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March 4, 2025

Ms. Gail Lyssy
Regional Administrator
FTA Region 6 Office
Fritz G. Lantham Federal Building
819 Taylor Street, Room 14A02
Fort Worth, Texas 76102

Re: Legal Capacity of the City of McKinney, Texas, to Carry Out Federal Transit Administration-Funded Programs and Projects

Dear Ms. Lyssy:

This law firm represents the City of McKinney, Texas ("City") as its City Attorney. The Federal Transit Administration is requesting a legal opinion regarding the City's eligibility and authority under state or local law to request, receive, and spend Federal Transit Administration ("FTA") grant funds to administer FTA-assisted projects. In that regard, this letter will serve as the requisite opinion of legal counsel to be filed with the Federal Transit Administration, United States Department of Transportation, in connection with the application of the City of McKinney, Texas for federal transportation assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code; and, other federal statutes authorizing activities administered by the Federal Transit Administration.

Citations to laws, regulations, etc. that establish the legal authority of the City to request, receive and spend FTA funds to administer the FTA-assisted transportation projects for which federal assistance is sought is set forth below:

1. The City is a home-rule city located in the State of Texas and is subject to the Texas Constitution, state law, and state regulations. In Texas, home-rule cities derive their powers from the Texas Constitution. *See* TEX. CONST., art. XI, § 5; *see also*, TEX. LOC. GOV'T CODE, § 51.072. Therefore, the City possesses the full power of self-government and looks to the Texas Legislature not for grants of power, but only for limitations on its power. *See In re Sanchez*, 81 S.W.3d 794, 796 (Tex. 2002). The City is authorized by 49 U.S.C. § 5307(a)(2) to provide and assist transportation by concurrence as an additional grantee for the urbanized area from the designated recipient.
2. The authority of the City to request, receive, and spend funding as a Direct Recipient under the Urbanized Area Formula Program is set forth in Texas Transportation Code, Chapter 458. This chapter authorizes a political subdivision to operate a public transportation system in an urbanized area and to receive state or federal public

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FTA Region 6 Office
March 4, 2025
Page 2

transportation funds upon forming an urban transit district. TEX. TRANSP. CODE §§ 458.001(4), 458.009. In addition, the City has drafted a letter of request and intent to serve as the Direct Recipient of federal Urbanized Area Formula Program funds pursuant to 49 U.S.C. § 5307 ("Section 5307 Program") for the McKinney Urbanized Transit Area ("MUTA").

I have reviewed the pertinent federal, state, and local laws, and I have concluded that there is no legal impediment to your filing an application for a project for which the City of McKinney or some other designated representative seeks assistance. Furthermore, as a result of my examination, I find that there is no pending or threatened litigation or other action which might in any way adversely affect any proposed project(s) or the capability of the City of McKinney, Texas to carry out any proposed FTA-assisted project.

Please be advised that the City must notify the FTA of any change in local law, litigation, conditions or any other event that may significantly affect the City's ability to carry out projects, and that any significant change in the status of the City will require a new Opinion of Counsel. The opinions set forth herein are based on existing law and my knowledge of relevant facts as the date of this letter; thus, the information and conclusions set forth herein are current as of the date of this letter. Such opinions are an expression of professional judgment and are not a guarantee of result. I disclaim any undertaking and assume no obligation to update or supplement this opinion to reflect any facts or circumstances which thereafter may come to my attention, or to advise you of any changes in law that may hereafter occur, without your specific request that I do so.

If you have any questions, please contact me. Thank you in advance for your courtesy and cooperation in this matter.

Very truly yours,



Alan D. Lathrom

ADL:

cc: Jasmine Stillwell, Transit Administrator, Housing and Community Development
Margaret Li, Housing and Community Development Director
Paul G. Grimes, City Manager
Mark S. Houser, City Attorney