

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

Page 1 of 2

DALLAS District

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 District

The department has established a work program to account for and track projects and project costs in the Dallas District that are to be funded with the SH 161 payments. The RTC, through an extensive public involvement process, has identified project costs in the Dallas District to be funded with the SH 161 payments. The commission concurs with the projects identified by the RTC to be funded with those payments, and approves the placement of those projects in the work program.

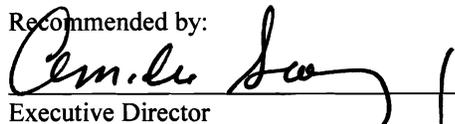
IT IS THEREFORE ORDERED by the commission that, pursuant to the MOU and Minute Order 112015, it concurs with the projects as shown in Exhibit A that have been selected by the RTC to be funded with the SH 161 payments, and approves the placement of the projects in the work program with CONSTRUCT authority, 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, and the costs of department staff incurred in the development, procurement, and construction of the projects.

Submitted and reviewed by:

  
\_\_\_\_\_  
Director, Finance Division

Recommended by:

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

**112759 JUL 28 11**

Minute Date  
Number Passed

**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 ACCOUNT 2 EXCESS REVENUE</b>	<b>TOTAL SH 161 RTR AUTHORIZED TO THE WORK PROGRAM</b>
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
0918-47-909	N/A	McKinney Avenue Trolley Extension on Woodall Rogers Service Rd to St Paul St. and Federal St.	Restoration of Streetcars	\$0	\$5,000,000	\$5,000,000
0918-00-959	N/A	DART HOV Operations	DART - HOV Operations outside DART service area	\$0	\$3,000,000	\$3,000,000
1068-04-147	N/A	IH 30 from Tarrant County Line to Sylvan Ave.	Construct HOV/Managed Lanes and Wishbone Ramps	\$70,000,000	\$0	\$70,000,000
1068-04-153 1068-04-154	N/A	IH 30 from Westmoreland to Cockrell Hill	Construct Frontage Roads	\$8,900,000	\$0	\$8,900,000
<b>Dallas County Total SH 161 RTC Work Program of New Projects</b>				<b>\$78,900,000</b>	<b>\$13,800,000</b>	<b>\$92,700,000</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	\$0
Dallas County	\$78,900,000	\$13,800,000
Denton County	\$0	\$0
Ellis County	\$0	\$0
Kaufman County	\$0	\$0
Rockwall County	\$0	\$0
<b>Total Approved</b>	<b>\$78,900,000</b>	<b>\$13,800,000</b>
<b>Grand Total New Projects</b>	<b>\$92,700,000</b>	

**Exhibit B**

**SH 161 RTC Work Program Summary of Funds**

	<b>SH 161 Account 1, Near Neighbor, Near Timeframe Projects</b>	<b>SH 161 Account 2 Excess Revenue Projects</b>
<b>Initial Deposit April 2011</b>	\$269,074,676	\$0
<b>Additional Deposit as of May 2011</b>	\$150,221,700	\$50,073,900
<b>Transfer to SH 121 Account for Repayment of SH 161 Project</b>	-\$269,074,676	\$0
<b>Total Deposits</b>	<b>\$200,295,600</b>	
<b>New Projects</b>		
Collin County	\$0	\$0
Dallas County	\$78,900,000	\$13,800,000
Denton County	\$0	\$0
Ellis County	\$0	\$0
Kaufman County	\$0	\$0
Rockwall County	\$0	\$0
<b>Total Approved</b>	<b>\$78,900,000</b>	<b>\$13,800,000</b>
<b>Grand Total SH 161 RTC projects</b>	<b>\$92,700,000</b>	
<b>Balance of SH 161 RTC Work Program (total deposits less projects)</b>	<b>\$107,595,600</b>	