FY2023 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 (TDCs) awarded for the projects outlined in Attachment 1.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the 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, the RTC awarded a total of 1,035,000 TDCs to the City of Plano for the project listed in Attachment 1; 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 in Attachment 1; and,

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 1,035,000 TDCs to the City of Plano for use as described herein.
- 2. The City of Plano agrees to utilize the TDCs for the projects identified and described herein as match to certain federal grant funds totaling approximately \$5,175,000.
- 3. Any unused TDCs shall be reallocated to other projects as solely determined by the RTC.
- 4. The City of Plano will be required to execute a separate funding agreement with a party 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. Venue for any action under this Agreement shall lie exclusively in Tarrant County, 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 Be	elow:	
Mark D. Israelson City Manager Citv of Plano	Date	Michael Morris, P.E. Staff Director Regional Transportation Council	Date

TRANSPORTATION DEVELOPMENT CREDIT (TDC) FY2023 AGREEMENT PROJECT LIST CITY OF PLANO

TIP CODE	CSJ	PROJECT DESCRIPTION	FEDERAL FUNDING AMOUNT	TDC AMOUNT	AWARD DATE
25109	0918-24-301	ON SH 121 FR FROM SPRING CREEK TO CUSTER, US 75 FR FROM PLANO PKWY TO LEGACY DR, COIT ROAD AT SPRING CREEK PKWY, PGBT FR FROM PRESTON RD TO ALMA DR, DALLAS PKWY FROM PLANO PKWY TO HEADQUARTERS DR, AND PRESTON ROAD AT LEGACY DR; CONSTRUCT INTERSECTION IMPROVEMENTS, INCLUDING RIGHT AND LEFT TURN LANES, TRAFFIC SIGNAL IMPROVEMENTS, SIDEWALKS, ADA RAMPS, CROSSWALKS, PEDESTRIAN SIGNALS, PAVEMENT MARKINGS, AND SIGNAGE IMPROVEMENTS AT DIAMOND INTERSECTIONS TO ENHANCE SAFETY	\$5,175,000	1,035,000	JULY 13, 2023
		TOTAL AWARDED	\$5,175,000	1,035,000	