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**WHEREAS**, the City of Dallas recognizes the emerging evolution of transportation infrastructure within the City as well as the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles and automobiles; and

**WHEREAS**, on October 12, 2017 the Regional Transportation Council approved over \$43.5 million in federal funding for the City of Dallas' proposed 2017 Bond Program Projects; and

**WHEREAS**, the Texas Transportation Commission passed Minute Order Number 114670, 115005 and 116292 authorizing the State to undertake and complete a highway improvement or other transportation project generally described as the construction of grade separation on Prairie Creek Road at UPRR; and

**WHEREAS**, on March 28, 2018, the City Council authorized a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council (RTC) stating the RTC will provide federal funding for six City of Dallas 2017 Bond Program projects that included this project by Resolution No. 18-0440; and

**WHEREAS**, on June 26, 2019, City Council authorized an LPAFA with the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-244) for the design of a new bridge over the existing Union Pacific Railroad tracks on Prairie Creek Road from North of Military Parkway to North of Forney Road in the amount of \$20,030.00.00, by Resolution No. 19-0982, which is being terminated by a separate item on this agenda; and

**WHEREAS**, the City of Dallas and Texas Department of Transportation (TxDOT) have entered into a Master Agreement which states the general terms and conditions for the development of transportation projects through Advance Funding Agreements (AFA's); and

**WHEREAS**, the City of Dallas desires to enter into an AFA with TxDOT to accept a grant from the United States Department of Transportation Federal Highway Administration for a Federal Earmark Program Project (FEP) for costs related to the construction of grade separation on Prairie Creek Road from North of Military Parkway to North of Forney Road at UPRR in the City of Dallas; and

**WHEREAS**, the estimated project cost includes \$8,703,287.00 in federal reimbursement, \$71,726.00 as federal participation for direct state cost, \$6,044.00 for state participation, and \$2,213,783.00 as the City of Dallas's portion for construction activities and direct state cost, for a total estimated cost of \$10,994,840.00; and

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**WHEREAS**, the City of Dallas is the lead agency to administer the construction of the project pursuant to the terms of the AFA; and

**WHEREAS**, the City of Dallas is required to pay TxDOT an amount of \$37,962.00 for direct state costs prior to construction; and

**WHEREAS**, an initial payment was previously made to TxDOT in an amount of \$20,030.00 as part of the previous AFA authorized by Council on June 26, 2019, as referenced above for direct state costs; and

**WHEREAS**, the City of Dallas will pay the required remaining balance of \$17,932.00 to TxDOT for the balance of the direct state costs prior to construction; and

**WHEREAS**, the City will be responsible for any non-reimbursable costs and 100 percent of project cost overruns that exceed the federal funding maximum obligated amount; and

**WHEREAS**, TxDOT requires that a City resolution or ordinance be made part of the AFA.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager, or the City Manager's designee, is hereby authorized to accept a grant from the United States Department of Transportation Federal Highway Administration through the Texas Department of Transportation (TxDOT) Advanced Funding Agreement (AFA) for a Federal Earmark Program Project (FEP) (Agreement No. CSJ 0918-47-244, Assistance Listing No. 20.205) in the amount of \$8,775,013.00 which includes \$8,703,287.00 in federal reimbursement to the City, \$71,726.00 as federal participation for direct state cost to TxDOT, \$6,044.00 for state participation, and \$2,213,783.00 (\$2,175,821.00 for construction and \$17,932.00 for direct state costs paid to TxDOT prior to construction, plus any cost overruns) as local participation in the total project cost of \$10,994,840.00, for cost related to the construction of grade separation on Prairie Creek Road from North of Military Parkway to North of Forney Road at UPRR in the City of Dallas; and execute an Advance Funding Agreement (AFA) with TxDOT, and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney, or the City Attorney's authorized designee.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$8,703,287.00 in the FY26 TxDOT Prairie Creek Road AFA-FEP Project Fund, Fund FE1E, Department PBW, Unit 684W, Revenue Code 6506.

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**SECTION 3.** That the City Manager is hereby authorized to establish appropriations in the amount of \$8,703,287.00 in the FY26 TxDOT Prairie Creek Road AFA-FEP Project Fund, Fund FE1E, Department PBW, Unit 684W, Object 4599.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$10,897,040.00, in accordance with the terms and conditions of the AFA, as follows:

FY26 TxDOT Prairie Creek Road AFA-FEP Project Fund Fund FE1E, Department PBW, Unit 684W Object 4599, Activity INGV, Program TPFE1D26 Encumbrance/Contract No. PBW-2026-00029443	\$ 8,703,287.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V143 Object 4510, Program PB17V143 Encumbrance/Contract No. PBW-2026-00029443	<u>\$ 2,193,753.00</u>
Total amount not to exceed	\$10,897,040.00

**SECTION 6.** That the Chief Financial Officer is hereby authorized to disburse the remaining amount of the local match in the amount of \$2,175,821.00 in accordance with the terms and conditions of the AFA from the Street and Transportation (A) Fund, Fund 1V22, Department PBW, Unit V143, Object 4510, Program PB17V143.

**SECTION 7.** That the City Manager is hereby authorized to reimburse the granting agency for any funds paid under the agreement that are not expended in accordance with the requirements of the agreement.

**SECTION 8.** That expenditures made pursuant to this Resolution shall be made from lawfully available funds, including the General Obligation Commercial Paper Notes Series A and B (the "Commercial Paper Notes"), as amended, and any expenditures made pursuant to this Resolution from lawfully available funds shall be reimbursed from the proceeds of the Commercial Paper Notes or from the proceeds of general obligation bonds issued by the City up to the amount of expenditures authorized by this Resolution.

**SECTION 9.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 10.** That this Advanced Funding Agreement is designated as Contract No. PBW-2026-00029443.

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.