

TEXAS TRANSPORTATION COMMISSION

DALLAS County

MINUTE ORDER

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DALLAS District

In DALLAS COUNTY, NEW LOCATION, an extension of STATE HIGHWAY 190 between SH 78 and I-30 was designated a part of the state highway system by Minute Order 91227, dated January 29, 1991.

By Minute Order 110302, dated November 17, 2005, the mainlanes on SH 190 from SH 78 to I-30 were designated as a toll project on the state highway system, and designated as a controlled-access facility for the purpose of development, maintenance and operation.

By Minute Order 110819, dated January 25, 2007, the Texas Transportation Commission (commission) granted preliminary approval of a request by the North Texas Tollway Authority (NTTA) for financial assistance in the amount of \$160,270,000 to be used for the acquisition of right of way, relocation utility adjustments, and related costs and services for the eastern extension of the President George Bush Turnpike (PGBT), a planned 10-mile long facility extending from SH 78 to I-30, contingent on the execution of a revenue-sharing agreement.

Transportation Code, §222.103 authorizes the Texas Department of Transportation (department) to participate, by spending money from any available source, in the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission adopted Title 43, Texas Administrative Code, §27.50-27.58 (toll equity rules) to prescribe conditions for the commission's financing of a toll facility. Under Section 27.54(c), the commission may approve the financial assistance after the completion of negotiations for the financial assistance agreement. The negotiations are ongoing and have not yet been completed.

NTTA's construction of the PGBT Eastern Extension requires additional approvals by the commission. Transportation Code, §201.103(b) authorizes the commission to remove a segment of the state highway system that it determines is not needed for the system. Transportation Code, §201.113(a) authorizes the commission to enter into an agreement with a regional tollway authority governed by Transportation Code, Chapter 366, under which the regional tollway authority makes improvements to the state highway system. The commission's rules at Title 43, Texas Administrative Code, §11.56 require the commission to approve a public or private entity's connection of a regionally significant highway to the state highway system.

Because of the NTTA's planned construction of the PGBT Eastern Extension along the planned alignment of SH 190, pursuant to Transportation Code, §201.103 and §221.001, the executive director has recommended that the mainlanes on SH 190 from SH 78 to I-30 be removed from the state highway system.

IT IS THEREFORE ORDERED by the commission that the mainlanes of a segment of SH 190 from SH 78 to I-30 are removed from the state highway system.

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DALLAS District

IT IS FURTHER ORDERED that, after the successful conclusion of negotiations with the NTTA on a financial assistance agreement, the department is authorized and directed to present, for the commission's consideration, a minute order providing for the final approval of the NTTA's application for financial assistance, the NTTA's construction of improvements to the state highway system, and the approval of the connection of the PGBT Eastern Extension to the state highway system.

Submitted and reviewed by:

Recommended by:

\_\_\_\_\_  
Assistant Executive Director for  
Engineering Operations

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

\_\_\_\_\_  
Minute      Date  
Number      Passed