

DRAFT MINUTE ORDERS SUBJECT TO CHANGE PRIOR TO COMMISSION ACTION

**CONCURRENCE WITH ELECTION OF COMMITTEE CHAIR AND VICE CHAIR  
I-35E MANAGED LANES PROJECT SB 1420 COMMITTEE  
DALLAS AND DENTON COUNTIES**

**Description**

This minute order provides for the commission's concurrence with the election of Michael Morris and John Polster as chair and vice-chair of the I-35E Managed Lanes Project SB 1420 Committee.

**Background**

For certain department toll projects in which a private entity has a financial interest in the project's performance, Transportation Code, §228.013, added by Senate Bill 1420, 82nd Legislature, Regular Session, 2011, requires that:

- the distribution of the project's financial risk;
- the method of financing for the project; and
- the tolling structure and methodology must be determined by an SB 1420 Committee comprised of:
  - representatives from the department;
  - any local toll project entity for the area in which the project is located;
  - the applicable metropolitan planning organization; and
  - each municipality or county that has provided revenue or right of way.

**Criteria**

Under 43 TAC §27.92(c), an SB 1420 Committee's election of a chair and vice-chair is subject to the concurrence of the commission

**Problem/Condition**

The department and local stakeholders are currently analyzing options for the financing and delivery of the I-35E Managed Lanes Project that require the formation of an SB 1420 Committee for the project.

The I-35E Managed Lanes Project, in Dallas and Denton counties from I-635 to US 380, will replace the functionally obsolete, deteriorating infrastructure as well as add capacity for projected future increases in traffic volume.

**Other Comments**

None.

**Alternate Solutions/Actions**

None.

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TEXAS TRANSPORTATION COMMISSION

DALLAS and DENTON Counties

MINUTE ORDER

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DALLAS District

The Texas Department of Transportation (department) and local stakeholders are currently analyzing options for the financing and delivery of a project to redevelop a 28-mile section of I-35E from I-635 to US 380 in Dallas and Denton Counties (I-35E Managed Lanes Project) that includes the reconstruction and widening of existing I-35E to incorporate additional general purpose mainlanes, managed lanes and frontage roads within the project limits.

For certain toll projects of the department in which a private entity has a financial interest in the project's performance, Senate Bill 1420, 82nd Legislature, Regular Session, 2011, added Transportation Code, §228.013 requiring that the distribution of the project's financial risk; the method of financing for the project; and the tolling structure and methodology must be determined by an SB 1420 Committee comprised of representatives from the department; any local toll project entity for the area in which the project is located; the applicable metropolitan planning organization; and each municipality or county that has provided revenue or right of way.

The Texas Transportation Commission (commission) has adopted 43 TAC §§27.90-27.92 to implement Section 228.013 and define the process for the issuance of these determinations by an SB 1420 Committee (committee rules).

Under Section 27.92(a) of the committee rules, the requirement to form an SB 1420 Committee for the purpose of issuing a report containing the committee's determinations applies to department toll projects that will be developed under a concession agreement or availability payment contract. As the department and local stakeholders are analyzing options for the financing and delivery of the I-35E Managed Lanes Project that include the use of a concession agreement, an I-35E Managed Lanes Project SB 1420 Committee (committee) was formed.

On November 10, 2011, the committee met and elected Michael Morris as chair of the committee and John Polster as vice-chair. Under Section 27.92(c) of the committee rules, an SB 1420 Committee's election of a chair and vice-chair is subject to the concurrence of the commission.

IT IS THEREFORE ORDERED that the Texas Transportation Commission hereby concurs with the election of Michael Morris and John Polster as chair and vice-chair of the I-35E Managed Lanes Project SB 1420 Committee.

Submitted and reviewed by:

Recommended by:

Interim Director, Texas Turnpike Authority Division

Executive Director

Minute Number Date Passed