

MICHAEL C. BURGESS, M.D.
26TH DISTRICT, TEXAS



ENERGY AND COMMERCE

SUBCOMMITTEES:
OVERSIGHT AND INVESTIGATIONS
RANKING MEMBER

HEALTH
ENERGY AND ENVIRONMENT

JOINT ECONOMIC COMMITTEE

CONGRESSIONAL HEALTH CARE CAUCUS,
CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515-4326

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DISTRICT OFFICES:
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FORT WORTH, TX 76119
(817) 531-8454

November 15, 2010

State Senator Tommy Williams
Chairman
Senate Transportation and Homeland Security Committee
Post Office Box 12068
Austin, Texas 78711-2068

RE: Denton County Interstate 35E

Dear Chairman Williams:

For your review and consideration, I have enclosed a copy of the signed "Satisfactory for Further Processing" letter that I received from the Federal Highway Administration (FHWA), which will allow the Texas Department of Transportation (TxDOT) to advance the I-35E Middle Section Environmental Assessment (EA) to a public hearing.

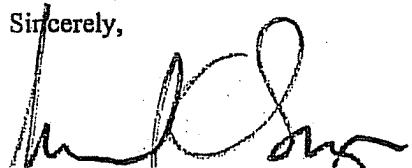
In recognition of local delivery support, Denton County committed State Highway 121 Regional Toll Revenue funds and resources from two (2) bond elections that helped comprise an estimated \$592 million that have been committed for early acquisition for Right of Way, frontage roads and engineering. This commitment was made in advance of the EA and aided in the concurrent technical review that helped secure the support of cooperating agencies and partners.

In the North Texas region, one of the most pressing transportation issues is the expansion of I-35E through Denton County. With increasing mobility and air quality issues, the completion of this project is vital, not only to the economic well being of the region but the safety of our residents. In November 2007 all lanes of the freeway were shut down going both north and south after the driver of a tanker lost control of the rig he was driving and jumped the guardrail and exploded in a fiery blaze. The safety issues were underscored as this could have been a toxic or other hazardous accident.

TxDOT's project designs will require the State Legislature's support as it moves forward in identifying responsible sources to fund I-35E. The undersigned recognize the impact this lack of mobility has in the lives of Denton County residents and are concerned that further delays in the project's completion could have negative impacts on the North Texas region. It is our hope that your committee will work with TxDOT in considering all possible financing options for the I-35E project during the upcoming legislative session.

Thank you for your consideration and assistance with this matter.

Sincerely,

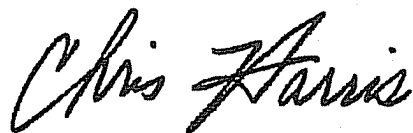

Michael C. Burgess, M.D.
Member of Congress District 26


Mary Horn
Denton County Judge

The Honorable Tommy Williams
State of Texas Chairman of Transportation
Regional Support of Interstate 35E Middle Section EA
Page 2
November 15, 2010



Representative Myra Crowthorn
State Representative District 64



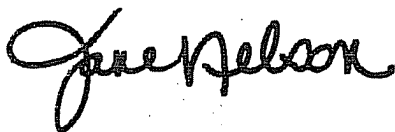
Senator Chris Harris
State Senate District 9




Representative Tan Parker
State Representative District 63



Senator Craig Estes
State Senate District 30



Senator Jane Nelson
State Senate District 12



Representative Burt Solomons
State District Representative 65



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8565

October 11, 2010

DMO 2005 ()
Environmental Assessment and Programmatic Section 4(f) Net Benefit Evaluations
Dallas and Denton Counties
CSJs: 0196-02-068, 0196-01-096, 0196-02-073, 0196-02-114 and 0196-03-245

IH 35E: From President George Bush Turnpike to FM 2181

Ms. Janice Brown
Division Administrator
Federal Highway Administration
Austin, Texas 78701

Dear Ms. Brown:

Attached are three copies of the environmental document and Programmatic Section 4(f) Net Benefit Evaluations for the IH 35E project located in Dallas and Denton Counties. One document was hand delivered to Barbara Maley. The District revised the document to address FHWA review comments received via email dated September 22, 2010 and September 30, 2010 and USACE comments received by letter dated September 27, 2010. A comment and response report is attached. The environmental document went through a QA/QC review by the consultant, the Dallas district and the Environmental Affairs Division.

At this time, we request your concurrence that this project is Satisfactory for Further Processing. Upon your approval, the District will proceed with the public involvement phase of the environmental process. If you have any questions, please contact me at (512) 416-2547.

Sincerely,

Lindsey Kimmitt
Lindsey Kimmitt
Project Delivery Management
Environmental Affairs Division

Attachments
LVK

bc: Dallas District - Stan Hall
Reference: ENV 850

Satisfactory for Further Processing: *Alan [Signature]* Date: 10-14-10
Federal Highway Administration

RESOLUTION NO. R2010-044

A RESOLUTION OF THE CITY OF DENTON, TEXAS 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; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the interstate highway system in Texas has a positive economic impact and Interstate Highway 35 ("I-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 I-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, I-35 was an original Interstate Highway and approved by the Texas State Highway Commission in 1962 that was 492 miles in length; and

WHEREAS, I-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 an average daily vehicle count of between 175,000 and 200,000 vehicles; 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 when combined are 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,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The findings set forth in the preamble of this Resolution are incorporated by reference into the body of this Resolution as if fully set forth herein.

SECTION 2: The City Council supports the proposed TxDOT schematic and design of I-35E from Interstate Highway 635 to U.S. Highway 380, which incorporates managed toll lanes.


SECTION 3: The City Council 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 4: The City Council 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 5. The City Council 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.

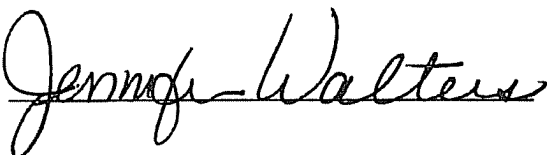
SECTION 6: This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 16th day of November, 2010.

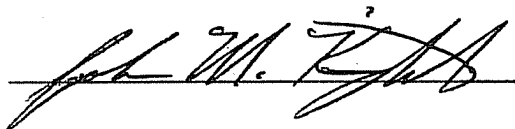


MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 

RESOLUTION 2010-1116-001**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 the Hickory Creek Town Council that

Section 1. The Town of Hickory Creek 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.

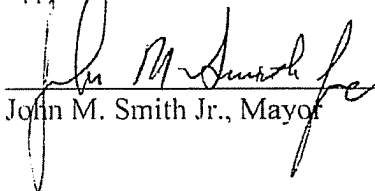
Section 2. The Town of Hickory Creek supports the authorization of innovative funding concepts, public private partnerships and other funding alternatives which can be implemented by reauthorizing TxDOT to enter into contracts with private sector partners to complete I-35E, as designed, in 5-7 years.

Section 3. The Town of Hickory Creek 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.

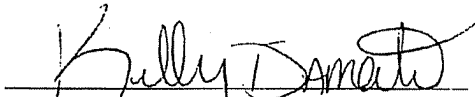
Section 4. The Town of Hickory Creek supports the expedited consideration of reauthorization for TxDOT to enter into public private partnerships with an effective date in the first quarter of calendar year 2011 to facilitate an early issuance of requests for proposals to accelerate the initiation of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

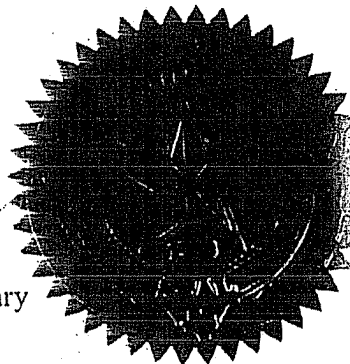
Adopted this 16th day of November, 2010.

Approved:


John M. Smith Jr., Mayor

Attest:


Kelly D'Amato, Town Secretary



RESOLUTION 111810.50

**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 THE CITY COUNCIL OF THE CITY OF LAKE DALLAS that

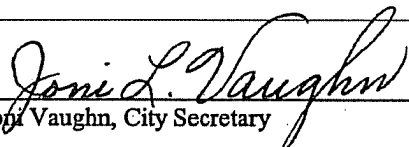
Section 1. The City of Lake Dallas supports the proposed TxDOT schematic and design of Interstate Highway 35 East from Interstate Highway 635 to U.S. State Highway 380, which incorporates managed toll lanes.

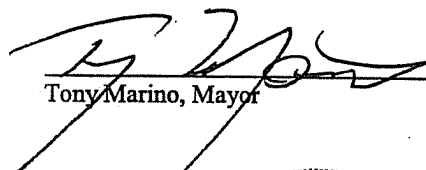
Section 2. The City of Lake Dallas supports the authorization of innovative funding concepts, public private partnerships and other funding alternatives which can be implemented by reauthorizing TxDOT to enter into contracts with private sector partners to complete I-35E, as designed, in 5-7 years.

Section 3. The City of Lake Dallas 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. The City of Lake Dallas 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 18th day of November, 2010.


Joni Vaughn, City Secretary


Tony Marino, Mayor





UNT | SYSTEM

November 16, 2010

Mr. Robert Hall, P.W.S., CFM
 TXDOT Dallas District Environmental Coordinator
 P. O. Box 133067
 Dallas, TX 75313-3067

Dear Mr. Hall:

The University of North Texas has a direct and vital interest in the improvement of IH 35E which bisects our flagship campus in Denton. Our students, faculty, staff, visitors, and external partners rely on it, and we especially urge you to place a high priority on funding the improvements as designed for the segment between the President George Bush Turnpike and FM2181.

In just a few short years, our campus has grown to over 36,000 students, with projections that we will exceed an enrollment of 40,000 in the near future. Our campus community supports and contributes heavily to the ridership of the Denton County Transportation Authority and DART but individual schedules make it necessary for the vast majority of UNT-related trips to occur on IH 35E. We rely on IH 35E to enable us to continue to grow and meet the needs of this dynamic region.

We support the expansion of IH 35E as designed to include additional lanes, improved continuous frontage roads with shared use bicycle/vehicle lanes, HOV/managed toll lanes, and continuous pedestrian sidewalks. We believe this project should be given a priority because this segment of IH 35E now carries almost 200,000 vehicles per day and is projected to carry over 300,000 per day by 2030.

Denton County has pledged \$590 million from its toll and bond revenues. In order not to have this project delayed for decades to come, we urge the State to identify appropriate state and federal funds and authorize necessary private partnerships to enable this critical project to move forward.

Thank you for considering these comments in the public hearing.

Sincerely,

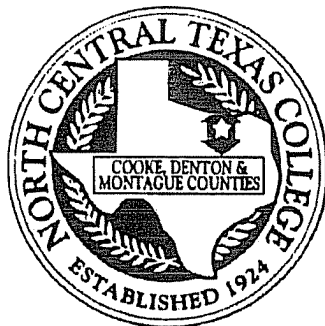
V. Lane Rawlins
 President, UNT

Lee F. Jackson
 Chancellor, UNT System

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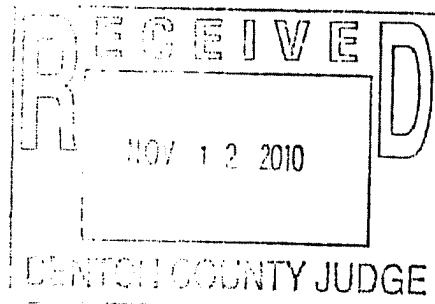
Office of the President
NORTH CENTRAL TEXAS COLLEGE

Dr. Eddie C. Hadlock



November 9, 2010

Honorable Judge Mary Horn
 Denton County Judge
 110 W. Hickory St.
 Denton, TX 76201



Dear Judge Horn:

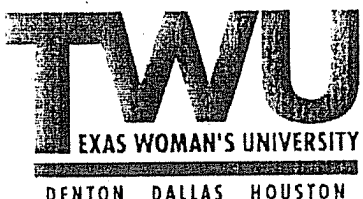
North Central Texas College (NCTC) supports the efforts to expand I-35E from Interstate Highway 635 in Dallas to U.S. Highway 380 in Denton. NCTC currently has a campus in the City of Corinth with an enrollment of 5,500+ students, and effective with the Spring 2011 Semester will open another campus in the Town of Flower Mound with an anticipated opening enrollment of 1,000 students. The majority of students attending the Corinth Campus reside outside of the city of Corinth and are dependent upon I-35 as the only major highway to provide access to the campus from south of Lake Lewisville or from the northern sector of Denton County. Currently, students are already experiencing access issues related to traffic congestion on I-35 for early morning and evening class times. The administration of NCTC has a concern that students may choose not to attend the college if ease of access to the campus becomes too difficult.

Access issues related to transportation are influencing decisions for the future of the Corinth Campus. When the campus opened in 2000, future plans called for the build out of the campus to accommodate 10,000 plus students. Since that time the administration has been debating the feasibility of increasing enrollment at the campus because access issues directly related to the overcrowded I-35. Decisions related to construction of future building on the campus will definitely take into consideration the ease of access provided by the local highway structure.

If more details related to the future plans of the Corinth Campus are needed related to the decisions to be made on the expansion of I-35, please feel free to contact me.

Sincerely,

Eddie C. Hadlock
 Eddie C. Hadlock



Office of the Chancellor and President
 P.O. Box 425587, Denton, TX 76204-5587
 940-898-3201 FAX 940-898-3214

November 10, 2010

The Honorable Mary Horn
 Denton County Judge
 110 W. Hickory Street
 Denton, TX 76201

Dear Judge Horn:

Texas Woman's University supports the I-35E Stakeholder Coalition for its efforts to complete the corridor expansion in a timely and systematic way. Seventy-seven percent of our undergraduate student population lives off campus and approximately 67% of this group comes from the DFW Metroplex. Consequently, the 28-mile traverse becomes an essential part of one's daily routine to and from home, work and school. This section of highway is, at best, a difficult one and many days congestion can double the "normal" amount of time to complete the trip. As indicated in the Resolution, traffic growth is expected to double in the next 20 years (175,000 to 330,000/day) therefore, the gridlock will only increase.

Enrollment at TWU has increased each year over the past decade and we anticipate that it will continue to grow into the future. With campuses in Denton, Dallas (2) and Houston, the I-35 corridor becomes an essential commuter route not only for our students, but our faculty and staff as well. TWU educates the workforce of Texas: nurses, librarians, teachers, counselors, occupational and physical therapists, among others, and over 87% of our baccalaureate graduates are employed in Texas or enrolled in a Texas graduate program within one year - higher than the state average of 80 percent. (2009)

It is clear that many organizations and entities understand the importance of completing this expansion and they are seeking a combination of innovative ways to assure this happens in a timely manner. Texas Woman's University supports the I-35E Stakeholder Coalition as it moves forward with the plans to begin and complete this important link along the Texas international trade route.

Sincerely,

Ann Stuart, Ph.D.
 Chancellor and President