

— 1996 DART LAP/CMS MIDWAY / DOOLEY —





Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163
214/749-3278

May 20, 1996

Mr. John Baumgartner, P.E.
Director of Public Works
Town of Addison
P. O. Box 144
Addison, TX 75001

Re: LAP: CAP

Dear Mr. Baumgartner:

In response to your letter of May 9, 1996, enclosed is a check in the amount of \$553,492.70 representing expenses incurred for the Arapaho Road Realignment/Extension project.

If you have any questions or if we may be of further assistance, please call me at 749-2913.

Sincerely,

A handwritten signature in cursive script that reads "Tom K. Ryden".

Tom K. Ryden, P.E.
Sr. Manager Project Development

TKR:jr

Attachment

0250558

VENDOR 100371 TOWN OF ADDISON DATE 5/17/96 00250558

INVOICE NO.	DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET
051496	5/14/96	LAP	553492.70		553492.70
TOTAL			553492.70		553492.70

Dallas Area Rapid Transit
P.O. Box 6099 • REPAIRS 214/749-3278



Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-7222
214/749-3278

NorthonBank
National Bank of Texas, N.A.

0250558

VOID AFTER 60 DAYS

PAY EXACTLY \$**553,492 DOLLARS AND 70 CENTS AMOUNT
DATE 5/17/96 \$**553,492.70

100371

TOWN OF ADDISON
PO BOX 144

TX 75001

James Allen
K. Cleveland
AUTHORIZED SIGNATURE

TO THE
ORDER
OF

⑈0250558⑈ ⑆1190155⑆ ⑆4840798⑈



Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163
214/749-3278

April 23, 1997

Mr. John Baumgartner, P.E.
Director of Public Works
Town of Addison
P. O. Box 144
Addison, TX 75001

Re: LAP/CMS

Dear Mr. Baumgartner:

In response to your request for funding of a new LAP/CMS project, the Board has approved the Midway Road & Dooley Intersection project. Also attached is the Resolution along with a check in the amount of \$135,000.

If I can be of further assistance, please call me at 749-2913.

Sincerely,

A handwritten signature in black ink that reads "Tom K. Ryden". The signature is written in a cursive, slightly slanted style.

Tom K. Ryden, P.E.
Sr. Manager Project Development

TKR:jr


Attachment

VENDOR **100371 TOWN OF ADDISON** DATE **4/17/97** **00268167** **0268167**

INVOICE NO.	DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET
41497	4/14/97	LAP/CMS	135000.00		135000.00

Dallas Area Rapid Transit
 P.O. Box 660163 • Dallas, Texas 75266-7222
 4/749-3278

REPORTABLE 135000.00 TOTAL 135000.00 135000.00



Dallas Area Rapid Transit
 P.O. Box 660163
 Dallas, Texas 75266-7222
 214/749-3278

NationsBank
 NationsBank of Texas, N.A.

0268167

VOID AFTER 60 DAYS

DATE **4/17/97** AMOUNT *****135,000.00**

PAY EXACTLY \$135,000 DOLLARS AND 00 CENTS**

TOWN OF ADDISON 100371
PO BOX 144
ADDISON TX 75001

TO THE
 ORDER
 OF

James Allen
K. Cleveland
 AUTHORIZED SIGNATURE

⑈0268167⑈ ⑆111901551⑆ ⑈4840798⑈



Dallas Area Rapid Transit

RESOLUTION

of the

RESOLUTION

**DALLAS AREA RAPID TRANSIT
(Executive Committee)**

**FY 1996 Local Assistance Program (LAP) and
FY 1997 LAP/Congestion Management System (CMS) Programming Requests
from the City of Carrollton and the Town of Addison**

WHEREAS, the City of Carrollton and the Town of Addison are eligible for participation in DART LAP and LAP/CMS projects, respectively; and

WHEREAS, the activities requested are consistent with the intent of the LAP and LAP/CMS program guidelines; and

WHEREAS, the activities requested are within current Budget and Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Section 1: The FY 1996 LAP programming request from the City of Carrollton as contained in Attachment 1, is approved.

Section 2: The FY 1997 LAP/CMS programming request from the Town of Addison contained in Attachment 1, is approved.

Philip J. Ritter
Secretary

Billy J. Katcliff
Chairman

970046

APPROVED AS TO FORM:



DART Counsel

ATTEST:



Roger Snoble
President/Executive Director

March 25, 1997

Date

FUNDING APPLICATION FOR DART'S LAP/CMS PROGRAM RECEIVED

LAP/CMS Project No. (for DART use only)

09
city no.

001
project type

.97003
project no.

FEB 27 1997

970046

PROJECT DEVELOPMENT

GENERAL INFORMATION		Date Submitted <u>Feb. 24 1997</u>
Applicant City: <u>Town of Addison</u>	City CIP No. <u>N/A</u>	
Project Eligibility Type: (see list, reverse side) <u>Roadway Improvements - Capacity</u>		
Project Name: <u>Midway Road & Dooley Intersection Improvements</u>		
Boundaries/short description		
Approx. Begin/End Dates: from <u>March 1, 1997</u> to <u>November 1, 1997</u>		


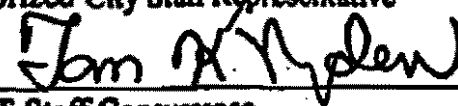
FUNDING		PROJECTED COST DISTRIBUTION	
Current LAP/CMS Request	\$ <u>135,000</u>	Planning /Environmental Studies	\$
Previously Approved LAP/CMS Date(s)	\$	Engineering/Design	\$ <u>10,000</u>
Federal (if applicable)	\$	Right-of-Way	\$
State (if applicable)	\$	Construction	\$ <u>125,000</u>
Local (if applicable)	\$	Testing/Inspection	\$
Other (if applicable)	\$	Operations/Maintenance	\$
TOTAL	\$ <u>135,000</u>	TOTAL	\$ <u>135,000</u>

DETAILED PROJECT DESCRIPTION

(List/Explain bus routes affected, intersections to improve, project scope, phases, etc. Attach project justification as needed.)
 (List/explain fund transfers, reprogramming requested if applicable.)

Intersection improvements affect bus routes number 172 and 205.

Turning lanes will be added to Dooley and Boyington. This is part of the County of Dallas CMAQ Program. See attached exhibit.

	<i>Director of Public Works</i>	<u>2-24-97</u>
Authorized City Staff Representative	Title	Date
		<u>3-14-97</u>
DART Staff Concurrence	Title	Date



TOWN OF ADDISON

MAIL ALL INVOICES TO:

Accounts Payable
P.O. Box 144
Addison, Texas 75001

TAX EXEMPT NUMBER: 17513335558

SUBJECT TO TERMS & CONDITIONS CONTAINED ON BOTH SIDES
THE P.O. NUMBER MUST APPEAR ON ALL INVOICES, DELIVERY TICKETS, ETC.

PURCHASE ORDER

No. 043258

ORDER DATE 02/19/97

1 of 1 02/19/97

REQUIRED DELIVERY DATE

DELIVERY LOCATION:

ENDOR 0432 CONSOLIDATED TRAFFIC CONTROLS, INC (STR) ADDISON STREET DEPARTMENT
P O BOX 151837 16801 WESTGROVE RD
ARLINGTON, TX 76015 DALLAS, TX 75248
Attn: J PRIESTEN

PO NO.	REQUISITION	REQUISITIONER	TERMS- NET 30	BLANKET ORDER EXPIRES	F.O.B. DESTINATION
		411BE	NET 30		DESTINATION

MENTS USER 1: USER 2:

QTY	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENDED AMOUNT
1	6	EA	PEDESTAL BASE BRUSHING BROWN	85.6000	513.60
2	1	EA	G & G ARRESTER 30 AMP	420.0000	420.00

			MEMO ACCOUNTING INFORMATION ONLY		
			GENERAL LEDGER ACCOUNT NUMBER		
			01 411 54270 00000 000	933.60	

49843 78951 79970

[Signature]
AUTHORIZED SIGNATURE

SUB TOTAL	933.60
	0.00
FREIGHT	0.00
TOTAL	933.60

X 3/27/97
4/24/97



Consolidated Traffic Controls, Inc.

P.O. Box 151837 • Arlington, Texas 76015-7837
PH. (817) 265-3421 • Fax (817) 274-3610

*
* INVOICE *
*

Document Number: 79176 ** ON HOLD **

Document Date: 02/19/97

Page: 1

Sold TOWN OF ADDISON-B ELLIS
To: ATTN TRAFFIC SIGNAL DEPT
PO BOX 144
ADDISON TX 75001

Ship TOWN OF ADDISON-B ELLIS
To: ATTN TRAFFIC SIGNAL DEPT
15801 WEST GROVE
DALLAS TX 75248

Ship Via.:
Ship Date: 02/19/97
Due Date: 03/21/97
Terms: NET 30 DAYS

Cust I.D.: ADDSON
P.O. Number: 43258
P.O. Date: 02/19/97
Job/Order No.: 726-ST
Salesperson:

Item I.D./Desc.	Ordered	Shipped	Unit	Price	Net	TV
FB5334-P21, ALUM SQ BASE W/ALUM DOOR	6.00	<i>Direct</i> 6.00				
065651401 SURGE SUPPRESSOR 30A	1.00	<i>1.00</i>	WASH			

WE APPRECIATE YOUR BUSINESS!

SU
Ta
To

PACKING SLIP

21 Feb 1997

PAGE 1

CARRIER: UPS
SO NUMBER: 56490 CUSTOMER: CONSOLIDATED TRAFFIC CTL PO# 11726

PAL FROM	TO PART				EXT		
LET BOX	BOX NUMBER	QTY	DESCRIPTION	WEIGHT	WEIGHT		
0	1	6	PB-5334-P20	1	ALUMINUM SQUARE BASE WITH ALUMINUM DOOR ;P20 BRUSHING BROWN	25	150
TOTAL PALLETS		0	TOTAL BOXES	6	TOTAL WEIGHT	150	

OK CM

**ADDISON PUBLIC WORKS
PURCHASE ORDER/REQUISITION REQUEST**

P.O./Requisition Requested on: 19 Feb '97 Requested By: 411 BE

P.O. Number 43258 Date: 2/19/97

Vendor: Consolidated Traffic Controls, Inc

Quantity	Items	Price Each	Total Cost
6 ea	Pedestal Base (Brushing Brown)	85 ⁶⁰ -	513 ⁶⁰ -

1 ea	GIG Arrestor, 30amp	420 ⁰⁰ -	420 ⁰⁰ -
------	---------------------	---------------------	---------------------

See attached sheet _____

Total Amount of P.O. 933⁶⁰-

Charge to Account #:

54270

Amount:

Authorized By: _____

Ordered By: _____

Date: _____



320 S. W. 18TH ST.
EDMOND, OK 73013
(405) 340-3434
FAX (405) 340-3435

PACKING LIST

		ORDER DATE	CUSTOMER ORDER NUMBER	TERMS	ACCT. NO.	PAGE
		02-20-97	11726	N30	306	1
CONTACT	SHIP VIA	DATE REQUIRED	F.O.B.	PPD ADD COL	S.O. NUMBER	
	BEST <i>UPS</i>	03-07-97	EDMOND, OK	X X	56490	

SOLO TO
 CONSOLIDATED TRAFFIC CTL
 P.O. BOX 151837
 ARLINGTON, TX 76015

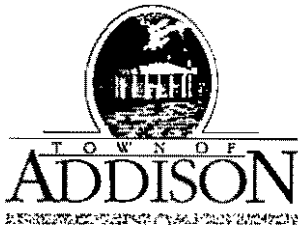
SHIP TO
 TOWN OF ADDISON
 16801 WEST GROVE
 TRAFFIC SIGNAL DEPT
 DALLAS, TX 75248

MARK: PO# 43258

ITEM NO.	QUANTITY ORDERED	CATALOG NUMBER - DESCRIPTION	WEIGHT	QTY. SHIP
1	6	PB-5334-P20 ALUMINUM SQUARE BASE WITH ALUMINUM DOOR :P20 BRUSHING BROWN THANKS! We appreciate your order. <i>AK CM</i>	0	<i>6</i>

Please check this order carefully, eg; quantity, description, markings, color, etc.
 If anything is different than what you require, please let us know immediately.

COPY



PUBLIC WORKS DEPARTMENT

Post Office Box 144 Addison, Texas 75001

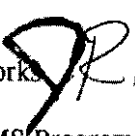
(214) 450-2871

16801 Westgrove

September 16, 1996

MEMORANDUM

TO: Ron Whitehead, City Manager

FROM: John Baumgartner, Director of Public Works 

SUBJECT: Interlocal Agreement for DART LAP/CMS Program

Attached is the Interlocal Agreement (ILA) between DART and the suburban cities for the new Local Assistance Program/Congestion Management System (LAP/CMS) program. The program guidelines are included with the ILA. The guidelines were negotiated between the staffs of the suburban cities and DART. The guidelines were approved by the DART board on August 27, 1996. Each suburban city must approve the ILA and guidelines for the program to begin.

The new LAP/CMS program is basically a continuation of the current LAP program, which ends on September 30, 1996. Some of the key points of the LAP/CMS program are as follows:

- The program provides that each eligible suburban city will receive an allocation of 15% of the DART sales taxes collected in the eligible city from FY 1997 through FY 2004. Addison is projected to receive approximately \$1,136,000 in FY 1997.
- The categories of eligible projects has been expanded to include projects such as the Arapaho Road Extension; projects that may not have bus service on them, but are significant to mobility and also provide benefit to transit.
- Technical Assistance funding remains at 3% of the city's annual program allocation.
- All unused existing LAP funds will be administered under the new LAP/CMS program. Interest will accrue on the unpaid LAP balance through September 30, 1997, at a fixed rate of 4%. No interest will accrue on the new LAP/CMS program allocations.
- DART staff will approve projects \$100,000 or less. DART Board must approve all projects over \$100,000.

Ron Whitehead
LAP/CMS Interlocal Agreement
September 16, 1996
Page 2

- DART staff is authorized, without further Board approval, to pay at project closeout an amount up to 10% higher than the approved project amount.
- On projects of \$250,000 or less, DART will pay the City 100% of the project cost upon approval of the project by the City Council. On projects more than \$250,000, DART will pay the City 20% of the project cost upon approval of the project by the City Council and the remaining 80% of the cost upon Notice to Proceed. Upon project completion, the City shall return to DART any unspent funds, which will be placed in the Cities' unprogrammed funds account.

Overall, the new guidelines for the LAP/CMS should streamline the process for project approval and the transfer of funds. An important aspect of the new program is that the Town will be able to use its allocation to fund the Arapaho Road Extension project. Issues such as the percentage of the DART sales tax the cities would receive as their allocation and no accrued interest on the new allocations were previously agreed to by the DART Board and suburban Mayors and Councils. These items were not available for negotiation by the staffs.

Staff recommends that the City Council approve the Interlocal Agreement and guidelines for the LAP/CMS Program with DART.

INTERLOCAL AGREEMENT
BETWEEN
DALLAS AREA RAPID TRANSIT
AND

**THE TOWN OF ADDISON, THE CITY OF CARROLLTON,
THE CITY OF COCKRELL HILL, THE CITY OF FARMERS BRANCH,
THE CITY OF GARLAND, THE CITY OF GLENN HEIGHTS,
THE CITY OF IRVING, THE CITY OF PLANO,
THE CITY OF RICHARDSON and THE CITY OF ROWLETT**

**ESTABLISHING GUIDELINES AND PROCEDURES FOR IMPLEMENTING A
LOCAL ASSISTANCE PROGRAM/CONGESTION MANAGEMENT SYSTEM PROGRAM**

WHEREAS, on or about April 11, 1989 and June 27, 1989, DALLAS AREA RAPID TRANSIT ("DART") established a program for the return of a portion of DART's sales tax income to its member cities known and identified as the "Local Assistance Program" ("Lap Program"); and,

WHEREAS, the Lap Program was continued in full force and effect until November 14, 1995 at which time the DART Board, in Resolution No. 950260 adopted a new Transit System Plan pursuant to which the Lap Program would terminate on June 30, 1996; and,

WHEREAS, on June 25, 1996, in Resolution No. 960117 the DART Board extended certain LAP ILA's to the end of Fiscal Year 1996, being September 30, 1996; and,

WHEREAS, the DART Board created a new program for returning a portion of DART sales tax income to certain member cities, the "Local Assistance Program/Congestion Management System" ("LAP/CMS Program") effective on October 1, 1996, the first day of the 1997 fiscal year; and,

WHEREAS, on August 27, 1996, in Resolution No. 960153, the DART Board adopted a LAP/CMS Policy, including Guidelines for the LAP/CMS Program; and,

WHEREAS, eligibility for the LAP/CMS Program is limited to those member cities in which construction of light rail service has not yet commenced; and,

WHEREAS the parties desire to implement the LAP/CMS Program and to establish therefor guidelines and procedures for the creation, construction, completion, operation, maintenance and funding of projects; NOW THEREFORE,

WITNESSETH:

In consideration of the premises and the mutual promises and covenants contained herein, the parties agree as follows:

ARTICLE ONE
Parties

The parties to this Agreement are:

1.01. Dallas Area Rapid Transit ("DART"), a regional transportation authority organized pursuant to and in accordance with Chapter 452, Texas Transportation Code.

1.02. The Town of Addison; The City of Carrollton; The City of Cockrell Hill; The City of Farmers Branch; The City of Garland; The City of Glenn Heights; The City of Irving; The City of Plano; The City of Richardson; and The City of Rowlett.

ARTICLE TWO Definitions

The following definitions shall apply to the terms used in this ILA, including without limitation the Guidelines:

2.01. "Allocations" shall refer to LAP/CMS Program fund allocations as determined in accordance with Section C of the Guidelines. The Allocation for the City of Irving shall be one half (1/2) that of other Eligible Member Cities Allocations because of the current work on Commuter Rail facilities in the City of Irving.

2.02. "Board" shall mean and refer to the Board of Directors of DART.

2.03. "City Council" shall mean and refer to the duly elected and acting City Council of each Eligible Member City.

2.04. "Commuter Rail" shall mean and refer to the self propelled diesel rail transit operations planned to connect the City of Dallas, the City of Fort Worth and DFW International Airport to be operated by DART and the "T" pursuant to a separate Interlocal Agreement with Railtran, on right-of-way owned by Railtran. Commuter Rail service is to operate under the assumed name of "Trinity Express."

2.05. "DART Enabling Legislation" means Chapter 452, Texas Transportation Code as the same may from time to time be amended.

2.06. "Eligible Member City (City/Cities)" shall mean and refer to the Cities enumerated in Article 1.02 of this ILA.

2.07. "Eligible Projects" shall mean and include those listed in Section D of the Guidelines and any other project recommended by an Eligible Member City and specifically considered and approved by the Board.

2.08. "FTA" shall mean and refer to the Federal Transit Administration.

2.09. "Guidelines" shall mean and refer to the Guidelines for the LAP/CMS Program adopted by the Board on August 27, 1996 in Resolution No. 960153.

2.10. "ILA" shall mean and refer to this Interlocal Agreement.

2.11. "Light Rail" shall mean and refer to the DART electric powered rail system as distinguished from Commuter Rail.

2.12. "Railtran" shall mean and refer to DFW RAILTRAN a common administrative agency established by the Cities of Dallas and Fort Worth.

2.13. The "T" shall mean and refer to the Fort Worth Transportation Authority.

ARTICLE THREE
Incorporation of Guidelines

The Guidelines are hereby incorporated into this ILA as if they were set out verbatim at this point. A set of Guidelines is attached to each copy of this ILA.

ARTICLE FOUR
Purposes of ILA

4.01. The initial purpose of this ILA is to set forth the Eligible Member Cities' acceptance of and commitment to DART, and DART's commitment to the Eligible Member Cities, to jointly participate in and work together for the satisfactory implementation of the LAP/CMS Program.

4.02. By executing this ILA, each Eligible Member City accepts and approves the Guidelines as the basis for implementing the LAP/CMS Program.

4.03. It is the further purpose and intent of DART and the Eligible Member Cities to continue to explore other potential options which would permit continued and expanded revenue sharing with all of DART's member cities to meet their respective transportation requirements so long as such options do not adversely impact the DART Transit System Plan or the DART Service Plan or the DART Financial Plan.

ARTICLE FIVE
Term

The term of this ILA shall commence as of the first day of October, 1996 and shall terminate for each Eligible Member City as provided in §C. ALLOCATIONS of the Guidelines. Though terminated as to a specific Eligible Member City, the ILA shall remain in full force and effect until all Allocations for the affected Eligible Member City are finally funded and the activities of such Eligible Member City are wound up .

ARTICLE SIX
Administration and Procurement of Eligible Projects

It shall be the obligation of each Eligible Member City receiving funds under the LAP/CMS Program to supervise and administer the planning, design, land acquisition, construction, operation and maintenance of all Eligible Projects. Receipt of funds under the LAP/CMS Program shall not create an agency, partnership or joint venture relationship between DART and the Eligible Member City. Each Eligible Member City shall be responsible for handling all procurements needed for each Eligible Project in accordance with all applicable federal, state and local laws, codes, ordinances, rules and regulations of any governmental entity exercising jurisdiction over such Eligible Project, and the resolution of any protest, dispute, claim or demand arising out of any such action by the Eligible Member City shall be the sole responsibility of the Eligible Member City.

ARTICLE SEVEN
Indemnity

To the extent permitted by applicable law, each Eligible Member City agrees to defend, indemnify and hold DART, its directors, officers and employees free and harmless against any claims, demands, causes of action, costs and liabilities, including attorney fees, resulting from the performance, or failure of the Eligible Member City to perform any obligation or duty in connection with this ILA. Likewise, to the extent permitted by applicable law, DART hereby agrees to defend, indemnify and hold each Eligible Member City, its council, officers and employees

free and harmless against any claims, demands, causes of action, costs and liabilities, including attorney fees resulting from the performance, or failure of DART to perform any obligation or duty in connection with this ILA.

ARTICLE EIGHT
Conflict of Interest

No City Council Member, officer, employee or agent of any Eligible Member City, and no Board Member, officer, employee or agent of DART shall have any financial interest, direct or indirect in this ILA or any Eligible Project.

ARTICLE NINE
Miscellaneous

10.01. **Notices.** Any notice, communication, invoice or report required or permitted pursuant to this ILA and the Guidelines shall be in writing and shall be effective when personally delivered or three (3) days after being mailed by United States Mail, certified, return receipt requested, to the respective parties at the address set forth for each party in the signature block of this ILA. Any party may change its address by giving notice to all other parties.

10.02. **Governing Law; Venue.** This ILA is performable in Dallas, Denton, Collin, Ellis and Rockwall Counties, Texas and exclusive venue for any legal action in connection with this ILA shall lie in Dallas County, Texas. This ILA shall be governed by and construed in accordance with the laws of the State of Texas.

10.03. **Construction.** In the event one or more of the provisions contained in this ILA shall for any reason be held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this ILA shall be considered as if such invalid, illegal or unenforceable provision(s) had never been contained herein.

10.04. **Successors and Assigns.** This ILA shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors and approved assigns.

10.05. **Captions.** The captions of articles and sections within this ILA are for convenience and information and shall not alter the substance of the terms and conditions of the ILA.

10.06. **Entire Agreement.** This ILA embodies the entire agreement of the parties hereto relating to the matters covered herein and cannot be modified or amended except by a written addendum or agreement of the parties. No interlocal agreement heretofore entered into between any Eligible Member City and DART shall be construed to apply to the subject matter(s) covered by this ILA and such other interlocal agreements, if any, shall continue in full force and effect in accordance with their respective terms.

EXECUTED by the parties effective as of October 1, 1996.

DALLAS AREA RAPID TRANSIT

By: _____
ROGER SNOBLE
President/Executive Director

P.O. Box 660163
Dallas, Texas 75266-7201

signature block and address for each Eligible Member City

**GUIDELINES FOR THE LAP/CMS
PROGRAM
August 27, 1996**

A. OBJECTIVE:

Provide continued financial assistance for projects consistent with these guidelines and DART's enabling legislation that enhance mobility in DART member cities that do not yet have rail construction in progress.

B. ELIGIBLE MEMBER CITIES:

The following cities are eligible to receive LAP/CMS funds as of October 1, 1996:

Addison, Carrollton, Cockrell Hill, Farmers Branch, Garland, Glenn Heights, Irving, Plano, Richardson, Rowlett.

C. ALLOCATIONS:

The LAP/CMS fund allocations will be made available for use by an eligible member city annually from FY 1997 through FY 2004 when the program allocations end. The annual allocation will be calculated by multiplying by 15% (7.5% for Irving) the DART sales taxes collected in an eligible member city for the previous twelve month period ending June 30. Each new annual allocation will be available for expenditure on October 1 (beginning in 1996).

The FY 1996 Financial Plan includes approximately \$87,000,000 for this program. Table 1 shows the allocations by DART member city, based on the 1996 projections and anticipated program duration. The time schedule in Table 1 is subject to change during DART's annual budget cycle. A city will no longer be eligible to receive program funds in the fiscal year after the Board awards a contract to initiate rail construction within that member city. In no case shall the DART Board award such a contract more than six months prior to construction. The budget for LAP/CMS will be revisited based on agency requirements to meet its obligations.

D. PROJECT ELIGIBILITY:

Eligible types of projects are shown below. In general, eligible projects are divided into two categories: 1) Transit related street improvements and 2) Transit supportive projects and programs.

Typically, funds approved for capital projects may be used for planning, environmental impact studies, engineering, final design, right-of-way acquisition, construction, and testing/inspection/surveying. Maintenance and operations may also be funded if approved by the DART Board in accordance with Section E of the guidelines.

Any project not explicitly listed but considered allowable under DART's enabling legislation may be proposed for DART consideration. Additional eligible projects include:

Transit related street improvements (streets with current or planned/previous bus routes).

1. Roadway improvements that add capacity
 - Road widening
 - Adding storage to turn lanes
 - Adding turn lanes
 - Adding/deleting access points
 - Adding bus priority lanes
 - HOV lanes
2. Grade separations
3. Matching funds for federal/state programs
4. Intersection improvements
 - New signals
 - Computerization of signals
 - Traffic surveillance equipment
 - Telecommunications
5. Cooperative funding of intercity capacity improvements
 - Signal progression
 - Bus only lanes
 - Bus signal preemption
 - Arterial street HOV lanes
 - Roadway and intersection improvements
6. Special design provisions along roadways and intersections with planned bus routes
 - Shelters
 - Sidewalks
 - Bus stops
 - Bus turnouts
 - Bus priority treatments
7. Roadway and intersection safety improvements

Transit supportive projects and programs

8. Additional service including non-productive service (previously eliminated or not meeting warrants)
9. Transportation services for the elderly and/or disabled
 - Emergency medical
 - Shuttle services

10. ADA compliance items related to the provision of transit service
11. Sidewalks related to providing access to transit facilities or services
12. Bus shelters
13. Bus benches
14. Travel demand management
 - Transportation Management Association operating funds
 - User subsidies for transit service
 - Vanpool programs
 - Rideshare promotion and incentives
 - Alternate work schedule subsidies
 - Employer trip reduction support
 - Emergency ride home funding taxi/loaner car
15. Vans for vanpool programs
16. Park and Ride lots
17. Mid-block bus turnouts
18. Incorporating private transit services/facilities into DART
19. Transportation enhancements at existing and planned DART transit centers, transfer centers and rail stations.
20. DART and Railtran related railroad crossing and right of way improvements to include street closings or grade separations.
21. Technical Assistance Program (TAP) funds may include, but are not limited to:
 - Transit planning, feasibility, design and engineering studies
 - Salaries for new or existing city staff time specifically allocated for transportation planning and/or studies, or interface with the DART staff on activities affecting the subject city
 - Technical Assistance seminars
 - Study and implementation of transit-supportive land use planning policies and other policies that benefit public transit
 - Minor capital support for technical staff
22. Other projects not meeting the test of past, present, or future bus service, but which are of significance to mobility as long as benefits to transit can be demonstrated. For example: A project not located on a DART fixed transit route that relieves traffic congestion on a parallel or intersecting DART route could be eligible for LAP/CMS funding.

E. PROJECT MAINTENANCE AND OPERATION:

Project maintenance is the responsibility of the project owner. If shared maintenance responsibility for a project is desired, the cost sharing arrangements must be approved by the DART Board and the eligible city as part of the project approval process. Operating costs of LAP/CMS projects may be eligible for LAP/CMS funding subject to DART Board approval.

F. PROJECT SUBMITTALS AND REPORTING:

Cities will prepare LAP/CMS applications for consideration and approval by DART. DART staff will have 30 days to review and respond to the applications. Once approved, the funding amount in the application becomes "programmed". Left over funding returned to DART after project closing becomes "unprogrammed". A city may simultaneously return and "reprogram" left over funds by submitting a project application for approval along with the left over monies.

DART will prepare, by September 1 of each year, a projected LAP/CMS allocation for each city for budget purposes consistent with the DART Financial Plan in effect at that time. DART will report quarterly (within 30 days after close of the quarter) on the status of the LAP/CMS fund including amounts allocated, amounts programmed, amounts expended, amounts available for reprogramming from completed projects, and a total amount available for programming for each eligible city.

Eligible cities will provide to DART notice of requests for LAP/CMS payment (at least 90 days in advance of a request for LAP/CMS payment) for any amount exceeding \$250,000.

Eligible cities will maintain accurate books and records of all approved projects. Cities will maintain separate records on each project including project budgets, budget amendments, revised budget balances, expenditures to date, estimated cost to complete, and DART payments to date. DART maintains the right to audit a city's books to ensure that funds are spent in accordance with the approved workplan and DART's enabling legislation. Cities maintain the right to audit DART's books to ensure that the fund allocations and disbursements are in accordance with these guidelines and other applicable laws.

Eligible cities will provide an Annual Cash Flow Projection report (See Table 2) for all approved projects by June 30 of each year beginning in 1997. DART may request updated cash flow projections from time to time to monitor its projected cash outflows.

G. CASH PAYMENTS:

DART will prefund Technical Assistance Program (TAP) costs on an annual basis after submittal of an annual work plan by the eligible member city and approval by DART. Technical Assistance funding will be 3% of an eligible city's annual program allocation.

DART will distribute LAP/CMS funds to the city for a City Council approved project according to the following schedule:

Project cost of \$250,000 or less

100% of the cost upon approval by the City Council

DART will pay within thirty (30) days of receipt of a request for payment with supporting documentation.

Project cost of over \$250,000

20% of the cost upon approval by the City Council.

80% of the cost upon Notice of Award by the city.

Provided that written notice is received from the city at least 90 days in advance, DART will pay within thirty (30) days of receipt of a request for payment over \$250,000 with supporting documentation.

Eligible cities will provide to DART a completion report for each project documenting final acceptance of the project and final project cost. Project documentation will consist of a statement of project expenditures attested by an authorized financial staff member, copies of paid invoices, or other similar documents.

DART staff is authorized without further Board approval to pay at project closeout an amount up to 10% higher than the approved project amount for properly documented eligible project costs. At project completion, cities will return any LAP/CMS funds distributed but unspent. These funds will be available for reprogramming.

Any unused funds allocated to an eligible city in any year will continue to be available to that city in succeeding years unless the city withdraws from DART. Interest will not be paid on allocated, but unpaid LAP/CMS balances.

H. OTHER FINANCIAL CONSIDERATIONS:

Since the LAP/CMS program allows for funding of operating and capital transit projects, member cities will be eligible to apply for and receive FTA funds with prior approval by the DART Board. Plano will continue to be eligible to receive funds for projects begun prior to FY 1989.

Member cities may pool their LAP/CMS allocations for approval and implementation of eligible projects.

Advanced (beyond 1 year) programming of funds is allowed subject to Board approval; however, cities may not program, in any future year, more than the current year's LAP/CMS allocation.

Board approval will be required for projects over \$100,000. DART staff will approve projects requiring LAP/CMS funding in amounts of \$100,000 or less. A city may appeal to the Board any DART staff decision regarding project approval.

Starting October 1, 1997, all unused existing LAP funds will be administered as part of the new LAP/CMS program. Interest will accrue on the unpaid LAP balance through September 30, 1997, at a fixed rate of 4%.

All DART payments for LAP or LAP/CMS projects will be drawn from the eligible city's existing LAP fund balance until it is exhausted. After all LAP funds allocated are disbursed, further payments will be drawn from that city's LAP/CMS allocation.

I. EXPANDED REVENUE SHARING

In accordance with Section 5 of DART Board Resolution No. 950260 of November 14, 1995, it is DART's intent to continue to explore options for expanded revenue sharing with member cities to meet the region's transportation needs. These guidelines do not reflect the process to be used to provide expanded revenue sharing.

J. WITHDRAWAL OF MEMBER CITIES

If a city withdraws from DART, no additional LAP/CMS funding will be allocated to that city. In the event of a withdrawal, only individual projects for which construction contracts have been executed or for which formal funding agreements have been executed will be funded by DART and allowed to proceed to completion, and the funds for completing these projects will be included as that city's specific obligation if that city withdraws from DART. All other funds revert to DART. Once a city calls a withdrawal election, no new LAP/CMS projects will be considered for approval until after the election is canvassed.

K. PROJECT IDENTIFICATION

Each construction project will display at least one sign on each approach to the construction site indicating funding for that project is provided through the DART LAP/CMS program. In addition, after implementation, if a project shall have a visible permanent marker, it shall indicate that funding for the project was provided through the DART LAP/CMS program.

Table 1

**LAP/CMS PROJECTIONS
COMPARISON BY MEMBER CITY (1)**

(In Thousands of Dollars)

CITY	FY 1997 Allocation	15% LAP TO CONSTRUCTION		Fiscal Year for Cities
		Projected		
		Total Program Cost		
Addison	\$ 1,136	\$11,599		2004
Carrollton	1,908	17,313		2003
Cockrell Hill	6	83		2004
Dallas	0	0		na
Farmers Branch	1,518	12,522		2003
Garland	1,975	4,127		1998
Glenn Heights	8	89		2004
Highland Park	0	0		na
Irving (2)	2,149	21,878		2004
Plano	4,167	12,908		1999
Richardson	2,768	4,971		1998
Rowlett	188	1,835		2004
University Park	0	0		na
Total	\$15,823	\$87,324		2004

1 Assumes program allocations end in FY 2004 for all cities. Allocations based on sales tax collections from July 1, 1995 through June 30, 1996.

2 Irving projected to receive 50% of the allocation of other cities for LAP/CMS.

Table 2

EXAMPLE OF ANNUAL CASH FLOW PROJECTION WORKSHEET

City of _____
 Date _____

(a) Approved Project Description	(b) Project Number	(c) Approved Budget	(d) Budget Transfer	(c) + (d) Current Budget	(f) Payments Rec'd to Date	(g) (h) (i) Projected Payments from DART			(f+g+h+i) Total Payments
						FY _____	FY _____	FY _____	
Total									