



The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

April 19, 2018

The Honorable J. Bruce Bugg, Jr.
Chairman
Texas Transportation Commission
125 East 11th Street
Austin, Texas 78701

Dear Chairman Bugg:

On behalf of the Regional Transportation Council (RTC), the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth area, this letter transmits three items you requested related to IH 635 East Phase 3. You requested that we close the funding gap on IH 635, create a transparent process in our decision making, and examine a path forward that could build the project without tolls.

We are suggesting that the Texas Transportation Commission proceed with a design-build procurement on IH 635 East Phase 3 from US 75 to and including the IH 30 Interchange. This will include all frontage roads, main lanes, interchanges, and express lanes consistent with congestion pricing and funding for selected hours of the day. A draft RTC resolution and supporting materials are enclosed. **I encourage you to come to the region with members of the Governor's Office and drive the already completed IH 635 Dallas section and the existing IH 635 East Phase 3 section.**

We appreciate your leadership and will continue to work with you to implement this critical transportation project. We thank you for the hard work on the part of all parties between the April 12, 2018, and the April 19, 2018, RTC meeting. If you have any questions, feel free to contact me or Michael Morris, P.E., Director of Transportation for the North Central Texas Council of Governments, at (817) 695-9241 or mmorris@nctcog.org.

Sincerely,

Rob Franke, P.E., Chair
Regional Transportation Council
Mayor, City of Cedar Hill

AW:al
Enclosures

cc: Members of the Texas Transportation Commission
James Bass, Executive Director, TxDOT
Marc D. Williams, P.E., Deputy Executive Director, TxDOT
Kelly Selman, P.E., District Engineer, TxDOT Dallas District
Michael Morris, P.E., Director of Transportation, NCTCOG

**RESOLUTION REQUESTING THE TEXAS TRANSPORTATION COMMISSION TO
AUTHORIZE A PROCUREMENT FOR THE IH 635 EAST PROJECT FROM US 75 TO IH 30
(R18-01)**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, IH 635 from US 75 to IH 30 (IH 635 East) is the RTC's highest priority project in the eastern subregion of the Dallas-Fort Worth Metropolitan Area; and the Cities of Dallas, Garland, and Mesquite; business and community stakeholders; and citizens that live in or travel through the corridor have expressed strong support in expediting improvements in the corridor for congestion relief, safety, air quality, economic development, and quality of life reasons; and,

WHEREAS, IH 635 East from US 75 to IH 30 currently operates with four general purpose lanes in each direction, discontinuous frontage roads, and a tolled managed lane in each direction; and,

WHEREAS, in 2008, IH 635 East was restriped to add a high-occupancy vehicle (HOV) lane in each direction from US 75 to north of IH 30, and in 2016 these lanes were converted to tolled managed lanes to allow single-occupant vehicles to pay a toll to use the lanes with both of these improvements being funded with Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds; and,

WHEREAS, in March 2016, the RTC approved Mobility 2040: The Metropolitan Transportation Plan for North Central Texas (Mobility 2040) which identifies the need for improvements to IH 635 from US 75 to IH 30, including the expansion of the general purpose lanes to five lanes in each direction, reconfiguration of interchanges at arterial streets (e.g., Skillman/Audelia), continuous frontage roads, and two tolled managed lanes in each direction from US 75 to Royal Lane/Miller Road with a cost of approximately \$1.8 billion; and,

WHEREAS, the tolled managed lane component of the IH 635 East corridor is one of the management strategies identified through the federally required Congestion Management Process in order to add significant single-occupant vehicle capacity in the corridor; and,

WHEREAS, the RTC is currently in the process of updating the Metropolitan Transportation Plan for the 2045 horizon year (Mobility 2045), including recommending needed improvements to IH 635 East; and,

WHEREAS, the IH 635 East Environmental Assessment was approved by the Federal Highway Administration in 2003 and a subsequent reevaluation for the project, consistent with the recommendations in Mobility 2040, was completed and approved by the Texas Department of Transportation (TxDOT) in April 2017; and,

WHEREAS, the State Implementation Plan for Air Quality (SIP) identifies a portion of the HOV/tolled managed lane on IH 635 (Coit Road to Greenville Avenue) as a transportation control measure commitment (TCM); and,

WHEREAS, in October 2017, the RTC approved Policy P17-01 to support the expediting of IH 635 East from US 75 to and including the IH 30 Interchange; expressing its desire to complete the project in its entirety through tax-supported general purpose lanes and frontage roads with dynamically priced managed lanes for the entire corridor; with toll revenue to remain with the public sector for debt service, operations, maintenance, and congestion management and optional off-peak and weekend tolling (IH 635 East project); and,

WHEREAS, in December 2017, the Texas Transportation Commission (TTC) approved updates to the 2018 Unified Transportation Program and removed funding for the tolled managed lane components of IH 635 East; and,

WHEREAS, in January 2018, the Chair of the TTC requested RTC staff work jointly with TxDOT staff to develop 1) a funding plan to address the approximately \$1.0 billion funding gap and 2) a transparent process to identify the necessary steps to proceed with IH 635 East; **and further alignment of advancing the IH 635 East project with both RTC and TxDOT as a non-tolled project**; and,

WHEREAS, staff has developed options to fully fund the project with a risk assessment of each option for consideration by the RTC.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1.** The RTC finds that there is strong support by the cities, businesses, and citizens in and along the corridor for the IH 635 East project to proceed to construction in its entirety to minimize the length of construction impacts.
- Section 2.** The RTC finds that federal Congestion Mitigation and Air Quality Improvement Program funds were used to fund the original HOV lane and later the HOV/tolled managed lanes which are currently operated on IH 635 from US 75 to IH 30, and that there is no existing federal authority that authorizes repayment of the CMAQ funds if the original purpose of the project is discontinued.
- Section 3.** The RTC finds that the HOV TCM commitment in the State Implementation Plan for Air Quality should be maintained and continue to be operated in the IH 635 East corridor.
- Section 4.** The RTC finds that a tolled managed lane component of the IH 635 East project is one of the management strategies identified through the federally required Congestion Management Process in order to add significant single-occupant vehicle capacity in the corridor.
- Section 5.** The RTC finds that the IH 635 East project should **continue to** include **existing** tolled managed lanes from US 75 to IH 30 ~~with the public sector retaining the toll revenues for debt service, operations, maintenance, and congestion management to maintain a minimum speed of 50 mph~~ consistent with RTC Policy 17-01. **RTC proposes to align itself with the Texas Transportation Commission by opening the IH 635 East project with no additional tolled managed lanes.** The RTC instructs staff to develop a tolling policy for IH 635 East to minimize tolling for these purposes and create non-tolled hours of operation.
- Section 6.** **The RTC wishes to partner with the Office of the Governor and the Texas Transportation Commission by committing to the initiatives in Attachment 1.**

Section 7. The RTC finds that there are sufficient funding sources, including the use of toll revenues for limited purposes, to fully fund the IH 635 East project without the need to utilize funding allocated to other projects.

Section 8. Based on the findings above, the RTC requests the Texas Transportation Commission initiate the design-build procurement for the IH 635 East project by issuing a Request for Qualifications (RFQ) to design, develop, construct, and potentially maintain the entire project with tolled managed lanes for the following work components:

- (i) five (5) general purpose lanes in each direction;
- (ii) continuous frontage roads in each direction;
- (iii) reconfiguration of interchanges at arterial streets (including Skillman/Audelia);
- (iv) IH 635/IH 30 interchange reconstruction/reconfiguration; and
- (v) two (2) tolled managed lanes in each direction (US 75 to IH 30).

The Texas Transportation Commission does not need RTC approval to begin the procurement process.

Section 9. The RTC instructs staff to continue including recommended improvements for IH 635 East as described herein in the draft recommendations for Mobility 2045 for public review and comment.

Section 10. The RTC **proposes a Complete Funding Plan that includes \$2.4 billion in revenue for a project estimated to cost \$1.6 billion** consistent with the principles in this resolution and the implementation of a transportation system. **Attachment 2 contains proposed revenues.**

Section 11. The RTC requests that the Texas Department of Transportation initiate a process to reevaluate the current environmental clearance consistent with the terms of this resolution, contingent upon favorable public review and comment on Mobility 2045.

Section 12. This resolution shall be transmitted to members of the Texas Transportation Commission; the TxDOT Executive Director; the District Engineer of the TxDOT Dallas District; the mayors and city managers of the Cities of Dallas, Garland, and Mesquite; State elected officials in North Central Texas; the Congressional delegation from North Central Texas; and the Lieutenant Governor and Governor of the State of Texas.

Section 13. This resolution shall be in effect immediately upon its adoption.

Rob Franke, Chair
Regional Transportation Council
Mayor, City of Cedar Hill

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 April 19, 2018.

Andy Eads, Secretary
Regional Transportation Council
Commissioner, Denton County

Partnership Opportunities

- (i) Pursue federal discretionary funds to address funding equity concerns;
- (ii) Continue to evaluate substituting future toll roads for tolled managed lanes or un-tolled projects;
- (iii) Continue to evaluate substituting future tolled managed lane projects for un-tolled projects;
- (iv) Continue to pursue tolling of managed lanes for congestion pricing/reliability purposes;
- (v) Continue to pursue a geography of less than 15 percent of the Dallas-Fort Worth region being considered for system tolling of managed lanes;
- (vi) Continue to pursue the "grandfathering" of this project due to staged history of 20 plus years;
- (vii) Continue to pursue an action plan for IH 635 East that does not halt air quality conformity and the ability to build transportation projects throughout the Dallas-Fort Worth region;
- (viii) Pursue a staged managed lane operation that opens the project to the existing one tolled managed lane in each direction or two reversible lanes;
- (ix) If requested by TxDOT, pursue a partnership with the North Texas Tollway Authority to operate tolled managed lanes in the IH 635 East corridor; and
- (x) If requested by TxDOT, pursue the support of impacted State Senators to advance the strategic tolling approach of managed lane components of this project.

ATTACHMENT 2

Regional Transportation Council Recommended Complete Funding Plan

Components	Amounts		
Cost Reduction	\$200 M	Total Cost	\$1.6 B
Current TTC Approval	\$720 M		
Re-Add Category 2	\$115 M		
PE/ROW	\$200 M		
Trinity Parkway	\$ 50 M		
CMAQ	\$100 M		
Upcoming UTP for Summer 2018	\$150 M		
Pass Through/Unsolicited Proposal (Post 2018)	\$400 M		
Revenue from Toll Elements	\$200 M		
Federal INFRA Grant	\$165 M		
Commission Consideration of Additional Category 12	\$300 M	Total Revenue	\$2.4 B



TEXAS TRANSPORTATION COMMISSION

J. Bruce Bugg, Jr.
Chairman

April 18, 2018

Jeff Austin III
Commissioner

The Honorable Rob Franke
Chair, Regional Transportation Council
Mayor, City of Cedar Hill
285 Uptown Blvd.
Cedar Hill, Texas 75104

Laura Ryan
Commissioner

Alvin New
Commissioner

Dear Mayor Franke:

I wish to follow up on my letter to you on March 6, 2018 regarding working together to establish a clear path forward to advance the Regional Transportation Council's ("RTC") request for the Texas Transportation Commission ("Commission") to take action on a Request for Qualification for the I-635/LBJ East Project. In that letter, I expressed that we needed to achieve two objectives to advance this important project: (1) alignment of advancing the I-635/LBJ East Project with both RTC and the Texas Department of Transportation (TxDOT) as a non-tolled project, and (2) for the RTC to identify sources to fill the \$1 billion gap that remains on this project.

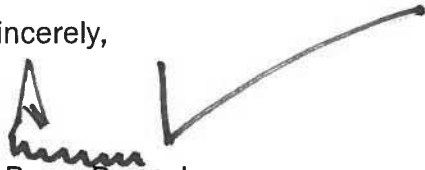
When I reviewed the RTC draft agenda for your upcoming RTC meeting on April 19th, it contains the very same draft items as proposed during your April 12th meeting. If adopted by the RTC, this action would only serve to "document the impasse" between the RTC and our Commission on the first objective.

It is important to note that the main focus of our concern is regarding the second objective of closing the \$1 billion funding gap. The RTC has never provided a complete funding plan for the project, even when managed lanes were a preliminary part of the overall financing. The RTC has presented a myriad of draft funding options, but we need the RTC to present your specific proposal for a funding solution.

It is now April 18th and our Commission Agenda must be filed by 5 p.m. today. We will have to wait on action by the RTC addressing these two outstanding objectives before we can add the I-635/LBJ East Project to the Commission Agenda for the Commission's action.

At such time as the RTC is able to address the two items that I have outlined, TxDOT stands ready to advance the I-635/LBJ East project.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bruce Bugg, Jr.", with a long, sweeping flourish extending to the right.

J. Bruce Bugg, Jr.,
Chairman
Texas Transportation Commission

cc: The Honorable Greg Abbott
The Honorable Dan Patrick
The Honorable Joe Straus
Lee Kleinman, Dallas City Council and Regional Transportation Council
Member
Michael Morris, P.E., Director of Transportation, NCTCOG
Texas Transportation Commission



DALLAS COUNTY JUDGE CLAY LEWIS JENKINS

April 16, 2018

The Honorable Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Abbott:

On behalf of Dallas County, thank you, the Texas Transportation Commission (TTC) and the Texas Department of Transportation (TxDOT) for working with local elected leaders and staff at the North Central Texas Council of Governments to craft a solution on how to move forward with the IH 635 East Phase 3 Project. This is a critical project to Dallas County and to my 2.6 million constituents who need reliable and safe transportation options.

In March 2018, supermajorities at both the Republican and Democratic conventions in Senate District 16 passed resolutions in support of using optional managed toll lanes as a financing mechanism. This support mirrors the support I have seen at town hall meetings and have received from my constituents.

In order to move this long slated project forward, I believe the Texas Transportation Commission (TTC) should proceed with the design-build procurement and issue a Request for Qualifications to design, develop, construct and potentially maintain the entire project. For future projects, I believe that each one should be examined closely to ensure we are using the taxpayer funds judiciously. This will honor the concern that many Texans have regarding new toll projects. The use of optional tolled managed lanes is not and should not be the default financing mechanism. As we did on the Southern Gateway project, when optional tolled managed lanes are not necessary, we worked closely with the Texas Department of Transportation and the TTC to remove them. The RTC's priority is to ensure an effective and efficient transportation system for the future residents in our 16 county area. Local elected officials need all the available transportation planning and funding tools in the toolbox in order to achieve this objective.

The Regional Transportation Council will meet again this Thursday in a special called meeting to vote on a resolution that reaffirms our commitment to IH 635 East Phase 3 Project. This project

Dallas County Administration Building
clay.jenkins@dallascounty.org
Dallas, TX 75202

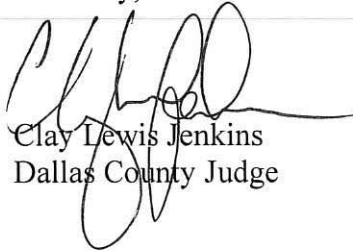
411 Elm Street

(214) 653-7949

is not just important to Dallas County, but is the RTC's number one priority in the region. As you know, the RTC is legally tasked with planning for the over 11 million people that will be here in 2045 and meeting our goal of creating a transportation system of choice for drivers.

I look forward to working with you on moving IH 635E forward and to future projects that will benefit our shared constituencies. Please do not hesitate to contact me if I can be of any assistance.

Sincerely,



Clay Lewis Jenkins
Dallas County Judge

cc: Members of the Texas Transportation Commission
Mr. James M. Bass, Executive Director, Texas Department of Transportation
Mr. Kelly Selman, P.E., District Engineer, TxDOT Dallas District
Mr. Michael Morris, P.E., Director of Transportation, NCTCOG

RESOLUTION NO. 18-455

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS SUPPORTING ACTION BY THE REGIONAL TRANSPORTATION COUNCIL RELATED TO LOCAL CONTROL IN THE ADVANCEMENT OF THE I-635/LBJ EAST PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments (“NCTCOG”) is designated as the Metropolitan Planning Organization (“MPO”) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and

WHEREAS, the Regional Transportation Council (“RTC”), composed primarily of local elected officials, is the regional transportation body associated with NCTCOG charged with creating regional transportation policy and continues to be the regional forum for cooperative decisions on transportation; and

WHEREAS, the Texas Transportation Commission (“TTC”) has requested changes to the Interstate Highway 635 (“IH 635) LBJ East Tolled Managed Lane Project (the “Project”) removing the tolled managed lanes from the designed widened highway segment to be constructed; and

WHEREAS, changes to the Project would require modifications to the Mobility 2045 Plan, the Air Quality Conformity Plan, the State Implementation Plan, the Emission inventories for the State Implementation Plan, the National Environmental Policy Act (“NEPA”) Document for IH 635, the Transportation Improvement Program, applicable public involvement procedures, as well as toll collection primacy of the North Texas Tollway Authority; and

WHEREAS, changes to the Project would also require RTC action to repudiate the House Bill 20 10-Year Planning Document Supporting LBJ East With Tolled Managed Lanes from December 2016, the RTC Statement in Support of LBJ East with Tolled Managed Lanes at TxDOT Public Hearings on LBJ from January 2017, the RTC Policy Position on Advancing LBJ East with Tolled Managed Lanes from October 2017, and the RTC Communication to the Lieutenant Governor Supporting Tolled Managed Lanes from January 2018; and

WHEREAS, the TTC has not provided RTC answers to multiple issues a change may impact, including single-occupant vehicle capacity in nonattainment areas, a response to the Congestion Management Process, and TxDOT-approved environmental documents that may be contradicted by the proposed change; and

WHEREAS, the communities of Dallas County, Dallas, Garland, and Mesquite have all passed resolutions expressing their support for the inclusion of tolled managed lanes in the Project; and

WHEREAS, the City of Denton supports the concept of “local control” over issues impacting its residents; and

WHEREAS, the TTC's request may be considered an infringement to local government control; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The City of Denton supports the decision making authority of the Regional Transportation Council, as granted by the United States government over the transportation needs of its region, and

SECTION 2. The City of Denton encourages the Regional Transportation Council to continue its efforts to support the planning decisions made by its local government members in the transportation issues regarding the IH 635/LBJ East Tolled Managed Lanes Project.

SECTION 3. This resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 27th day of March, 2018.



CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: 