

RESOLUTION

REQUESTING IMPROVEMENTS TO INTERSTATE 35 EAST AS DESIGNED BY THE TEXAS DEPARTMENT OF TRANSPORTATION TO BE FULLY FUNDED AND IMPLEMENTED FOR THE FULL PROJECT LENGTH FROM INTERSTATE HIGHWAY 635 IN DALLAS COUNTY TO U.S. HIGHWAY 380 IN DENTON COUNTY

WHEREAS, the interstate highway system in Texas has a positive economic impact and Interstate Highway 35 in particular has become one of the nation's most important interstate routes due to international trade and commerce; and

WHEREAS, traffic volume has increased geometrically as cities along Interstate 35 grew and became economic centers of national importance; and

WHEREAS, Interstate Highway 35 East (I-35E) has been designated as an international trade route for commerce known as the NAFTA Superhighway; and

WHEREAS, Interstate 35 was an original Interstate Highway and approved by the Texas State Highway Commission in 1962 that was 492 miles in length; and

WHEREAS, Interstate 35 has been designated by the United States Congress as a National High Priority Corridor – Corridor 23; and

WHEREAS, the segment of I-35E from Interstate Highway 635 in Dallas to U.S. Highway 380 in Denton is approximately 28 miles in length with average daily vehicle count of between 175,000 and 200,000 vehicles per day; and

WHEREAS, the 2030 traffic projections show traffic will exceed 330,000 vehicles per day in the most congested areas of I-35E; and

WHEREAS, the use of managed toll lanes on I-35E has already been authorized by the Federal Highway Administration ("FHWA") through approval of an Express Lane Demonstration Program entered into between TxDOT and FHWA on September 30, 2009; and

WHEREAS, the current Design Schematics and Interstate Access Justification for I-35E were approved by FHWA on October 28, 2009; and

WHEREAS, the current design plans for I-35E provides for the construction of four general purpose lanes and three access road lanes in each direction, which combined a total of fourteen (14) lanes, for which no toll will be assessed; and

WHEREAS, the capacity for the I-35E general purpose lanes and access lanes will be enhanced with the inclusion of two managed toll lanes in each direction where the managed lanes are a critical component to obtain financing necessary to complete development of the project; and

WHEREAS, there has been significant public involvement during the development of the I-35E design process, including multiple public meetings and forums; and

WHEREAS, TxDOT has over the past ten years worked closely with local elected officials,

stakeholders, and communities of interest along I-35 on the planned improvements; and

WHEREAS, the total cost of the project which is divided into three segments covering 28 miles, is projected to be \$4.4 billion; and

WHEREAS, Denton County has pledged its Regional Toll Revenue in the amount of \$535 million, in addition to voter approved County Road Bond funds in the amount of \$55 million, to help finance the completion of the entire I-35E project; and

WHEREAS, local officials understand the need for and support the inclusion of managed lanes in the congested I-35E corridor; and

WHEREAS, the completion of I-35E with the "pay as you go" appropriation method utilizing motor fuel tax revenue could delay implementation of the project for an additional 20-30 years; and

WHEREAS, staged construction of I-35E, utilizing innovative financing mechanisms, including Public Private Partnerships remains the only viable alternative to complete the construction of I-35E within a time horizon of 5-7 years; and

WHEREAS, I-35E public hearings are scheduled for the Fall of 2010 with environmental clearance and the issuance of a Finding of No Significant Impact expected in the first quarter of 2011.

NOW THEREFORE BE IT RESOLVED BY _____
that

Section 1. _____ supports the proposed TxDOT schematic and design of Interstate Highway 35 East from Interstate Highway 635 to U.S. State Highway 380, which incorporates managed toll lanes.

Section 2. _____ supports the authorization of innovative funding concepts, public private partnerships and other funding alternatives which can be implemented by reauthorizing TxDOT to enter into contracts with private sector partners to complete I-35E, as designed, in 5-7 years.

Section 3. _____ joins with the other political subdivisions adjacent to and along the I-35E corridor to request and support the statutory authority for TxDOT to enter into public private partnerships, as previously authorized by statute, for the purpose of seeking competitive proposals and awarding the construction of the designed improvements for I-35E.

Section 4. _____ supports the expedited consideration of reauthorization for TxDOT to enter into public private partnerships with an effective date in the first quarter of calendar year 2011 to facilitate an early issuance of requests for proposals to accelerate the initiation of the needed improvements for I-35E.

Adopted this ___ day of _____, 2010.

IH 35E (South, Middle and North) Environmental Status October 25, 2010

Limits:

IH 35E Middle Segment (President George Bush Turnpike to FM 2181, 12 miles)

IH 35E North Segment (FM 2181 to US 380, 11 miles)

IH 35E South Segment (IH 635 to President George Bush Turnpike, 5 miles)

Environmental Assessments (EA):

IH 35E Middle - EA was approved on 10/14/10 by FHWA to conduct the Public Hearing.

IH 35E North – TxDOT is addressing FHWA comments and will re-submit the document to Austin by 10/29/10. After FHWA approves the EA, the public hearing will be scheduled.

IH 35E South – TxDOT is addressing FHWA comments and will re-submit the document to Austin by 11/5/10. After FHWA approves the EA, the public hearing will be scheduled.

Public Hearings:

IH 35E Middle – November 18, 2010 at Lewisville High School

IH 35E North – December, 2010/January, 2011

IH 35E South – December, 2010/January, 2011

Environmental Clearance

IH 35E Middle – January/February, 2011

IH 35E North – February, 2011

IH 35E South – March 2011

Schematics:

All 3 Segments - Received FHWA's approval on October 28, 2009.

NOTICE OF AVAILABILITY AND PUBLIC HEARING
DRAFT ENVIRONMENTAL ASSESSMENT FOR
INTERSTATE HIGHWAY (IH) 35E: FROM PRESIDENT
GEORGE BUSH TURNPIKE TO FM 2181

The Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA) in cooperation with the U.S Army Corps of Engineers (USACE), has prepared a Draft Environmental Assessment (EA) for the IH 35E expansion, and will hold a Public Hearing to discuss the proposed IH 35E mainline improvements and construction of High Occupancy Vehicle (HOV)/Managed lanes with concurrent flow from President George Bush Turnpike (PGBT) in Dallas County to Farm-to-Market (FM) 2181 (Swisher Road) in Denton County, Texas. The term concurrent indicates that travel along the HOV/Managed lane would be in the same direction as the main lanes of the facility. The proposed project passes through the City of Carrollton in Dallas County, and the Cities of Lewisville, Highland Village, Lake Dallas, Corinth, and the Town of Hickory Creek in Denton County. The Public Hearing will be held on:

Thursday, November 18, 2010
6:00 pm – Open House
7:00 pm – Public Hearing
Lewisville High School
1098 West Main Street, Lewisville, TX 75067

IH 35E is an essential element of the local and regional transportation system. Within the project area, IH 35E functions as an interstate and also serves as a major arterial serving local trips and as an important regional commuter route connecting the Cities of Carrollton, Lewisville, Highland Village, Lake Dallas, Corinth and the Town of Hickory Creek, as well as neighboring developing communities. The purpose of the proposed project is to address the transportation needs by increasing capacity, managing traffic congestion, improving mobility, and improving roadway deficiencies within the DFW metropolitan area. The project would also serve to enhance the regional and national transportation system.

The purpose of the Public Hearing is to discuss the social, economic, and environmental effects of the proposed roadway improvements along the entire 12-mile length of the proposed project. The project would require additional right-of-way (ROW). The existing IH 35E facility, from PGBT to FM 2181, consists of six 12-foot (ft) wide mainlanes (three in each direction) with two-lane frontage roads. The frontage roads consist of two 12-ft wide lanes and are mostly continuous along the corridor with the exception of Lake Lewisville Bridge, where there are no frontage roads. The mainlanes are divided by a concrete traffic barrier (CTB) throughout the project limits.

The proposed improvements would consist of eight 12-ft wide lanes (four in each direction) with 10-ft wide inside and outside shoulders and two to four collector distributor lanes (each direction) from south of PGBT to north of SH 121. Frontage roads would mostly consist of one, two, or three 11-foot wide inside lanes and a 16-foot wide outside shared use bicycle/vehicle lane including 2-foot curb offset in each direction for a maximum width of 49 feet. The frontage roads would be continuous throughout the length of the project. Four 12-ft wide concurrent flow HOV/Managed lanes with maximum 10-ft wide shoulders (to the outside) would be added from PGBT to FM 2181. Continuous pedestrian sidewalks are proposed along each side of the entire project. The term "HOV/Managed lanes" encompasses all types of lane management strategies, including occupancy and price based lane or facility management (i.e. HOV lanes pricing by occupancy, time of day, congestion level, etc). The northbound and southbound HOV/Managed lanes would be separated by a 10-ft wide median including a CTB. These concurrent HOV/Managed lanes would be tolled.

The existing ROW width for this stretch of IH 35E varies from approximately 256 to 300 ft. The proposed project would be constructed within a proposed ROW width that varies from approximately 380 to 556 ft.

The proposed IH 35E improvements would require approximately 179 acres of proposed ROW and approximately 54 acres of proposed easement (of the total proposed easement acreage, the proposed project would require approximately 20.7 acres of USACE property at Lewisville Lake). The proposed reconstruction of IH 35E would result in approximately 180 displacements. Consistent with U.S. Department of Transportation policy, as mandated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the Uniform Relocation Act Amendments of 1987, TxDOT provides relocation resources to all displaced persons without discrimination. All property owners from whom property is needed are entitled to receive just compensation for their land and property. Just compensation is based upon the fair market value of the property. In order to assist those who are required to move from a home or business, TxDOT also provides, through its relocation assistance program, payments and services to aid in movement to a new location. Information concerning relocation services and benefits available to affected residential and commercial property owners and information about the tentative schedules for ROW acquisition and construction will be available at the Public Hearing and can also be obtained from the TxDOT Dallas District Office. TxDOT commits to utilizing Workforce Solutions to help minimize or mitigate for adverse impacts to individual employees as a result of the proposed project's implementation. The Workforce Development Manager and appropriate staff will attend the Open House/Public Hearing for the proposed IH 35E project to answer questions or present services information on behalf of Workforce Solutions.

The project is located within the Federal Emergency Management Agency (FEMA) designated 100-year floodplain at the Elm Fork Trinity River, Timber Creek, Prairie Creek, a tributary of Prairie Creek, Lewisville Lake, and a tributary of Lewisville Lake. The hydraulic design for this project would be in accordance with current Federal Highway Administration (FHWA) and TxDOT design policies. The facility would permit the conveyance of the 100-year flood, without causing significant damage to the facility, stream, or other property. The proposed project would not increase the base flood elevation to a level that would violate applicable floodplain regulations and ordinances. Eight wetlands, totaling approximately 11 acres, and 19 water features, totaling approximately 67 acres, are located within the proposed ROW and are considered potentially jurisdictional. The proposed project would result in the placement of temporary or permanent dredge or fill material into these jurisdictional features and would require a Section 404 USACE permit.

As part of this project, the FHWA is considering Programmatic Section 4(f) Net Benefit determinations for impacts to Highland Lakes Park in the City of Lewisville, and USACE Property, including Copperas Branch Park, around Lewisville Lake. A total of 20.7 acres of impact would occur on USACE Section 4(f) property and a total of 0.5 acre of impact would occur on Highland Lakes Park Section 4(f) property. A Section 4(f) Net Benefit finding means that this project would have an impact on the resource, but the FHWA, in consultation with TxDOT and the officials with jurisdiction over the resource, has made a preliminary determination that the use of the Section 4(f) property would result in a net benefit to the Section 4(f) property. The FHWA will consider comments received during this Public Hearing before making final Section 4(f) Net Benefit determinations.

The schematic layout showing the location and design of the proposed project, the EA and corresponding Draft Programmatic Section 4(f) Net Benefit Evaluations, and other information related to the project would be available for viewing at the Public Hearing and are currently on file and available for public inspection at the City of Lewisville City Hall, 151 W. Church Street, Lewisville, Texas 75057; City of Corinth City Hall, 3300 Corinth Parkway, Corinth, Texas 76208; Town of Hickory Creek City Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas 75065; City of Lake Dallas City Hall, 212 Main Street, Lake Dallas, Texas 75065; City of Carrollton City Hall, 1945 E. Jackson Road, Carrollton, Texas 75006; Highland Village Municipal Complex, 1000 Highland Village Road, Highland Village, Texas 75077; TxDOT Denton County Area Office, 2624 West Prairie, Denton, Texas 76201; and TxDOT Dallas District Office, 4777 East Highway 80,

Mesquite, Texas 75150. The tentative construction schedule can be obtained at the TxDOT Dallas District Office in Mesquite, Texas.

All interested persons are invited to attend this Public Hearing. Persons interested in attending the Public Hearing who have special communication or accommodation needs are encouraged to contact the TxDOT Dallas District public information officer at (214) 320-6100 at least two (2) work days prior to the Public Hearing. Because the Public Hearing will be conducted in English, requests for language interpreters or other special communication needs should also be made at least two work days prior to the Public Hearing. TxDOT will make every reasonable effort to accommodate these needs.

Verbal and written comments relative to the proposed project may be presented at the Public Hearing. Written comments can also be submitted to the following address:

Robert Hall, P.W.S., CFM
TxDOT Dallas District Environmental Coordinator
P.O. Box 133067
Dallas, Texas 75313-3067

Verbal or written comments may be presented for a period of 10 days after the Public Hearing and must be postmarked by November 29, 2010 to be included as part of the official public record. The EA and schematic are available for viewing and comment throughout the public notice period and comment period. For additional information please contact Robert Hall, TxDOT Dallas District, via phone 214-320-6157, fax 214-320-4470, or e-mail: Robert.Hall@txdot.gov