

**FY 2021 AGREEMENT FOR AWARD OF TRANSPORTATION DEVELOPMENT CREDITS
BETWEEN
THE REGIONAL TRANSPORTATION COUNCIL
AND
CITY OF PLANO**

This Agreement is entered into by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and the City of Plano. The purpose of this Agreement is to outline the roles and responsibilities of each party with respect to Transportation Development Credits (TDC) awarded for the construction of the Breckenridge Trail project.

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 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; and,

WHEREAS, 23 U.S.C. §120 permits a state to use certain toll revenue expenditures, TDCs, formerly called toll credits, as a credit toward the non-Federal share of all programs authorized by Title 23, with the exception of emergency relief programs, and for transit programs authorized by Title 49, Chapter 53; and,

WHEREAS, 43 Tex. Admin. Code §5.106 authorizes an MPO to award TDCs allocated to it by the State and 43 Tex. Admin. Code §5.110 requires an agreement be entered into between the MPO and entity awarded TDCs prior to and in order for those credits to be used; and,

WHEREAS, on April 8, 2021, the RTC awarded 840,000 TDCs to City of Plano for the Breckenridge Trail project, which consists of constructing a shared use path from Bradshaw Drive to the future Shiloh Road DART Silver Line Station; and,

WHEREAS, the City of Plano desires to use the TDCs awarded to it in lieu of the required local cash match for the federally funded transportation project described above.

NOW, THEREFORE, in consideration of these premises and of the mutual covenants contained herein, NCTCOG and the City of Plano agree as follows:

AGREEMENT

1. The RTC has awarded 840,000 TDCs to the City of Plano for use as described herein.
2. The City of Plano agrees to utilize the TDCs for the project identified and described herein as match to certain federal grant funds totaling approximately \$4,200,000.
3. Any unused TDCs shall be reallocated to other projects as solely determined by the RTC.
4. The City of Plano may be required to execute a separate funding agreement(s) with a party(s) other than the RTC and/or NCTCOG for the federal grant funds referenced above.

5. Neither Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Party.
6. In the event any one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the Parties.
7. The Parties shall negotiate in good faith toward resolving any disputes that arise under this Agreement, which shall be construed and enforced in accordance with the laws of the State of Texas.
8. This Agreement constitutes the entire agreement of the Parties with respect to the matters contemplated herein and supersedes all prior understandings and agreements regarding such subject matter. This Agreement may be modified or amended only in writing, signed by all Parties hereto.
9. The effective date of this Agreement is the date of last signature by the parties hereto.

Signed and Duly Executed by the Parties Below:

Mark D. Israelson	Date
City Manager	
City of Plano	

Michael Morris, P.E. Staff Director Regional Transportation Council	Date
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Approved as to form:

Paige Mims
City Attorney
City of Plano