

Transportation Code, Chapter 223, Subchapter E, prescribes the process by which the Texas Department of Transportation (department) may enter into a comprehensive development agreement (CDA) with a private entity that provides for the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of a toll project on the state highway system.

On January 29, 2009, by Minute Order 111661, the Texas Transportation Commission (commission) conditionally awarded to NTE Mobility Partners (NTEMP) comprehensive development agreements to develop, design, construct, finance, maintain, and operate the North Tarrant Express project along I-820 and SH 121/SH 183 from I-35W to SH 161, along I-820 east from SH 121/SH 183 to Randol Mill Road, and along I-35W from I-30 to SH 170 in Tarrant and Dallas counties, as well as other potential facilities to the extent necessary for connectivity, safety, and financing. The commission authorized the department to commence and complete negotiations with NTEMP necessary to finalize any agreement for the construction of a proposed facility under the North Tarrant Express (NTE) Segments 2-4 CDA and stated that commission approval is required before the executive director may enter into any such agreement.

The CDA for NTE Segments 2-4 includes developing a master plan for the corridor along I-35W from I-30 to SH 170 in Tarrant and Dallas counties, as well as other facilities for connectivity, safety and financing. Under the terms of the CDA, NTEMP has the right to propose self-performance of facilities ready for development. On May 19, 2010, NTEMP submitted a Ready for Development proposal for the NTE Segments 3A and 3B Managed Lanes, a facility that extends along the I-35W corridor from north US 287 (North Tarrant Parkway) to north of I-30 in the city of Fort Worth. Subsequent negotiations have resulted in an agreement regarding the facility agreement terms and conditions.

IT IS THEREFORE ORDERED by the commission that the executive director is authorized to enter into a Facility Agreement (FA) with an affiliate of NTEMP to develop, design, construct, finance, maintain and operate the NTE Segments 3A and 3B Managed Lanes Project (NTE 3A/3B). Under the FA an affiliate of NTEMP will (1) finance, develop, design, construct, operate and maintain Segment 3A, and (2) upon satisfaction of certain conditions set forth in the agreement and upon TxDOT Substantial Completion of Segment 3B, operate and maintain Segment 3B in Tarrant County.

TEXAS TRANSPORTATION COMMISSION
MINUTE ORDER

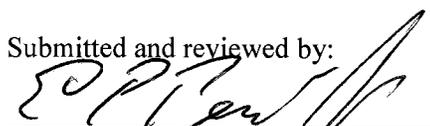
TARRANT County

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FORT WORTH District

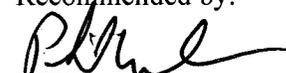
IT IS FURTHER ORDERED that the execution of the FA is subject to, the occurrence of all of the following: (1) the successful conclusion of negotiations; (2) applicable FHWA and any other governmental approvals as identified by the department; (3) a determination by the Office of the Attorney General that the proposed FA is legally sufficient, in accordance with Transportation Code, §371.051; (4) notification to, and written approval from, the Legislative Budget Board , in accordance with Transportation Code, §371.052 and Riders 22 and 24, Page VII-33, Chapter 1355, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act); and (5) the mutual execution and delivery of the FA by the executive director of the department and the developer.

Submitted and reviewed by:



Director, Strategic Projects Division

Recommended by:



Executive Director

113159 JUN 26 12

Minute Date
Number Passed