

## Georgia Shepherd

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**Subject:** FW: FW: Collin County Outer Loop

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**From:** Frances Wilson  
**Sent:** Thursday, April 05, 2012 1:36 PM  
**To:** Jim Shepherd  
**Cc:** Bill Bilyeu  
**Subject:** RE: FW: Collin County Outer Loop

Jim,

The License looks good. DART has no problem with the changes. Please move it forward. I'll be looking for the two executed copies in the next couple of weeks.

Thanks!  
Frances

>>> "Jim Shepherd" 4/5/2012 11:32 AM >>>

Frances-

We made the change on the documents you provided yesterday from Collin County, to Collin County Toll Road Authority. The Authority operates through its board, which is composed of the members of the Commissioners Court. Therefore Judge Self would still be signing in his capacity as the head of the authority board.

Thank you,

Jim

James E. Shepherd  
Shepherd Law Firm  
1901 N. Central Expressway  
Suite 200  
Richardson, Texas 75080  
972-234-3117  
972-889-3827 (fax)

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**From:** Frances Wilson  
**Sent:** Wednesday, April 04, 2012 4:27 PM  
**To:** Jim Shepherd  
**Cc:** Bill Bilyeu  
**Subject:** Re: FW: Collin County Outer Loop

Mr. Shepherd,

DART has accepted your edits to the Public Road Crossing License Agreement for Collin County's Outer Loop except for the word "agreement" in paragraph 15.04. DART prefers to continue the use of the word "License". You can see the difference between the two versions in the two attached versions at the top of page 6. I don't expect you to object to this change, but please let me know if you do. The version named "Collin County Outer Loop Accepted DART Edits 4-4" is ready for signature if it meets your approval. DART requires two copies with original signature so that both Collin County and DART will have a fully executed original.

Thanks!

Frances Wilson, SR/WA, R/W-NAC  
Sr. Right of Way Representative  
Commuter Rail & Railroad Management  
Dallas Area Rapid Transit  
P.O. Box 660163  
1401 Pacific Avenue  
Dallas, Texas 75266-7210  
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***Proud Graduate of Leadership DART 4/4/2011***

>>> "Jim Shepherd" 3/19/2012 11:12 AM >>>  
Mrs. Wilson-  
Nice to talk to you this morning.  
I have forwarded the email from last Wednesday, below.  
Please let us know about the revisions. I know both parties would like to get this in place soon.

Regards,  
Jim Shepherd

PS--Congratulations on the new granddaughter!

James E. Shepherd  
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-----Original Message-----

From: Jim Shepherd

Sent: Wednesday, March 14, 2012 2:16 PM

To:

Cc: Bill Bilyeu

Subject: Collin County Outer Loop

Ms. Wilson--

My firm represents Collin County with respect to the Outer Loop. Bill Bilyeu asked me to review the license agreement drafted by DART, and provide comments intended to balance the rights and responsibilities of DART and Collin County pursuant to the agreement.

For example, the responsibility the County was unlimited, even for those things for which the county had no authority to control. The limitation of DART's liability was that for which DART was willfully or negligently responsible for. That standard is fair for both parties. Otherwise you have the County indemnity for Acts of God, drunken pedestrians (on the track, as well as the roadway), etc. The county did not object to a fair division of responsibility. It would not be reasonable to ask the County to become the insurance policy for any and all things which might possibly occur by the DART tracks.

Please look over the clean, and redline versions of the agreement attached to this email. I think you would agree it is a balanced solution to the issue.

Please call me at your convenience. I left a message Monday, though I do not believe I have heard back from you.

Thank you,  
Jim Shepherd

James E. Shepherd  
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