

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
CONCERNING TOWER 55 IMPROVEMENTS IN THE DALLAS-FORT WORTH REGION**

This Memorandum of Understanding (MOU) identifies the roles and responsibilities of the Texas Department of Transportation (TxDOT) and the North Central Texas Council of Governments (NCTCOG) regarding joint work to improve freight rail transportation in the Dallas-Fort Worth (DFW) region and at Tower 55.

Purpose

The purpose of this MOU is to facilitate the coordination, completion, and implementation of two concurrent projects concerning freight rail movements in the region. TxDOT is conducting a Freight Mobility Study. The study will analyze the existing freight rail system and establish evaluations and recommendations for near term, mid-range, and long-term improvements and/or activities that may reduce freight mobility impacts within the Dallas and Fort Worth Districts. A Tower 55 Rail Reliever Study by NCTCOG will evaluate current and probable future freight rail movements and operations through Tower 55, identify opportunities to increase freight rail movement efficiency, and determine the physical and financial viability of potential improvements.

The overall purpose and need of investigating the freight system and Tower 55 is to evaluate current and probable future freight rail movements and operations within the DFW region and identify opportunities to increase freight rail movement efficiency, determine the physical and financial viability of potential improvements, and analyze potential freight rail corridor connections including potential bypass routes with the Trans-Texas Corridor-35 as a system to benefit both north-south and east-west transportation and goods movement needs in the Dallas-Fort Worth urbanized area along with Statewide mobility needs. The potential for commuter/passenger rail initiatives and air quality improvements within the DFW region will also be identified.

Scope

Under this MOU the joint work will identify:

- (1) Constraints and infrastructure deficiencies in the region that negatively impact freight mobility;
- (2) Infrastructure and operational changes to improve freight movements;
- (3) Infrastructure and operational improvements to reduce air pollutants;
- (4) Infrastructure and operational changes to increase the competitiveness of the region for freight rail oriented economic development;
- (5) Potential infrastructure and operational improvements that reduce freight truck traffic; and

- (6) Infrastructure and operational improvements for commuter rail.
The study limits are the counties in NCTCOG's 16-county area and TxDOT's Dallas and Fort Worth Districts (Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Parker, Palo Pinto, Rockwall, Somervell, Tarrant, and Wise Counties).

Management of Joint Work, Confidentiality

The Participants will follow the principles listed below when undertaking the joint work:

- (1) Comprehensive and continuous public involvement;
- (2) Analyses that consider a wide range of alternatives, give sufficient detail for decision-making and recommendations that are suitable for major capital investments, for public and private benefit;
- (3) Project teams from TxDOT and NCTCOG will work cooperatively for the benefit of each study (the scope of work for each study and agency responsibilities are contained in Attachment 1); and
- (4) The Trans-Texas Corridor-35 should be planned as a system to benefit both north-south and east-west transportation and goods movement needs in the Dallas-Fort Worth urbanized area along with Statewide mobility needs.

Proprietary railroad information, including the inputs and findings of modeling freight rail movements, will be shared as allowed by confidentiality or non-disclosure agreements.

Success of this cooperative project is dependent upon effective communication between the parties and the establishment of an effective communication process. To that goal, the parties agree to the following:

- (1) Regular open communication between TxDOT and NCTCOG staff;
- (2) Support of a single technical group to support and oversee TxDOT and NCTCOG led elements of the Tower 55 Rail Reliever Study. This technical group shall be comprised of representatives from each of the following: Fort Worth District of the Texas Department of Transportation, Dallas District of the Texas Department of Transportation, Union Pacific Railroad, Burlington Northern Santa-Fe, Fort Worth and Western Railroad, City of Fort Worth, Tarrant County, Fort Worth Transportation Authority, and the North Central Texas Council of Governments. NCTCOG shall take the lead in coordinating the activity of this technical group;
- (3) Support for the Intermodal, Freight, and Safety Subcommittee of the Regional Transportation Council as a single steering committee group to support and oversee both TxDOT and NCTCOG led elements of the Tower 55 Rail Reliever Study. The current members of the group include representatives of the Regional Transportation Council, TxDOT, and goods movement industry. The parties shall work cooperatively to assess membership on the Intermodal, Freight, and Safety Subcommittee of the Regional Transportation Council to serve the needs of the overall initiative. NCTCOG

shall take the lead in coordinating the activities of this technical group; and

- (4) TxDOT and NCTCOG acknowledge the Regional Transportation Council as the Regional policy body to oversee regional policy and capital improvement recommendations of the overall initiative and the Texas Transportation Commission as the Statewide policy body to oversee Statewide policy and capital improvement recommendations of the overall initiative.

Funding

Federal funding through the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) has been appropriated for the Tower 55 Rail Reliever Study. As a result, the Statewide Transportation Improvement Program (STIP) will include Tower 55 as a Category 10 discretionary funded project for \$1.6 million. A requirement for local funding match will result in an additional \$400,000. TxDOT will investigate the use of toll or transportation credits as an option to meet the local match requirement. TxDOT will be responsible for funding the Freight Mobility Study as part of TxDOT's Statewide freight mobility studies.

Public Involvement

TxDOT and NCTCOG are responsible for complying with any public participation required by law related to their respective projects. TxDOT and NCTCOG will also work together on the public involvement process to further State and regionally adopted goals. NCTCOG will take the lead on public involvement for the overall initiative. NCTCOG will perform public involvement activities specific to both the NCTCOG and TxDOT led portions of both studies for applications in the DFW region as opportunity arises. This will include regularly scheduled public meetings and workshops to involve the community (local governments, transportation agencies, environmental agencies, federal and State agencies, local businesses, and neighborhood or citizen interests).

Benchmarks for Success

The following goal statements and deliverables represent mutually agreed upon benchmarks for the overall success of the joint work:

- (1) TxDOT and NCTCOG will review and investigate the issues and justification regarding benefits of public investment in a congested urban freight rail system.

Deliverable: A summary report approved by the technical group.

- (2) TxDOT will develop a freight rail operating model and populate that model using data provided by the railroads for use in establishing a "base case" of freight rail operations in the region.
- (3) TxDOT will develop freight rail volume projections to the year 2030 resulting in projected traffic volumes.

- (4) TxDOT will identify freight transportation system constraints resulting from congestion, infrastructure deficiencies, and operational deficiencies.
- (5) TxDOT will identify recommended improvements to the existing infrastructure, including an analysis of alternative alignments, consolidation of existing lines, and/or the establishment of dedicated corridors that may increase the efficiency of freight movements and improve user mobility and safety within the region.
- (6) TxDOT will utilize the previously developed operational model to analyze the operational benefit that may be derived by implementing the recommendations discussed in the previous section, providing a cost/benefit analysis accordingly.

Deliverable: TxDOT report showing the completion of Tasks two (2) through six (6), approved by the technical group.

- (7) NCTCOG will develop, with the railroad partners, a set of potential improvements to Tower 55 and the feasibility, opportunities, cost, benefits, and potential financing of each alternative. TxDOT will provide modeling of potential improvements to determine their impact upon Tower 55 and the region as a whole.

Deliverable: NCTCOG report approved by the technical group.

- (8) NCTCOG will develop Measures of Effectiveness to compare bypass options versus Tower 55 options and a plan for staging/coordinating the improvements from both study efforts, including a recommended option or options, phasing, and capital/financing plan.

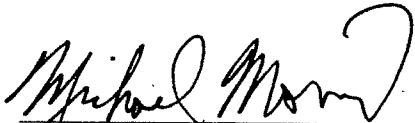
Deliverable: NCTCOG report approved by the technical group.

Signature Of Agreement

The signatures of the parties below evidences their intent to carry out the mutual objectives identified in this MOU. This MOU is not intended to be a legally binding or enforceable agreement.



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