

## TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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DALLAS & FORT WORTH Districts

Transportation Code, §228.012 requires the Texas Department of Transportation (department) to create a separate account in the state highway fund to hold payments received by the department under a comprehensive development agreement (CDA) and the surplus revenue of a toll project or system.

The department is required to create subaccounts in the account for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which the project or system is located. Interest earned on money in a subaccount shall be deposited to the credit of that subaccount. The department may assign the responsibility for allocating money in a subaccount to the metropolitan planning organization (MPO) in which the region is located.

The department has created subaccounts in the state highway fund to hold the payments received from the North Texas Tollway Authority (NTTA) for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County (SH 161 payments).

Pursuant to Transportation Code, §228.012, the SH 161 payments may be used to pay the costs of a transportation project, highway project, or air-quality project within a region in which any part of the SH 161 toll project is located. Money must be allocated to projects authorized by Transportation Code, §228.0055 or §228.006, as applicable. An air-quality project is a project or program of the department or another governmental entity that the commission determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

In Minute Order 110727, dated October 26, 2006, the Texas Transportation Commission (commission) approved, and authorized the department's executive director to enter into a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), the transportation policy council of the North Central Texas Council of Governments (NCTCOG), a federally designated MPO, concerning the administration, sharing, and use of surplus toll revenue and CDA concession payments in the region served by the NCTCOG. The SH 161 toll project is located in the region served by the NCTCOG.

Responsibility for allocating the SH 161 payments has been assigned to the RTC under the MOU. The MOU provides that the selection of projects to be financed using those funds shall be made by the RTC, subject to commission concurrence. The projects are to be selected through a process which considers the desires of the cities and counties in which the project is located. The RTC has developed a plan for regional sharing of surplus toll revenue and CDA concession payments, based on the location of the toll project from which these revenues are derived and the residential location of toll users in the region served by the NCTCOG.

In Minute Order 112015, dated October 29, 2009 the commission clarified that commission concurrence in projects selected by the RTC to be financed with surplus toll revenue and CDA concession payments is limited to ensuring the funds are allocated to projects authorized by Transportation Code, §228.0055 or §228.006. The minute order requires the department to disburse such funds in accordance with directions from the RTC to pay the costs of qualified projects.

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

Page 2 of 2


DALLAS & FORT WORTH Districts

The department has established a work program to account for and track projects and project costs in the NCTCOG Metropolitan Planning Area (MPA) boundary funded with the SH 161 payments. In Minute Order 112759, dated July 28, 2011; Minute Order 112845, dated September 29, 2011; Minute Order 112977, dated January 26, 2012; Minute Order 113103, dated April 26, 2012; Minute Order 113221, dated July 26, 2012; Minute Order 113275, dated August 30, 2012; and Minute Order 113343, dated October 25, 2012; the commission concurred with certain projects identified by the RTC to be funded with those payments, and approved the placement of those projects in the work program. The RTC, through an extensive public involvement process, has identified additional project costs in the NCTCOG MPA boundary to be funded with the SH 161 payments.

IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects as shown in Exhibit A that have been selected by the RTC to be funded with the SH 161 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, to be developed consistent with applicable state and federal laws, regulations, and procedures. Pursuant to the finding of the RTC, the commission determines that the projects shown in Exhibit A are transportation or highway projects, or air-quality projects that will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads, and are therefore eligible to be funded with the SH 161 payments.

IT IS FURTHER ORDERED that, unless otherwise approved by the commission, all direct costs associated with the projects for which federal and state funds have not been allocated shall be charged to this work program, including the costs of right-of-way acquisition, preliminary engineering, and construction engineering. The costs of department staff incurred in the development, procurement, and construction of on-system projects to be funded from the SH 161 payments subaccounts will not themselves be funded from the SH 161 payments subaccount. Funds from the SH 161 payments subaccounts that were used to reimburse the costs of department staff will be returned to the subaccounts without interest at least quarterly.

Submitted and reviewed by:

  
\_\_\_\_\_  
Director of Planning

Recommended by:

  
\_\_\_\_\_  
Executive Director

**113472 JAN 31 13**

Minute Number      Date Passed

**Exhibit A**

**SH 161 RTC Work Program of New Projects**

**Collin County**

<b>CSJ</b>	<b>ROW CSJ</b>	<b>PROJECT LOCATION</b>	<b>PROJECT DESCRIPTION</b>	<b>SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS</b>	<b>SH 161 RTR ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
0918-24-969	N/A	On Exchange Parkway from US 75 to Allen Heights	Construct New Roadway Lanes	\$0	\$3,600,000	\$3,600,000
0918-24-970	N/A	On Country Club Rd From FM 2514 (Parker Rd) South to FM 2514 (Parker Rd) North in Wylie	Construct New Roadway Lanes	\$0	\$3,632,000	\$3,632,000
0918-24-973	N/A	Stacy Rd from Ridge Rd to SH 121 in McKinney	Construct New Roadway Lanes	\$0	\$1,280,000	\$1,280,000
2351-01-020	N/A	FM 2478 from SH 121 to Stonebridge Parkway	Construct New Roadway Lanes	\$0	\$786,400	\$786,400
2679-03-010	N/A	FM 2514 from FM 1378 to East of Lavon Parkway	Construct New Roadway Lanes	\$0	\$5,000,000	\$5,000,000
<b>Collin County Total SH 161 RTC Work Program of New Projects</b>				<b>\$0</b>	<b>\$14,298,400</b>	<b>\$14,298,400</b>

**Dallas County**

<b>CSJ</b>	<b>ROW CSJ</b>	<b>PROJECT LOCATION</b>	<b>PROJECT DESCRIPTION</b>	<b>SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS</b>	<b>SH 161 RTR ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
0196-03-138	0196-03-248	IH 35E from IH 635 to PGBT	Construct New Roadway Lanes	\$500,000	\$0	\$500,000

**Exhibit A**

**SH 161 RTC Work Program of New Projects**

**Dallas County**

<b>CSJ</b>	<b>ROW CSJ</b>	<b>PROJECT LOCATION</b>	<b>PROJECT DESCRIPTION</b>	<b>SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS</b>	<b>SH 161 RTR ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
0918-00-197	N/A	MPO Planning Support and Assistance Project	Provide Planning Support and Technical Assistance, including Environmental Review, for Transportation Projects in the Region	\$9,771	\$9,770	\$19,541
<b>Dallas County Total SH 161 RTC Work Program of New Projects</b>				<b>\$509,771</b>	<b>\$9,770</b>	<b>\$519,541</b>

**Denton County**

<b>CSJ</b>	<b>ROW CSJ</b>	<b>PROJECT LOCATION</b>	<b>PROJECT DESCRIPTION</b>	<b>SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS</b>	<b>SH 161 RTR ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
0195-03-050	0195-03-072	IH 35E from US 77 S of DENTON to IH 35W	Construct New Roadway Lanes	\$6,305,926	\$0	\$6,305,926
<b>Denton County Total SH 161 RTC Work Program of New Projects</b>				<b>\$6,305,926</b>	<b>\$0</b>	<b>\$6,305,926</b>

**Exhibit A**

**SH 161 RTC Work Program of New Projects**

**Tarrant County**

CSJ	ROW CSJ	PROJECT LOCATION	PROJECT DESCRIPTION	SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS	SH 161 RTR ACCOUNT 2 EXCESS REVENUE	TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM
0902-48-968	N/A	NCTCOG M&O Planning Studies and Streamlined Project Delivery	Provide Planning Support and Technical Assistance for Surface Transportation Projects Within the Metropolitan Planning Area Including Planning Studies and Expedite Environmental Review Process	\$310,230	\$310,229	\$620,459
<b>Tarrant County Total SH 161 RTC Work Program of New Projects</b>				<b>\$310,230</b>	<b>\$310,229</b>	<b>\$620,459</b>

Exhibit A

SH 161 RTC Work Program of New Projects

Summary of Funds per County

	SH 161 ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS	SH 161 ACCOUNT 2 EXCESS REVENUE FUNDS
Collin County	\$0	\$14,298,400
Dallas County	\$509,771	\$9,770
Denton County	\$6,305,926	\$0
Ellis County	\$0	\$0
Kaufman County	\$0	\$0
Rockwall County	\$0	\$0
Tarrant County	\$310,230	\$310,229
<b>Total Approved</b>	<b>\$7,125,927</b>	<b>\$14,618,399</b>
<b>Grand Total of New Projects</b>	<b>\$21,744,326</b>	

Exhibit B

SH 161 RTC Work Program of Previously Approved Projects

Collin County

CSJ	ROW CSJ	PROJECT LOCATION	PROJECT DESCRIPTION	SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS	SH 161 RTR ACCOUNT 2 EXCESS REVENUE	TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM
<i>0918-24-186</i> <i>0918-24-185</i>	N/A	Coordination of Passenger Rail and Roadway Planning on Northeast Texas Rural Rail Transportation District (NETEX) Corridor between Dallas County and Greenville	Phase 2 - Corridor Feasibility and Preliminary Engineering Study	\$0	\$136,323	\$136,323
<b>Collin County Total SH 161 RTC Work Program of Previous Projects</b>				<b>\$0</b>	<b>\$136,323</b>	<b>\$136,323</b>

*Italics indicate changes from previous versions*

**Exhibit B**

**SH 161 RTC Work Program of Previously Approved Projects**

**Dallas County**

<b>CSJ</b>	<b>ROW CSJ</b>	<b>PROJECT LOCATION</b>	<b>PROJECT DESCRIPTION</b>	<b>SH 161 ACCOUNT 1, NEAR NEIGHBOR NEAR TIMEFRAME FUNDS</b>	<b>SH 161 ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
0196-03-180	0196-03-247	IH 35E from Sandy Lake Rd/Whitlock Ln to PGBT (SH 190)	Construct Overpass	<i>\$2,000,000</i>	\$9,568,716	<i>\$11,568,716</i>
0581-02-121	N/A	LP 12 at SH 114 freeway - Phase 1 (for contractor incentives)	Construct Interchange and Widen Roadway	\$10,000,000	\$0	\$10,000,000
0918-00-191	N/A	DART HOV Operations	DART - HOV Operations outside DART service area	\$2,660,000	\$3,000,000	\$5,660,000
0918-00-193	N/A	Sustainability for Transit	Transit Operations Regional Coordination	\$0	\$1,448,000	\$1,448,000
0918-00-234	N/A	Various Locations at Diamond Intersections	Regional Wrong Way Driving Program; Pilot Study & Implementation to Prevent Wrong Way Driving Occurrences in Regional Corridors	<i>\$1,656,000</i>	<i>\$744,000</i>	<i>\$2,400,000</i>
0918-45-887	N/A	Dallas CBD Streetcar Circulator Expansion from Bus lane reconstruction Elm & Commerce (Houston to Central Expressway) to Streetcar Phase 1B (Main/Elm & Commerce Loop)	Construct Rail Facilities	\$0	\$5,800,000	\$5,800,000
0918-47-053	N/A	McKinney Avenue Trolley Extension on Woodall Rogers Service Rd to St Paul St. and Federal St.	Extension of Trolley Line – Phase 3 Complete Downtown Loop	\$0	\$5,000,000	\$5,000,000
0918-47-055	N/A	Kessler Theater Pedestrian Amenities in City of Dallas	Construct Landscape and Pedestrian Improvements	\$179,200	\$0	\$179,200
0918-47-056	N/A	Central Trail Along Arapaho from DART LRT Station Platform to Buckingham Rd	Construct Bicycle/Pedestrian Path Improvements and Intersection Improvements	\$600,000	\$0	\$600,000
0918-47-065	N/A	Dallas County Sherriff FY 2012 Highway Traffic/Management Operations Program	Highway Traffic/Management Operations Program	\$2,500,000	\$0	\$2,500,000

*Italics indicate changes from previous versions*



Exhibit B

SH 161 RTC Work Program of Previously Approved Projects

Dallas County

CSJ	ROW CSJ	PROJECT LOCATION	PROJECT DESCRIPTION	SH 161 ACCOUNT 1, NEAR NEIGHBOR NEAR TIMEFRAME FUNDS	SH 161 ACCOUNT 2 EXCESS REVENUE	TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM
<i>0918-47-081</i> <i>0918-47-912</i>	N/A	Central Trail Restland from Buckingham Rd to Restland Blvd	Construct Bicycle/Pedestrian Path	\$900,000	\$0	\$900,000
<i>0918-47-082</i> <i>0918-47-914</i>	N/A	West Spring Valley Road from <i>Weatherred</i> Drive to Coit Road	Construct Intersection Improvements	\$1,100,000	\$0	\$1,100,000
1068-04-147	N/A	IH 30 from Tarrant County Line to Sylvan Ave.	Construct HOV/Managed Lanes and Wishbone Ramps	\$37,966,128	\$0	\$37,966,128
1068-04-153	1068-04-155	IH 30 from 0.5 miles West of Westmoreland Rd to East of Westmoreland Rd	Construct EB Frontage Roads – Phase 1	\$3,500,000	\$0	\$3,500,000
1068-04-154	Not Assigned	IH 30 from Cockrell Hill <i>Rd</i> to Westmoreland Rd	Construct WB Frontage Roads	\$6,100,000	\$0	\$6,100,000
1068-04-156	Not Assigned	IH 30 from Cockrell Hill Rd to West of Westmoreland Rd	Construct Frontage Roads – Phase 2	\$6,600,000	\$0	\$6,600,000
2964-01-040	N/A	SH 161 from at Union Pacific Railroad (UP RR) and to Jefferson and Main Streets in Grand Prairie	Construct Frontage Roads and Overpass	\$9,600,000	\$2,400,000	\$12,000,000
<b>Dallas County Total SH 161 RTC Work Program of Previously Approved Projects</b>				<b>\$85,361,328</b>	<b>\$27,960,716</b>	<b>\$113,322,044</b>

*Italics indicate changes from previous versions*

Exhibit B

SH 161 RTC Work Program of Previously Approved Projects

Denton County

CSJ	ROW CSJ	PROJECT LOCATION	PROJECT DESCRIPTION	SH 161 ACCOUNT 1, NEAR NEIGHBOR NEAR TIMEFRAME FUNDS	SH 161 ACCOUNT 2 EXCESS REVENUE	TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM
0081-03-048	N/A	US 377 from Henrietta Creek Rd to SH 114 (Section 5)	Construct New Roadway Lanes	\$0	\$6,800,000	\$6,800,000
0195-03-071	N/A	IH 35 from IH 35W to US 380	Construct New Roadway Lanes	\$0	\$0	\$0
0196-02-073	N/A	IH 35E from South of Garden Ridge Blvd to North End of Lake Lewisville Bridge	Construct New Roadway Lanes	\$8,194,074	\$0	\$8,194,074
0353-02-053	N/A	SH 114 at UP Railroad Underpass in Roanoke (DOT NO. 795 342V)	Construct Underpass	\$0	\$0	\$0
<b>Denton County Total SH 161 RTC Work Program of Previously Approved Projects</b>				<b>\$8,194,074</b>	<b>\$6,800,000</b>	<b>\$14,994,074</b>

*Italics indicate changes from previous versions*

**Exhibit B**

**SH 161 RTC Work Program of Previously Approved Projects**

**Tarrant County**

<b>CSJ</b>	<b>ROW CSJ</b>	<b>PROJECT LOCATION</b>	<b>PROJECT DESCRIPTION</b>	<b>SH 161 RTR ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS</b>	<b>SH 161 RTR ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
<i>0172-01-052 0902-48-926</i>	N/A	<i>On BUS 287P (Kennedale Parkway) from IH 20 to Village Creek in Kennedale</i>	Construct Bicycle/Pedestrian Path Improvements	<i>\$250,900</i>	\$0	<i>\$250,900</i>
<i>0172-02-072 0902-48-926</i>	N/A	<i>On BUS 287P (Kennedale Parkway) from Village Creek to Eden Road in Kennedale</i>	Construct Bicycle/Pedestrian Path Improvements	<i>\$671,064</i>	\$0	<i>\$671,064</i>
0902-48-833	N/A	Summer Creek Station TOD - Phase 1 from SH 121 to Summer Creek Station Dr	Construct New Roadway Lanes and Bicycle/Pedestrian Path Improvements	\$1,144,320	\$0	\$1,144,320
0902-48-834	N/A	Summer Creek Station TOD - Phase 2 from Summer Creek Dr to Columbus Trail/Summer Meadows Drive	Construct New Roadway Lanes and Bicycle/Pedestrian Path Improvements	\$1,421,800	\$0	\$1,421,800
0902-48-845	N/A	On East Rosedale Street from IH 35W to US 287	Construct Bicycle/Pedestrian Path Improvements	\$4,000,000	\$0	\$4,000,000
<i>0918-48-847 0902-48-956</i>	N/A	On Riverside Bridge at Fossil Creek from Stone Creek to Redwood Creek	Construct Bridge	\$3,363,577	\$0	\$3,363,577
0902-48-901	N/A	Pleasant Run Pathway Connection	Construct Bicycle/Pedestrian Path Improvements	\$174,800	\$0	\$174,800
0902-48-906	N/A	Cheeksparger at Jackson Road in Colleyville	Construct New Roadway Lanes	\$349,320	\$0	\$349,320
0902-48-936	N/A	On Backage Road from Anderson Lane to US 377	Construct New Roadway Lanes	\$11,321,691	\$0	\$11,321,691
0902-48-960	N/A	Snider Street Extension Project from <i>Main Street/Center Street to Davis Blvd/Northeast Parkway</i>	Construct Bicycle/Pedestrian Path Improvements and Intersection Improvements	\$2,240,040	\$0	\$2,240,040
<b>Tarrant County Total SH 161 RTC Work Program of Previously Approved Projects</b>				<b>\$24,937,512</b>	<b>\$0</b>	<b>\$24,937,512</b>

*Italics indicate changes from previous versions*

Exhibit B

SH 161 RTC Work Program of Previously Approved Projects

Summary of Funds by County

	SH 161 ACCOUNT 1, NEAR NEIGHBOR, NEAR TIMEFRAME FUNDS	SH 161 ACCOUNT 2 EXCESS REVENUE
Collin County	\$0	\$136,323
Dallas County	\$85,361,328	\$27,960,716
Denton County	\$8,194,074	\$6,800,000
Ellis County	\$0	\$0
Kaufman County	\$0	\$0
Rockwall County	\$0	\$0
Tarrant County	\$24,937,512	\$0
<b><i>Total Approved</i></b>	<b><i>\$118,492,914</i></b>	<b><i>\$34,897,039</i></b>
<b>Grand Total Previously Approved Projects</b>	<b>\$153,389,953</b>	

Exhibit C

SH 161 RTC Work Program Summary of Funds

	SH 161 Account 1, Near Neighbor, Near Timeframe Projects	SH 161 Account 2 Excess Revenue Projects
Initial Deposits (Less Transfers to SH 121 Account)	\$150,221,700	\$50,073,900
Interest Deposited as of August 31, 2012	\$1,341,577	\$448,246
<b>Total Deposits</b>	<b>\$202,085,423</b>	
<b>New Projects</b>		
Collin County	\$0	\$14,298,400
Dallas County	\$509,771	\$9,770
Denton County	\$6,305,926	\$0
Ellis County	\$0	\$0
Kaufman County	\$0	\$0
Rockwall County	\$0	\$0
Tarrant County	\$310,230	\$310,229
<b>Total New Projects</b>	<b>\$7,125,927</b>	<b>\$14,618,399</b>
<b>Previously Approved Projects</b>		
Collin County	\$0	\$136,323
Dallas County	\$85,361,328	\$27,960,716
Denton County	\$8,194,074	\$6,800,000
Ellis County	\$0	\$0
Kaufman County	\$0	\$0
Rockwall County	\$0	\$0
Tarrant County	\$24,937,512	\$0
<b>Total Previously Approved Projects</b>	<b>\$118,492,914</b>	<b>\$34,897,039</b>
<b>Grand Total SH 161 RTC projects</b>	<b>\$175,134,279</b>	
<b>Balance of SH 161 RTC Work Program (total deposits less projects)</b>	<b>\$26,951,144</b>	