a self-propelled vehicle and includes a bus, light truck, motorcycle, passenger car, school bus, truck, or truck tractor for which a toll is required for the operation of the vehicle on the Fort Bend Grand Parkway.

Order means this Order.

Registered Owner means the person designated as the owner on the certificate of title issued by the Department for the Motor Vehicle.

State means the State of Texas.

Toll Tag means an electronic transponder containing a unique identification number assigned to a specific vehicle, which is read as the vehicle approaches the toll plaza, then verifies the vehicle's identification number, and automatically charges the appropriate toll from an account established for the vehicle. by a toll entity that is a member of the Inter-Op HUB.. Toll Tag shall also include a license plate registered to a "non-tag" account with a toll entity that is a member of the Inter-Op Hub.

Section 3. Toll Rates; Toll Payment Required.

Unless otherwise exempt by State law or the County's Non-Revenue and Discount Use Policy, all persons operating vehicles on the Fort Bend Grand Parkway are required to pay tolls at the designated plazas of the Authority's Electronic Toll System by means of a Toll Tag. The required toll at each toll plaza of the Fort Bend Grand Parkway is shown on **Exhibit A**.

Tolls shall be adjusted annually (the "Annual Adjustment Factor") at 12:01 a.m. on the 1st of January, at the greater of (a) 2%, or (b) the annual change in the Consumer Price Index All Urban Consumers (CPI-U) Houston-Galveston-Brazoria, as published by the Bureau of Labor Statistics for the month of August, and rounded to the nearest cent. The following chart provides an example of the minimum toll rate increases that would occur with this policy, assuming the CPI-U in each year is less than 2%.

Example (for illustration only)

Year	Toll Base Rate for Escalator Calculation	2% Escalator	Computed Rate Adding Escalator	Effective Rate (rounded to the cent)
1	$0.35	$0.007	$0.357	$0.35
1	$0.357	$0.00714	$0.36414	$0.36
2	$0.36414	$0.0072828	$0.3714228	$0.37
3	$0.3714228	$0.007428456	$0.378851256	$0.38
4	$0.378851256	$0.00757702512	$0.38642828112	$0.39
5	$0.38642828112	$0.0077285656224	$0.394156846724	$0.39
6	$0.394156846724	$0.007883136934848	$0.402039983658848	$0.40
7	$0.402039983658848	$0.008040799673177	$0.410080783332025	$0.41
8	$0.410080783332025	$0.0082016156666405	$0.4182823989986655	$0.42
9	$0.4182823989986655	$0.0083656479799733	$0.4266480469786388	$0.43
10	$0.4266480469786388	$0.0085329609395728	$0.4351810079182116	$0.44

Section 4. Failure to Pay Toll.

Unless otherwise exempt, no person may operate a motor vehicle, or cause or allow the operation of a motor vehicle on the Fort Bend Grand Parkway 1) without a Toll Tag, or 2) with a Toll Tag associated with an account that has been suspended.

Section 5. Toll Violation Notice and Opportunity to Pay Required Toll, Charge, and Fee.

If a person uses the Fort Bend Grand Parkway in violation of this Order, the County, the Authority or the appropriate designee shall attempt to collect the required toll as provided in this Section 5, plus the associated fees and charges shown in Exhibit B.

First, the County, the Authority or the appropriate designee shall provide to the registered owner of the vehicle a written Initial Toll Notice (ITN) of the unpaid toll.

Second , if the registered owner fails to pay the full amount due as shown on the ITN within thirty (30) days of the date of the ITN, the County, the Authority or the appropriate designee shall provide to the registered owner of the vehicle a written Toll Violation Notice (TVN).

Third, if the registered owner fails to pay the full amount due as shown on the TVN within thirty (30) days of the date of the TVN, the County, the Authority or the appropriate designee shall provide, to the registered owner of the vehicle, a written Final Toll Violation Notice (FTVN).

Section 6. Failure to Pay Tolls and Fees after FTVN.

If the registered owner fails to pay the full amount due as shown on the FTVN within thirty (30) days of the date of the FTVN the account becomes a Delinquent Account, and:

1. the motor vehicle is prohibited from using the Fort Bend Grand Parkway, and use of the motor vehicle in violation of this prohibition is a class C misdemeanor pursuant to Section 284.203, Texas Transportation Code; and

2. the Delinquent Account will be referred to the Authority's collection agent;

Section 7. Collection of Delinquent Account.

Each Delinquent Account that is referred to the collection agent shall incur a collection fee of fourteen dollars ($14.00) per violation.

Delinquent accounts that remain unpaid for more than thirty (30) days after the FTVN is mailed are eligible for the Administrative Hearing Process.

Section 8. Administrative Adjudication Procedure/Administrative Hearing Process.

Appointment of Hearing Officers. The Commissioners Court shall appoint one or more licensed attorneys to serve as hearing officers. A hearing officer appointed by Commissioners Court shall serve at the pleasure of the Commissioners Court and shall implement this administrative adjudication procedure. A hearing officer shall be paid up to seven hundred and fifty dollars ($750.00) for each day of hearing proceedings adjudicated.

A hearing officer shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and production of documents.

An order issued by a hearing officer compelling the attendance of witnesses or production of documents may be enforced by a Justice of the Peace.

County Attorney. The County Attorney shall represent Fort Bend County in all hearings and proceedings conducted under this administrative adjudication procedure and shall collect unpaid tolls, charges, fees, fines, and costs, unless the County has contracted with a private law firm to perform these services. The County Attorney shall administer and supervise any such contract pursuant to its terms.

Initiation of Administrative Adjudication Process. The administrative adjudication procedure for enforcement of payment of tolls, charges, and fees shall be initiated by the issuance of a citation to the registered owner of the vehicle who is suspected of violating the Order by operating, or causing or allowing the operation of a motor vehicle on the Fort Bend Grand Parkway in violation of this Order, on at least two separate occasions within a 12-month period The citation will inform the registered owner of the right to a hearing to determine whether the registered owner is liable for a violation of the Order, and will state the date, time, and place of the hearing.

The citation may be served by a person authorized by the hearing officer, by delivering a copy of the citation to the person to be served, or the person's duly authorized agent, either in person, or by agent, or by courier receipted delivery, or by certified mail, to the party's last known address, or by telephonic document transfer to the person's current telecopier number with acknowledgment of receipt, or by such other manner as the hearing officer, in the hearing officer's discretion, may direct.

Service by certified mail shall be complete upon deposit of the citation in a post office or official depository under the care and custody of the United States Postal Service, provided that if the citation is returned marked "unclaimed," the citation shall be mailed, by regular mail, to the person's last known address.

The last known address of the registered owner of a motor vehicle is presumed to be the address maintained by the Department. The County Attorney, or its designee, may establish another address as the person's last known address by any lawful method.

A copy of the record of the amount of the unpaid tolls, charges, and fees owed to Fort Bend County, applicable to the motor vehicle, plus a Citation Fee shall be attached to and made a part of the citation.

Notice. A person shall be entitled to at least ten (10) days' notice prior to a hearing.

The right to a hearing shall be exercised by the personal appearance of the person on the date and at the time and place specified for the hearing.

A person may appear with counsel.

A person may request the hearing officer to issue an order compelling the attendance of witnesses and the production of documents. The person must make the request in writing, on or before the 7th day before the date of the scheduled hearing.

Continuance. A request for the continuance of a scheduled hearing must be made on or before

the 7th day before the date of the scheduled hearing. To obtain a continuance, a person must post a cash bond in the amount of the unpaid tolls, charges and fees claimed by Fort Bend County.

The conditions of the bond shall be that the person (i) will appear to answer the citation as required, and (ii) will pay the amount of any civil fine and costs assessed by the hearing officer, and (iii) in the event of the person's failure to appear at the hearing, consents to the forfeiture of the bond and application of the proceeds of the bond to the amount of unpaid tolls, charges and fees.

A person may assign the proceeds of a cash bond to satisfy any fine and costs assessed.

Upon acceptance of the cash bond, the hearing will be rescheduled to a date not later than thirty (30) days from the date of the original hearing.

Only one continuance may be granted.

Presumptions and Evidence. In an administrative adjudication hearing it is presumed that

(1) the registered owner of the motor vehicle that is the subject of the hearing is the person who operated or allowed another person to operate the motor vehicle in violation of the Order; and,

(2) a computer record of the Department of the registered owner of the motor vehicle is prima facie evidence of its contents.

A copy of the citation including the record of Fort Bend County showing the amount of the unpaid tolls, charges and fees applicable to the motor vehicle, is a record kept in the ordinary course of business of Fort Bend County and is rebuttable proof of the facts it contains.

Attendance at Hearing. At the hearing, the person may admit, admit with explanation, or deny, the failure to pay.

The failure of a person to appear at the hearing is considered an admission of liability for the failure to pay, and of the amount of the tolls, charges and fees owed, and the hearing officer may issue an order assessing a fine and costs on that basis.

An authorized representative of Fort Bend County shall appear at the hearing.

Hearing. The citation with the record of Fort Bend County showing the amount of the unpaid tolls, charges and fees applicable to the motor vehicle shall serve as the complaint, and no further pleading shall be necessary.

The hearing officer shall examine the contents of the citation and the record of Fort Bend County showing the amount of the unpaid tolls, charges and fees applicable to the motor vehicle, and shall hear and review testimony and evidence.

The hearing officer shall issue a decision stating:

(1) whether or not the person is liable for a violation of this Order,

(2) if liable, the amount of the unpaid tolls, charges, fees incurred prior to the hearing to be assessed against the person,

(3) if liable, assessing the Administrative Hearing Fee and the County Court Fee, and

(4) assessing a fine, if any, in an amount not more than five-hundred dollars ($500.00).

A decision of the hearing officer finding liability shall be filed with the Fort Bend County Clerk, who shall keep the decision in a separate index and file.

A copy of the decision of the hearing officer, together with the date the decision was filed with the Fort Bend County Clerk, shall be mailed by regular mail to the person's address as shown on the citation, or to the person's last known address as maintained by Fort Bend County.

After the expiration of thirty-one (31) days from the date the decision of the hearing officer was filed with the County Clerk and failure to pay the unpaid tolls, charges, fees, fines or costs, notification will be given to the Department or Tax Assessor-Collector to refuse to register the motor vehicle pursuant to Transportation Code Section 284.209 (3).

Appeal. A decision of the hearing officer finding that a person is liable for a violation of the Order may be appealed to the Fort Bend County Courts at Law.

To appeal, the person must file a petition with the Clerk of the County Courts at Law not later than the 30th day after the date the hearing officer's decision is filed with the Fort Bend County Clerk. The petition must be accompanied by payment of the costs required by law for filing petitions with the County Courts at Law.

The person shall deliver a copy of the petition to Fort Bend County no later than the 3rd business day after the filing of the appeal.

The Clerk of the reviewing court shall schedule a hearing and notify all parties of the date, time, and place of the hearing.

The person may request the hearing officer to prepare a transcript of the administrative adjudication hearing. A transcript must be requested no later than the 3rd business day after the filing of the petition initiating the appeal. At the time of making the request, the person shall pay the sum of $125.00 for preparation of the transcript.

The record of the administrative adjudication hearing, including the transcript, if requested, shall be delivered to the Clerk of the reviewing court in which the appeal is filed ("reviewing court") no later than the 30th day after the date the petition initiating the appeal was filed.

The reviewing court may not substitute its judgment for the judgment of the hearing officer on the weight of the evidence on questions committed to the hearing officer's discretion, but:

(i) may affirm the decision of the hearing officer in whole or in part; and,
(ii) shall reverse, or remand for further proceedings if substantial rights of the person have been prejudiced because the decision of the hearing officer is:

(a) in violation of a constitutional or statutory provision;
(b) in excess of the hearing officer's statutory authority;
(c) made through unlawful procedure;
(d) affected by other error of law;
(e) not reasonably supported by substantial evidence considering the reliable

and probative evidence in the record as a whole; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

The person may apply to the reviewing court to present additional evidence.

The person shall offer, and the reviewing court shall admit, the record into evidence as an exhibit.

The reviewing court shall conduct the review sitting without a jury and is confined to the record of the administrative adjudication hearing.

The filing of an appeal does not stay the enforcement and collection of the decision of the hearing officer.

In order to stay enforcement and collection of the decision of the hearing officer, the person appealing must post a cash bond, in the amount of the fine and costs assessed, conditioned that the person appealing will appear and prosecute the appeal as required, and will pay the fine and costs, if any, for which the person appealing may be liable, and that in the event the decision of the hearing officer is affirmed, the proceeds of the cash bond may be applied to satisfy the fine and costs.

Enforcement of Decision. A decision of the hearing officer shall be enforced by any or all of the following:

(1) the placement of a device that prohibits movement of a motor vehicle on the vehicle that is the subject of the decision;

(2) the imposition of an additional fine, if the fine and costs assessed are not paid within thirty (30) days from the date of the decision of the hearing officer or of the affirmance of the decision of the hearing officer; or

(3) the refusal of the Department or Tax Assessor-Collector to allow the registration of the motor vehicle that is the subject of the decision.

Payment. Fort Bend County and its designees to perform these services may accept payment of tolls, charges, fees, and fines and costs.

A person may pay the amount of unpaid tolls, charges and fees applicable to the motor vehicle made the basis of the Order, as shown by the records of Fort Bend County, at any time prior to the scheduled hearing, without additional penalty.

When the unpaid tolls, charges, fees, fines and costs have been paid in full, the prohibition of the operation on the Fort Bend Grand Parkway of the motor vehicle made the basis of the Order will be removed and the Department will be notified of the payment, if applicable.

The fine and costs must be paid in full within thirty (30) days of the decision of the hearing officer, or in accordance with payment terms authorized by the hearing officer, or within thirty (30) days of the affirmance of the decision of the hearing officer. The hearing officer may impose an additional fine, for willful failure to pay fine and costs as required.

Section 9. Imposition of Costs.

The Commissioners Court adopts the fees and charges listed in Exhibit B.

Section 10. Miscellaneous Provisions

If any word, phrase, clause, sentence, paragraph, section or other part of this Order, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Order and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Order to any other persons or circumstances shall not be affected thereby.

This Order supersedes and replaces in its entirety all previous orders for the Fort Bend County related to the subject matters contained herein.

It is hereby officially found and determined that the meeting at which this Order was adopted was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

[Remainder of page intentionally left blank.]

SIGNED AND SEALED the 25th day of April, 2017.

Laura Richard
County Clerk and Ex-Officio Clerk
Of the Commissioners Court of Fort Bend
County, Texas

Robert Hebert
County Judge

(COMM. CT. SEAL)

Exhibit A

Toll Rate Schedule
Fort Bend Grand Parkway Toll Road
Effective May 2015

Grand Parkway Toll Road

Main Lane Plazas

Vehicles	Toll Rate	Toll Rate for Non-Tag Transactions	Toll Rate for Non-Revenue and Exempt Vehicles
2 axle	$0.35	$0.50	$0.00
3 axle	$0.70	$0.85	$0.00
4 axle	$1.05	$1.20	$0.00
5 axle	$1.40	$1.55	$0.00
6 axle	$1.75	$1.90	$0.00

Exhibit B

Fees and Charges

Level of Unpaid Tolls and Charges	Administrative Fee Amount
Initial Notice	$2.50
Toll Violation Notice	$20.00
Final Toll Violation Notice	$5.00
Citation Fee	$50.00
Administrative Hearing Fee	$50.00
County Court Fee	$60.00

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

We, the undersigned officers of the Commissioners Court (the "Court") of Fort Bend County, Texas (the "County'), do hereby certify as follows:

1. That we are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the Order described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the Order (the "Order"), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. That the Order has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Order; that the County Judge and the County Clerk of the County have duly signed and attested the Order and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Order for all purposes; and that the Order, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. That each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Order would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

6. That written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which the Order and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Governmental Code, as amended.

PASSED AND APPROVED this 25th day of April, 2017.

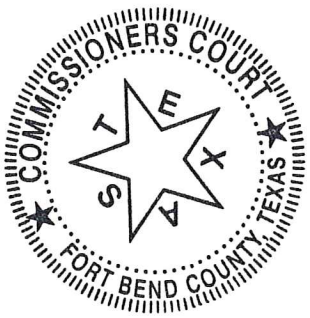
FORT BEND COUNTY

Robert Hebert, County Judge

ATTEST:

Laura Richard, County Clerk
Clerk of the Commissioners Court of
Fort Bend County, Texas

(SEAL)

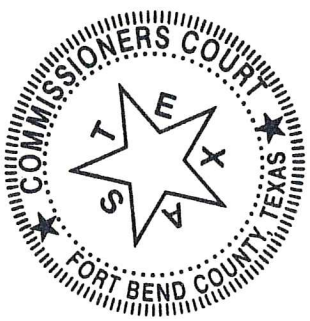


THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

I, the undersigned, County Clerk and Ex-Officio Clerk of the Commissioners Court of Fort Bend County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an Order of the Commissioners Court which was passed and adopted on the 25th day of April, 2017, together with a copy of so much of the minutes as show the canvassing of the Court, the names of the members present and absent and the passage and adoption of such Order, all as same appears of record in the minutes of said Court and on file in my office.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, this 25th day of April, 2017.

LAURA RICHARD
County Clerk and Ex-Officio Clerk of the
Commissioners Court of Fort Bend County,
Texas

By: Laura Richard

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