

**REGIONAL TRANSPORTATION COUNCIL RESOLUTION  
ON THE DEVELOPMENT OF THE IH 35E PROJECT  
(R12-01)**

**WHEREAS**, Interstate Highway 35 East (IH 35E) is of Statewide, national, and international importance for the movement of people and commerce now and for the long-term future; and,

**WHEREAS**, IH 35E serves as “Main Street, DFW”; and,

**WHEREAS**, the expansion of IH 35E consists of adding general purpose lanes, managed/toll lanes, and frontage road lanes from IH 635 in Dallas County to US 380 in Denton County and is herein after referred to as the IH 35E project; and,

**WHEREAS**, the IH 35E project has been designated as a high-priority project by the Regional Transportation Council (RTC); and,

**WHEREAS**, Local Partners, including Denton County, Dallas County, cities along the corridor, the RTC, the Texas Department of Transportation (TxDOT), the North Texas Tollway Authority (NTTA), and Denton County Transportation Authority (DCTA), Congressional representatives and State legislators have been working for years to advance the IH 35E project; and,

**WHEREAS**, DART and TxDOT paid the local match for early RTC improvements on IH 35E in the form of HOV lanes that will be updated as part of this project; and,

**WHEREAS**, the Local Partners have developed innovative funding methods to advance the project such as the partnership between Denton and Dallas Counties where Denton County RTR funds were loaned to complete the IH 635 project and will be repaid with interest; and,

**WHEREAS**, the region prioritized funding for the DCTA A-train to be operational before the IH 35E project commences in order to mitigate traffic impacts during construction; and,

**WHEREAS**, currently identified funding of \$639 million includes: \$484 million in RTR funds, \$78 million in Congestion Mitigation and Air Quality (CMAQ) funds (\$55 million in repayment for Denton County bonds previously submitted to RTC), \$10 million in Surface Transportation Program-Metropolitan Mobility (STP-MM) funds, \$44 million in Proposition 14 Bond proceeds, and \$23 million in Demonstration and/or Congressional Earmark funds; and,

**WHEREAS**, the NTTA has waived primacy for the IH 35E project; and,

**WHEREAS**, the Texas Legislature has authorized the development of the IH 35E project as one of the few public-private partnerships that can proceed in Texas; and,

**WHEREAS**, Senate Bill 1420 (82<sup>nd</sup> Texas Legislature, Regular Session) requires for certain TxDOT toll projects, including the IH 35E project, that a committee comprised of representatives from local and regional stakeholders and TxDOT (The SB 1420 Committee) be formed to make determinations concerning the distribution of the project’s financial risk, the method of financing for the project, and the project’s tolling structure and methodology that will determine the project’s delivery method in order to ensure local and regional input into the process; and,

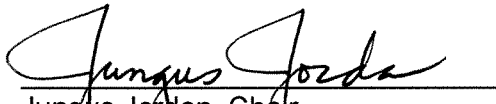
**WHEREAS**, the SB 1420 Committee on IH 35E has requested the RTC to take action on the principles guiding the construction of this project.

**NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:**


- Section 1.** The RTC requests the Texas Transportation Commission provide supplemental funding to expand general purpose freeway lanes in addition to the managed/toll lanes and frontage road improvements in the initial expansion of Interstate Highway 35 East. The initial phase of the Interstate Highway 35 East project should also include bridge structures across Lake Lewisville sufficient for frontage roads and additional capacity improvements.
- Section 2.** The RTC will request the SB 1420 Committee and the Texas Transportation Commission provide that the initial expansion of Interstate Highway 35 East include improvements along the entire IH 35E Corridor from IH 635 in Dallas County to US 380 in Denton County.
- Section 3.** The RTC acknowledges that the RTR revenue funds allocated to IH 35E in Denton County or future RTR funds in Dallas County cannot be spent without the express authorization of the respective Commissioners Court by resolution. Existing RTC policy requires RTR funded projects be accompanied with input from impacted local governments.
- Section 4.** The RTC requests formal action by Denton and Dallas Counties and cities along the corridor before the Texas Transportation Commission takes final action on construction plans on IH 35E.
- Section 5.** The RTC will request that the SB 1420 Committee issue a report containing determinations that are consistent with air quality conformity, the findings of Mobility 2035 and the National Environmental Policy Act (NEPA) documents related to the IH 35E project.
- Section 6.** The RTC will assist local stakeholders in initiating conversations with local governments, regional leaders, the Texas Transportation Commission and other interested public and private partners to allocate additional resources to the project, including private equity, local, State and federal funds in order to build as much of the IH 35E project as possible.
- Section 7.** The RTC will request that the SB 1420 Committee commit to meeting TxDOT's schedule to make the required determinations as soon as possible.
- Section 8.** The RTC requests that revised cost estimates and financial analyses of the IH 35E project be completed during the Request For Qualifications (RFQ) process for the project, and this information and information concerning any additional funding identified for the project be provided to the SB 1420 Committee on or before the completion of the RFQ process, and requests that the SB 1420 Committee make determinations that result in one delivery method for the IH 35E project, and that the SB 1420

Committee submit its report to the Executive Director of TxDOT prior to the issuance of a Request for Proposals (RFP) for the project.

- Section 9.** The RTC will request that TxDOT complete the procurement process for the IH 35E project as expeditiously as possible, hopefully no later than December 2012.
- Section 10.** Existing RTC policy requires that revenues shall remain in the counties in which the revenue-generating project is located.
- Section 11.** A copy of this resolution shall be transmitted to the Texas Transportation Commission, the TxDOT Executive Director, the IH 35E SB 1420 Committee, impacted State legislators and impacted local governments.

  
Jungus Jordan, Chair  
Regional Transportation Council  
Councilmember, City of Fort Worth

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on January 12, 2012.

  
Kathryn Wilmon, Secretary  
Regional Transportation Council  
Councilmember, City of Arlington