

## Court agrees to workshop potential lifting of Texas 242 tolls

By Catherine Dominguez, cdominguez@hcnonline.com      Published 11:13 pm, Tuesday, May 8, 2018

Photo: Jason Fochtman, Staff Photographer



Montgomery County Precinct 2 Commissioners Charlie Riley, Jim Clark, and James Noack address an agreement with TxDOT about the Texas 242 flyover during Commissioners Court at the Alan B. Sadler Commissioners Court Building, Tuesday, May 8, 2018, in Conroe.

For the second time this year, the Montgomery County commissioners took no action on lifting the tolls on the Texas 242 flyovers but agreed to schedule a workshop to further discuss the issue.

And while the court agrees with lifting the tolls when the flyover project is complete, County Judge Craig Doyal and commissioners Mike Meador and Charlie Riley were hesitant fearing that action could violate an agreement the county has with the state to build a third connector in the area.

Riley, who said Doyal and Meador were the only two current commissioners on the court when the agreement was made said the workshop would help clear up some of the confusion about the agreement. The court was supportive of the workshop and agreed to invite officials with the Texas Department of Transportation to answer questions regarding the county agreement and if lifting the tolls would put the county at risk with the state.

However, commissioners Jim Clark and James Noack say the project is complete since the third connector was not part of the original agreement with TxDOT. Meador and Riley disagree adding the county has committed to building the third connector and the funding for it would be from the tolls.

The Texas 242 direct connectors were funded through the pass-through toll program with TxDOT. The county has received state and federal reimbursement of more than \$150 million through that program, which was part of the 2005 road bond referendum. The reimbursement rate is 7 cents per vehicle mile. Under the program agreement, the county also funded projects on FM 1484, FM 1485, FM 1488 and FM 1314.

**Assistant County Attorney B.D. Griffin said his understanding is that agreement did not include the third flyover.**

Riley also said lifting the tolls could jeopardize an \$18 million payment from TxDOT due this year to the county via the pass-through toll program. Once that payment is made, the state will begin putting an additional \$56 million in an escrow account for the county. "The

agreement is get all these done and then I am all for lifting the tolls," Riley said. "I personally am not willing to jeopardize \$74 million. It says in the agreement, 'take the tolls off, the agreement is gone.'"

Meador agrees and said lifting the tolls could set a bad precedent with the state. "TxDOT is not going to be trusting of Montgomery County to honor their agreements," Meador said.

Doyal echoed Meador. "I'm going to stand firm on my commitment to TxDOT," Doyal said. "Come January, if y'all want to change something, that is up to you but I'm going to stand firm with my commitment."

Clark and Noack maintain the tolls can be lifted. "I know this court has discussed multiple times the removal of these tolls wants the debt was repaid, we have repaid that debt," Noack said. "I would really like to see us remove the toll. I think it is the right thing to do."

In February, Clark, who voted in favor of the toll on the flyovers in June 2015, asked the court to lift the tolls but due to an error on how the item was placed on the court agenda, the court took no action.

The workshop on the subject has not been set.