

Resolution



ORDER NO. 2007-1603

DATE: AUGUST 21, 2007

STATE OF TEXAS §

COUNTY OF DALLAS §

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

held on the 21st day of August, 2007, on motion made

by Maurine Dickey, Commissioner of District No. 1, and seconded by

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

adopted:

WHEREAS, Senate Bill 792 was enacted by the Texas Legislature and signed into law by the Governor; and

WHEREAS, certain provisions of that law provide for a moratorium on specified CDA's; and

WHEREAS, the LBJ Managed Lane CDA is one project to which the moratorium in SB 792 does not apply because it includes one or more managed lane facilities to be added to an existing controlled-access highway; the major portion of which is located in a non-attainment or near non-attainment air quality area as designated by the United States Environmental Protection Agency; and for which the department has issued a request for qualifications before May 1, 2007;

WHEREAS, the Commissioner of District 1 and the Dallas County Commissioners Court have consistently supported the development of the LBJ Managed Lane project to include financial participation in the Dallas County Transportation Major Capital Improvement Program of \$3 Million in fiscal year 2009; and

WHEREAS, SB 792 specifies that the Texas Department of Transportation may not enter into a CDA in connection with the LBJ Managed Lane Project unless the Dallas County Commissioners Court passes a resolution in support of the CDA; and

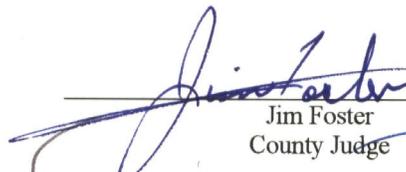
WHEREAS, SB 792 specifies that the resolution will acknowledge that the CDA may contain penalties for the construction of future competing transportation projects that are acquired or constructed during the term of the CDA; and

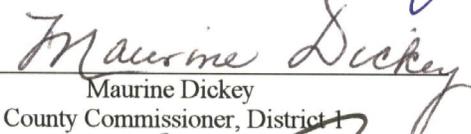
WHEREAS, NCTCOG Transportation staff members have assured the members of the Commissioners Court that such potential competing transportation projects that could be acquired or constructed during the term of the CDA are very limited; and

WHEREAS, the Commissioners Court is fully aware of these penalties.

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSIONERS COURT OF DALLAS COUNTY, TEXAS that the Dallas County Commissioners Court acknowledges that the CDA agreement may contain penalties for the construction of future competing transportation projects that are acquired or constructed during the term of the CDA, and knowing these penalties agrees that the Texas Department of Transportation should execute the CDA.

DONE IN OPEN COURT this the 21st day of August, 2007.


Jim Foster
County Judge


Maurine Dickey
County Commissioner, District 1


John Wiley Price
County Commissioner, District 3


Mike Cantrell
County Commissioner, District 2


Kenneth A. Mayfield
County Commissioner, District 4