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Texas Department of Transportation

CERTIFICATION FOR UTILITY ACCOMMODATION

Utility ID: U00026000
Exception To: ROW Utility Manual
U No.: N/A
Permit No.: 00002/20250711/409266/548519/UP
Utility Name: Town of Prosper
Utility Accommodation Limits: Sta 100+76.23 - 256+51.35
District: **Dallas - DAL - 18**
County: Collin
ROW CSJ: 1973-01-018
Construction CSJ: 1973-01-015
Federal Proj. No.: STP 2B20(312)
Highway: FM 1461

Exception: Section: _____ Subsection: _____ Chapter: 8 Section: 3

Nature of Exception:
Town of Prosper started its relocation before executing the Standard Utility Agreement. This was in good faith effort to get the utility moved in a timeframe as to not delay the construction project. The Dallas District requests approval of the exception so that Town of Prosper can be reimbursed for the relocation. Exception to policy for Chapter 8 (Section 3 - Preliminary Activity) which states no physical adjustment of an eligible utility's facilities can commence until appropriate agreement is executed. Prior to incurring any costs for the actual adjustment of any utility facility, the project must have the appropriate authority to proceed in addition to an executed utility agreement or date of eligibility.

Pursuant to authorities vested in 43TAC, Chapter 21, Section 21.35, the undersigned hereby certifies the following:

The proposed utility accommodation accompanying this certification has been found to not fully comply with provisions of the Utility Accommodation Rules as codified and judicially noticed.

After investigation and analysis of all pertinent information, it is determined the proposed accommodation is compatible with, and does not jeopardize, the public's safety, convenience, or investment in the highway facility and/or offers no impediment to the design, construction, operation or maintenance of the highway facility.

Certified and Recommended for Approval by:

DocuSigned by: Cesson Clemens A879E0D10CD6464... — 5/1/2026

District Engineer — Date

Dallas District

Authorized by:

DocuSigned by: Kyle Madden BDEF0413AC9E4EC... — 5/6/2026

Director, Right of Way Division — Date

March 25, 2026

Texas Department of Transportation – Dallas District Utilities
c/o Irene Dominguez, Utility Coordinator
4777 East Highway 80
Mesquite, TX 75150

RE: Exception *to SUA Policy Report*

District: Dallas
County: Collin
Highway: FM 1461 ***Limits:*** From SH 289 ***to*** West of CO Rd 166
Federal Project: STP2B20(312)
CCSJ: 1973-01-015 ***ROWCSJ:*** 1973-01-018
Utility: Town of Prosper
Utility ID U00026000
Utility Permit No.: 00002/20250711/409266/548519/UP

The Town of Prosper hereby requests the following Exception(s) to Policy for Utility Accommodation as described below:

Introduction:

The "Preliminary Utility Activities" project phase in utility coordination establishes a point in time by which eligible costs for preliminary utility activities (i.e. utility investigations to determine the necessity for required utility adjustments, design of utility relocation plans, and ordering materials that require extended lead times) may be incurred. However, no physical adjustment of an eligible utility facility can commence until appropriate agreement is executed. Prior to incurring any costs for the actual adjustment of any utility facility, the project must have the appropriate authority to proceed in addition to an executed utility agreement or date of eligibility.

Existing/Proposed Conditions:

The Town has an existing 12-inch water line that runs along the south side of the project from SH 289 (Preston Road) to Old Custer Road (formally FM 2478).

Requested Exception(s) to Policy:

1. ***What provisions of the Utility Accommodation Rules (UAR) and/or ROW Utilities Manual cannot be met?***
    a. Reimbursement agreement was not executed prior to construction.

2. ***Why can't the requirements be met?***
    a. To stay ahead of the TxDOT issued all clear date of June 2026, the Town's construction project was initiated while coordination was on-going.

3. ***What provisions <u>can</u> be met?***
    a. All others

4. **Brief description of alternative(s) considered that meet compliance, and the reason(s) for eliminating each alternative:**
    a. Alternative 1:
        i. N/A
    b. Alternative 2:
        i. N/A

5. **What are the percentage and total dollar differences between the proposed relocation cost vs. the relocation cost necessary to obtain compliance for each alternative listed above?**
    a. Alternative 1:
        i. N/A
    b. Alternative 2:
        i. N/A

6. **What project delay and consequences would result in meeting the requirements for each alternative listed above?**
    a. Alternative 1:
        i. N/A
    b. Alternative 2:
        i. N/A

Exception, if granted, will not adversely affect:

1. Any highway appurtenances (structures, roadway, lighting, storm sewer etc.).
2. Safety, design, construction, operation, maintenance or stability of the roadway facility.
3. Operation of traffic lanes due to emergency repair, service or maintenance of Utility.
4. Present use or future expansion of the roadway. Any alternative location would be contrary to the public interest.
5. Facility has the required vertical and horizontal clearances set out in the UAR.

Short narrative of why you feel this exception to policy should be approved.

While the eligibility ratio and Standard Utility Agreement details were being worked out, the Town performed the project in good faith based upon previous documentation from TxDOT that prior property rights had been received and determined to be acceptable (see attachment). This was done to allow adequate time to be completed ahead of the revised TxDOT “All Clear” date of June 2026, which was in place when construction began.

Regards,

Lindy M. Higginbotham

Lindy M. Higginbotham, P.E.
Senior Engineer, Capital Projects

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Texas Department of Transportation

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February 10, 2021

Collin County
FM 1461: From SH 289
To CR 166
RCSJ 1973-01-018
CSJ 1973-01-015

Ms. Lindy M. Higginbotham, P.E.
Senior Engineer
Town of Prosper
2301 Ridgeview Dr., 2nd Floor
Plano, TX 75025

Dear Ms. Higginbotham:

TxDOT Dallas District recognizes the need to provide sufficient time for utilities to plan, schedule and complete relocations far enough in advance so as not to affect the timely commencement and completion of transportation facilities.

TxDOT Dallas District projects a Ready to Let date of Summer 2022 for the above referenced project, thereby providing assurance to Town of Prosper to proceed with the design of their facilities to clear the project in advance of construction. Eligible expenses related to the design and subsequent relocation will be reimbursed upon the execution of a Standard Utility Agreement and establishing an eligibility ratio by demonstrating any conflicts with the proposed construction project, and proof of prior property rights, which has been received by this office and determined to be acceptable.

I have attached a copy of the Dallas District's Standard Utility Agreement Guidelines. For any questions please contact Darla Payberah, P.E., Dallas District Utilities, Survey-SUE Supervisor at (214) 320-4436.

Sincerely,

DocuSigned by:
John D. Hudspeth, P.E.
CD610F6E0D584EF...

John D. Hudspeth, P.E.
Director of Transportation, Planning and Development

cc: Jennifer Vorster, P.E., Collin County Area Engineer
Todd Neely., Collin County Utility Coordinator
Darla Payberah, P.E., Dallas District Utilities Supervisor