



Public Hearing - State Highway 121 (SH 121)

Public Notice - Public Hearing for the Proposed Removal and Transfer to the North Texas Tollway Authority of a Portion of SH 121 in Collin County.

Pursuant to Transportation Code, §228.151 and 43 TAC §27.13, the Texas Department of Transportation (department) will conduct a public hearing on Wednesday, September 30, 2009 at 4:00 p.m., at the Maribelle Davis Library, 7501 Independence Pkwy, Suite B, Plano, Texas 75025, to receive comments from interested persons concerning the proposed removal from the state highway system and transfer to the North Texas Tollway Authority (NTTA) of a portion of State Highway 121 from the ramp pair on the east side of the Hillcrest Road overpass to the ramp pair on the west side of the Watters Road overpass in Collin County, to be utilized by the NTTA under Transportation Code, Chapter 366 for the design, financing, construction, operation, and maintenance of a turnpike project.

Transportation Code, §228.151 authorizes the department to lease, sell, or transfer in another manner a toll project or system that is part of the state highway system, including a nontolled state highway or a segment of a nontolled state highway converted to a toll project, to a governmental entity that has the authority to operate a tolled highway. A lease, sale, or transfer is subject to a prior public hearing in each county in which the project is located, and is subject to the Texas Transportation Commission (commission) and the Governor approving the transfer of the toll project or system as being in the best interests of the state and the entity receiving the project or system. Transportation Code, §228.153 requires the authority to reimburse the department for any expenditures of the department for the financing, design, development, construction, operation, or maintenance of the highway that have not been reimbursed with the



proceeds of bonds issued for the highway, unless the commission finds that the transfer will result in substantial net benefits to the state, the department, and the public that equal or exceed that cost.

Criteria and guidelines for the approval of the transfer have been adopted by rule by the commission in 43 TAC §27.13, and specify that the commission may, after considering public comments received, approve the transfer of a toll project to the NTTA, if:

(1) the NTTA agrees, through a written commitment, to:

(A) assume all liability and responsibility for the safe and effective maintenance and operation of the highway on its transfer;

(B) assume all liability and responsibility for existing and future environmental permits, issues, and commitments, including obtaining all environmental permits and approvals, and for compliance with all federal and state environmental laws, regulations, and policies applicable to the highway and related improvements;

(C) provide for public involvement and conduct a study of the social and environmental impact of all proposed improvements to the toll project; and

(D) if applicable, comply with the design and construction standards of 43 TAC §27.15 when developing projects on the transferred highway; and

(2) the commission finds that the transfer:

(A) is in the best interests of the state;

(B) is in the best interests of the entity receiving the project; and

(C) will not adversely affect:

(i) the financial viability of the project; or



(ii) regional mobility.

The commission may not approve the transfer unless the governor approves the transfer as being in the best interests of the state and the entity receiving the project.

A metes and bounds description and maps and drawings showing the proposed portion of SH 121 to be transferred and other information concerning the proposed transfer are on file and available for public inspection and copying by contacting Robert Hall, Texas Department of Transportation, 4777 E. Hwy 80, Mesquite, TX 75150-6643, telephone 214-320-6157.

All interested citizens are invited to attend this public hearing, which will be conducted in accordance with the procedures specified in 43 TAC §1.5. Speakers will be recognized in the order registered. Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of those making presentations will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time and repetitive comment. Groups, organizations, or associations are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Presentations must remain pertinent to the issue being discussed. A person may not assign a portion of his or her time to another speaker. A person who disrupts a public hearing must leave the hearing room if ordered to do so by the presiding officer.

Persons with disabilities who plan to attend the hearing and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Dallas District Public Information Office, Texas



Department of Transportation, 4777 E. Hwy 80, Mesquite, TX 75150-6643, telephone 214-320-6100 at least two work days prior to the hearing so that appropriate arrangements can be made.

Written comments may be submitted following the public hearing to Mark Tomlinson, P.E., Director, Texas Turnpike Authority Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483. The deadline for submitting written comments is 5:00 p.m. on Tuesday, October 13, 2009.