

A RESOLUTION

APPROVING AND ACCEPTING THE OCTOBER 2017 WORKING COMMITTEE REPORTS, INCLUDING FINANCIAL AND INVESTMENT REPORTS, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT

WHEREAS, certain committees of the Metropolitan Transit Authority of Harris County, Texas Board of Directors (the "Board of Directors") held meetings in October 2017; and

WHEREAS, each such committee has provided the Board of Directors with a monthly committee report for review; and

WHEREAS, the October 2017 Finance and Audit Committee Report includes the Fiscal Year 2018 Investment Policy, the Compliance Report for the period ended September 30, 2017, the October 2017 Sales Tax Report, the September 2017 Investment Report, the September 2017 Debt Report, the September 2017 Monthly Performance Report and the Monthly Report of the Chief Financial Officer dated October 23, 2017; and

WHEREAS, the Board of Directors has reviewed such monthly committee reports, including the September 2017 Investment Report in the Finance and Audit Committee Report.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Board of Directors hereby approves and accepts the October 2017 Finance and Audit Committee, Capital & Strategic Planning Committee and Public Safety, Customer Service, and Operations Committee monthly reports, including the September 2017 Investment Report.

Section 2. This Resolution is effective immediately upon passage.

I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.




Cydonii Fairfax
General Counsel

PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:



Recca Perry
Assistant Secretary



Carrin F. Patman
Chair

A RESOLUTION

AUTHORIZING AN AMENDMENT TO THE NON-UNION PENSION PLAN AND APPOINTING HEIDI DAVIS AS A MEMBER OF THE COMMITTEE FOR THE NON-UNION PENSION PLAN, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECTS

WHEREAS, the Board of Directors of the Metropolitan Transit Authority of Harris County, Texas (“METRO”) is authorized to appoint individuals to serve as members of the committee that administers METRO’s Non-Union Pension Plan (the “Plan”); and

WHEREAS, the committee is a fiduciary and has the exclusive responsibility for the general administration of the Plan and all the powers necessary to accomplish that purpose; and

WHEREAS, METRO staff recommends a clarification to the Plan to provide that committee members may be employees or non-employees of METRO; and

WHEREAS, METRO staff also recommends the appointment of Heidi Davis to such committee.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The METRO Board of Directors hereby authorizes an amendment to METRO’s Non-Union Pension Plan to allow employees and non-employees to serve as members of the committee for such plan, and ratifies all prior appointments to the committee.

Section 2. The METRO Board of Directors hereby appoints Heidi Davis as a member of the committee for METRO’s Non-Union Pension Plan.

Section 3. This Resolution is effective immediately upon passage.


I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.




Cydonij Fairfax
General Counsel

PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:



Recca Perry
Assistant Secretary



Carrin F. Patman
Chair

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO NEGOTIATE AND EXECUTE A ONE-YEAR OPTION WITH FIRST TRANSIT, INC. FOR TURN-KEY OPERATION OF THE NORTHWEST BUS OPERATING FACILITY; AND TO INCREASE THE CONTRACT AMOUNT, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECTS

WHEREAS, the Metropolitan Transit Authority of Harris County, Texas (“METRO”) awarded a contract to First Transit, Inc. for the operation and maintenance of METRO’s Northwest Bus Operating Facility; and

WHEREAS, the original contract period began on February 1, 2013 and ends on January 31, 2018; and

WHEREAS, the contract has two one-year option periods; and

WHEREAS, METRO staff recommends that the President & CEO negotiate and execute a one-year option with First Transit, Inc. according to the contract requirements and increase the not-to-exceed contract amount from \$200,000,000.00 to \$243,999,318.56.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The METRO Board of Directors hereby authorizes the President & CEO to negotiate and execute a one-year option under METRO Contract No. CT1300007 with First Transit, Inc. for turn-key operation of the Northwest Bus Operating Facility and to increase the maximum amount that METRO may pay for such services under the contract to \$243,999,318.56.

Section 2. This Resolution is effective immediately upon passage.

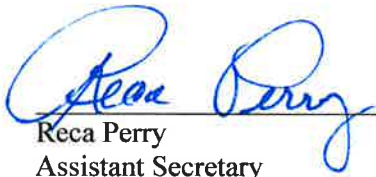
I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.




Cydonii Fairfax
General Counsel

PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:



Recca Perry
Assistant Secretary



Carrin F. Patman
Chair

A RESOLUTION

RATIFYING THE EMERGENCY PROCUREMENT OF DIESEL FUEL WITH ROCKPORT, INC. IN CONNECTION WITH HURRICANE HARVEY, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT

WHEREAS, in connection with Hurricane Harvey, the Metropolitan Transit Authority of Harris County, Texas ("METRO") purchased approximately 281,000 gallons of diesel fuel from Rockport, Inc. on an emergency basis for \$664,000.00; and

WHEREAS, METRO's existing vendor for such diesel fuel was not in operation during the storm; and

WHEREAS, it is recommended that the Board of Directors ratify such emergency procurement of diesel fuel.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The METRO Board of Directors hereby ratifies the emergency procurement of diesel fuel with Rockport, Inc. in connection with Hurricane Harvey for \$664,000.00.

Section 2. This Resolution is effective immediately upon passage.

I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.



Cydonii Fairfax
General Counsel


PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:



Recca Perry
Assistant Secretary





Carrin F. Patman
Chair

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO INCREASE THE MAXIMUM AMOUNT UNDER THE CONTRACT WITH UNIVERSAL PROTECTION SERVICE LP FOR NON-COMMISSIONED SECURITY SERVICES, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT

WHEREAS, the Metropolitan Transit Authority of Harris County, Texas ("METRO") currently has a contract with Universal Protection Service LP for non-commissioned security services; and

WHEREAS, the contract is due to expire on November 15, 2017; and

WHEREAS, METRO is in the process of conducting a solicitation for such services, which is expected to be executed in December 2017; and

WHEREAS, METRO staff recommends that the Board of Directors authorize a two-month extension of METRO's existing contract with Universal Protection Service LP for non-commissioned security services and a \$240,000.00 increase in the maximum amount that METRO may pay thereunder.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The METRO Board of Directors hereby authorizes a two-month extension of METRO's existing contract with Universal Protection Service LP for non-commissioned security services and a \$240,000.00 increase in the maximum amount that METRO may pay thereunder.

Section 2. This Resolution is effective immediately upon passage.

I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.




Cydonii Fairfax
General Counsel

PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:



Recca Perry
Assistant Secretary



Carrin F. Patman
Chair

A RESOLUTION

AMENDING THE METRO HOT LANE POLICY, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT

WHEREAS, the Metropolitan Transit Authority of Harris County, Texas (“METRO”) operates HOV/HOT lanes through a Managed High Occupancy Toll Lanes Project Agreement with the Texas Department of Transportation (the “TXDOT Agreement”); and

WHEREAS, Board Resolution 2017-49 authorized the President & CEO to execute an Interlocal Agreement with the Harris County Toll Road Authority (“HCTRA”) to provide toll collection services and maintenance on METRO’s High Occupancy Toll Lanes Network (the “Interlocal Agreement”) according to METRO’s approved operations manual and policy guidelines (the “METRO HOT Lane Policy”); and

WHEREAS, pursuant to the terms of the TXDOT Agreement, any changes to the METRO HOT Lane Policy must be approved by TXDOT; and

WHEREAS, in connection with the execution of the Interlocal Agreement, it is recommended that the Board of Directors amend the METRO HOT Lane Policy, substantially in the form attached hereto as Exhibit A, to allow HCTRA to provide tolling collection and maintenance services under Chapter 284 of the Texas Transportation Code subject to, and effective upon, TXDOT approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The METRO Board of Directors hereby amends the METRO HOT Lane Policy to allow HCTRA to provide tolling collection and maintenance services to METRO under Chapter 284 of the Texas Transportation Code, subject to, and effective upon, TXDOT approval.

Section 2. This Resolution is effective immediately upon passage.

I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.



Cydonii Fairfax
General Counsel

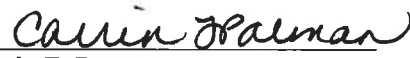
PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:



Recca Perry
Assistant Secretary





Carrin F. Patman
Chair

Introduction

The development of key policy decisions are necessary to provide direction to the Toll Systems Vendor on the type and level of services that METRO provides, and also to outline the various public policy issues that METRO considers in managing and operating the HOT Lane Network in the Houston area. There are several policies necessary to implement a successful HOT Lane system and provide the framework for the operation of the HOT Lane system. Additionally, some policies may be dictated by Federal and State Agencies. This policy is in compliance with Texas State Law. METRO may also create Business Rules to implement this policy.

Interoperability Agreements

P-1. METRO HOT Lanes Utilization

METRO requires all Single Occupant Vehicles (SOVs) to have a valid sticker type transponder (toll tag) when utilizing METRO HOT Lanes. Valid HOT Lane toll tags include but are not limited to Harris County Toll Road Authority (HCTRA), Texas Toll Authority (TTA), Central Texas Regional Mobility Authority (CTRMA), North Texas Tollway Authority (NTTA) and METRO issued HOT Lane tags. Interoperability Agreements with one or all partner Authorities may be necessary.

Statewide Interoperability allows a vehicle to maintain a toll tag with one agency and be able to use the toll road of another agency without having to have multiple toll tags. This reduces the cost and inconvenience to the vehicle owner and provides the greatest opportunity for drivers to use toll facilities throughout Texas.

Expanded Policy P-1 May 26, 2016

Certain eligible veterans with specialty license plates will be allowed to use the METRO HOT Lanes at a discounted rate while traveling as a SOV. The specialty license plate must be issued by the State of Texas Department of Motor Vehicles and be one of the following categories of specialty license plates:

- Disabled Veteran;
- Recipient of the Medal of Honor;
- Recipient of the Legion of Valor; or
- Recipient of the Purple Heart.

This policy includes the following provisions:

- The vehicle with the qualifying specialty license plate will not be required to have a toll tag as all other SOVs are, until such time as all vehicles are required to have a toll tag;
- The veteran must register their specialty plate with METRO to be eligible for the discounted toll;

**METRO HOT Lane Project
Toll Policy**

October 4, 2017

- The veteran cannot use the HOT Lane and receive a discount during the time the lane is operated as HOV only, unless they meet the occupancy requirement for a HOV;
- The veteran is required to drive through the “TOLL ONLY” lane at the occupant declaration site; and
- The discount rate may be varied or eliminated by METRO to manage the operation of the HOT Lanes in conformance with FTA performance requirements.

Amended Policy P-1 January 25, 2017

- METRO Board amended the 100% discounted pilot program for the Qualified Veterans and made it permanent. **(Board Resolution 2017-5)**

Account Enrollment

P-2. High Occupancy Vehicle (HOV) Eligibility

Eligible HOVs are not required to possess or display a toll tag when using METROs HOT Lanes. **(Board Resolution 2011-102)**

This eligibility keeps METRO's HOT Lanes in conformance with the general operations of the Katy Managed Lanes (except for time of day differences) and does not place any burden on HOV users.

P-3. METRO HOT Lanes Toll Tag Requirements

All SOVs are required to display a valid toll tag when using METRO HOT Lanes. Toll tags are not required for HOVs. The vehicle owner or renter of record is responsible for payment of all tolls. Failure to pay a toll is a toll violation. **(Board Resolution 2011-102)**

Toll Rates

P-4. METRO HOT Lanes Base Toll Rate

The base toll rate for all METRO HOT Lanes is set at one dollar (\$1.00). Toll rates will vary by fixed time of day as necessary to manage the traffic in the HOT Lanes. The option to explore dynamic pricing based on real-time traffic speeds will be explored in the future. The minimum rate applies to all HOT Lanes corridors regardless of where the vehicle enters or exits each HOT Lane. **(Board Resolution 2011-102)**

P-5. METRO HOT Lanes Maximum Toll Rate

The maximum toll rate for all METRO HOT Lanes is set at ten dollars (\$10.00). **(Board Resolution 2011-102)**

**METRO HOT Lane Project
Toll Policy**

October 4, 2017

The METRO Board (Board) authorizes METRO's President and CEO to raise the maximum toll rate if the Level of Service (LOS) in the HOT Lanes deteriorates to a level that jeopardizes compliance with FTA criteria. The President and CEO is required to notify the Board within 10 days of raising the maximum toll rate and the Board is required to approve the new rate within 60 days. The rate is monitored and adjusted accordingly based on the LOS required and the supply and demand of public use.

Violation Enforcement

It is vitally important to control the violations on the HOT Lanes and to keep the lanes operating at their peak efficiency throughout the day. To properly enforce the use of these lanes, it is necessary to develop specific policies to include: 1) how to capture the violation transactions and identify the violators, 2) what enforcement techniques will be deployed to collect unpaid tolls, including collection efforts, and 3) additional fines or administrative fees to be charged for each toll violation (event). Typically moving violation fines are assessed for occupancy violations, while toll violations include both payment of the toll and associated administrative fees.

There are two types of violations that can occur on a HOT Lane:

1. A Toll Violation: There are two types of toll violations. A) A toll tag violation occurs when an SOV proceeds through the designated SOV toll lane but does not have a toll tag and/or an active account (refer to P-6 and P-7). B) A toll evasion violation occurs when a SOV, with or without a toll tag, claims that it is a HOV and proceeds through the designated HOV lane without the required number of occupants in order to avoid paying the toll (refer to P-8).
2. An Occupancy Violation: An occupancy violation occurs when an SOV enters the lane when it is closed to SOV's and open only for HOV use (refer to P-9).

~~**P-6. METRO HOT Lanes Toll Tag Violation Notices**~~

~~METRO's violations notice policy will mirror the current HCTRA policy; METRO will issue a violation notice to the registered owner of the vehicle upon the third recorded event within a 365 day period. The notification includes past due tolls and associated administrative fees. In lieu of administrative fees, customers have the option of opening a METRO HOT Lanes account and pay only past due tolls. METRO is required to follow TxDOT's policy for enforcement of toll violations and fees. Payment is accepted via mail, online or through METRO HOT Lanes customer service center. (Board Resolution 2011-102) DELETED. TO BE PERFORMED BY HCTRA.~~

~~P-7. Toll Tag Violation – METRO HOT Lanes Fines and Administrative Fees~~

~~Upon the third HOT Lanes toll violation, METRO will assess an administrative fee of eleven dollars (\$11.00) per event plus unpaid tolls consistent with current HCTRA policy. (Board Resolution 2011-102) DELETED. TO BE PERFORMED BY HCTRA.~~

P-8. Toll Evasion Violation - SOV's Usage of a METRO HOV Declaration Lane

METRO considers SOV usage of a HOV declaration lane as a toll violation and METRO Police, pursuant to Texas Transportation Code 228, is authorized to issue a violation notice. As an option to automatically sending violators to court, METRO allows the violator to pay a \$75.00 administrative fee rather than the maximum court fine of \$250.00 as is done with an occupancy violation. **(Board Resolution 2011-102)**

P-9. Occupancy Violation - SOV's Usage of a METRO HOT Lanes when designated for HOV use only

METRO considers SOV usage of HOT Lanes when designated for HOV use only as a HOV occupancy violation. METRO will issue a citation and require court appearance (current METRO policy). The current fine assessed by the court is \$170.00. **(Board Resolution 2011-102)**

Program Administration

P-10. METRO HOT Lanes Banking, Toll and Fee Collection Activity

METRO has established a separate bank account for the purpose of receiving all METRO HOT Lanes revenues (tolls, fees) and disbursing all payments (toll authorities, TxDOT and operations and maintenance contractor) related to the ongoing operations of the program. **(Board Resolution 2011-102)**

P-11. METRO Toll Operations and Maintenance Contractor

METRO will contract with the Harris County Toll Road Authority (HCTRA) to provide Tolling Services Operations and Maintenance. This includes electronic toll collection and back office operations. The back-office operations include customer service for issuing of toll tags, customer inquiries and complaints, processing of Qualified Veterans requests, violation notices and processing, and other matters pertaining to the tolling in the lanes. The Harris County Toll Road Authority (HCTRA) is a Department of Harris County and will operate and maintain the tolling services of METRO HOT Lanes under

**METRO HOT Lane Project
Toll Policy**

October 4, 2017

Chapter 284 of the Texas Transportation Code. **ADDED. TO BE PERFORMED BY
HCTRA.**

A RESOLUTION

AUTHORIZING THE CHAIR OF THE BOARD TO NEGOTIATE AND EXECUTE A CONTRACT WITH THOMAS C. LAMBERT TO CONTINUE HIS EMPLOYMENT AS THE METRO PRESIDENT & CHIEF EXECUTIVE OFFICER, AND MAKING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT

WHEREAS, Thomas C. Lambert has served as the President & Chief Executive Officer of the Metropolitan Transit Authority of Harris County, Texas ("METRO") since January 1, 2013; and

WHEREAS, the METRO Board of Directors ("Board of Directors") has considered the background, skills and qualifications of the person who will serve as an effective and capable leader of METRO; and

WHEREAS, the Board of Directors wishes to enter into an employment contract with Thomas C. Lambert for his continued service as the METRO President & Chief Executive Officer.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Board of Directors hereby authorizes the Chair of the Board to negotiate and execute a contract with Thomas C. Lambert to continue his employment as the METRO President & Chief Executive Officer, consistent with the terms and conditions discussed by the Board of Directors.

Section 2. This Resolution is effective immediately upon passage.


I hereby certify that the above resolution is accurate in describing the action herein of the Board of Directors on the date below.


Cydoni Fairfax
Executive Vice President & General Counsel

PASSED this 26th day of October, 2017
APPROVED this 26th day of October, 2017

ATTEST:

Reca Perry
Assistant Secretary


Carrin F. Patman
Chair