



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

December 7, 2020

Texas Department of Transportation (TxDOT)
Attn: TPP – UTP
PO Box 149217
Austin, TX 78714-9217
RE: Draft 2021 UTP Potential Addition

To Whom it May Concern:

The information below supplements comments made at the recent Unified Transportation Program (UTP) public meeting and hearing.

This letter serves as the Regional Transportation Council's (RTC) formal public comments in response to the proposed addition of the SH 365 Tollway project in Hidalgo County to the 2021 Unified Transportation Program. It is our understanding that the project under consideration was awarded \$14,390,000 of Category 12 funding in prior UTPs, but the funding was removed during the initial version of the 2021 UTP due to potential conflicts with state transportation goals (i.e., the "non-tolled environment"). The current proposal to add the project back into the 2021 UTP is based on two criteria as stated during the November 2, 2020 Public Meeting. First, the project had a commitment from the Texas Transportation Commission (TTC) dating back to 2015. Second, the project is not being funded with State funding. We support the approval of this project in the UTP and given these criteria, we request that tolled projects in the Dallas-Fort Worth region with similar circumstances be considered for approval by the TTC and/or Texas Department of Transportation (TxDOT), which may be inside or outside the UTP depending on the circumstances.

In June 2009, TxDOT and Cintra executed a Comprehensive Development Agreement (CDA) for construction of the IH 820/SH 121/SH 183 section of the North Tarrant Express (NTE). Included in the CDA with Cintra are capacity improvement triggers that require Cintra to make improvements along the tolled and non-tolled sections of the three facilities when traffic meets certain thresholds. The anticipated date of the next trigger is mid-2022 with an open to traffic date of June 2024. Cintra continues to coordinate with TxDOT to implement the project to ensure that the terms of the CDA are met. Concurrent to the 2021 UTP development process, the RTC approved the 2020 Regional 10-Year Plan, which included \$1,294,000,000 of private sector funding for three NTE segments. Cintra has been awaiting action on a Request for Change Proposal by TxDOT, leaving Cintra without a clear direction on how to proceed with its obligations in the CDA. As a result, they communicated to NCTCOG that they are concerned with the financial risk of moving forward with the engineering process. To mitigate this risk, the RTC acted in June 2020 to provide a financial backstop for the engineering, so that work can continue. This decision was based on mobility, air quality, safety, operational lane balance and job creation goals.

December 7, 2020

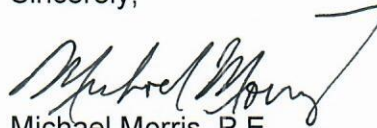
The RTC contends that similar to the IH 35W 3C project in Tarrant County and the SH 365 tollway, the NTE Segment 2E projects falls under the aforementioned criteria by having a prior commitment from TxDOT (i.e., CDA agreement) and being fully funded with private sector and local funding. Therefore, this project should be “grandfathered” and allowed to move forward.

The RTC believes that large transportation projects, such as the SH 365 Tollway expansion and the NTE improvements, are important to reducing the negative economic impacts of the COVID-19 pandemic. Expediting infrastructure decisions that create Texas jobs is critical.

We would also like to take this opportunity to propose a new partnership with the TTC for the next 10-Year Plan/UTP. It is coming to you under separate cover. This partnership would involve the RTC programming Surface Transportation Block Grant funds in partnership with similar commitments of TTC-selected funding for on-system projects in the region.

Again, the RTC respectfully requests that TxDOT issue the necessary Request for Change Proposal to allow the NTE project to proceed, and to provide feedback on the partnership opportunity introduced above. If you have any further questions or concerns, please contact me at (817) 695-9241 or mmorris@nctcog.org.

Sincerely,



Michael Morris, P.E.
Director of Transportation

CD:al

cc: J. Bruce Bugg, Jr., Chairman, Texas Transportation Commission
The Honorable Roger Harmon, RTC Chair, County Judge, Johnson County
James Bass, Executive Director, TxDOT Austin
Marc Williams, P.E., Deputy Executive Director, TxDOT Austin
Bill Hale, P.E., Chief Engineer, TxDOT Austin
Brian Barth, P.E., Director of Project Planning and Development, TxDOT Austin
Jessica Butler, P.E., Director of Transportation Planning and Programming, TxDOT Austin
Mo Bur, P.E., District Engineer, TxDOT Dallas District
Carl L. Johnson, P.E., District Engineer, TxDOT Fort Worth
Noel Paramanatham, P.E., District Engineer, TxDOT Paris



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December 8, 2020

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

The Honorable Laura Ryan
Commissioner
Texas Transportation
Commission
125 East 11th St.
Austin, TX 78701

The Honorable Alvin New
Commissioner
Texas Transportation
Commission
125 East 11th St.
Austin, TX 78701

The Honorable Robert Vaughn
Commissioner
Texas Transportation
Commission
125 East 11th St.
Austin, TX 78701

Dear Chairman Bugg and Commissioners Ryan, New, and Vaughn:

On behalf of the Regional Transportation Council (RTC), the Metropolitan Planning Organization for the Dallas-Fort Worth (DFW) area, thank you for your leadership on transportation issues facing the State.

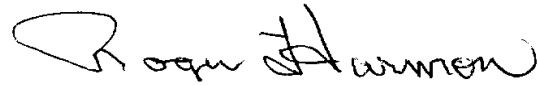
On November 12, 2020, the RTC approved the establishment of a partnership program to increase communication and foster new ideas and innovation with the Texas Transportation Commission (TTC). The partnership consists of the following six elements:

1. Formula Allocation Produces More Revenue and Has Legislative Protections
2. RTC Willingness to Program STBG Funds on the State System for Mobility, Safety and Job Creation Benefits
3. Create Project Delivery Team for New Federal Infrastructure Program
4. Create New Economic Development Program for Corporate Relocations: New Governor Abbott Program
5. Review "No Toll Environment" Considering Funding Crisis of Prop 1: Bring Back TxDOT Tolls and Apply New Tolling Policies
6. Develop New Passenger Rail/Freight Logistics Program (Legislative Component)

We look forward to reaching out to you as part of this new partnership program to enhance communications between the RTC and the TTC. 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.

December 8, 2020

Sincerely,

A handwritten signature in black ink that reads "Roger Harmon". The signature is written in a cursive style with a large, stylized initial "R".

Roger Harmon, Chair
Regional Transportation Council
County Judge, Johnson County

RH:kw
Attachment

cc: Mr. James Bass, Executive Director, TxDOT Austin
Marc Williams, P.E., Deputy Executive Director, TxDOT Austin
Bill Hale, P.E., Chief Engineer, TxDOT Austin
Brian Barth, P.E., Director of Project Planning and Development, TxDOT Austin
Mo Bur, P.E., Dallas District Engineer, TxDOT
Carl Johnson, P.E., Fort Worth District Engineer, TxDOT
Noel Paramanatham, P.E., Paris District Engineer, TxDOT
Members of the Regional Transportation Council
Michael Morris, P.E., Director of Transportation, NCTCOG

CANDIDATE ELEMENTS OF PARTNERSHIP:

1. Formula Allocation Produces More Revenue and Has Legislative Protections
2. RTC Willingness to Program STBG Funds on the State System for Mobility, Safety And Job Creation Benefits
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