

TEXAS TRANSPORTATION COMMISSION

DALLAS County

MINUTE ORDER

Page 1 of 3

DALLAS District

In DALLAS COUNTY, 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.

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 to prescribe conditions for the commission's financing of a toll facility.

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 facility extending from SH 78 to I-30 along the planned alignment of SH 190, contingent on the execution of a revenue-sharing agreement.

By Minute Order 110913, dated April 26, 2007, the commission approved the removal of the mainlanes on SH 190 from SH 78 to I-30 from the state highway system, and authorized the department, after the successful conclusion of negotiations with the NTTA on a financial assistance agreement, to present for the commission's consideration a minute order providing for: (1) the final approval of the NTTA's application for financial assistance, (2) the NTTA's construction of improvements to the state highway system, and (3) the approval of the connection of the PGBT Eastern Extension to the state highway system. Those negotiations have been successfully concluded.

The negotiated agreement provides that in consideration of the rights and obligations of the parties under the agreement, including the NTTA's obligation to provide revenue sharing to the department in the form of a supplemental toll on the PGBT Eastern Extension, the department will provide financial assistance, in the form of a grant, to the NTTA. Pursuant to Transportation Code, §201.703, the agreement also provides that the department would construct the Lake Ray Hubbard Bridge, which would then become a part of the PGBT Eastern Extension.

Transportation Code, §201.113 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 adopted Title 43, Texas Administrative Code, §27.44 to prescribe conditions for the improvement of the state highway system by regional tollway authorities. 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.

TEXAS TRANSPORTATION COMMISSION

DALLAS County

MINUTE ORDER

Page 2 of 3

DALLAS District

Pursuant to 43 TAC §27.44 and 43 TAC §11.56, the NTTA has submitted a request to the executive director to make improvements to the state highway system required by the PGBT Eastern Extension project and to connect the PGBT Eastern Extension to the state highway system.

The commission finds that the NTTA is fully capable to award and manage the construction contract in a cost-effective and timely manner for the improvement of the state highway system, consistent with applicable federal and state laws and regulations, and finds that the NTTA's improvement of the state highway system will provide for the expeditious completion of a critically needed continuous express-lane facility within this corridor to relieve traffic congestion on the existing state highway system and improve mobility in a rapidly developing area of Dallas County.

Pursuant to 43 TAC §11.56(c), the NTTA agrees to design and construct the portion of the PGBT Eastern Extension project that comprises the connection to the state highway system in compliance with the standards prescribed in 43 TAC §11.56(d). The commission waives those requirements as they apply to the portion of the project that is not the connection as the past performance of the NTTA on previous projects developed in collaboration with the department indicates that the NTTA will design and construct a safe and durable highway. The project is identified in a conforming transportation improvement program.

The commission waives the requirements of 43 TAC §11.56(c)(1)(C) as the NTTA has a written policy that adequately provides for:

- (1) public involvement, including public hearings on an environmental review;
- (2) an evaluation of direct and indirect effects of the highway project;
- (3) analysis of project alternatives; and
- (4) a written report that briefly explains the NTTA's decision on a project and that specifies the measures to mitigate environmental harm on which the project is conditioned.

IT IS THEREFORE DETERMINED by the commission that the request for financial assistance submitted by the NTTA meets the requirements of 43 TAC §27.53 and §27.54 and, in accordance with those provisions, the commission grants final approval of the request for financing in the amount of \$160,270,000, and authorizes the executive director to enter into a financial assistance and revenue sharing agreement with the NTTA.

TEXAS TRANSPORTATION COMMISSION

DALLAS County

MINUTE ORDER

Page 3 of 3

DALLAS District

IT IS FURTHER ORDERED that, pursuant to Transportation Code, §201.113 and 43 TAC §11.56, the NTTA is authorized to construct improvements to the state highway system required as part of the PGBT Eastern Extension project, and to connect the PGBT Eastern Extension to the state highway system, and the executive director is authorized to enter into a project development agreement with the NTTA that provides for such improvements and connection to the state highway system.

Submitted and reviewed by:

Recommended by:

Director, Texas Turnpike Authority Division

Executive Director

Minute Number Date Passed