

Interim Tolling Policy

Definitions

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

Administrative Fees – Fees allowed to be imposed under the Texas Transportation Code, Section 284.701. Commissioners Court imposed an administrative fee of \$10.00 effective August 23, 2005.

County Attorney Fee - \$1.00 fee per unpaid toll allowed under the Texas Transportation Code, Section 284.2032.

County Fees – County Attorney Fee and Administrative Fees.

HCTRA – Harris County Toll Road Authority.

Overcharge – Amount charged as a toll that is more than the stated toll.

Other Fees – All fees other than County Fees

Patron Account – An account that allows for payment to use the Toll Roads through a form other than cash.

Toll – Commissioners Court approved fee for using the Toll Roads.

Toll Roads – Any or all of the roads made part of the Harris County Toll Road system.

Undercharge – Amount charged as a toll that is less than the stated toll.

General

The purpose of this interim toll policy is to help facilitate the operations of HCTRA's toll road system by establishing policies and guidelines relating to the collection of tolls and other related matters. HCTRA expressly reserves the right to implement practices and procedures with respect to the collection of tolls that factor in, among other things, the costs of collection in time, effort, resources and dollars and the benefit to the toll road system and its operations of revenue collected or projected to be collected from toll transactions as described in this policy.

Overcharge and Undercharge Transactions

Overcharge Transactions. If an Overcharge transaction occurs, HCTRA will undertake all reasonable efforts to refund the patron the Overcharge amount in an expedited manner. If the Overcharge occurs on a Patron Account, the account will be credited for the Overcharge amount. If the patron paid by cash and contacts HCTRA regarding an Overcharge, in order for HCTRA to process a refund, the patron will need to provide as much information as possible regarding the Overcharge transaction, including the plaza or ramp, lane number, date, time, and toll collector's name, if applicable. HCTRA will then investigate the potential Overcharge and process a refund, to the extent applicable, according to the results of such efforts.

Undercharge Transactions. If an Undercharge transaction occurs and the County has represented that the charges have been paid in full, either through documentation, charges to a Patron Account, or granting of passage, HCTRA reserves the right to accept the Undercharge amount as full payment in lieu of expending additional resources in collecting the difference.

Note: The potential of Overcharge and Undercharge transactions occurs primarily in electronic transactions when there are changes in technology or software.

Violations Invoice Waivers

Once a violation invoice is issued, certain fees may be added and assessed against a patron or toll road user, including County Fees and Other Fees (as defined herein). There are certain circumstances when such fees can be waived. This policy sets out the following circumstances under which the County, acting through HCTRA, reserves the right to waive fees (but not the tolls):

- For Patron Account Holders
 - HCTRA data error results in a violation letter to the patron
 - Patron failed to update vehicle information and account is in good standing
 - Patron failed to update credit card expiration date on account
 - Patron reported stolen or lost credit card within a timely period
 - Patron provides acceptable proof that the vehicle was sold, stolen, repossessed, traded-in, given to charity or sold for salvage prior to the occurrence of the violation
 - Patron received violations regarding a rented, leased, or borrowed vehicle that patron used temporarily as a substitute for a vehicle covered by a valid account

- For Non-Account Holders
 - HCTRA data error results in a violation letter to the patron

- License plate error
- Patron provides acceptable proof that the vehicle was sold, stolen, repossessed, traded-in, given to charity or sold to a salvage yard prior to the occurrence of the violation
- Department of Motor Vehicles record error occurred

Patrons who fail to take any of the following actions before the matter is set for a court hearing will be responsible for Other Fees that may have to be paid before any waiver under this policy will be applicable:

- update vehicle information;
- update credit card information;
- provide acceptable proof that the vehicle was sold, stolen, repossessed, traded-in, given to charity or sold for salvage; or establish that a violation was incurred while temporarily using a rented, leased or borrowed vehicle.

Commissioners Court approval is required for any waiver that does not fall under the guidelines stated in this interim policy. This pertains to all potential waivers regardless of the payment status (unpaid, paid by credit card, check, cash, etc.).

If an invoice is not paid within 45 days, the invoice is referred to an attorney for Harris County. Once this occurs any potential waivers shall be coordinated between the attorney and HCTRA to minimize the efforts of the attorney.

HCTRA does not have the authority to settle or waive tolls. An attorney for Harris County will have the ability to negotiate settlements of County Fees and Other Fees. If the total outstanding amount for tolls and County fees is \$10,000.00 or less, an attorney for Harris County may exercise discretion in negotiating and approving the settlement of Administrative Fees. Any negotiated settlements for total outstanding amounts of tolls and County fees that are greater than \$10,000.00 shall be presented to Commissioners Court for approval. Fees payable to an attorney for Harris County may be waived, settled or compromised by the attorney to whom the fees are payable regardless of the amount outstanding.

Ability to Toll

A toll transaction that, with all due diligence, cannot be posted to either the Patron Account or violation system within 30 days because of technological errors (i.e. system malfunction, interface errors, etc.), power supply interruptions, or process failures, at the option of HCTRA, may be deemed a non-enforceable obligation of the patron. HCTRA reserves the right to recover loss of tolls associated with technological errors from contractors responsible for the losses.

Toll Rate Changes and Communication to Public

Toll rate changes shall take effect on the date or dates (or range of dates) specified in the order or other action of Commissioners Court approving the changes in toll rates. HCTRA will endeavor to replace signage at toll road plazas and other areas of the toll road system in a timely and efficient manner specifying the new toll rates which in any event shall be effective as provided in the first sentence of this paragraph. As it deems necessary or appropriate, HCTRA will issue press releases and make postings on its website to help inform the public of changes in toll rates and to communicate the effective date of such changes.