

# Non-revenue Usage Policy

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**Effective Date:** April 22, 2008**Policy Number:** PL0051**Revision Date:** June 8, 2021**Approved by:****Revision Number:** 2

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**Who's affected?** All HCTRA employees and contractors.

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**Purpose** To declare, based on determinations made by the Commissioners Court, which vehicles and individuals will be allowed free passage of Harris County Toll Roads.

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**Policy** As adopted by Commissioners Court on April 22, 2008, the following provisions are in effect:

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

“Bond Indentures” means the various covenants and indentures contained within the revenue bonds that finance construction of the Toll Roads.

“Harris County” means Harris County, Texas and the Harris County Flood Control District.

“HCTRA” means the Harris County Toll Road Authority.

“In Service Public Transit Vehicle” means a vehicle that is actively engaged in providing public transportation to the public.

“Non-Tagged Vehicle” means vehicles not equipped with EZTAGS or transponders and that do not pay the toll at the time of travel through the toll lane.

“Toll Roads” means any or all of the roads made part of the Harris County Toll Road system.

Section 1. Declaration of Policy. In order to comply with applicable statutes of the State of Texas and the Bond Indentures, Harris County declares that there shall be no free service granted to vehicles using the Toll Roads, except as provided herein.

Section 2. Findings. It is hereby found, determined, and declared that allowing free passage to the vehicles described in Section 3 below is in the public interest and in the interest of the Toll Roads; will facilitate public safety and mobility; develop public and governmental awareness, support, and acceptance of the Toll Roads; and promote enhanced use and increase total revenue collections.

Section 3. Categories of Free Passage on Toll Roads.

Section 3.1 Vehicles.

1. Marked police vehicles, fire department vehicles, and ambulances are permitted free passage.
2. Authorized emergency vehicles identified in Texas Transportation Code §541.201 (as amended from time to time by the Texas Legislature) are permitted free passage.
3. Vehicles designated by the Department of Public Safety as emergency vehicles during disasters declared by the governor of Texas are permitted free passage on the Toll Roads (Texas Transportation Code §546.006).
4. Individual military vehicles and convoys, of this state, another state, or the United States, including unmarked military vehicles operated by military personnel conducting an emergency preparedness, response, or recovery operation or participating in a training exercise for an emergency preparedness, response, or recovery operation, are permitted free passage to the greatest extent practicable, considering the technological and personnel limitations of operating the toll project (Texas Transportation Code §362.901). Vehicles which are clearly identifiable as military vehicles may use the electronic tolling lanes with an electronic toll transponder. Non-Tagged Vehicles not clearly identifiable as military vehicles will, upon receipt of an invoice, return the invoice along with a Toll Declaration Form.
5. Vehicles that are part of a funeral procession are permitted free passage on the toll road system under these conditions:
  - a. HCTRA's Executive Director determines that it is in the interest of public safety that the procession be routed onto the toll road system;
  - b. HCTRA is notified of the procession at least 24 hours in advance;

- c. the procession is escorted by commissioned peace officers;  
and
  - d. The procession enters and exits the toll road system outside of these hours: Monday through Friday – 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m.
- 6. Processions and motorcades for heads-of-state and dignitaries are permitted free passage if the procession or motorcade is escorted by the United States Secret Service, Texas Department of Public Safety, or other law enforcement agency charged with the responsibility for the safety and security of the head-of-state/dignitary.
  - 7. Harris County owned/leased vehicles are permitted free passage on the toll road system while used in the performance of County business. With the exception of authorized emergency vehicles covered in Section 3.1.2., a Harris County employee who is assigned a County vehicle and authorized to take the vehicle home will be required to reimburse HCTRA for tolls incurred when not doing County business. The reimbursement to HCTRA should include all commuting and any de minimis personal usage throughout the day.
  - 8. Metropolitan Transit Authority of Harris County, Houston, Texas (“METRO”) public transit vehicles actually engaged in service are permitted free passage on the toll road system. Qualifying vehicles under this section must be equipped with a HCTRA EZ-Tag on an active EZ-Tag account maintained by METRO or one of its operating contractors. EZ-Tags for qualifying vehicles must be approved and authorized by a METRO department head. Non-revenue vehicles, vehicles not in service and vanpool/carpool vehicles are not included.
  - 9. Vehicles with qualifying Texas license plates for Disabled Veterans, Purple Heart recipients, Medal of Honor recipients and Legion of Valor recipients are permitted free passage on the toll road system if the vehicle has an electronic toll tag linked to the qualifying license plate and the vehicles are registered with HCTRA. While a qualified license plate is not required to be linked to an electronic toll tag, it is highly recommended for greater access and convenience.

Section 3.2. Individuals. The following individuals are permitted free passage in the specified situations described below:

- 1. Current active federal and state military members are permitted free passage on the toll road system. If the military member’s vehicle is

considered a Non-Tagged Vehicle, upon receipt of an invoice, the military member shall return the invoice along with a Toll Declaration Form. While an active federal or state military member is not required to link a vehicle to an electronic toll tag, it is highly recommended for greater access and convenience.

2. HCTRA employees who must incur a toll to access or depart their duty station will be permitted free passage for that purpose. These duty stations are the, Hardy South Toll Plaza, Sam Houston North Toll Plaza, and Sam Houston South Toll Plaza. These employees may obtain a reimbursement for the incurred toll through the Harris County reimbursement process detailed in the Harris County Auditor's Office Accounting Procedure I.1-2, *Mileage Reimbursement*.
3. HCTRA employees assigned to the Sam Houston Toll Bridge or Sam Houston East Plaza, and whose most practical and reasonable route to work includes crossing the Toll Bridge may obtain a reimbursement for the incurred toll through the Harris County reimbursement process detailed in the Harris County Auditor's Office Accounting Procedure I.1-2, *Mileage Reimbursement*.
4. HCTRA employees who, during their work day, must use the Toll Roads on HCTRA-related business in their private vehicles may obtain a reimbursement for the incurred toll through the Harris County reimbursement process detailed in the Harris County Auditor's Office Accounting Procedure I.1-2, *Mileage Reimbursement*.
5. All Harris County employees may use the Harris County reimbursement process, detailed in the Harris County Auditor's Office Accounting Procedure I.1-2, *Mileage Reimbursement*, to obtain reimbursement for tolls incurred in carrying out County business.

Section 3.3. Circumstances. It is the intent of this policy to authorize personnel to react quickly to emergencies and events that endanger public safety and/or jeopardize human life while staying within the guidelines provided by applicable bond indentures. Where sufficient notice of an impending catastrophic event allows a reasonable opportunity for Commissioners Court to convene and act, authority to permit free passage on the Toll Roads must be obtained from Commissioners Court. When the emergency or event is unexpected or unforeseen, this policy strives to delegate authority to persons in the best position to exercise informed judgment in a manner that is timely and appropriate to the situation that exists.

The County Judge is authorized to permit free passage on part or all of the Toll Roads when a large-scale emergency or calamity (natural or man-made) threatens public safety and necessitates the immediate evacuation or relocation of large numbers of people that may obstruct or impede rapid movement on the Toll Roads.

In the event of a localized emergency or condition (such as refinery explosions, gas leaks, hazardous material spills, flooding, traffic accidents, lane closures, etc.) that substantially threatens public safety and mobility, an on-site Incident Management certified peace officer may permit limited free passage for a period of no more than one hour. Approval of the County Judge, or the Executive Director of HCTRA must be obtained to extend free passage beyond the initial one-hour period. HCTRA will notify TranStar of localized emergencies and provide the coordination the circumstances require.

Lane and road closures required for construction and maintenance of the Toll Roads should be planned and coordinated so as to have the least impact on traffic flow. Where such closures are expected to substantially and adversely affect traffic flow and/or threaten public safety, free passage may be permitted by the Executive Director of HCTRA, or their designee.

When opening a new road project or segment, HCTRA's Executive Director may designate a time period where free passage may be permitted to allow for testing of the infrastructure supporting the toll collection process. If the test period needs to exceed 45 days, HCTRA's Executive Director should obtain authorization from Commissioners Court to extend the test period.

Section 4. Contractors. Contractors will not be permitted free passage unless specifically provided for through the contracting process.

Section 5. Privately Owned Vehicles. Unless specifically addressed in Section 3 of this policy, privately owned vehicles will not be permitted free passage without specific approval from Commissioners Court.

A non-accountable car allowance is paid in lieu of reimbursement for mileage, parking, tolls, or other auto related expenditures incurred within the Harris County limits. Individuals who receive non-accountable car allowances are not permitted free passage, with the exception of law enforcement personnel covered under Section 3.1.1.

Section 6. Items Not Addressed. Any free vehicular passage and/or temporary closure of the Toll Roads that has not been addressed through this policy must be approved and authorized by Commissioners Court on a case by case basis.

Section 7. Payment Methods. To promote an efficient and effect system of toll collection within the HCTRA system, HCTRA will utilize an all-electronic system of toll collection providing for open road travel without the requirement to stop at a toll both or plaza.

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

HCTRA may expand options for payment by subsequent actions and the availability of technology.

Section 8. Ratification of Prior Actions. All prior actions, policies and determinations with respect to permitting vehicles to use the Toll Roads without paying tolls are hereby ratified and affirmed and determined to have been in the public interest or the interest of the Toll Roads during the period they were in effect within the meaning of the Bond Indentures.

Section 9. Conformity With Bond Indentures. Notwithstanding anything contained herein to the contrary, it is the intention of the Commissioners Court of Harris County to provide for the collection of tolls from vehicles using the Toll Roads in conformity with the requirements of the Bond Indentures. The County expressly reserves the right to take such further actions as shall be required by, permitted under or consistent with the terms of such Bond Indentures, including, without limitation, providing for the use of commutation or other tickets or privileges based upon frequency or volume or other method which the Traffic Engineers (as defined in the Bond Indentures) may recommend will produce the maximum amount of net revenues to the Toll Roads and/or take such actions with respect to the collection of tolls as may be recommended by the Traffic Engineers consistent with the terms of the Bond Indentures.

Section 10. Effective Date. This Order shall take effect from and after the date of adoption.

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**Questions**

Questions by employees concerning this policy shall be directed to an employee's supervisor or the Assistant Director, Finance.

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**Violations**

**Violations of this policy may result in progressive discipline up to and including termination from employment and/or legal action.**

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**Reference** *Harris County Commissioners Court Policy Approved April 22, 2008*

*Texas Transportation Code: §541.201, §546.006, §362.901*

*Harris County Auditor's Office Accounting Procedures: Mileage*

Reimbursement ( I.1–2)

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**Replaces** *Employee Use of the Toll Road – October 15, 2004*

*Emergency Vehicles and Military Personnel Non-revenue Policy – July 16, 2004*

Final internal draft dated June 18, 2008

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**Changes from previous policy** This policy reflects regulations adopted on April 22, 2008 and September 29, 2009, by the Harris County Commissioners Court regarding permissions to grant free passage on Harris County Toll Roads. The policy has been revised to expand the categories of the vehicles allowed free passage on Harris County Toll Roads and to reflect changes that are a result of transitioning to an all-electronic tolling system. .

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