

IH 35E Managed Lanes Project

SB 1420 Committee Report

In accordance with Texas Transportation Code Section 228.013, added by SB 1420, and Texas Administrative Code Sections 27.90 – 27.92 (the Rules), this committee (the Committee), consisting of the members identified below, was formed for the purpose of making certain statutorily required determinations with respect to the IH 35E Managed Lanes Project (the Project). The Committee held its duly noticed initial meeting on November 10, 2011. At the initial meeting of the Committee, _____ was elected to serve as Chair and _____ was elected to serve as Vice Chair of the Committee.

At its duly noticed meeting(s) on November ____, 2011, *[add other meeting dates if the required determinations were made at multiple meetings]* the Committee made the following determinations concerning the Project, as required by SB 1420 and the Rules:

1. Distribution of the Project's financial risk.

Distribution of Project financial risk is defined in the Rules as the allocation of revenue risk for a toll project between the Texas Department of Transportation (TxDOT) and the private entity with which TxDOT enters into an agreement for the project. Revenue risk will be allocated as follows between TxDOT and private entity:

[describe revenue risk allocation]

2. Method of financing for the project.

The method of financing is defined in the Rules as the determination of whether the Project should be funded with private or public funding or a combination of private and public funding. The method of financing for the Project will be *[describe method of financing]*

3. Tolling structure and methodology.

The SB 1420 Committee for the IH 35E Managed Lanes Project has determined to utilize the existing tolling structure and methodology as set by the Regional Transportation Council of the North Central Texas Council of Governments, as adopted on May 11, 2006, and modified on September 14, 2006 and September 13, 2007. The Project's tolling structure and methodology are set forth in Appendix 1 to this Report.

DRAFT

Submitted and approved by:

IH 35E Managed Lanes Project
SB 1420 Committee Members

[signature and printed name]



NORTH TEXAS TOLLWAY AUTHORITY

RESOLUTION NO. 11-146

**A RESOLUTION CONFIRMING WAIVER OF MARKET VALUATION
AND FIRST OPTION REGARDING A MANAGED LANES PROJECT
ON IH 35E IN DALLAS AND DENTON COUNTIES**

September 21, 2011

WHEREAS, the North Texas Tollway Authority (the “NTTA”), is a regional tollway authority created and operating pursuant to Chapter 366 of the Texas Transportation Code, known as the Regional Tollway Authority Act, under which Act the NTTA is authorized to study, design, construct, operate, maintain, expand, enlarge, and extend turnpike projects in Collin, Dallas, Denton, and Tarrant counties; and

WHEREAS, Chapters 228 and 373 of the Texas Transportation Code (the “Code”) pertain to the development, construction, and operation of toll projects, including NTTA turnpike projects, located within the boundaries of local toll project entities, including the NTTA; and

WHEREAS, Senate Bill 19, passed by the 82nd Legislature and effective June 17, 2011, created a streamlined primacy determination for the allocation of toll projects between the Texas Department of Transportation (“TxDOT”) and the local toll project entities, such as the NTTA, replacing the market valuation and primacy determination created by Senate Bill 792, passed by the 80th Legislature and codified as Section 228.0111 of the Code; and

WHEREAS, while Section 11 of Senate Bill 19 repealed Section 228.0111 of the Code effective September 1, 2011, Section 13 of that bill provided that such repeal did not affect any agreement, resolution, or minute order previously entered into or adopted by TxDOT and any local toll project entity under that repealed section; and

WHEREAS, the NTTA and TxDOT, pursuant to former Section 228.0111 of the Code, have previously taken actions and entered into or adopted the materials described below which, pursuant to Section 13 of Senate Bill 19, are intended to remain in effect, and by which the NTTA waived both the market valuation and the NTTA’s first option to develop, finance, construct, and operate the IH 35E Managed Lanes (defined below), subject to certain conditions; and

WHEREAS, under former Section 228.0111(c) of the Code, the NTTA is the local toll project entity with primary responsibility for the financing, construction, and operation of toll projects located in its boundaries, and under former Section 228.0111(g) of the Code, the NTTA has the first option (the “first option”) to develop, finance, construct, and operate a toll project within its boundaries; and

WHEREAS, the proposed reconstruction and redevelopment of Interstate Highway (IH) 35E from IH 635 in Dallas County to U.S. 380 in Denton County currently is planned to include two concurrent-flow managed lanes in each direction in the median, hereinafter referred to as the “IH 35E Managed Lanes;” and

WHEREAS, the IH 35E Managed Lanes constitute a “toll project” under Chapter 228 of the Code and was subject to the market valuation and first option provisions of that chapter; and

WHEREAS, under former Section 228.0111(f-1) of the Code, TxDOT and the NTTA may agree to waive the requirement to develop a market valuation for a proposed toll project; and

WHEREAS, under former Section 228.0111(i) of the Code, the NTTA may elect not to exercise its first option with respect to a proposed toll project within its boundaries, and in such event, TxDOT shall have the option to develop, finance, construct, and operate the toll project; and

WHEREAS, by Court Order Number 08-0153 dated March 4, 2008, the Commissioners Court of Denton County (the “County”) approved a resolution requesting that TxDOT and the NTTA waive the market valuation for the IH 35E Managed Lanes and that the NTTA waive its first option to develop the IH 35E Managed Lanes and support TxDOT’s development of the IH 35E Managed Lanes in accordance with the Regional Transportation Council’s generally applicable Managed Lanes Policy (the “RTC Policy”); and

WHEREAS, on March 17, 2008, the City of Lewisville (the “City”) adopted Resolution No. 3554-03-2008(R), requesting that TxDOT and the NTTA waive the market valuation for the IH 35E Managed Lanes and that the NTTA waive its first option to develop the IH 35E Managed Lanes and support TxDOT’s development of the IH 35E Managed Lanes; and

WHEREAS, the NTTA’s Board of Directors (the “Board”) reviewed and considered the foregoing resolutions of the County and the City, and, in an effort to be fully responsive to the requests of the County and the City in advancing the IH 35E Managed Lanes to expand and improve transportation facilities in North Texas, the Board adopted NTTA Resolution 08-235, under which the Board authorized and agreed that the NTTA waived both the market valuation the NTTA’s first option to develop, finance, construct, and operate the IH 35E Managed Lanes, subject, however to TxDOT similarly waiving the market valuation and to the NTTA and TxDOT’s entering into an “Option Agreement” IH 35E Managed Lanes; and

WHEREAS, the “Option Agreement” described in Resolution 08-235 provides that notwithstanding the above-described waivers, the NTTA shall have a one-time right to elect to undertake the IH 35E Managed Lanes on the same terms as TxDOT is prepared to propose to the private-sector contracting community, with such option to be exercisable only within 30 days after the NTTA’s receipt from TxDOT of a completed Preliminary Financial Feasibility Study for the IH 35E Managed Lanes (the “PFFS”), but not earlier than September 1, 2008; and

WHEREAS, TxDOT delivered the PFFS to the NTTA on September 1, 2008, and NTTA staff and consultants reviewed the PFFS and reported to the Board regarding the PFFS, and the Board adopted NTTA Resolution 08-365, under which the Board waived its one-time right under the Option Agreement to undertake the IH 35E Managed Lanes and confirmed its waiver of the market valuation for, and its first option to develop, finance, construct and operate, the IH 35E Managed

Lanes, but stipulated that the waivers would not apply if all or any portion of the IH 35E Managed Lanes is modified to (a) fail to comply with the RTC Policy or (b) make a majority of the IH 35E lanes (exclusive of service roads) managed or toll lanes; and

WHEREAS, on June 21, 2011, TxDOT sent a letter to the NTTA requesting that it (a) confirm its previous waivers of its first option to develop, finance, construct, and operate the IH 35E Managed Lanes and (b) waive or decline to exercise its similar option under Chapter 373 of the Code; and

WHEREAS, in June 2011 TxDOT issued a Request for Information (“RFI”) to assist TxDOT in developing a strategy for project development and implementing the procurement process for the IH 35E Managed Lanes, which RFI revealed that the scope and potential terms of the IH 35E Managed Lanes changed since the NTTA last waived its right of first option on the IH 35E Managed Lanes and that TxDOT intended to develop the IH 35E Managed Lanes through a comprehensive development agreement approach; and

WHEREAS, TxDOT has delivered further information on the current scope of the IH 35E Managed Lanes and the NTTA staff and consultants have reviewed this information and reported to the Board regarding this information, and the Board has determined that it does not desire to exercise its first option to develop, finance, construct and operate the IH 35E Managed Lanes as defined by TxDOT in the RFI; and

WHEREAS, under Section 373.055(a) of the Code, either TxDOT or the NTTA may at any time before or during the process established by Subchapter B of Chapter 373 waive or decline to exercise any option, step, or other right under that subchapter that solely benefits that entity by notifying the other entity of its decision in writing;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby (a) confirms the NTTA’s previous waivers of the market valuation and its first option to develop, finance, construct, and operate the IH 35E Managed Lanes, and (b) waives and declines to exercise the NTTA’s option to develop, finance, construct, and operate the IH 35E Managed Lanes pursuant to Section 373.055 of the Code, as described, and only upon the terms, in this resolution; and


BE IT FURTHER RESOLVED that the NTTA hereby states its strong support of TxDOT’s development of the IH 35E Managed Lanes, as described above in this resolution and in accordance with the RTC Policy; and

BE IT FURTHER RESOLVED that nothing in this resolution shall be construed to waive a market valuation or any option, step, or other right for any toll project other than the IH 35E Managed Lanes or to waive any right or obligation of the NTTA to develop, finance, construct, or operate any toll project other than the IH 35E Managed Lanes or otherwise signify an intention by the NTTA not to undertake any other toll project that it is authorized to study, finance, construct, operate, or maintain under the Regional Tollway Authority Act, Chapter 228 of the Code, Chapter 373 of the Code, or any other applicable law, or to waive the NTTA’s right to provide customer service and other toll collection and enforcement services for a toll project pursuant to Section 366.038 of the Code or any successor thereto; and

BE IT FURTHER RESOLVED that the foregoing waivers apply solely to the IH 35E Managed Lanes as described above in this resolution and in accordance with the RTC Policy, and such

waivers shall not apply if (a) all or any portion of the IH 35E Managed Lanes is modified to (1) fail to comply with the RTC Policy or (2) make the majority of the IH 35E lanes (exclusive of service roads) managed or toll lanes in their ultimate configuration.

ATTEST:


Victor T. Vandergriff, Chairman


Ruby Franklin, Secretary

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Texas Administrative Code

TITLE 43

TRANSPORTATION

PART 1

TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 27

TOLL PROJECTS

SUBCHAPTER H

DETERMINATION OF TERMS FOR CERTAIN TOLL PROJECTS

RULE §27.90

Purpose

Transportation Code, §228.013 requires, for certain department toll projects in which a private entity has a financial interest in the project's performance, that the distribution of the project's financial risk, the method of financing for the project, and the tolling structure and methodology be determined by a committee comprised of representatives from the department, any local toll project entity for the area in which the project is located, the applicable metropolitan planning organization, and each municipality or county that provides revenue or right of way for the project. This subchapter prescribes the process for a committee's issuance of its determination.

Source Note: The provisions of this §27.90 adopted to be effective September 15, 2011, 36 TexReg 5951

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PART 1

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CHAPTER 27

TOLL PROJECTS

SUBCHAPTER H

DETERMINATION OF TERMS FOR CERTAIN TOLL PROJECTS

RULE §27.91**Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Availability payment contract--A comprehensive development agreement under which payments are made to a private entity from project and other revenue to compensate the private entity for capital, operating, and financial costs, which may be based on the private entity's performance under the agreement.

(2) Commission--The Texas Transportation Commission.

(3) Committee--A committee established under this subchapter.

(4) Comprehensive development agreement--An agreement with a private entity authorized under Transportation Code, Chapter 223, Subchapter E that, at a minimum, provides for the design and construction, reconstruction, extension, expansion, or improvement of a toll project and may also provide for the financing, acquisition, maintenance, or operation of a toll project.

(5) Concession agreement--A comprehensive development agreement under which a private entity agrees to develop, finance, and construct a toll project, and to assume operation or maintenance responsibilities for a toll project, in exchange for rights to revenue of the project.

(6) Department--The Texas Department of Transportation.

(7) Executive director--The executive director of the department or the executive director's designee.

(8) Local funds--Funds of a city or county, any other funds paid by a city or county to meet local participation requirements, and money deposited in a subaccount created under Transportation Code, §228.012.

(9) Local toll project entity--Has the meaning assigned by Transportation Code, §373.001.

(10) Metropolitan planning organization--The organization or policy board of an organization created and designated under 23 U.S.C. §134 and 49 U.S.C. §5303, as amended, to make transportation planning decisions for a metropolitan planning area in which a toll project is located and to carry out the metropolitan transportation planning process.

(11) Toll project--Has the meaning assigned by Transportation Code, §201.001.

Source Note: The provisions of this §27.91 adopted to be effective September 15, 2011, 36 TexReg 5951

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TITLE 43

TRANSPORTATION

PART 1

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CHAPTER 27

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SUBCHAPTER H

DETERMINATION OF TERMS FOR CERTAIN TOLL PROJECTS

RULE §27.92

Financial Terms

(a) Applicability. This subchapter applies only to a department toll project that will be developed under a concession agreement or an availability payment contract, and for which:

- (1) funds allocated to a metropolitan planning organization are expected to be used to pay for project costs;
- (2) local funds are expected to be used to pay for project costs; or
- (3) property of a city or county is expected to be used as project right of way or a city or county is expected to pay for the acquisition of right of way for the project.

(b) Formation and membership of committee. For a project subject to Transportation Code, Chapter 373, Subchapter B, the committee shall be formed after the department exercises its option under that subchapter to develop, finance, construct, and operate the project. The membership of a committee shall be determined after the commission authorizes the department to initiate a procurement for a toll project that provides for the potential delivery of the project through a concession agreement or an availability payment contract. A committee consists of the following members:

- (1) one member appointed by each metropolitan planning organization within whose boundaries all or part of the proposed project may be located;
- (2) one member appointed by each local toll project entity within whose boundaries all or part of the proposed project may be located;
- (3) one member appointed by each city and county which has:
 - (A) provided local funds to pay for right of way acquisition or other project costs or to acquire right of way for the project, or has provided property of the city or county for use as project right of way; or
 - (B) submitted to the department an order or resolution adopted by the city council or county commissioners court committing local funds or property to the project; and
- (4) one member appointed by the executive director to represent the department.

(c) Officers. The committee will, subject to the concurrence of the commission, elect a chair and vice-chair by majority vote of the members of the committee.

(d) Duties. A committee established under this subchapter shall submit a report to the executive director before the date the department issues a request for qualifications for the toll project, except for a project

for which the department and a local toll project entity have agreed on the terms and conditions for the project under Transportation Code, §228.0111, or for which a local toll project entity has waived its option to develop, construct, and operate the project, in which case the report shall be submitted before the date the department issues a request for proposals for the project. If the project is subject to a market valuation agreement, market valuation waiver agreement, or similar agreement entered into under Transportation Code, §228.0111, or a toll project agreement entered into under Transportation Code, §373.006, the report may not include determinations that are inconsistent with the provisions of the agreement that relate to the determinations to be included in the report. A report shall contain the following determinations:

- (1) the distribution of project financial risk, which is the allocation of revenue risk for a toll project between the department and the private entity with which the department enters into an agreement for the project;
- (2) the method of financing for the project, which is a determination of whether the project should be funded with private or public funding or a combination of private and public funding; and
- (3) unless the project is subject to a regional tolling policy, the project's tolling structure and methodology.

(e) Failure to submit report. All members of a committee will utilize their best efforts to support the generation of a report. If a committee does not submit a report by the date the department is scheduled to issue a request for qualifications or request for proposals, as applicable, for a project, the department will use any business terms applicable to the project that have been adopted by the metropolitan planning organization and that relate to the determinations to be included in the report.

(f) Meetings.

(1) Meeting requirements. The department's Office of General Counsel will submit to the Office of the Secretary of State notice of a meeting of the committee at least eight days before the date of the meeting. The notice will provide the date, time, place, and purpose of the meeting. A meeting of a committee will be open to the public. A committee will follow the agenda set for each meeting under paragraph (2) of this subsection.

(2) Scheduling of meetings. Meeting dates, times, places, and agendas will be set by the office designated under subsection (g) of this section. Any committee member may suggest an agenda item, provided that the agenda item must be approved by the chair of the committee and the department. A committee's report may only discuss items that are within the committee's jurisdiction. The office designated under subsection (g) of this section will provide notice of the time, date, place, and purpose of meetings to the members, by mail, email, telephone, or any combination of the three, at least eight calendar days before each meeting. All meetings must take place in Texas and must be held in a location that is readily accessible to the general public.

(3) Committee action. A quorum of the committee is one half or more of the number of members appointed to the committee. A committee may act only by majority vote of the members present at the meeting and voting.

(4) Record. Minutes of all committee meetings shall be prepared and filed with the executive director. The complete proceedings of all committee meetings must also be recorded by electronic means.

(5) Public information. All minutes, transcripts, and other records of the committees are records of the department and as such, are subject to disclosure under the provisions of Government Code, Chapter 552.

(g) Administrative support. For each committee, the executive director will designate an office or division of the department that will be responsible for providing any necessary administrative support essential to the functions of the committee. The department will provide project information and other information to the committee to assist the committee in carrying out its duties, including the project procurement schedule.

(h) Duration. After a committee submits the report described in subsection (d) of this section, the committee ceases to exist. The department may, in its discretion, reconvene a committee if changed circumstances may result in a change in the committee's determinations.

Source Note: The provisions of this §27.92 adopted to be effective September 15, 2011, 36 TexReg 5951

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SB 1420 Letter, October 19, 2011
Mailing list

Name	Title	Entity
Michael Morris	Transportation Director	NCTCOG
Gerry Carrigan	Interim Executive Director	NTTA
Mary Horn	Judge	Denton Co.
Andy Eads	Commissioner	Denton Co.
Hugh Coleman	Commissioner	Denton Co.
Ron Marchant	Commissioner	Denton Co.
Bobbie Mitchell	Commissioner	Denton Co.
Clay Jenkins	Judge	Dallas Co.
Mike Cantrell	Commissioner	Dallas Co.
Matthew Marchant	Mayor	Carrollton
Leonard Martin	City Manager	Carrollton
Paul Ruggiere	Mayor	Corinth
Jim Berzina	City Manager	Corinth
Pete Kamp	Mayor Pro Tem	Denton
George Campbell	City Manager	Denton
John Smith	Mayor	Town of Hickory Creek
Scott McDearmont	Mayor	Highland Village
Mike Leavitt	City Manager	Highland Village
Tony Marino	Mayor	Lake Dallas
Earl Berner	City Manager	Lake Dallas
Dean Ueckert	Mayor	Lewisville
Claude King	City Manager	Lewisville
Jerry Williams	Mayor	Town of Shady Shores
Mike Rawlings	Mayor	City of Dallas
Pauline Medrano	Mayor Pro Tem	City of Dallas
Mary Suhm	City Manager	City of Dallas
Vonciel Jones Hill	Councilmember	City of Dallas
Linda Koop	Councilmember	City of Dallas
William Glancy	Mayor	Farmers Branch
Gary Greer	City Manager	Farmers Branch
Rob Franke	Mayor	Cedar Hill
Karen Hunt	Councilmember	Coppell
Kimberly Lay	Deputy Mayor Pro-Tem	Town of Addison
Rick Stopfer	Councilmember	Irving



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. · 125 E. 11TH STREET · AUSTIN, TEXAS 78701-2483 · (512) 463-8585

October 19, 2011

Mr. Gerry Carrigan
Interim Executive Director
North Texas Tollway Authority
P. O. Box 260729
Plano, Texas 75026

RE: SB 1420 Committee Members

Dear Mr. Carrigan:

As you are likely aware, the Texas Department of Transportation (TxDOT) is engaged in project development activities associated with the planned redevelopment of a 28-mile section of I-35E from I-635 to US 380 in Dallas and Denton Counties (the I-35E Managed Lanes Project).

In Minute Order 112840, dated September 29, 2011, the Texas Transportation Commission authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the I-35E Managed Lanes Project. TxDOT and local stakeholders are currently analyzing options for the financing and delivery of the I-35E Managed Lanes Project, including the possible use of a design-build contract, concession agreement, or availability payment contract.

Section 228.013, Transportation Code and TxDOT's rules implementing that section provide that a committee comprised of representatives from TxDOT, the North Central Texas Council of Governments (NCTCOG), the North Texas Tollway Authority (NTTA), and each city or county that provides funding or right-of-way for a toll project that will be developed under a concession agreement or availability payment contract must be formed; and must issue a report containing the committee's determinations concerning the distribution of the project's financial risk, the method of financing for the project, and, unless the project is subject to a regional tolling policy, the project's tolling structure and methodology. The committee's report will be used to determine the project's delivery method.

TxDOT and local stakeholders have determined those entities that may be eligible to appoint members of the committee under Section 228.013 and TxDOT's rules. The purpose of this letter is to request that NTTA appoint one member to represent NTTA on the committee, and that you provide a copy of the resolution or other action making or authorizing the appointment.

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Gerry Carrigan

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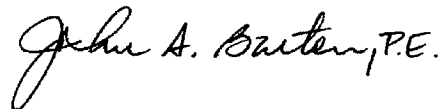
October 19, 2011

Since the committee's report will determine the delivery method for the I-35E Managed Lanes Project, the report should be issued prior to the issuance of the request for qualifications for the project. Under TxDOT's current project schedule, the request for qualifications will be issued by the end of November. After formation of the committee, meeting dates and meeting agendas must be set. Committee meetings will be open to the public, and TxDOT's rules require notices of meetings to be submitted to Office of the Secretary of State at least eight days prior to the date of the meeting.

To maintain this schedule, committee members should be appointed by October 31, 2011. This would allow the committee to hold multiple meetings, if necessary, to approve the required determinations and issue a report prior to November 23, 2011. Any delays in appointing members and holding committee meetings will delay the issuance of a report and the development of the I-35 Managed Lanes Project.

TxDOT looks forward to working with NTTA and the other stakeholders in the successful development, construction, and operation of the I-35E Managed Lanes Project. If you have any questions or would like additional information, please contact me at (512) 305-9501, or should your staff have any questions, they may contact Bill Hale, Dallas District Engineer, at (214) 320-6110.

Sincerely,



John A. Barton, P.E.
Interim Deputy Executive Director

cc: Bill Hale, P.E., Dallas District Engineer, TxDOT

RESOLUTION NO. 3491

A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS SUPPORTING THE RECONSTRUCTION OF IH 35E THROUGH CARROLLTON, APPOINTING A REPRESENTATIVE TO THE SB 1420 COMMITTEE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 20, 2004, City Council passed resolution 2766 that recommended the lowering of Belt Line Road at IH 35E as the city preferred alternative for the elimination of at grade railroad crossings in the vicinity of the planned downtown Carrollton passenger rail station; and

WHEREAS, the voters of Carrollton on May 15, 2004 authorized the sale of \$2,900,000 in general obligation bonds for the Belt Line at IH 35E project; and

WHEREAS, the voters of Carrollton on November 6, 2007 authorized the sale of \$2,600,000 in general obligation bonds for the Belt Line at IH 35E project; and

WHEREAS, pursuant to Section 228.013, Texas Transportation Code, TxDOT must create a committee comprised of representatives of municipalities and counties that provide ROW or project funding; and

WHEREAS, TxDOT has requested that the city name an individual to represent the city of Carrollton in the any future committee meetings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

SECTION 1:

That the City Council of the city of Carrollton hereby names Matthew Marchant to represent the city of Carrollton in any future SB 1420 committee meetings and that this individual can name an alternate to represent them in the event that they are unable to attend.

SECTION 2:

That the City Council has available \$5,500,000 that may be use towards the IH 35E at Belt Line Road project.

SECTION 3:

That this resolution shall take effect immediately from and after its passage.

PASSED on this 15th day of November, 2011.

City of Carrollton, Texas

By: 
Matthew Marchant, Mayor

ATTEST:


Ashley D. Mitchell, City Secretary



Approved as to form:


R. Clayton Hutchins, City Attorney

Approved as to content:


Cesar J. Molina, Jr., P.E., Director of Engineering



City of Corinth

3300 Corinth Parkway

Corinth, TX 76208

FAX TRANSMISSION

TO:

Bill Hale

Organization:

TxDOT

Phone Number:

Fax Number:

214.320-6117

FROM:

KIMBERLY PENCE, CITY SECRETARY

Organization:

City of Corinth

Phone Number:

940-498-3242

Fax Number:

940-498-7505

Date:

Oct 27, 2011

Total Pages:

3



940-498-3200
www.cityofcorinth.com

City of Corinth
3300 Corinth Parkway

Fax: 940-498-7505
Corinth, TX 76208

October 27, 2011

Via Facsimile and Regular Mail

Mr. Bill Hale, P.E.
Dallas District Engineer
TxDot
4777 East Highway 80
Mesquite, Texas 75150

RE: City of Corinth and I-35E Managed Lanes Project

Dear Mr. Hale:

Enclosed please find a certified copy of the resolution of the Corinth City Council which affirms the City's commitment to the I-35E Managed Lanes Project and appoints Mayor Ruggiere as the City's representative on the SB1420 Committee.

Please call me or Mayor Ruggiere if you have any questions.

Sincerely,
Kim Pence
cc: John Barton, P.E.
Mayor

Enclosures

RESOLUTION NO. 11-10-25-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AFFIRMING AND EXPRESSING THE CITY'S COMMITMENT TO THE INTERSTATE 35E MANAGED LANE PROJECT; APPOINTING A REPRESENTATIVE TO THE COMMITTEE FOR THE PROJECT IN ACCORDANCE WITH SECTION 228.013 OF THE TEXAS TRANSPORTATION CODE AND THE RULES PROMULGATED BY TXDOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Transportation Commission recently authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the I-35E Managed Lanes Project, which includes that portion of Interstate 35-E from Swisher Road to US 380 (the "Project"); and

WHEREAS, the City adopts this resolution in response to the letter of October 19, 2011, from Mr. John A. Barton, TxDOT Interim Executive Director to Paul Ruggiere regarding the Project; and

WHEREAS, the City of Corinth wishes to affirm its commitment to the provision of right-of-way for the Project; and

WHEREAS, Section 228.013 (a)(2) of the Texas Transportation Code provides for a committee of representatives to make certain decisions regarding method of financing for the Project, and the distribution of financial risk, both of which will be used to determine the delivery method of the Project, (the "Committee"); NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1. That the City Council of the City of Corinth hereby affirms its commitment to provide right of way for the I-35E Managed Lanes Project.

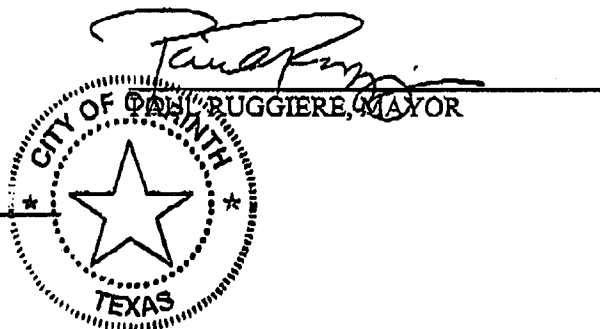
SECTION 2. That the City designates Paul Ruggiere as the City's representative to the Committee.

SECTION 3. That this Resolution shall take effect upon its adoption.

PASSED AND APPROVED this 25 day of October, 2011.

ATTEST:


KIM PENCE, CITY SECRETARY



+
CITY OF CORINTH
COUNTY OF DENTON
STATE OF TEXAS

{
{
{

I, THE UNDERSIGNED CITY SECRETARY OF THE CITY OF CORINTH,
DENTON COUNTY, TEXAS HEREBY CERTIFY THAT THE ATTACHED AND
FOREGOING COPY OF RESOLUTION NO. 11-10-25-22 IS A TRUE AND
CORRECT COPY BY THE CITY SECRETARY AS OF THE DATE THEREOF.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF THE CITY OF
CORINTH, ON THIS THE 25 DAY OF October, 2011

Kimberly Pence
KIMBERLY PENCE, CITY SECRETARY
CITY OF CORINTH
DENTON COUNTY, TEXAS



ORDER NO. 2011 1863

Dallas County

1 of 1

DATE: October 25, 2011

STATE OF TEXAS

COUNTY OF DALLAS

AI

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on

the 25th day of October, 2011, on motion made by

John Wiley Price, Commissioner of District No. 3, and seconded by

Mike Cantrell, Commissioner of District No. 2, the following order was adopted.

WHEREAS, Texas Department of Transportation (TxDOT) is engaged in project development activities associated with the planned redevelopment of a 28-mile section of I-35 from I-35 to US 380 in Dallas and Denton Counties (the I-35E Managed Lanes Project); and

WHEREAS, In Minute Order 112840, dated September 29, 2011, the Texas Transportation Commission authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the I-35E Managed Lanes Project; and

WHEREAS, Section 228.013, Transportation Code and TxDOT's rules implementing that section provide that a committee comprised of representatives from TxDOT, the North Central Texas Council of Governments (NCTCOG), the North Texas Tollway Authority (NTTA), and each city or county that provides funding or right-of-way for a toll project that will be developed to provide oversight for the project; and

WHEREAS, TxDOT and local stakeholders have determined those entities that may be eligible to appoint members of the committee under Section 228.013 and TxDOT's rules; and

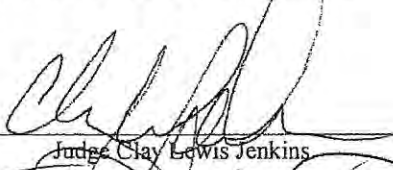
WHEREAS, Dallas County has been requested by TxDOT to appoint one member to represent the County on the committee, and to provide a copy of the resolution or other action making or authorizing the appointment by October 31, 2011, and:

WHEREAS, Dallas County currently has funding of \$4,000,000.00 available for project costs at the intersection of Beltline/Jackson at IH 35E in MCIP Project 10403_2; and

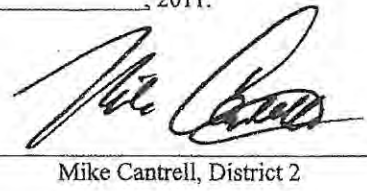
WHEREAS, Dallas County Public Works Director, Alberta Blair, P.E., is designated as the committee member, with Assistant Director Antoinette Bacchus, P.E. as the alternate member for voting purposes.

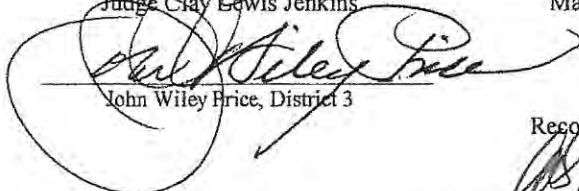
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Dallas County Commissioners Court that Dallas County is committed to the project development of the IH35E Managed Lanes Project; and that the appointed committee member for the IH35E Managed Lanes Stakeholders Committee shall be the Director of Public Works, Alberta Blair P.E. with alternate Antoinette Bacchus, P.E., and funding for MCIP Project 10403_2 will be secured by a future agreement.

DONE IN OPEN COURT, this the 25th day of October, 2011.

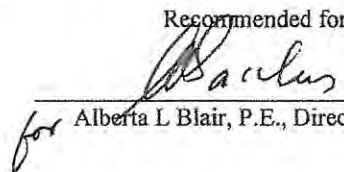

Judge Clay Lewis Jenkins

ABSENT
Maurine Dickey, District 1


Mike Cantrell, District 2


John Wiley Price, District 3

ABSENT
Dr. Elba Garcia, District 4

Recommended for Approval:

for Alberta L Blair, P.E., Director of Public Works



Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

From the desk of the Chairman of DART

November 7, 2011

Mr. John A. Barton, P.E.
Interim Deputy Executive Director
Texas Department of Transportation
Dewitt C. Greer State Highway Bldg.
125 E. 11th Street
Austin, Texas 78701-2843

RE: SB 1420 Committee Members

Dear Mr. Barton:

Per your request in correspondence dated October 19, 2011, this letter formally appoints William Velasco, Immediate Past Chairman, DART Board of Directors to the SB1420 Committee. You may send correspondence to his attention at:

William Velasco, II
DART Board of Directors
P.O. Box 660163
Dallas, TX 75266-7200
214-749-3347

Please forward schedule of meetings to his attention at your earliest convenience. Thank you.

Sincerely,

A handwritten signature in black ink that reads "John C. Danish". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John C. Danish, Chair

CC: William Velasco
Bill Hale
Gary Thomas
Nancy Johnson

"DART: Your preferred choice of transportation for now and in the future...."



October 31, 2011

Mr. John A. Barton, P.E.
Interim Deputy Executive Director
125 E. 11th Street
Austin, Texas 78701-2483

RE: SB 1420 Committee

Mr. Barton:

This a follow up to your letter dated October 19, 2011 regarding the Texas Department of Transportation's (TxDOT) efforts associated with the redevelopment of I-35E from I-635 in Dallas County to US 380 in Denton.

Your letter requested that Denton affirm the City of Denton's commitment to the project and appoint a member to the 1420 Committee. I understand that the role of the "committee" will be to develop a report outlining distribution of the project's financial risk, method of financing for the project and project's tolling structure and methodology. This letter shall affirm the City of Denton's commitment to the project and shall serve as the official appointment of Mark Nelson, Transportation Director as the City of Denton representative on the committee.

Thank you for your efforts in advancing this much needed infrastructure project here in North Central Texas. Should you have any questions, please do not hesitate to contact me at 940.349.8560 or Mark Nelson at 940.349.7702.

Sincerely,

A handwritten signature in black ink, appearing to read "George Campbell", written over a white background.

George Campbell
City Manager, Denton



DEWITT C. GREER STATE HIGHWAY BLDG. · 125 E. 11TH STREET · AUSTIN, TEXAS 78701-2483 · (512) 463-8585

October 19, 2011

The Honorable Mary Horn
Judge
Denton County
110 West Hickory
Denton, Texas 76201

RE: SB 1420 Committee Members

Dear Judge Horn:

As you are likely aware, the Texas Department of Transportation (TxDOT) is engaged in project development activities associated with the planned redevelopment of a 28-mile section of I-35E from I-635 to US 380 in Dallas and Denton Counties (the I-35E Managed Lanes Project).

In Minute Order 112840, dated September 29, 2011, the Texas Transportation Commission authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the I-35E Managed Lanes Project. TxDOT and local stakeholders are currently analyzing options for the financing and delivery of the I-35E Managed Lanes Project, including the possible use of a design-build contract, concession agreement, or availability payment contract.

Section 228.013, Transportation Code and TxDOT's rules implementing that section provide that a committee comprised of representatives from TxDOT, the North Central Texas Council of Governments (NCTCOG), the North Texas Tollway Authority (NTTA), and each city or county that provides funding or right-of-way for a toll project that will be developed under a concession agreement or availability payment contract must be formed; and must issue a report containing the committee's determinations concerning the distribution of the project's financial risk, the method of financing for the project, and, unless the project is subject to a regional tolling policy, the project's tolling structure and methodology. The committee's report will be used to determine the project's delivery method.

THE TEXAS PLAN

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PRESERVE THE VALUE OF TRANSPORTATION ASSETS

Handout 4.3

An Equal Opportunity Employer

The Honorable Mary Horn

- 2 -

October 19, 2011

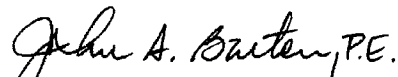
TxDOT and local stakeholders have determined those entities that may be eligible to appoint members of the committee under Section 228.013 and TxDOT's rules. The purpose of this letter is to request that Denton County affirm your commitment to provide funding and/or right-of-way for the I-35E Managed Lanes Project, and to provide a copy of a certified resolution or other action by Denton County that documents this commitment. If you've affirmed your commitment, we also request that you appoint one member to represent Denton County on the committee, and that you provide a copy of the resolution or other action making or authorizing the appointment.

Since the committee's report will determine the delivery method for the I-35E Managed Lanes Project, the report should be issued prior to the issuance of the request for qualifications for the project. Under TxDOT's current project schedule, the request for qualifications will be issued by the end of November. After formation of the committee, meeting dates and meeting agendas must be set. Committee meetings will be open to the public, and TxDOT's rules require notices of meetings to be submitted to Office of the Secretary of State at least eight days prior to the date of the meeting.

To maintain this schedule, committee members should be appointed by October 31, 2011. This would allow the committee to hold multiple meetings, if necessary, to approve the required determinations and issue a report prior to November 23, 2011. Any delays in appointing members and holding committee meetings will delay the issuance of a report and the development of the I-35 Managed Lanes Project.

TxDOT looks forward to working with Denton County and the other stakeholders in the successful development, construction, and operation of the I-35E Managed Lanes Project. If you have any questions or would like additional information, please contact me at (512) 305-9501, or should your staff have any questions, they may contact Bill Hale, Dallas District Engineer, at (214) 320-6100.

Sincerely,



John A. Barton, P.E.
Interim Deputy Executive Director

cc: Bill Hale, P.E., Dallas District Engineer, TxDOT



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

October 27, 2011

Mr. John A. Barton, P.E.
Interim Deputy Executive Director
Texas Department of Transportation
Dewitt C. Greer Bldg.
125 E. 11th Street
Austin, Texas 78701-2483

RE: SB 1420 Members

Dear Mr. Barton:

Pursuant to your letter of October 19, 2011, this is to advise you that the City of Lewisville appoints Claude King, City Manager, to represent the city on the SB 1420 Committee. Authority for the appointment is granted under the city's charter.

Please contact me at 972-219-3409 if have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Claude King', is placed above the printed name and title.

Claude King
City Manager

c: Dean Ueckert, Mayor
Donna Barron, Assistant City Manager
Steven L. Bacchus, Assistant City Manager

Handout 4.3



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. · 125 E. 11TH STREET · AUSTIN, TEXAS 78701-2483 · (512) 463-8585

October 19, 2011

Michael Morris, P.E.
Transportation Director
North Central Texas Council of Governments
P. O. Box 5888
Arlington, Texas 76005-5888

RE: SB 1420 Committee Members

Dear Mr. Morris:

As you are likely aware, the Texas Department of Transportation (TxDOT) is engaged in project development activities associated with the planned redevelopment of a 28-mile section of I-35E from I-635 to US 380 in Dallas and Denton Counties (the I-35E Managed Lanes Project).

In Minute Order 112840, dated September 29, 2011, the Texas Transportation Commission authorized TxDOT to issue a request for qualifications to develop, design, construct, finance, maintain, and operate all or any portion of the I-35E Managed Lanes Project. TxDOT and local stakeholders are currently analyzing options for the financing and delivery of the I-35E Managed Lanes Project, including the possible use of a design-build contract, concession agreement, or availability payment contract.

Section 228.013, Transportation Code and TxDOT's rules implementing that section provide that a committee comprised of representatives from TxDOT, the North Central Texas Council of Governments (NCTCOG), the North Texas Tollway Authority (NTTA), and each city or county that provides funding or right-of-way for a toll project that will be developed under a concession agreement or availability payment contract must be formed; and must issue a report containing the committee's determinations concerning the distribution of the project's financial risk, the method of financing for the project, and, unless the project is subject to a regional tolling policy, the project's tolling structure and methodology. The committee's report will be used to determine the project's delivery method.

TxDOT and local stakeholders have determined those entities that may be eligible to appoint members of the committee under Section 228.013 and TxDOT's rules. The purpose of this letter is to request that NCTCOG appoint one member to represent NCTCOG on the committee, and that you provide a copy of the resolution or other action making or authorizing the appointment.

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Handout 4.3

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Michael Morris, P.E.

- 2 -

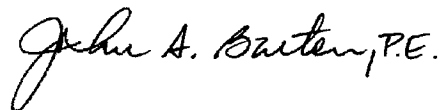
October 19, 2011

Since the committee's report will determine the delivery method for the I-35E Managed Lanes Project, the report should be issued prior to the issuance of the request for qualifications for the project. Under TxDOT's current project schedule, the request for qualifications will be issued by the end of November. After formation of the committee, meeting dates and meeting agendas must be set. Committee meetings will be open to the public, and TxDOT's rules require notices of meetings to be submitted to Office of the Secretary of State at least eight days prior to the date of the meeting.

To maintain this schedule, committee members should be appointed by October 31, 2011. This would allow the committee to hold multiple meetings, if necessary, to approve the required determinations and issue a report prior to November 23, 2011. Any delays in appointing members and holding committee meetings will delay the issuance of a report and the development of the I-35 Managed Lanes Project.

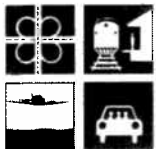
TxDOT looks forward to working with NCTCOG and the other stakeholders in the successful development, construction, and operation of the I-35E Managed Lanes Project. If you have any questions or would like additional information, please contact me at (512) 305-9501, or should your staff have any questions, they may contact Bill Hale, Dallas District Engineer, at (214) 320-6110.

Sincerely,



John A. Barton, P.E.
Interim Deputy Executive Director

cc: Bill Hale, P.E., Dallas District Engineer, TxDOT



Regional Transportation Council

The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)



October 27, 2011

Mr. John Barton, P.E.
Interim Deputy Executive Director
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

Dear Mr. Barton:

This letter is in response to your correspondence dated October 19, 2011, requesting an appointment under Senate Bill 1420. Texas Transportation Code Section 228.013 and Texas Department of Transportation's (TxDOT) rules require a committee be formed for certain toll projects, such as the IH-35E Managed Lanes Project. This committee is to be comprised of representatives from TxDOT, North Central Texas Council of Governments (NCTCOG), North Texas Tollway Authority (NTTA), and each municipality or county that provides revenue or right-of-way. It was also determined that these entities are eligible to appoint members to the committee.

On behalf of the Regional Transportation Council (RTC), the policy body of the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth area, I would like to appoint Michael Morris, P.E., Director of Transportation, to represent NCTCOG on the committee. This appointment will be re-affirmed by RTC resolution at the next RTC meeting on November 10, 2011. If you have any questions, please contact me or Michael Morris at (817) 695-9241.

Sincerely,

Jungus Jordan
Chair, Regional Transportation Council
Councilmember, City of Fort Worth

RH:al

cc: Phil Wilson, Executive Director, TxDOT
Mike Eastland, Executive Director, NCTCOG
Bill Hale, P.E., Dallas District Engineer, TxDOT
Michael Morris, P.E., Director of Transportation, NCTCOG

From: Jim Cline <jcline@dcta.net>
To: John Hudspeth <John.Hudspeth@txdot.gov>
Date: 11/1/11 11:57 AM
Subject: Re: SB 1420 Committee Members for IH 35E from IH 635 to US 380 Letter

John:

Charles Emery was appointed by the Board. He is copied on this email. Please keep me in the loop as I can assist with communications.

Jim

Sent from my iPhone

On Nov 1, 2011, at 11:52 AM, "John Hudspeth" <John.Hudspeth@txdot.gov> wrote:

> Are you the SB 1420 committee member from DCTA?
> -----Original Message-----
> From: John Hudspeth
> To: Jim Cline <jcline@dcta.net>
>
> Sent: 11/1/2011 11:15:04 AM
> Subject: RE: SB 1420 Committee Members for IH 35E from IH 635 to US
> 380 Letter
>
> Can you forward me a copy of the resolution? Thanks.
>
>>>> Jim Cline <jcline@dcta.net> 10/26/11 8:20 AM >>>
>
> Bill:
> We are moving forward with a Board action tomorrow to appoint a
> representative to the committee. What do you see as the
> expectations from us for this effort? I want to make sure we do our
> part within our capabilities to support this critical project. We
> have property interest in the rail line, and I see the A-train
> having a role in detour planning.
> Any thoughts would be appreciated.
> Regards,
> Jim
>
>
>
> From: Bill Hale [mailto:Bill.Hale@txdot.gov]
> Sent: Thursday, October 20, 2011 6:11 PM
> To: Jim Cline; Jim Witt; fcemery@verizon.net
> Subject: SB 1420 Committee Members for IH 35E from IH 635 to US 380
> Letter
>
>
>
> Dear Chairman Emery, Mr Witt & Mr. Cline,
>
>
>
> Please see the attached letter regarding IH 35E and the SB 1420
> Committee Members from John Barton, TxDOT's Interim Deputy Executive



Handout 4.3

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> Director, which was mailed to you yesterday, October 19th, via US
> mail.
>
>
>
> You should receive the hard copy in the mail within the next few days.
>
>
>
> Thank you.
>
>
>
> Bill
>
>
>
>
>
>
> Note: Effective August 1, 2010, I will have a new e-mail address: bill.hale@txdot.gov
>
> Please update this information in your address book. Thank you.
>
> Bill Hale
> Dallas District Engineer
> TxDOT
> e-mail: bill.hale@txdot.gov
> 214-320-6110=====Texas Transportation ForumFor
> more information on registration and program details visitwww.texastransportationforum.com
>
> =====
> Texas Transportation Forum
> For more information on registration and program details visit
> www.texastransportationforum.com
>
> <mime-attachment>

16.A

**Denton County
Commissioners Court**

Oct 25, 2011

Date

11-0827

Court Order Number

The Order:

Approval of appointment of John Polster to IH 35E and SB 1420 Committee, demonstrating Denton County's affirmation of commitment to the IH 35E Managed Lanes Project, and any appropriate action.
County Judge

Motion by Mitchell Seconded by Horn

County Judge

Mary Horn

Yes

Abstain

No

Absent

Commissioner Pct No 1

Hugh Coleman

Yes

Abstain

No

Absent

Commissioner Pct No 2

Ron Marchant

Yes

Abstain

No

Absent

Commissioner Pct No 3

Bobbie J. Mitchell

Yes

Abstain

No

Absent

Commissioner Pct No 4

Andy Eads

Yes

Abstain

No

Absent

Motion Carried 5-0-0

Other Action: Pulled from Consent No Action Postponed

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

Mary Horn
Presiding Officer



Cynthia Mitchell, County Clerk
and Ex-Officio Clerk of the
Commissioners Court of
Denton County, Texas

APPROVED AS TO FORM:

John Zeldt
Assistant District Attorney

Heath Wood
Deputy County Clerk

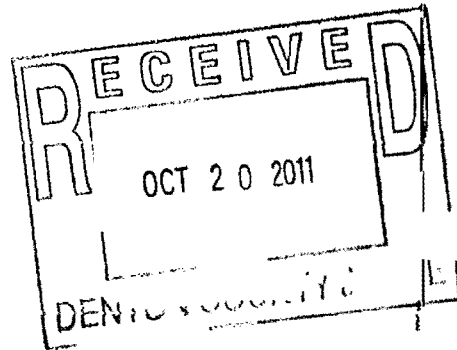
17



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. · 125 E. 11TH STREET · AUSTIN, TEXAS 78701-2483 · (512) 463-8585

October 19, 2011



The Honorable Mary Horn
Judge
Denton County
110 West Hickory
Denton, Texas 76201

RE: SB 1420 Committee Members

Dear Judge Horn:

As you are likely aware, the Texas Department of Transportation (TxDOT) is engaged in project development activities associated with the planned redevelopment of a 28-mile section of I-35E from I-635 to US 380 in Dallas and Denton Counties (the I-35E Managed Lanes Project).

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Denton County

The Honorable Mary Horn

- 2 -

October 19, 2011


TxDOT and local stakeholders have determined those entities that may be eligible to appoint members of the committee under Section 228.013 and TxDOT's rules. The purpose of this letter is to request that Denton County affirm your commitment to provide funding and/or right-of-way for the I-35E Managed Lanes Project, and to provide a copy of a certified resolution or other action by Denton County that documents this commitment. If you've affirmed your commitment, we also request that you appoint one member to represent Denton County on the committee, and that you provide a copy of the resolution or other action making or authorizing the appointment.

Since the committee's report will determine the delivery method for the I-35E Managed Lanes Project, the report should be issued prior to the issuance of the request for qualifications for the project. Under TxDOT's current project schedule, the request for qualifications will be issued by the end of November. After formation of the committee, meeting dates and meeting agendas must be set. Committee meetings will be open to the public, and TxDOT's rules require notices of meetings to be submitted to Office of the Secretary of State at least eight days prior to the date of the meeting.

To maintain this schedule, committee members should be appointed by October 31, 2011. This would allow the committee to hold multiple meetings, if necessary, to approve the required determinations and issue a report prior to November 23, 2011. Any delays in appointing members and holding committee meetings will delay the issuance of a report and the development of the I-35 Managed Lanes Project.

TxDOT looks forward to working with Denton County and the other stakeholders in the successful development, construction, and operation of the I-35E Managed Lanes Project. If you have any questions or would like additional information, please contact me at (512) 305-9501, or should your staff have any questions, they may contact Bill Hale, Dallas District Engineer, at (214) 320-6100.

Sincerely,


John A. Barton, P.E.
Interim Deputy Executive Director

cc: Bill Hale, P.E., Dallas District Engineer, TxDOT

From: [Mary Horn](#)
To: [Kate Lynass](#)
Subject: FW: SB 1420 Committee Members for IH 35E from IH 635 to US 380
Date: Friday, October 21, 2011 10:11:39 AM

Mary Horn
Denton County Judge
110 W. Hickory St
Denton, TX 76201
940-349-2820
972-434-8805 Metro

940-349-2821 FAX

From: Mary Horn
Sent: Friday, October 21, 2011 10:09 AM
To: 'Bill Hale'
Cc: John Polster (johnp@itsinc-tx.com)
Subject: RE: SB 1420 Committee Members for IH 35E from IH 635 to US 380

There is a problem with the Oct 31st deadline! Extension possible or is there a draft resolution we can hurry up and post?

In order to do a resolution and appoint a member to the committee it would need to be done in Commissioners Court. Today is Friday the 21st and the only meeting in October to get this done is next Tuesday Oct 26th.....unless we can get this done by noon **today** it is too late to be posted as an addendum to next Tuesdays agenda.

Furthermore – I am going out of town and will not be in Court the following Tuesday – Nov 1.

Mary Horn
Denton County Judge
110 W. Hickory St
Denton, TX 76201
940-349-2820
972-434-8805 Metro

940-349-2821 FAX

From: Bill Hale [mailto:Bill.Hale@txdot.gov]
Sent: Thursday, October 20, 2011 1:43 PM
To: Andy Eads; Bobbie J. Mitchell; Hugh Coleman; Mary Horn; Ron Marchant
Cc: Manuel Trevizo
Subject: SB 1420 Committee Members for IH 35E from IH 635 to US 380

Importance: High

Judge Horn & Commissioners,

Please see the attached letter regarding IH 35E and the SB 1420 Committee Members from John Barton, TxDOT's Interim Deputy Executive Director, which mailed to you yesterday, October 19th, via US mail.

You should receive the hard copy in the mail shortly.

Thank you.

Bill

Note: Effective August 1, 2010, I will have a new e-mail address: bill.hale@txdot.gov. Please update this information in your address book. Thank you.

Bill Hale
Dallas District Engineer
TxDOT
e-mail: bill.hale@txdot.gov
214-320-6110

=====
Texas Transportation Forum
For more information on registration and program details visit
www.texas transportation forum.com

MANAGED LANE POLICIES

1. A fixed-fee schedule will be applied during the first six months of operation; dynamic pricing will be applied thereafter.
2. The toll rate will be set up to \$0.75 per mile during the fixed-schedule phase. The established rate will be evaluated and adjusted, if warranted, with Regional Transportation Council (RTC) approval.
3. Toll rates will be updated monthly during the fixed-schedule phase.
4. Market-based tolls will be applied during the dynamic-pricing phase. During dynamic operation, a toll rate cap will be established. The cap will be considered “soft” during times of deteriorating performance when a controlled rate increase above the cap will be temporarily allowed.
5. Transit vehicles will not be charged a toll.
6. Single-occupant vehicles will pay the full rate.
7. Trucks will pay a higher rate, and no trucks will be permitted in the LBJ tunnel.



MANAGED LANE POLICIES (continued)

8. High-occupancy vehicles of two or more occupants and vanpools will pay the full rate in the off-peak period.
9. High-occupancy vehicles of two or more occupants will receive a 50 percent discount during the peak period.* This discount will phase out after the air quality attainment maintenance period. RTC-sponsored public vanpools are permitted to add peak-period tolls as eligible expenses. Therefore, the Comprehensive Development Agreement (CDA) firm will be responsible for the high-occupancy vehicle discount and the Regional Transportation Council will be responsible for the vanpool discount.
10. The toll rate will be established to maintain a minimum average corridor speed of 50 miles per hour.

*6 hours per weekday: 6:30 a.m. - 9:00 a.m. and 3:00 p.m. - 6:30 p.m.



MANAGED LANE POLICIES

(continued)

11. During the dynamic-pricing phase, travelers will receive rebates if the average speed drops below 35 mph. Rebates will not apply if speed reduction is out of the control of the operator.
12. Motorcycles qualify as high-occupancy vehicles.
13. No discounts will be given for “Green Vehicles.”
14. No scheduled inflation adjustments will be applied over time.
15. Every managed lane corridor will operate under the same policy.
16. Adoption of this policy will have no impact on the Regional Transportation Council Excess Revenue Policy previously adopted.



MANAGED LANE POLICIES

(continued)

17. The Regional Transportation Council requests that local governments and transportation authorities assign representatives to the Comprehensive Development Agreement procurement process.
18. The duration of the Comprehensive Development Agreement should maximize potential revenue.
19. Tolls will remain on the managed lanes after the Comprehensive Development Agreement duration.

Handout 4.4

RTC Approved – May 11, 2006
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