

PETITION OF SMITH AND GREGG
FOR AUTHORIZATION TO FORM
THE NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY

TO THE TEXAS TRANSPORTATION COMMISSION:

Pursuant to provisions of Chapter 370 of the Texas Transportation Code and 43 Tex. Admin. Code § 26.01 *et.seq.* Smith and Gregg (the "Petitioners") tender their "Petition and Request for Authorization to Form the North East Texas Regional Mobility Authority" (**The NET**). As required by 43 Tex. Admin. Code § 26.11, Petitioners submit the following in support of their petition:

1. Commissions' Court Resolutions

On May 24, 2004, the Commissioners' Court of Smith County adopted a resolution approving the creation of the North East Texas Regional Mobility Authority **The NET**. On June 14, 2004, The Commissioners' Court of Gregg County adopted a resolution approving the creation of **The NET**. Copies of these resolutions are included as Attachment 1.

2. Description of Improvements to Regional Mobility

The North East Texas Region surrounding Smith and Gregg Counties is populated by many smaller cities and communities that have produced the densest rural population in Texas. Much of this population converges on Smith and Gregg Counties on a daily basis to access employment,

professional services, medical services, retail services and other amenities of these urban centers. The rural population density of North East Texas and the trip generation of its urban centers has produced the largest average Daily Vehicle Mile (DVM) traffic volumes of the State, excluding the five (5) major metropolitan areas. **The NET**, working cooperatively with Texas Department of Transportation (TxDOT)/Texas Turnpike Authority (TTA), will assist in the development, planning, designing and financing of critical transportation projects that will serve the region's unique travel demands. These are projects that will introduce new travel modes, enhance safety, decrease travel time, and improve the quality of life for citizens of this region and the State.

3. Initial RMA Project

The initial project that will be pursued by **The NET** is the continuation and completion of Loop 49 in Smith County as a four-lane divided highway, including an eastern corridor to extend into Gregg County. Over the last three decades, TxDOT, Smith County and the City of Tyler have been planning the development of an outer loop (LP 49) to relieve congestion within Tyler's urban center and to improve statewide connectivity. When completed, Loop 49 will span approximately 45-50 miles (depending on the eastern route) and link three (3) separate NHS/Trunk System highways (US 69, SH 31, IH 20). This project will improve traffic flow throughout the region and eliminate the need to make connection through Tyler's urban center. The first segment of this loop is already under construction. Reliance on traditional financing for

the remaining segments will delay corridor completion such that the initial investment cannot yield its maximum benefit to the region and the State. The NET will join TxDOT in financing this project by supplementing and leveraging traditional funding sources with local and toll capitalized funds, as required by TxDOT. A general description of the location of Loop 49 is shown in Attachment 2.

A. Consistency with Texas Transportation Plan and MPO Plan

Loop 49 South has been included in the Statewide Transportation Improvement Program and the Unified Transportation Program. All of Loop 49 is included in the Metropolitan Transportation Plan approved by the Tyler MPO.

B. Description of Known Environmental, Social, Economic or Cultural

Resources Issues

The project is covered by four (4) separate route location and environmental studies. Two (2) of these have been completed and approved by the Federal Highway Administration (FHWA). A Record of Decision was received for Loop 49 South in November 1998. A Record of Decision for Loop 49 West was received in November 2001. Route location studies for Loop 49 North (Lindale Relief Route) and East (East Texas Hour Glass) are pending, and records of decision are anticipated in 2005 and 2006, respectively.

Environmental – The project will result in unavoidable adverse impacts to Waters of the US under the jurisdiction of the US Army of Corps of Engineers (USACE). Coordination with the USACE is ongoing and a USACE Individual Permit has been secured for segments 1 and 2 of the South Section. An Individual Permit is anticipated for the remaining southern and western segments. Mitigation measures for the unavoidable impacts the project may cause will be accomplished through withdrawal of credits from the Anderson Tract Mitigation Project located in northern Smith County. There are no other known significant environmental impacts or actions anticipated to result from the project.

Social – There will be residential and business displacements as a result of the Project; however, Project planning will attempt to minimize such displacements. No significant community resources (schools, parks, hospitals, churches, etc.) are anticipated to be adversely affected. There are no known environmental justice concerns.

Economic – Approximately 6-7 businesses will be displaced by the Project. The displacements will not substantially affect overall economic activity in the area. Positive economic benefits can be expected to result from the direct and indirect effects of the Project (e.g., capital costs related to construction, wages paid to workers, increased consumption of goods and services, etc.)

Cultural – The FEIS's note that prehistoric sites could be present and impacted by the Project. However at this time, no such sites have been discussed. Segments 1 and 2 of Loop 49 South have been surveyed and cleared for archeological resources by the State Historic Preservation Office (SHPO). TxDOT will coordinate with the SHPO on the remaining segments of the project to assure compliance with Section 106 of the National Historic Preservation Act of 1966 and the Texas Antiquities Code.

C. Known Opposition and/or Controversies Regarding Project

The Loop 49 Project has enjoyed broad support from local governments, business interests, and the general public. During the initial route study for the South segment, an isolated group of property owners in close proximity to the project were opposed to the alignment of that segment. This group was invited to participate in the planning process and was represented on the Loop 49 steering committee. By the Record of Decision date, those property owners indicated that they were not opposed to Loop 49, but disagreed with the location of the South segment.

D. Preliminary Financing Plan

TxDOT/Tyler MPO/Smith County/City of Tyler have developed financial plans for the remaining portions of the project that have received environmental clearance. Attachment 3 is a Loop 49 Toll Financial Plan

prepared for the completion of Phase 1 construction of the Southern, Western and Northern (Lindale Relief Route) sections of proposed Loop 49. Since the exact termination of the Eastern portion of Loop 49 has yet to be determined, toll analysis and a detailed financial plan have not been completed, but traffic projections are estimated to be similar to the Southern and Western routes. The Department has requested completion of a preliminary toll analysis for an Eastern route.

4. Commitment to Secure Route Studies, Environmental Approvals, ROW, and Construction Plans

The NET, to the extent not otherwise undertaken by TxDOT, will be fully responsible for identifying and securing all federal and state environmental permits, issues, commitments, and approvals necessary for the development of RMA projects.

As noted above, TxDOT's Tyler District has previously secured FHWA approval for route location studies for Loop 49 South and Loop 49 West. Studies for Loop 49 North and Loop 49 East are pending. The NET will support and assist the Tyler District in preparing or causing to be prepared all pending route location studies, environmental impact analysis, public meetings, roadway schematics, ROW maps, and PS&E. Ultimately to the extent The NET assumes ownership of the Loop 49 Project, it will be responsible for working with TxDOT/TTA to determine the most feasible financial alternatives to secure route studies and environmental approvals

necessary to proceed with project development, construction and operation. At such time that the Commission believes it to be in the best interest of the traveling public and the region, **The NET** will assume (either wholly or partially) the financial responsibility of system continuation/expansion and operation.

5. Priority Projects

While Loop 49 is the initial project to be co-developed by **The NET** and TxDOT/TTA, there are several other transportation projects in the region which may be pursued by, or supported with surplus reserves (if any), from **The NET**.

- A. Longview Outer Loop - The addition of a northern Longview Outer Loop in Gregg County that connects IH 20 west of Longview to IH 20 east of Longview. (This project could feasibly run concurrent with the East Texas Hour Glass concept addressed below and could potentially include the Counties of Upshur and Harrison. **The NET** will pursue their participation at the appropriate time.)
- B. SH 31 – Expansion of the existing two lane facility between Tyler and Kilgore in Smith and Gregg Counties. SH 31, between Tyler and Kilgore, is part of the Texas Trunk System.
- C. IH 20 – Additional capacity for express toll lanes for the northeast Texas region from Dallas to Louisiana. The project would also include

the adjacent Counties of Harrison, Van Zandt and Kaufman. **The NET** will pursue their participation at the appropriate time.

D. SH 42 – Expansion of the existing two lane facility between IH 20 and US 80 in Gregg County.

E. East Texas Hour Glass

The completion of Loop 49 East connecting to the Longview outer loop at IH 20 and the Gregg/Smith County Lines. The facility could feasibly connect to the I-69 Trans Texas Corridor (TTC) in Harrison County. Attachment 4 illustrates a conceptual corridor for this Regional Mobility improvement. This project may also include adjacent Upshur County. **The NET** will pursue their participation at the appropriate time.

F. High Speed Rail (Commuter)

Alternate modes of transportation to support the region's population and economic growth will become more critical in the coming years. A significant amount of interest already exists amongst most of the North East Texas counties to develop a commuter rail line service connecting Shreveport, LA to Dallas/Ft. Worth. **The NET** and TxDOT will evaluate the existing rail service system and develop available corridors for new lines, intermodal facilities and local light rail connections.

6. Board Composition

The initial board of directors for **The NET** will consist of seven (7) members serving staggered six (6) year terms as required by statute. To assure adequate representation from throughout Smith and Gregg Counties, these members will be appointed by the following:

- A. One (1) Presiding Officer Appointed by the Governor of Texas.
 - B. Three (3) Members Appointed by the Smith County Commissioners' Court, one specifically representing City of Tyler's interests.
 - C. Three (3) Members Appointed by the Gregg County Commissioners' Court, one specifically representing the City of Longview's interests.
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REQUEST FOR PUBLIC HEARING AND APPROVAL

The foregoing sets forth all information required by 46 Tex. Admin. Code § 26.11. The Petitioners request that TxDOT review the petition and conduct a public hearing as required by 46 Tex. Admin. Code § 26.12 as soon possible. Thereafter, Petitioners request that the Commission review the petition and any supplemental information concerning public support for the RMA and that it issue a minute order authorizing the formation of the North East Texas Regional Mobility Authority.

Respectfully submitted,

SMITH COUNTY, TEXAS

By: Becky Dempsey
The Hon. Becky Dempsey
County Judge

Date: 7/20/04

Respectfully submitted,

GREGG COUNTY, TEXAS

By: Bill Stoudt
The Hon. Bill Stoudt
County Judge

Date: 7/15/04

Attachment 1 – County Resolutions (2)

Attachment 2 – Loop 49 Map

Attachment 3 – Loop 49 Financial Plan

Attachment 4 – Priority Projects Map