

TEXAS DEPARTMENT OF TRANSPORTATION

COMMISSION MEETING

Ric Williamson Hearing Room  
Dewitt Greer Building  
125 East 11th Street  
Austin, Texas

Thursday, September 29, 2011

COMMISSION MEMBERS:

Deirdre Delisi, Chair  
Ted Houghton  
Fred Underwood  
William Meadows

STAFF:

John A. Barton, Interim Executive Director  
Bob Jackson, General Counsel  
Roger Polson, Executive Assistant to the  
Deputy Executive Director  
JoLynne Williams, Chief Minute Order Clerk

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- (3) **Transportation Planning and Programming Division** - Acknowledge a donation from the University of Buffalo for a department employee's travel expenses to attend the 2011 ITE/Highway Data Workshop and Conference in Buffalo, New York, from September 21-23, 2011 (MO)
- (4) **Travel Information Division** - Consider a donation from the Texas Travel Industry Association to provide food, beverage, lodging, admission and transportation to area attractions from various sponsors to the department

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b. **Right of Way Dispositions and Donations**

- (1) **Collin County** - SH 289 from US 380 Interchange to north of FM 1461 - Consider the acceptance of a donation of land for a highway improvement project (MO)
- (2) **Coryell County** - US 190 from Lampasas/ Coryell county line to east of Copperas Cove city limits - Consider the acceptance of a donation of land for a highway improvement project (MO)
- (3) **Denton County** - SH 114, northeast corner at I-35W in Northlake - Consider the sale of surplus right of way to the Town of Northlake (MO)
- (4) **El Paso County** - SL 375 from 0.038 miles west of I-10 at SL 375 to 0.479 miles east of Franklin Mountain State Park - Consider the acceptance of a donation of land for a highway improvement project (MO)
- (5) **El Paso County** - SL 375 from 0.038 miles east of Franklin Mountain State Park - Consider the acceptance of a donation of land for a highway improvement project (MO)
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d. **Speed Zones**

**Various Counties** - Establish or alter regulatory and construction speed zones on various sections of highways in the state (MO)

e. **Transportation Development Credits (TDC)**

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P R O C E E D I N G S

1  
2 MS. DELISI: Good morning. It is 9:10 a.m.,  
3 and I call to order the regular September 2011 meeting of  
4 the Texas Transportation Commission. Note for the record  
5 that public notice of this meeting, containing all items  
6 on the agenda, was filed with the Office of the Secretary  
7 of State at 2:16 p.m. on September 21, 2011.

8 I ask that before we begin today's meeting you  
9 remember to place your cell phone and all electronic  
10 devices on the silent or off mode, please.

11 If you wish to address the commission during  
12 today's meeting, please complete a speaker's card at the  
13 registration table in the lobby. To comment on an agenda  
14 item please complete a yellow card and identify the agenda  
15 item. If it's not an agenda item, we'll take your  
16 comments at the open comment period at the end of the  
17 meeting. For those comments please complete a blue card.  
18 Regardless of the color of card, we do ask that you limit  
19 your remarks to three minutes.

20 As is our custom, we'll start with comments  
21 from the commissioners, and as usual, we will start with  
22 Commissioner Meadows.

23 MR. MEADOWS: Thank you, Madam Chair.

24 Good morning, everyone, and welcome. I'd like  
25 to take just a moment to talk about something that I would

1 describe as unexpected. I kind of like the unexpected and  
2 that's probably why I'm friends with Ted Houghton,  
3 something really unexpected but something we should all be  
4 very proud of.

5           And you know, this agency continues to amaze me  
6 in a very, very good and positive fashion in the sense  
7 that we do and our people do some extraordinary things for  
8 this state that are far beyond what you would normally  
9 consider to be the scope of duties and responsibilities of  
10 the agency. And my example I would give today is one of  
11 our district engineers, Maribel Chavez, who is the  
12 district engineer in Fort Worth, she and her people were  
13 recently awarded a recognition by the Historic Commission  
14 in Fort Worth. They described it as their Preservation  
15 Leadership Award.

16           And you don't think of TxDOT and historic  
17 preservation in the same sentence, but in fact, this  
18 group, recognizing the importance of some historic  
19 bridges, worked through a process which will result in  
20 maintenance techniques and applications that will preserve  
21 those bridges into the future so that they will be  
22 preserved and not have to be replaced. And I thought that  
23 was really something that we just needed to make note of  
24 because it's something we should be proud of and recognize  
25 and thank them for their work.

1                   Thanks so much.

2                   (Applause.)

3                   MR. UNDERWOOD: That was excellent, Bill.

4                   Looks like we have a full room today. Hope you  
5 can hear me. I want to thank everyone for taking this  
6 time to be here today. There's basically two guarantees  
7 in life: you have a finite amount of time on this earth  
8 and grace, and thank you for spending part of your finite  
9 time with us.

10                   I had some written comments I wanted to make; I  
11 need a little help so I had to write it out. I want to  
12 take this moment to thank all the TxDOT employees in this  
13 room and throughout our state for all your hard work day-  
14 in and day-out. You use your expertise and efforts to  
15 serve the people of Texas and we're all very thankful for  
16 that.

17                   In the last few years we've received positive  
18 guidance from the Legislature, the Grant Thornton report,  
19 and the Restructure Council on how to best modernize and  
20 adjust this agency. Some of these changes have been easy,  
21 some of them have been hard, and some of them have been  
22 even harder. But despite all this, the results will be an  
23 agency that we can all be proud of and a model for the  
24 rest of the country. It's my honor and my fellow  
25 commissioners' honor to continue to work towards this goal

1 as we move forward. So thank you, men and women of TxDOT.

2 MR. HOUGHTON: Good morning, everyone, and  
3 welcome to the commission meeting here in Austin.

4 And what I want to focus on today is one of  
5 Mother Nature's rages is the wildfires and the drought  
6 which resulted in the wildfires here, and at TxDOT we have  
7 had, not many of you know, our people on the lines with  
8 equipment, cutting fire breaks in various parts of the  
9 state, especially over to the east here in Bastrop. I  
10 think, John, we had employee lose their homes over in  
11 Bastrop, some retirees lose their homes, and it's  
12 unfortunate.

13 But our people were the unsung heroes out  
14 there, doing the things they need to be doing. Whether it  
15 be a hurricane or wildfires or up in the Panhandle or in  
16 the Metroplex when it's snowing and ice storms, they're  
17 out there trying to protect our citizens and the travelers  
18 of this great state, and my congratulations to them.

19 And also I would like to have you all remember  
20 in your thoughts and prayers an employee, Tim Powers, who  
21 was felled by a stroke, and I hope that he is comforted  
22 and will have some sort of speedy recovery.

23 But thank you all for coming. Look forward to  
24 a lively discussion today, so it shall be interesting.

25 MS. DELISI: Before we got into the rest of the

1 agenda, I'd like to remind everyone of the 7th Annual  
2 Transportation Forum. It's Going Places, it will be in  
3 San Antonio next year from February 15 to 17.  
4 Registration is available online and I encourage each of  
5 you to take full advantage of the early registration rates  
6 and participate in the event. For more information please  
7 visit the website: [www.texas transportation forum.com](http://www.texas transportation forum.com).

8 And finally, one more note, due to increased  
9 construction throughout the Greer Building, commission  
10 meetings will be held at our 200 East Riverside location  
11 for the next several months, probably until July. Also,  
12 the administration and commission offices are likely to  
13 soon be relocated to our Riverside complex in Building 118  
14 until the reconstruction project is completed here at the  
15 Greer Building.

16 So with that over with, I also want to welcome  
17 John Barton to the podium. It's good to have you here,  
18 John.

19 MR. BARTON: The chairs are much more  
20 comfortable up here, just for those of you in the  
21 audience.

22 MR. HOUGHTON: Yes. But, John, they get a  
23 little hot sometimes.

24 MR. BARTON: I was going to say I'm not more  
25 personally comfortable but the chairs are more

1 comfortable. It is a little bit intimidating, though.

2 (General laughter.)

3 MS. DELISI: Our first order of business is  
4 approval of the minutes from the August 25 meeting.  
5 Members, the draft minutes have been provided in your  
6 briefing materials. Is there a motion to approve?

7 MR. HOUGHTON: So moved.

8 MR. UNDERWOOD: Second.

9 MS. DELISI: All in favor?

10 (A chorus of ayes.)

11 MS. DELISI: The motion passes.

12 With that, John, I'll turn the agenda over to  
13 you, but I would like to go ahead and take Senator Hegar,  
14 if everyone is okay, who is here to address the  
15 commission.

16 MR. BARTON: Yes. It is the custom of the  
17 commission when we have elected state officials that would  
18 like to appear before the commission, we offer them that  
19 opportunity because of their busy schedules in serving the  
20 needs of the state, and Senator Glenn Hegar has asked to  
21 appear before the commission to speak on Cane Island  
22 Roadway and its intersection with Interstate 10 in Katy.  
23 Senator Hegar.

24 SENATOR HEGAR: Thank you, Madam Chair,  
25 commission members. John, I'm glad you realize the chairs

1 are more comfortable, but I agree with Commissioner  
2 Houghton, I can see steam coming from them every so often,  
3 it is a little hotter seat up there.

4 It's good to be with you. Thank you for  
5 allowing me to take just a few minutes. I know you have  
6 an extremely busy schedule, an extremely busy day, and you  
7 have a lot of things before you. Before I mention the  
8 issue upon which I was going to address, I'd just thank  
9 Commissioner Houghton for mentioning the amount of  
10 employees and the number of hours that they've been  
11 putting in to the fires. And as you all know, here in the  
12 State of Texas, unfortunately, we're in the worst drought  
13 only matched by one, according to tree rings, since  
14 1550 -- wow, since 1550 we've only had one drought of this  
15 magnitude, and so that's significant.

16 And 20,000 wildfires, and you mentioned Bastrop  
17 which is in the Senate district. We had a tragic fire at  
18 the same time of that bad weekend at Riley Road which is  
19 in Waller County, my home county all my life, Montgomery,  
20 and then also Grimes County. And we are not so-called out  
21 of the woods yet, so I think your employees are going to  
22 be called upon many times, unfortunately, until this  
23 breaks, and it may not be till next year. So I just hope  
24 you are very in tune, and I think your employees are going  
25 to be called above and beyond the call of duty to help in

1 those assistance of the safety of our citizens of the  
2 state for, unfortunately, the foreseeable future. But I  
3 appreciate you recognizing that.

4 The issue that I was here to just simply bring  
5 to your attention and ask for some assistance in helping  
6 TxDOT, as well as myself, in working through a problem  
7 that I have in the Senate district -- and as you know,  
8 I've only been before you, I think, once or twice in the  
9 number of years that I've been in service in the State of  
10 Texas as a state rep or a state senator -- is that we have  
11 in Katy where I live, I call home, just west of Katy there  
12 is a project called Cane Island exit ramp.

13 And Cane Island was a permanent interchange on  
14 Interstate 10 that was in HGAC's regional transportation  
15 plan, as well as the Transportation Improvement Program up  
16 until 2009. There was an interlocutory agreement that was  
17 entered into between TxDOT and the City of Katy. The City  
18 of Katy went forth, did the engineering, and there was  
19 money put in escrow, which is still sitting there, for the  
20 temporary ramps.

21 Well, at that time the feds required an  
22 additional impact statement as well as an interstate  
23 access justification report which was completed, so  
24 therefore it delayed the projected opening and completion  
25 of October 2010 which is a year well behind us, but that

1 federal requirement delayed us. That was completed,  
2 approved by both TxDOT and the feds, but then,  
3 unfortunately, when all the projects that did not have  
4 long-term funding were swept out of the plans, now we  
5 cannot get this temporary project put into place because  
6 it's not in HGAC's plan. So therefore is the issue  
7 between the feds that until you have a long-term funding  
8 solution, it's not in the regional plan, yet we can't do  
9 the local plan.

10 And here's the issue is that just west of  
11 there, there is an exit called Peterson Road and it's an  
12 extremely busy truck stop, very busy. The traffic, I  
13 don't even go that way anymore. Then you go back to the  
14 east slightly and it's called FM 1463 which I have talked  
15 to the Houston District about trying to match the timing  
16 of the lights up, putting an extra turn lane in which they  
17 did for traffic coming north because of the growth out in  
18 the Katy area. This is literally one of the fastest  
19 growing areas in the entire state and I would probably bet  
20 it is the fastest.

21 The elementary school just south of I-10, not  
22 even a mile, where's the residence that I call home, my  
23 six-year-old daughter who my wife took to school this  
24 morning, they're supposed to have about 600-700 kids,  
25 they've got 1,700 in that elementary school. Wow, little

1 bit packed. I mean, the portable buildings, it's  
2 phenomenal.

3 My point in saying this is the traffic and the  
4 congestion of that part of our state, and not to deny any  
5 of the issues in any other parts of the state which are  
6 very important, is overwhelming. And just north of I-10  
7 on that same FM road is the high school, the  
8 administration building, the sports complex. And my point  
9 being is if development occurs west then that traffic,  
10 instead of going to I-10, is going to go down Highway 90  
11 and that means it either has to go by the high school and  
12 the administration building and further congest the  
13 interior part of the small town of Katy, or to the west  
14 and make less safety issues on Interstate 10.

15 And so my plea to you is I would just ask your  
16 assistance in trying to work with me and allowing us to  
17 try to figure out how can we get this exit back into the  
18 plan because HGAC is going forth with that right now,  
19 obviously, for the Proposition 12 bonds, and how do we get  
20 that in the plan today.

21 And I know that we have funding issues that are  
22 so severe, and one thing that I have learned as former  
23 chairman of the Sunset Advisory Commission where TxDOT was  
24 probably not fortunate to have to go through two Sunset  
25 reviews, but funding was not our discussion and our issue,

1 but we sure highlighted the problems that we have in this  
2 state. We're growing at a faster rate than any other  
3 state in the nation by far and we have funding issues in  
4 rural areas, suburban areas, urban areas, unmatched to any  
5 other state in our nation, and so I know there's a funding  
6 issue.

7 But this is something that the community was  
8 guaranteed was going to occur, and unfortunately,  
9 something out of your control and ours, we've had a couple  
10 of hiccups and therefore we have a problem, and I need  
11 your assistance in trying to get this back on the plan so  
12 we can solve our problem. So that's the reason I'm before  
13 you here today.

14 I won't take any more of your time, I know you  
15 have a very busy day, and I would just ask if I could work  
16 with you, I'd really greatly appreciate your assistance  
17 and your help. And thank you for your service very, very  
18 much, and thank you for allowing me to take five minutes  
19 this morning. It was good to see all of you. Thank you.

20 MR. UNDERWOOD: Senator, thank you for your  
21 time and your service to the state and for what you've  
22 done helping us in rural Texas in that area also. Thank  
23 you, sir.

24 MR. BARTON: Thank you, Chairman Hegar.

1           Item number 2 on our agenda this morning, Madam  
2 Chair, is a public hearing regarding the review of our  
3 environmental rules, and Mr. Mark Marek, our interim  
4 director of the Environment Affairs Division, will be  
5 convening and holding this hearing for us.

6                                   PUBLIC HEARING

7           REVIEW OF RULES RELATING TO ENVIRONMENTAL REVIEWS

8                                   Thursday  
9                                   September 30, 2011  
10                                  9:24 a.m.  
11

12                   MR. MAREK: Good morning. For the record, my  
13 name is Mark Marek. I am the interim director of TxDOT's  
14 Environmental Affairs Division.

15                   Item number 2 on the agenda this morning is a  
16 public hearing related to the review of rules with respect  
17 to environmental reviews. This item concerns the  
18 department's preparation of environmental review documents  
19 for proposed transportation projects.

20                   TxDOT staff, TxDOT contractors and local  
21 governments prepare the environmental review documents for  
22 individual projects in compliance with the National  
23 Environmental Policy Act, or NEPA, and other federal and  
24 state laws. The department's rules are in 43 Texas  
25 Administrative Code, Chapter 2.

26                   The purpose of today's agenda item is to  
27 satisfy the requirements of Texas Transportation Code  
28 Section 201.604(e) which directs the commission to hold a  
*ON THE RECORD REPORTING*                                   9/29/2011

(512) 450-0342

1 public hearing no less than every five years to take  
2 comment on the department's rules on environmental review.  
3 The commission then shall evaluate, making any needed  
4 changes to the rules. The commission has tentatively  
5 scheduled for its October meeting to consider publication  
6 of amendments to the rules on environmental reviews.

7           During the recent session in the legislature,  
8 the legislature passed three bills which contained  
9 significant changes to the process by which the department  
10 prepares an environmental review document. The changes  
11 were in House Bill 630, Senate Bill 548, and parts of the  
12 department's Sunset bill, Senate Bill 1420. When staff  
13 presents proposed amendments to the rules next month, it  
14 will include changes that will implement the new  
15 legislation. The most significant change will be the  
16 addition of deadlines by which the technical reviews of  
17 draft environmental review documents must be completed.

18           I recommend that the commission now take public  
19 comment. I should mention that, as explained in the  
20 notice of this public hearing published in the Texas  
21 Register, a person may submit written comment by the  
22 deadline of October 7, 2011.

23           This completes the comments of staff at this  
24 time, Mr. Barton.

25           MR. BARTON: Thank you, Mr. Marek.

1           Madam Chair, I believe we have three people  
2 signed up to speak at the hearing so far.

3           MS. DELISI: Right. I'd like to call up Mike  
4 Heiligenstein.

5           MR. HEILIGENSTEIN: Madam Chair, commission  
6 members, thank you very much for the opportunity.

7           I do want to say just real briefly, as an  
8 aside, yesterday we had a great meeting with TTI folks in  
9 Austin on the 50 most congested corridors in Texas, and as  
10 I was looking at the RMA's presentation sheet, the first  
11 sheet was the CTTS picture of SH 45 and Loop 1 coming  
12 together, and just so happened that I was going to the  
13 funeral of the man that helped make that project happen,  
14 Spike Robinson. And I want to say that Central Texas lost  
15 a huge asset when Spike died last week, and actually most  
16 of Loop 1 and most of 45 was in the property of the Austin  
17 Whiteline property and Robinson Ranch, and I just want to  
18 say that in memoriam to Spike.

19           The environmental rules hearing, thank you very  
20 much. My name, of course, Mike Heiligenstein, executive  
21 director of the CTRMA. I understand that the commission  
22 is holding this public hearing as part of its required  
23 review process. We have worked closely with the  
24 department and some of our local government partners on  
25 this legislation during the last session, and we feel very

1 strongly that the improvements that can be made to the  
2 environmental review process should result that would  
3 result from this legislation, and I'd like to focus my  
4 comments on that.

5           The legislation was recently passed that seeks  
6 to address many concerns raised by the prolonged time it  
7 seems to take for environmental review, although it has  
8 improved and some of the changes that have been made seem  
9 to be working better. It should provide for a more  
10 efficient, predictable and a timely environmental review  
11 process. The legislation instructs the commission to  
12 develop rules for processing environmental review  
13 documents.

14           It is imperative than when developing these  
15 standards that you keep in mind the intent of the  
16 legislature that these standards increase efficiency,  
17 minimize delays and encourage collaboration and  
18 cooperation between TxDOT and local governments. And I  
19 think I can say the earlier and more often that happens,  
20 the better, particularly with all the technical staff, and  
21 I think that's one of the things that John has brought to  
22 the fore is to get people together early and stick to the  
23 commitments that people make early in those meetings.

24           The statute explicitly states that these  
25 standards should be made with a goal towards prompt

1 approval and legally sufficient documents. The  
2 legislation requires that once a local government submits  
3 an environmental review document to TxDOT for review, the  
4 department must confirm that the document is  
5 administratively complete. And that's our job, we have  
6 got to make sure that when we submit those documents that  
7 they're done properly.

8           The requirements for what must be submitted  
9 should be reasonable and consistent with the legislature's  
10 intent. If the rules require that a myriad of technical  
11 documents be submitted that would otherwise be developed  
12 during the review process, we think that undermines the  
13 goals of expediting the process and can put an undue  
14 burden on local government.

15           Further, in the event that TxDOT does decline  
16 to confirm that a document is administratively complete,  
17 and this is important, the rules should require that any  
18 defects be submitted and be clearly identified so that the  
19 local governments can remedy those situations and issues  
20 as soon as possible. And then it is, again, up to the  
21 local governments to do that, including, obviously, RMAs.

22           The legislature has made its intents clear by  
23 stating that the department must undertake all reasonable  
24 efforts to cooperate with local government in a timely  
25 manner to ensure the environmental document is

1 administratively complete. Finally, the legislation  
2 established several concrete deadlines for various stages  
3 of the review process and that is a new concept in this  
4 area, and in keeping with the notion of encourage  
5 cooperation, we on our part, the RMAs, will do everything  
6 we can to assist TxDOT in helping meet those deadlines.

7 I understand you'll be addressing proposed  
8 rules at the next meeting and I know you'll follow any  
9 intent of the legislature in implementing thoughtful and  
10 transparent rules which will truly expedite the  
11 environmental review process and encouraging cooperation  
12 with local governments.

13 As a local government sponsor of a project, we  
14 can elect to be responsible for preparing all materials  
15 for the project's scope determination, we can prepare the  
16 environmental reports, we can do all the environmental  
17 review document, environmental permits, et cetera, and we  
18 can do that and help save the department time and money.  
19 As we will carry such a large responsibility, we hope to  
20 be included, along with other stakeholders, in crafting  
21 the legislation and the administrative rules and  
22 developing these rules.

23 TxDOT and the RMAs owe a duty to the citizens  
24 of Texas to deliver needed infrastructure in a timely  
25 manner. The formation of these rules is a vital step in

1 this goal. Thank you for your time and appreciate your  
2 efforts.

3 MS. DELISI: Thanks, Mike.

4 Next up is Commissioner Cynthia Long.

5 MS. LONG: Good morning, Madam Chairman,  
6 commission members. Thank you for the opportunity to  
7 speak this morning.

8 Williamson County is grateful for the  
9 legislature's leadership on this issue by the passage, as  
10 previously mentioned, of Senate Bill 1420, Senate Bill 548  
11 and House Bill 630. We were delighted to see this passed  
12 three different places. We believe that these bills  
13 provide a solid framework for improving and streamlining  
14 TxDOT's environmental review of projects on the state  
15 highway system that are funded in whole or in part by  
16 local entities.

17 Like dozens of other local officials and  
18 entities from all across the state, Williamson County's  
19 goal in supporting these bills was to seek meaningful  
20 reform of the environmental review process in a way that  
21 ensured full environmental compliance. The county emerged  
22 from the legislative process very hopeful that these bills  
23 represented a negotiated and cooperative approach to  
24 tackling these issues. During the session TxDOT worked  
25 not only with the House and Senate members but also with

1 key stakeholders like ourselves in an effort to craft  
2 bills that made more sense that would produce the intended  
3 results.

4           Unfortunately, based upon what we heard last  
5 week at TxDOT's Environmental Coordinators Conference and  
6 what I've gleaned from a cursory review of the draft  
7 strawman rules, we are a bit skeptical. We are now  
8 concerned that the rules at this point basically will undo  
9 some of the things intended in that legislation.

10           First, I spoke with Mr. Barton last Friday and  
11 I was concerned and expressed my concern that the staff  
12 was proceeding with drafting this rulemaking before having  
13 one conversation with any of the stakeholders that were so  
14 integrally involved in this process. Since that phone  
15 conversation we have set up a stakeholder meeting with  
16 your staff and our expectation is that meeting and  
17 subsequent ones will not merely be a box that's checked  
18 off but your staff will take meaningful and significant  
19 input from those that were involved and that in no way  
20 will we undo the meaningful legislation that was passed.

21           This continued direction is what we are hoping  
22 for, and in conversations with Mr. Barton and Mr. Marek,  
23 we believe that we're on the right path now but we  
24 strongly suggest that the commission monitor this process  
25 either in the form of an advisory committee or an informal

1 stakeholder group.

2           Secondly, but maybe most importantly, as you  
3 will hear a little bit more from Commissioner Covey, your  
4 staff communicated last week that their initial direction  
5 in what's drafted today again seems to undo some of the  
6 intent of the legislation. Front-loading is a term that  
7 has been used and some of the technical reports and  
8 whatnot that Mr. Heiligenstein mentioned seem to be now  
9 required before the process even starts, before that clock  
10 starts on those deadlines. That, to me, would undo some  
11 of the legislative intent. And I don't think that's  
12 anybody's intention, I certainly don't think it was the  
13 legislative intention. Environmental streamlining is the  
14 goal here.

15           We want to work with you all, we want to work  
16 with your staff, we want to stay involved. Williamson  
17 County contends that this front-loading effort really  
18 would shirk the intent of the legislature. It is my  
19 sincere hope that the current direction of the rules will  
20 be refocused to reflect the spirit and intent of the  
21 legislation that was so overwhelmingly supported by the  
22 legislature. I have personally committed to Mr. Barton  
23 that I will organize the group of stakeholders, including  
24 the authors of the legislation, for the purpose of  
25 communicating the intent and the spirit to your staff as

1 we go through this rulemaking process.

2 Thank you for your time.

3 MS. DELISI: Thank you.

4 MR. MEADOWS: Commissioner, let me just make a  
5 comment. I really appreciate your input and I want you to  
6 know that we are sensitive to the very concerns that  
7 you've just expressed and we've encouraged our staff in  
8 meetings yesterday, I can say that I have and I know that  
9 others would share this sentiment, that this is really,  
10 really a serious and important effort, and we're taking it  
11 seriously and we've encouraged our staff to reach out to  
12 our MPOs, to our local transportation partners across the  
13 state and receive their input as we are in the process of  
14 developing these rules.

15 So I will tell you we recognize that our local  
16 transportation leaders are our customers, we recognize  
17 that they are stakeholders, their input, their ideas,  
18 their concepts, their observations all are very relevant  
19 in this process and very important and they will be taken  
20 very seriously.

21 MS. LONG: Thank you. I appreciate that.

22 MR. MEADOWS: Thank you.

23 MS. DELISI: Commissioner Covey.

24 MS. COVEY: Good morning, Madam Chair,  
25 commissioners. Thank you for the opportunity to be here.

1 I'm Valerie Covey, county commissioner, Williamson  
2 County.

3 Last week we had the opportunity to attend  
4 TxDOT's Environmental Coordinators Conference -- it was a  
5 riveting conference, I might add -- where we learned about  
6 the direction that TxDOT is taking the development of the  
7 rules to implement the environmental review legislation  
8 passed earlier this year. Unfortunately, Williamson  
9 County is now concerned, as Commissioner Long mentioned,  
10 that TxDOT is attempting to change and avoid the  
11 meaningful changes meant by the legislation.

12 Let me just mention a couple of issues that we  
13 have and we can go into more detail perhaps later, but  
14 front-loading was mentioned by Commissioner Long. The new  
15 project delivery model rolled out during the conference is  
16 built upon the front-loading concept, the term being used  
17 by TxDOT to describe a process under which technical  
18 reports will be prepared and coordinated prior to  
19 submission of the actual environmental review document.  
20 These technical reports will be subject to review, when  
21 applicable, also by resource agencies.

22 Technical reports will focus on a wide variety  
23 of topics. The list of potential topics is wide-ranging  
24 and extends well beyond what has been required in the  
25 past. As explained by TxDOT staff, these technical

1 reports are intended to encourage early coordination by  
2 providing a means for addressing technical issues up  
3 front, meaning prior to submission of environmental review  
4 documents.

5 Williamson County contends that TxDOT is  
6 creating yet another process with no governing deadlines,  
7 time frames or accountability to the funding taxpayers.  
8 Under the front-loaded base delivery model, the review  
9 times and protections afforded by the legislature would be  
10 rendered effectively meaningless.

11 The second item is detailed scoping. Although  
12 Williamson County agrees that a scoping process is  
13 beneficial to ensure that all involved parties know their  
14 respective responsibilities and share the same set of  
15 expectations, we encourage TxDOT to minimize the burden of  
16 the scoping process. During the conference we heard  
17 conflicting visions amongst TxDOT staff with regard to the  
18 scoping process and the level of effort that would be  
19 required. TxDOT is encouraged to use a checklist process  
20 for processes of scoping with local government sponsors.  
21 Development of a detailed consultant-like scope of  
22 services is not necessary.

23 Our third item is review of fees. Although  
24 TxDOT presenters stressed that there are still some  
25 unknowns regarding the new rules and that review fees,

1 when applicable, and the process for calculating those  
2 fees are still left to be developed, it appears that TxDOT  
3 intends to assess fees for reviews conducted by either  
4 TxDOT personnel or contracted consultants. Williamson  
5 County strongly encourages TxDOT to limit fees to those  
6 necessary to recoup costs associated with use of the  
7 consultants. Local government sponsors should not be  
8 required to pay TxDOT salaries via review fees,  
9 particularly since local government sponsors are paying  
10 for and developing projects that would otherwise be funded  
11 by TxDOT.

12 Mr. Barton and I visited a little bit, and I  
13 appreciate the opportunity to visit further on this item  
14 because it is a very important one to the local entities.

15 Lack of stakeholder involvement. We appreciate  
16 the opportunity to give comments today, however, as you've  
17 heard from Commissioner Long, TxDOT seems to have been  
18 proceeding with the rulemaking process without the  
19 cooperation and involvement of the stakeholders who  
20 actually sought the legislation. TxDOT's attempt to  
21 develop rules in a vacuum without engaging local  
22 government sponsors and other stakeholders would be  
23 fundamentally flawed. We would ask that stakeholder  
24 meetings, as mentioned, take place in order to allow for  
25 stakeholder input in the development of the rules to

1 implement the new environmental legislation.

2           Since receiving the draft rules late last  
3 night, we look forward to a more detailed review and an  
4 opportunity to work with TxDOT and other stakeholders to  
5 draft rules that follow the intent.

6           I appreciate the opportunity to visit with you.  
7 As you know, we've been very involved in this process.  
8 And I thank you, Commissioner Meadows, for your comments  
9 and I know that you are taking it seriously and I  
10 appreciate that very much.

11           MS. DELISI: John, I'd like to ask you to  
12 respond to the commissioner's concerns because obviously  
13 they're raising some very valid concerns about the intent  
14 of the legislature and working with our stakeholders. So  
15 John, can you please respond?

16           MR. BARTON: Yes, Madam Chair.

17           As Commissioner Long mentioned, she and I spoke  
18 late last week and I talked to staff. The process that we  
19 were following was to develop something for people to look  
20 at and comment on which is our normal rulemaking process,  
21 and of course, they expressed a concern that once the  
22 rules were out in draft form which was intended to be done  
23 in October, giving the public and others an opportunity to  
24 review them and comment on them before they were  
25 finalized, that perhaps the die would have been cast and

1 it would have been difficult to make changes.

2           And so in response to that, I directed staff to  
3 reach out to the Williamson County commissioners and to  
4 others to involve them in the process between now and  
5 October before we post the draft rules to take a look at  
6 the preliminary draft, if you will, that we have, provide  
7 comment on it. They have since sent it out not only to  
8 Williamson County but to some of the state elected  
9 officials that were involved in the crafting of the  
10 legislation. They have also distributed, I believe this  
11 morning, these same draft rules to all of the state's  
12 metropolitan planning organizations as well as to our  
13 district staffs and region and office and division staffs  
14 to give that wide range of experts an opportunity to  
15 review and comment on them so that we can revised the  
16 draft before they are published in draft form.

17           Timing is important. The legislation requires  
18 that these rules be in place by March of 2012. And as I  
19 discussed with the commissioners, while in other  
20 situations we have formed formal advisory committees to  
21 help us draft rules -- as an example, a very successful  
22 example, the planning rules that we adopted last year  
23 where we involved Representative Pickett, who I know is  
24 here, and others, Senator Watson, from across the state to  
25 help us with that -- that is a time-consuming thing, it

1 requires formal action by the commission, and all those  
2 meetings have to be open to the public. Stakeholder  
3 outreach can be done in a less formal way, it can be  
4 beneficial, and that is what we plan to do.

5 And our intent is to make sure that whatever we  
6 do is in full compliance not only with the spirit but the  
7 letter of the laws, and staff has my encouragement and  
8 directive to make sure that happens. And so I believe  
9 that we are taking steps to address the concerns that have  
10 been raised today, and we are looking forward to working  
11 with not only Williamson County but the Council of Urban  
12 Counties and others that have been instrumental in  
13 developing these laws to make sure that whatever we  
14 produce is an effective tool, that it helps us to  
15 streamline our environmental processes and allows our  
16 projects to move forward in a more expeditious fashion.  
17 And until that's done, we'll continue to work on them, and  
18 that's the commitment you have from me.

19 MS. COVEY: Thank you very much, appreciate it.

20 MS. DELISI: We have one more person signed up,  
21 Will Conley. Commissioner Conley, welcome.

22 MR. CONLEY: Good morning. My name is Will  
23 Conley, I'm an county commissioner in Hays County. I just  
24 wanted to echo and support my colleagues in Williamson.

25 We were gracious enough to partner with the

1 state back in 2006 and Commissioner Williamson and this  
2 board allocated \$133 million in pass-through financing to  
3 Hays County. We have since leveraged that money and we  
4 probably have about \$250 million worth of state highway  
5 projects going on in Hays County, and overall we have been  
6 very successful and we're working together to improve our  
7 state highway system in Central Texas.

1           The environmental process is the issue, the  
2 hangup, if you will, that we seem to have going through  
3 the state and the federal process, and anything that can  
4 be done to reform that would certainly save the state  
5 money, would save the county money. There doesn't seem to  
6 be a whole lot of sensitivity to local costs. I've heard  
7 the word stakeholders used here today. We are partners,  
8 and the balance sheets of Hays County, I think, show that,  
9 and we want to be at the table to express our concerns. I  
10 think there needs to be better accountability, timelines.

11           We are getting pressure from our constituents  
12 on the delivery of these projects. Our bond passed in  
13 Hays County 70 to 30 and in some areas of the county  
14 passed as high as 95 percent, and yet we are still in some  
15 of those areas going through six-seven year environmental  
16 processes. The monies are there, the consensus is there  
17 on what the design and the road should look like between  
18 the state, the county and the citizens that are involved,  
19 everything is there besides the environmental permitting,  
20 and yet we up front are offering some of the highest  
21 environmental standards on the state highway system in the  
22 State of Texas. In our opinion, at that point we should  
23 move forward and move forward in a decent manner, a  
24 reasonable manner, a predictable timeline in order for us  
25 to get our projects done to make sure that our budgets

1 aren't thrown out of whack.

2 As you know, we're saving a lot of money on  
3 these highway projects right now. A year, two years,  
4 three years down the road, as we all hope our economy  
5 really picks back up, that could mean millions of dollars  
6 of savings to Hays County turned into millions of dollars  
7 over budget on several hundreds of millions of dollars  
8 worth of highway projects.

9 So this is extremely important to us and we  
10 concur with our colleagues in Williamson County and ask  
11 that you have us at the table to work together as partners  
12 through this process. Does anybody have any questions?

13 MS. DELISI: Any questions for the  
14 commissioner?

15 (No response.)

16 MS. DELISI: Thanks for coming.

17 MR. CONLEY: Thank you.

18 MR. BARTON: Madam Chair, I think we  
19 customarily ask if there is anyone else that wanted to  
20 speak at this hearing that failed to register if they  
21 could do so by coming forward at this time. If not, then,  
22 Mr. Marek, if you could close this hearing for us.

23 MR. MAREK: Mr. Barton, we certainly recognize  
24 and appreciate the comments that were offered here today  
25 and staff will certainly take action to be inclusive in

1 developing these final rules.

2 As stated earlier, it is our intention to bring  
3 these rules forward, they're tentatively scheduled on the  
4 October commission agenda, and we will continue work on  
5 those between now and then with our transportation  
6 partners, both externally and internally within TxDOT.

7 That concludes staff comments and I believe  
8 concludes this public hearing action today. Thank you.

9 MS. DELISI: Thanks, Mark.

10 MR. BARTON: Thank you, Mr. Marek.

11 (Whereupon, at 9:48 a.m., the public hearing was  
12 concluded.)

13 P R O C E E D I N G S (Resumed)

14 MR. BARTON: Madam Chair and commissioners, the  
15 next items on the agenda under item 3 are some discussion  
16 items on a few topics that are relevant and important at  
17 this time, and the first under item 3a is an update on the  
18 department's modernization project, and Mr. Carlos Lopez,  
19 our Austin District engineer and a member of the  
20 modernization leadership team, will start this  
21 presentation for us and will be brief.

22 MR. LOPEZ: Thanks, John.

23 Good morning, commissioners. My name is Carlos  
24 Lopez, I'm Austin District engineer, and the reason I'm up  
25 here today is this is Lonnie's idea of spreading the

1 wealth, so I think you'll see a rotation of MLT members  
2 coming up here to give you periodic updates.

3 I'll give a brief update on things that are  
4 going on. Louis Carr will come up and give you a brief  
5 update on what's going on in the IT world, and also we'll  
6 finish up with some plan risks.

7 We've still got 16 of our 37 projects underway,  
8 15 are within scope and schedule, one has a little bit of  
9 risk but not issues, and that's performance management,  
10 and the reason that it's classified as a risk is because  
11 George Ebert decided to do a real good thing, he decided  
12 to have more outreach, going out with a total employee  
13 survey to see how our evaluation process really works. So  
14 that will be valuable input to have for that particular  
15 team.

16 Some other notable efforts that have been going  
17 on recently, and you'll see the term up there called lock  
18 and rock. The Right of Way group, Environmental, and  
19 we're going to have an integrated group do what's called  
20 lock and rock, and that's where they get the team together  
21 and literally sequester them for about three days so they  
22 can get some good, meaningful work done. Right of Way and  
23 Environmental have done that here in the last couple of  
24 weeks. It was good timing for that to occur because  
25 they've already gone through their whole voice of the

1 customer part of this process, so they've kind of heard  
2 from all around the state what some of the issues are with  
3 both of these areas.

4 So with this lock and rock effort, now they're  
5 going to focus in on how can we really make some real  
6 meaningful improvements. And of course, especially the  
7 Environmental, that ties in to the presentation we just  
8 heard. We know how important this is, we know that the  
9 statute is out there looming with these timelines, and we  
10 expect some real good things from this particular group,  
11 probably see things like dispersion of documents we use  
12 and things like that that should speed up the process.

13 The integrated lock and rock is a new effort  
14 that just came up and there's going to be two  
15 representatives from each Right of Way, Environmental and  
16 Design to sequester themselves and come up with a better  
17 idea for the whole project development effort, and this  
18 will provide a way for someone to have ownership from the  
19 Design and Right of Way and Environmental side of things.  
20 Right now they each kind of do their own thing in their  
21 silos but if you do an integrated type of approach, you  
22 may find good opportunities where there's overlaps and you  
23 can speed up processes. So we have high hopes for that  
24 and that will be occurring next week.

25 At this time I'm going to go ahead and hand it

1 over to Louis. He's going to talk about how the  
2 modernization effort has kind of permeated into the IT  
3 world.

4 MR. UNDERWOOD: Carlos, quick question. You're  
5 talking about the lock and rock and improvements for  
6 TxDOT, you are saying also that these are improvements for  
7 how we work with our partners.

8 MR. LOPEZ: That's exactly right, Commissioner,  
9 because what they have in front of them now is all the  
10 input from our partners and from internal TxDOT. That's a  
11 good point, yes.

12 MR. UNDERWOOD: Okay. I just want to make sure  
13 the audience understands that we are out here working with  
14 our partners coming up with how to do this and make it  
15 easier for them to do their job, as well as us.

16 MR. LOPEZ: That is correct. I think we all  
17 have the same goals.

18 MR. UNDERWOOD: Thank you.

19 MR. MEADOWS: Just to follow up on Commissioner  
20 Underwood's observation, comment or question. Lock and  
21 rock, I'm not sure. I know a little bit about rock and  
22 roll but I haven't quite gotten to lock and rock, but I'm  
23 with you.

24 The only thing, I'd just make an observation.  
25 You know, you talk about the voice of the customer

1 component to this initiative, and you're talking about  
2 Environmental, that we've gone through this process, voice  
3 of the customer. Did you talk to those customers? You  
4 know what I'm saying? I really was a little concerned  
5 yesterday when I had the briefing on the Environmental  
6 rules process, to recognize that that is in fact what  
7 we're focused on and we've recognized the importance of  
8 the voice of the customer and we had not taken the step to  
9 be inclusive of the MPOs in the state. I just think  
10 there's a little bit of a disconnect that we really to, in  
11 the modernization effort, go back and really focus on, and  
12 I can't encourage that enough, that really has to happen.

13 MR. LOPEZ: Especially the way we develop  
14 projects now, so many of our local partners are involved,  
15 so they are an important stakeholder in that particular  
16 effort.

17 MR. MEADOWS: But just remember what we just  
18 heard.

19 MR. LOPEZ: Yes. I work with them every day,  
20 the people that came up here.

21 MR. CARR: Good morning, Madam Chair,  
22 commissioners and Mr. Barton. My name is Louis Carr, I'm  
23 the chief information officer for TxDOT.

24 The modernization effort is tightly coupled  
25 with technology as many of our business processes are

1 dependent on technology. Two of the three modernization  
2 efforts are underway. One is to improve the IT operations  
3 and develop policies and procedures. Here the concept  
4 that I'd like for you guys to walk away with is the fact  
5 that standardization will yield very tangible benefits and  
6 this process will help us standardize our policies, our  
7 procedures and our technology processes. Standardization  
8 means that we can do more work with the same staff because  
9 standardization leads to efficiency through repetition.  
10 High quality means less reworks, fewer bugs in our  
11 software and systems which ultimately means lower cost of  
12 overall supporting technology.

13           The policies will be based on an industry  
14 standard that we techies call the Information Technology  
15 Infrastructure Library, we call it ITIL, and that  
16 framework is used by Fortune 500 companies as well as many  
17 government agencies. And that framework addresses how we  
18 address technology problems and opportunities and how it's  
19 reported, how it's managed, how those are resolved, and  
20 ultimately maintain and support it. This initiative will  
21 also help us acquire a software tool to automate and  
22 manage those processes.

23           The third initiative is to improve IT  
24 governance, and there are a couple of things we have  
25 accomplished already, one being the development of the IT

1 project priority list, and that priority list really is a  
2 communication tool to the agency of what the Technology  
3 Services Division is working on and what our priorities  
4 are and how we're allocating our staff resources.

5 Another item that we're actively working on is  
6 the recruitment of the IT project office manager. That is  
7 in progress. And the IT project office is key to  
8 establishing a consistent way to on-boarding our new  
9 technology projects and create a transparent process for  
10 scoring and ranking the IT projects. Also, the project  
11 office is key in maintaining the technology projects'  
12 budgets and identifying risks and risk mitigation  
13 strategies and measuring the success of those projects.

14 Any questions on those two initiatives?

15 (No response.)

16 MR. CARR: We've also developed -- we being the  
17 Technology Services Division, Judy Skeen, the division  
18 director, Mitch Pope, Tim Jennings and Dean Wilkerson,  
19 some of her direct reports -- an updated mission and  
20 vision for the Technology Services Division that we  
21 believe complements the agency's mission very well. Of  
22 course, the agency's mission is to provide safe and  
23 efficient movement of people and goods, enhance economic  
24 viability, and improve the quality of life for the people  
25 that travel in the State of Texas, and the Technology

1 Services Division does this by providing secure, reliable  
2 and innovative technology to the TxDOT staff.

3 And these are the goals that the team came up  
4 with. We really do want, as a technology agency, to be  
5 the go-to IT organization within the department,  
6 maintaining a state of the art enterprise architecture,  
7 and maintaining a state of the art enterprise architecture  
8 directly correlates to our ability to support the  
9 organization and add capability as business needs change.

10 Any questions about our goals?

11 MR. UNDERWOOD: I like your last one, Louis.

12 MR. CARR: Thank you. We did find that really  
13 important in that we wanted to ensure that we have an  
14 environment within the Technology Services team that  
15 challenged staff, that allowed them to learn, that gave  
16 them opportunities for professional growth and  
17 advancement, and with those components in place, we  
18 believe we could be the IT employer of choice within the  
19 state.

20 MR. UNDERWOOD: Also, I want to remind you that  
21 as we go forward with this modernization to make these new  
22 changes and we become better and faster and more  
23 efficient, that we work with our partners throughout the  
24 state to where they can get information that they need in  
25 a timely and easy manner. And not, Michael, as we talked

1 at one time getting a Big Chief tablet and a pencil and  
2 writing it down and then having to put it in their  
3 computer, we want to be able where they can transfer  
4 information with the touch of a button, not with a No. 2  
5 pencil.

6 MR. CARR: Absolutely. And part of that  
7 enterprise architecture does address the opportunity to  
8 interface and share information with other agencies and  
9 other vendors.

10 MR. UNDERWOOD: And work with them as to what  
11 they need and how we can best provide that information to  
12 them. Sometimes that may not be the best for us because  
13 of their architecture. Louis, you know where I'm going.

14 MR. CARR: Correct. And I think that the voice  
15 of the customer that was talked about before, we need to  
16 ensure, as IT, as we start designing these systems that we  
17 get not only the voice of TxDOT staff but also the voice  
18 of agencies that will be using and sharing these.

19 MR. UNDERWOOD: And organizations, whether they  
20 be MPOs or whatnot, and you and I will talk about that as  
21 we go forward.

22 MR. CARR: Yes, sir.

23 MR. UNDERWOOD: I appreciate everything you're  
24 doing, sir. Thank you.

25 MR. CARR: Thank you.

1           MR. LOPEZ: As far as modernization plan risks,  
2 there are a number of efforts going outside the  
3 modernization process. This is where Scott has been  
4 working with the administration to look at all the things  
5 that we're doing in our agency. There's a lot of work  
6 going on, a lot of them process improvement related, a lot  
7 of them just everyday work. Scott has been working with  
8 the administration for all the members to put their  
9 different initiatives on the table and to see which ones  
10 are really the most important ones to do first. I think  
11 he's gotten very good synergy on that. In fact, the  
12 administration just met on a team-building exercise two  
13 days ago out at the beautiful South Travis area office,  
14 and I think they were out there without their BlackBerrys,  
15 or did you have your BlackBerrys, John?

16           MR. BARTON: We had them but we're not allowed  
17 to use them during the meeting.

18           MR. LOPEZ: So they had a good meeting, and I  
19 think once that process goes on and a priority list is  
20 developed, then we can pick how many of these process  
21 improvement things we want to do and how many folks are we  
22 going to need to make those improvements happen, and to  
23 go, again, with this more disciplined type approach to  
24 change.

25           The other risk, of course, is change in

1 leadership. That's coming on here very, very soon. And  
2 also the rapid pace of execution. Right now we're moving  
3 really fast on a lot of these projects, and we're having  
4 to shift some coaches to be some project leads to help  
5 out, and that's because there's just a lot of work going  
6 on, but we think it's also very important to get these  
7 projects moving.

8 Of course, in the end this is what we want to  
9 accomplish: we want to be a great, great agency,  
10 performance-driven, once again be a good place to come to  
11 work, and committed to quality, quality customer service.

12 With that, I'll close. If there are any  
13 questions, I'll be glad to try to answer them.

14 MS. DELISI: Any questions for Carlos?

15 (No response.)

16 MS. DELISI: Thanks, Carlos.

17 MR. LOPEZ: Thanks, commissioners.

18 MR. BARTON: Thank you, Carlos.

19 Commissioners, item 3b, a presentation on our  
20 511 program will be deferred this month. Staff is working  
21 with the commission and others to answer some questions  
22 about this program and felt like we needed to do  
23 additional work before we made the presentation.

24 Item 3c is a discussion on the update of our  
25 Texas Rail Plan, and in particular, our high-speed rail

1 initiatives underway in Texas, and Mr. Bill Glavin,  
2 director of our Rail Division, will make the presentation  
3 for us.

4 MR. GLAVIN: Thank you, Mr. Barton,  
5 commissioners. It's my pleasure to be here. For the  
6 record, I am Bill Glavin, the director of the Rail  
7 Division for the Texas Department of Transportation. I am  
8 not familiar with the technology yet and I may not ever  
9 become familiar with the technology. My apologies.

10 What I'd like to do today is talk about the  
11 Texas Rail Plan, specifically the passenger elements of  
12 the Texas Rail Plan. I'm going to focus on the latter two  
13 elements that are on your screen there: where we are and  
14 where we're going. I think we all know where we were and  
15 how we got there, and I don't think we have the time today  
16 to discuss that further.

17 To frame the discussion, Texas is growing and  
18 it's going to continue to grow according to the experts.  
19 The Texas Triangle area is projected to be one of the  
20 nation's larger mega-regions having high population  
21 densities. Within that region there are three major  
22 metropolitan areas: Houston, Dallas-Fort Worth and  
23 Austin-San Antonio. These are all within 300 or less  
24 miles of each other and that is square in the wheelhouse  
25 for high-speed, intercity passenger rail.

1           The Texas Rail Plan examined this growth. It  
2 also emphasized the importance of freight rail to the  
3 State of Texas, to its economy and to its citizens. You  
4 will note on the map where the areas of freight rail  
5 densities are heaviest coincide where the population  
6 densities area also going to be the greatest. That makes  
7 it difficult but not impossible to overlay passenger rail  
8 over existing freight networks on a shared use basis.

9           We looked at and identified programs on both a  
10 short and long range terms, including the needs, the  
11 opportunities, and ways of improving fluidity of the  
12 freight network and eliminate bottlenecks, as well as  
13 looking at funding options. We utilized a statewide rail  
14 steering committee in the development of this statewide  
15 rail plan, and that committee continues to serve on an as-  
16 needed basis for reviewing work authorizations for  
17 consultants and reports produced by the consultants.

18           It also defined the passenger network, such as  
19 it is. You will note that Dallas-Fort Worth and Houston,  
20 the fourth and sixth largest metropolitan areas in the  
21 nation, and both within 300 miles of each other, have no  
22 direct passenger rail service unless you consider 17-hour  
23 service, connecting at San Antonio, three days a week as  
24 passenger rail service. That's not my definition. We  
25 need to fix that.

1           This map was developed as a result of a study  
2 by the Texas Transportation Institute ranking all the  
3 population centers in the states. It was used as the  
4 basis for the application for federal funds. It talks  
5 about and shows the intercity travel patterns in the State  
6 of Texas. You will note that the two highest ranked  
7 corridors, shown in red, are now in project phase with the  
8 FRA or in planning phases with the FRA, but this map is  
9 just a starting point.

10           We're going to utilize consultants to develop a  
11 statewide ridership analysis. They will be an extension  
12 of staff. From that we hope to develop a new map, based  
13 on recent federal guidelines and criteria, to define the  
14 passenger network in the state. It's, in essence, an  
15 effort to manage expectations. Not every city in the  
16 state can be connected with 200-plus mile per hour  
17 service. There is a definition in the federal level of  
18 core express service. That is service for routes up to  
19 500 miles long, at speeds of 125 miles per hour up to 250  
20 miles per hour. It will be on dedicated tracks, it will  
21 be connecting major population centers, it will be  
22 frequent express service, and it will be electrified.

23           There are also regional corridors. These  
24 corridors are defined as being 100 to 500 miles long,  
25 they'll operate trains at speeds of 90 to 125 miles an

1 hour, they'll be on dedicated tracks or on shared tracks,  
2 speed dependent, it will connect mid-sized urban areas and  
3 smaller communities, and it will have frequent non-express  
4 service.

5 And finally there are feeder routes. These  
6 corridors, of course, would be 100 to 500 miles long as  
7 well, with speeds up to 90 miles an hour, on shared  
8 tracks, between moderate population centers and smaller,  
9 more distant locations. If you would, picture enhanced  
10 Amtrak service.

11 State funds are limited. The Rail Relocation  
12 Fund was considered in the last legislative session.  
13 Federal funds have been made available for some passenger  
14 initiatives. Tower 55 in Fort Worth is big from a freight  
15 mobility perspective, but it also has ancillary benefits  
16 to passenger train operations as well as to transit  
17 operations, commuter up in the Metroplex area. \$34  
18 million was granted from TIGER II and is fully obligated.  
19 Construction is slated to commence in the spring of next  
20 year. Right-of-way acquisition and utility relocation  
21 should progress late this fall and in the early winter.

22 Other select projects include: the DFW to  
23 Houston high-speed intercity passenger rail grant from  
24 ARRA funds for project level preliminary engineering to  
25 the schematic or 30 percent level and has been fully

1 obligated. It also calls for complete environmental  
2 clearance for the route at a minimum top speed of 150  
3 miles per hour; that puts it into core express category.  
4 We are working with the FRA for flexibility for the  
5 environmental process to allow for varying technologies in  
6 here. We don't want to commit to a specific technology  
7 yet at this point in time. Some of those technologies  
8 might require slight amendments or slight changes in  
9 geometry after possibly a public private partnership is  
10 defined and developed and finalized for the development of  
11 this route. The FRA has agreed in principle to that  
12 flexibility, but the details are still being worked out.

13 The FRA believes, and I don't argue with it,  
14 that where we are on this particular project, where we  
15 compare to the other states that are also working on high-  
16 speed rail projects, with the potential ridership between  
17 these two major population centers and the positive  
18 possibility of a private-public partnership, that this  
19 could -- and I want to emphasize could -- be the first  
20 true high-speed route built in the nation. Next step  
21 after the project level work is completed would be the  
22 construction.

23 \$5.6 million study level on high-speed and  
24 intercity passenger rail between Oklahoma City and South  
25 Texas is another major project. All the paperwork for

1 obligation of this award is in the hands of the FRA and is  
2 slowly working its way through their process. This is a  
3 very complicated corridor due to the number of major  
4 metropolitan areas that it traverses, as well as the  
5 various options that we'd be looking at for arriving into  
6 South Texas.

7 Lone Star commuter rail initiative is integral  
8 too and a part of this route since it will provide the  
9 last mile service and connectivity between Georgetown and  
10 San Antonio. The ridership and corridor analysis might  
11 identify up to three separate segments within this  
12 corridor. Oklahoma City to Dallas-Fort Worth may not have  
13 the same needs and requirements for service as Dallas-Fort  
14 Worth to San Antonio, nor San Antonio to South Texas have  
15 those same needs either. They will have different  
16 mobility solutions for the top speeds, the frequencies,  
17 and essentially the service development plan in each of  
18 those segments. The next step on this project would be  
19 the project level work that would lead to the NEPA  
20 clearances and the preliminary engineering.

21 There are many issues. We are undertaking an  
22 initiative that is essentially completely new and untested  
23 in this state and in the nation as a whole. Connectivity  
24 at the nodes continues to be a prime concern, and the  
25 success of the project hinges on the ease of community,

1 venue and business access for gathering and distribution  
2 systems, be the light rail, commuter rail, bus, bus rapid  
3 transit, rental cars and the like. Funding is a key issue  
4 as well. These systems, it appears, will be best built by  
5 a private-public partnership. Economic development  
6 potential is a major part of the mix for high-speed rail.

7 The department, as a whole, does not have  
8 technical expertise in high-speed rail. There are no  
9 current U.S. standards for such a system as is being  
10 proposed. The systems that have been built to date are  
11 outside our hemisphere. While we rely on consultants to  
12 bring that international expertise to these projects, we  
13 can't completely rely on that. We need additional  
14 support. Staff recommends that we secure the services of  
15 one of our university-based transportation partners to  
16 secure this technical expertise in order to provide the  
17 necessary knowledge base to help us develop these projects  
18 further.

19 Regarding the last bullet item, various  
20 communities along the routes have not yet developed the  
21 same level of plans for deployment of high-speed rail and  
22 connectivity with high-speed rail. Some of the regions  
23 have had extensive discussions and undertaken lengthy  
24 studies, while others have not. Staff believes that as  
25 the state DOT we must fill that need for leadership on

1 this issue and provide for an equal level of engagement  
2 among those communities.

3 Finally, what we've developed so far are merely  
4 a series of independent projects, as funding has been  
5 requested through the feds, been awarded and obligated. I  
6 believe there's a need for an overarching strategy and  
7 partnerships to ensure success. If not, this initiative  
8 could easily go the way of the Texas Triangle high-speed  
9 rail initiative of two decades ago.

10 Therefore, to address these latter points,  
11 staff recommends the establishment of a departmental  
12 advisory committee to include MPOs, communities and other  
13 key partners across the state to help address these  
14 connectivity issues and the entire issue of the high-speed  
15 rail.

16 With that, I'd be pleased to answer any  
17 questions that you might have.

18 MR. MEADOWS: Bill, I just really have an  
19 observation, and I really applaud your and the staff's  
20 engagement and involvement on this very important subject.  
21 And it's interesting to me, if we really think about,  
22 where this agency has come over the last several years  
23 from a position, with regard to the provision of high-  
24 speed rail in the State of Texas, of being really a  
25 neutral observer, if you will, to actually being now in a

1 position of leadership, and I think it's an appropriate  
2 position for us to be in, a position of leadership.

3 And I think your recommendations as regards  
4 involving and engaging one of our university-based study  
5 groups, as well as the creation -- and I assume this is  
6 all in conjunction one to another -- of this group you've  
7 talked about would really be important. I think we need  
8 to continue to be really aggressive in our leadership  
9 role. I know that we've had a lot of conversations over  
10 the last twelve months and really have begun to refine and  
11 better understand what the opportunities are, because the  
12 fact is there really are some opportunities.

13 I know in the audience today Michael Morris is  
14 here, who has been very involved in the Metroplex, and  
15 there are certainly others. I know we have a reporter  
16 with a major state daily newspaper that experienced  
17 passenger rail in Texas, having the opportunity to rocket  
18 along from the Dallas-Fort Worth area to Austin in less  
19 than nine hours. So we have some opportunities here to  
20 improve.

21 MR. BARTON: Thank you, Commissioner Meadows,  
22 for those comments.

23 And I think, Bill, you also have done a good  
24 job. I commend you for your leadership of the Rail  
25 Division and noting that we need to reach out and bring

1 onboard expertise through our university partners,  
2 consulting industry, and the vision that you have for  
3 developing an advisory group made up of individuals from  
4 across the state, akin to what I believe, as you explained  
5 to me, would be something like the My 35 initiative but  
6 would be for statewide rail and high-speed passenger and  
7 passenger rail initiatives.

8 So Commission, we will continue to work on  
9 these important initiatives, put those practices and  
10 programs in place, and we'll continue to keep you apprised  
11 of our progress as we move forward.

12 Thank you, Bill.

13 MR. GLAVIN: Thank you.

14 MR. BARTON: The next item on the agenda is a  
15 brief discussion of the TIGER III grant program and the  
16 department's anticipated response, and Mr. Glavin will  
17 also be leading this discussion for us as well.

18 MR. GLAVIN: Thank you, John.

19 At the July commission meeting, John Barton and  
20 Robin Ayers led a discussion of the U.S. DOT TIGER  
21 discretionary grants program. In summary, U.S. DOT is  
22 authorized to award \$527 million in discretionary grants  
23 pursuant to Federal Fiscal Year 2011 Continuing  
24 Appropriations Act. Funds will be awarded on a  
25 competitive basis for projects that will have a

1 significant impact for the nation, a metropolitan area, or  
2 the region. A minimum of \$140 million is set aside for  
3 rural projects. A maximum of \$150 million is available to  
4 pay for a subsidy and administrative costs for the  
5 Transportation Infrastructure Finance and Innovation Act  
6 of 1998, TIFIA Program, to support up to \$1.5 billion in  
7 TIFIA credit assistance. Only three applications are  
8 permitted per lead applicant with the exception for multi-  
9 state projects.

10 The U.S. DOT will consider the following  
11 criteria in the selection of projects: state of good  
12 repair, economic competitiveness, livability,  
13 sustainability, safety, job creation and economic  
14 stimulus, innovation, and partnership. A departmental  
15 review committee adopted the same approach in their  
16 evaluation, as well as balancing between transportation  
17 modes and rural and urban projects. Key considerations of  
18 the committee included the amount of local match available  
19 and the status of environmental clearances, major criteria  
20 for successful TIGER applications in previous programs.

21 A list of nine program projects listed in your  
22 briefing book are those that the review committee  
23 considered. That list was developed from a call for  
24 projects to ports and railroads, as well as those that  
25 were developed from other sources. In addition, there

1 have been nine other projects identified statewide that  
2 will be submitted by other entities serving as the lead  
3 applicant. That is their preference to act as the lead  
4 applicant on those particular projects. There may be  
5 others that we have not been informed of, but again, we're  
6 not aware of those.

7 The projects above the break are recommended  
8 for submission by TxDOT as the lead agency. They include:  
9 one urban port rail project at Corpus Christi; one urban  
10 highway TIFIA project for the next phase of the Northeast  
11 Tarrant Expressway; one rural rail project for the  
12 rehabilitation of the state-owned South Orient Railroad  
13 near Fort Stockton; and one multi-state rail project for  
14 the rehabilitation of short lines in Texas, Oklahoma and  
15 Arkansas. That project, again, will not count against our  
16 three application limit.

17 The projects below the break are recommended to  
18 be submitted by others as the lead applicant with TxDOT in  
19 a supporting or partnering role. TxDOT has offered to  
20 provide its expertise to help develop a competitive  
21 application for all the projects on the list, regardless  
22 of who the lead applicant is going to be.

23 The pre-application deadline is October 3, the  
24 application deadline is October 31. Based on past  
25 experience, the cost figures provided are still

1 preliminary in nature and may change throughout the  
2 application process. Some cost changes might  
3 significantly impact the cost benefit analysis as well as  
4 local funding capabilities. This, in turn, may lead to  
5 the withdrawal of some of those projects.

6 Jim Randall and Robin Ayers are both here with  
7 me today and are available to answer any questions that  
8 you might have about specific projects.

9 MS. DELISI: Are there any questions for Bill?  
10 No?

11 MR. GLAVIN: If there are no further comments,  
12 we will proceed as discussed.

13 MS. DELISI: Well, there are some other  
14 comments, just not from staff.

15 MR. BARTON: Bill, thank you for that. And  
16 Commission, I think it's important to note that working  
17 through this process we have a total of about nine  
18 different projects that are different than our normal road  
19 projects, as Bill mentioned, primarily focused port and  
20 rail, they're valued at a little over \$200 million. It's  
21 important to note that the most the State of Texas could  
22 receive is just over \$130 million.

23 So thank you for your efforts, Bill, Jim and  
24 Robin. I know that you worked hard with these partnering  
25 communities to bring these forward, and we will keep our

1 fingers crossed as we submit those applications later in  
2 October. Thank you.

3 MS. DELISI: Thanks.

4 MR. BARTON: Madam Chair, at this time I  
5 believe that most of our customers that are with us today  
6 are here to probably hear about two specific items, one of  
7 those being the discussion of the Proposition 12 Program,  
8 and so if it's the Chair's pleasure, I would recommend we  
9 move to that particular item at this time and allow that  
10 to proceed, if that's okay with you.

11 MS. DELISI: Yes, absolutely.

12 MR. BARTON: So I would direct you to item 13  
13 on today's agenda, and Mr. Randy Hopmann will be leading  
14 the discussion of both item 13a which has to do with the  
15 first issuance of Proposition 12 bond proceeds, the first  
16 \$2 billion that we were authorized in the 81st Legislative  
17 First-Called Session, and then he will also lead item 3b  
18 which is the discussion of the issuance of the \$3 billion  
19 that were appropriated to us by this last 82nd Legislative  
20 Session.

21 Randy, thank you.

22 MR. HOPMANN: Yes, sir. Thank you, Mr. Barton,  
23 and good morning, commissioners. For the record, my name  
24 is Randy Hopmann, I'm the Tyler District engineer, and  
25 I've been asked to oversee the Proposition 12 Program, and

1 am pleased to be here this morning to present both agenda  
2 items 13a and 13b. And with your permission, I have a  
3 power point presentation and I'd like to go through this  
4 presentation and address both agenda items in one  
5 presentation, and we'll get started with that right now.

6 MS. DELISI: Okay.

7 MR. HOPMANN: Just to kind of remind everybody  
8 and kind of going back on a little bit of history,  
9 Proposition 12 was passed by voters in November 2007 on  
10 the general election ballot for \$5 billion for highway  
11 projects to be paid for by the state's general revenue  
12 fund. And then in 2009, the 81st Legislature authorized  
13 Proposition 12, the first program, \$2 billion for  
14 projects, and as you recall, in November 2009 you selected  
15 those projects by way of minute order for the \$2 billion,  
16 and we have been working diligently since then to execute  
17 those projects and deliver them to Texans.

18 In July 2010 the first Proposition 12 projects  
19 went to construction letting, and in 2011, as you know,  
20 the 82nd Legislature authorized the remaining \$3 billion  
21 for new initiatives under the Proposition 12 Program.

22 Under Program 1 I'd like to provide you an  
23 update. This was the first \$2 billion that was issued in  
24 2009 by commission minute order authorization, and it  
25 included about 75 projects for the entire \$2 billion and

1 we have been, as I said, working very diligently to  
2 execute those projects and deliver them to Texas. I  
3 think, in my opinion, the districts and all of our  
4 transportation partners around the state have done an  
5 excellent job developing those projects, implementing  
6 those projects and delivering them for the State of Texas.  
7 In the 15 months since we first let the first Proposition  
8 12 project, all of the 75 projects have gone to letting  
9 with the exception of two, and those two total about \$12  
10 million.

11 So out of a \$2 billion program, all of the  
12 projects that were scheduled for letting have gone with  
13 the exception of these two. And as you're aware, there's  
14 a clear I-35 vision through Central Texas to create a six  
15 mainlane vision from San Antonio all the way to the  
16 Hillsboro Y and much of the Prop 12 monies did go to I-35  
17 but not all of it, and a lot of the I-35 vision is being  
18 built with Proposition 14 and Fund 6 as well.

19 On Program 2 there were five specific areas in  
20 House Bill 1, Rider 42: \$1.4 billion is to be distributed  
21 to TxDOT's 25 districts, and \$600 million will be  
22 distributed to the 25 MPOs around the State of Texas, \$200  
23 million for statewide connectivity, \$500 million for  
24 bridges in the State of Texas, and \$300 million in the  
25 four major metro areas of the state to address congestion

1 problems and begin some engineering work so that those  
2 projects can be developed and eventually become reality  
3 through construction letting, and those four major  
4 metropolitan areas of the state are the Dallas-Fort Worth  
5 area, Austin, San Antonio, and the Houston Metropolitan  
6 area.

7 We worked with our transportation partners  
8 around the state, our metropolitan planning organizations,  
9 and we developed these guiding principles, and as you may  
10 recall, in previous briefings I presented this to you, but  
11 in the Proposition 12 language on the 2007 ballot it was  
12 specifically written for highway projects, so that has  
13 become one of our principles in the developing of the  
14 Proposition 12 Program, and it was a legislative intent to  
15 fund unfunded projects -- in other words, the legislature  
16 wanted to see projects that currently didn't have any  
17 funds assigned to them, deliver them through the  
18 Proposition 12 Program, and we've intended to do that.

19 Our metropolitan planning organizations are  
20 allowed to select off-system state projects, off the state  
21 system, and some have done that, it's not a whole lot of  
22 them, but some have. And preventative maintenance type  
23 work is not allowed with Proposition 12 bonds simply  
24 because the improvements through preventative maintenance  
25 programs and that work type generally does not have the

1 same life associated with preventative maintenance  
2 contracts as does the bonds associated with how we  
3 implemented those improvements, so we have not allowed  
4 preventative maintenance work to be a part of the  
5 Proposition 12 Program.

6 And the program is total project cost, meaning  
7 that not only is the construction cost paid for with  
8 Proposition 12 bonds, but any necessary right of way is  
9 paid for with Proposition 12, if consultants are needed to  
10 supplement our in-house resources then that has to be paid  
11 through Proposition 12, as well as our internal costs for  
12 preliminary engineering and construction engineering.

13 The lettings for Proposition 12 Program 2 are  
14 planned for the summers of 2012 and 2013. And as you have  
15 told us repeatedly in past presentations, public  
16 involvement is a must. That was clear in the legislation  
17 and you've made it clear to us, and that's exactly what I  
18 believe the districts and the metropolitan planning  
19 organizations have done.

20 So we've created our public involvement  
21 strategies. District engineers actively solicited input  
22 on the project identification, the project prioritization  
23 and the project selection for Program 2 funds. They have  
24 gone out, they have worked very closely with metropolitan  
25 planning organizations around the state, rural planning

1 organizations around the state, and our councils of  
2 governments around the state. They have worked very close  
3 with the local elected officials as well as the public in  
4 general. So really, commissioners, what I'm describing  
5 for you here is this has really been a grassroots effort  
6 to go out and talk to our customers across the State of  
7 Texas and to identify our highest transportation needs  
8 that the Proposition 12 funds can be applied to, and they  
9 have really done an outstanding job in doing that. So I  
10 would congratulate all of our districts and all of our  
11 metropolitan planning organizations and our transportation  
12 partners around the state for helping us accomplish this  
13 huge objective.

14 We did have a public meeting on September 1.  
15 It was one of the first video-teleconferencing public  
16 meetings that we had within TxDOT. And then we just  
17 recently had a public hearing last week on September 20.

18 Through that public involvement we've created  
19 some very strong partnerships. TxDOT and metropolitan  
20 planning organizations have been working very closely with  
21 one another. I have been co-hosting Webexes with all 25  
22 districts and all 25 MPOs with Mr. Dan Kessler, with the  
23 North Central Texas Council of Governments, to make sure  
24 that we're all moving forward together, that we all  
25 understand what those guiding principles are, and that

1 we're all in the process of developing that project list  
2 and presenting those projects to you here today for your  
3 consideration. We've worked very closely with the  
4 communities of Texas, and we've created some very strong  
5 alliances or at least strengthened some strong alliances  
6 that have been in place for many years.

7 And I'd like to call upon some help from a  
8 couple of district engineers. We have Doug Eichorst from  
9 the Lubbock District, and I've asked him to do a short  
10 presentation on some of the alliances and the  
11 collaboration efforts along the Ports-to-Plains Corridor.  
12 And also have Mario Jorge here with us this morning to do  
13 a short presentation on I-69 and the collaboration efforts  
14 in the Valley area of our state. And then we also have  
15 Michael Morris with us this morning to talk about the  
16 Dallas Horseshoe project. As you know, Michael is  
17 executive director of the North Central Texas Council of  
18 Governments.

19 So first up I'd like to call on Doug Eichorst  
20 to talk about Ports-to-Plains.

21 MR. EICHORST: Thank you. Good morning. For  
22 the record, my name is Doug Eichorst, I'm the district  
23 engineer for the Lubbock District.

24 Six districts, working together in partnership  
25 with Ports-to-Plains, developed a significant plan that

1 will benefit a huge portion of West Texas. Michael  
2 Reeves, president of the Ports-to-Plains Alliance,  
3 committed endless hours working with TxDOT in developing  
4 and working with our partners, the public, to provide the  
5 most proactive, positive impact with our district  
6 allocations. There is proposed \$292 million allocated to  
7 those six districts through the district allocations.  
8 \$230 million of those dollars are proposed along the  
9 corridor.

10 The Ports-to-Plains overall goal is to provide  
11 a four-lane highway from Mexico to Canada. We knew we  
12 couldn't provide this full four-lane section across the  
13 state, but we could make a huge impact by using the super  
14 two roadway section. We propose \$71 million out of the  
15 \$230 million of the Proposition 12 to be used on the super  
16 two highway section. This plan was to provide either a  
17 four-lane divided highway or a super two with passing  
18 opportunities every four miles from Laredo to Eagle Pass  
19 and from Interstate 10 to the New Mexico state line. This  
20 is a significant achievement.

21 We, my fellow district engineers, Michael  
22 Reeves and I, held multiple meetings throughout the  
23 corridor with citizens, city officials, MPOs, RPOs, county  
24 judges, city councils, county commissioners courts,  
25 meetings with our AGC partners, state and federal

1 legislators. We modified the original plan multiple times  
2 as we progressed through the public involvement effort.  
3 Early on we recognized to fulfill the overall goal that we  
4 need to share the district allocations across district  
5 lines. This is a huge leap of faith, not only for us in  
6 the districts but we also had to make an appeal of  
7 cooperation amongst all of our partners. Each group  
8 recognized the needs and supports the final proposal.  
9 This is an example of Texans recognizing a need and  
10 standing together for a common cause.

11 If I may, I'd like to thank a few people who  
12 assisted in this effort: Senator Duncan, Representative  
13 Darby, and Congressman Neugebauer, who has been a huge  
14 supporter of this effort. I also want to recognize the  
15 unrelenting efforts of Michael Reeves. He made almost  
16 every meeting all the way up and down the corridor and has  
17 been just a true supporter of this. Thank you.

18 MR. UNDERWOOD: Doug, on behalf of the  
19 commission, I want to thank the hard work of all the  
20 district engineers being able to share their resources  
21 with each other and put them where they were needed which  
22 is best for the state, not just best for their particular  
23 district, and make sure the audience understands that  
24 because that's what we need when we become One TxDOT.  
25 Thank you.

1 MR. EICHORST: Thank you, sir.

2 MR. JORGE: Thank you, Randy. And good  
3 morning, Madam Chair, commissioners, Mr. Barton. For the  
4 record, my name is Mario Jorge, I'm the district engineer  
5 for the Pharr District in the Valley.

6 I want to talk to you a little bit about a  
7 couple of our major corridors, 281 and 77, that are  
8 critical to the economic vitality of the Rio Grande  
9 Valley. We also did a joint effort, very similar to the  
10 one that Doug just explained, with the Corpus District,  
11 and John Casey, the district engineer, the district  
12 engineer in Corpus, and myself worked together on putting  
13 together a proposal for both corridors.

14 On the 281 corridor we focused on some  
15 overpasses that will alleviate some safety concerns, some  
16 critical intersections, and also some gaps that will  
17 continue to extend our interstate highway quality from the  
18 Valley coming north. We also have been working with our  
19 TTA Division to initiate a corridor planning study for 281  
20 which I think is critical to give us the long-term  
21 blueprint, if you will, for that corridor. At the same  
22 time, project development activities on 281 at the City of  
23 Premont have continued for a relief route. And like I  
24 said, we've identified some Proposition 12 district and  
25 MPO funds for those overpasses and those gaps on 281, as

1 well as some Fund 6 money and some pass-through funding  
2 that the commission allocated to the Hidalgo County RMA as  
3 a partner for one of the overpasses in the Valley.

4           The US 77 corridor, we used a little different  
5 approach since we did have a more detailed corridor plan  
6 that's been worked on over the past couple of years. That  
7 allowed us to identify some critical segments, some  
8 project segments that can get us from I-37 to the Valley  
9 with an interstate quality facility. The districts, both  
10 the Corpus and Pharr districts, went ahead and identified  
11 over \$90 million worth of funding from our Proposition 12,  
12 both district and MPO allocations, as well as some  
13 previously allocated Fund 6 from Prop 14, as well as  
14 Category 1 Rehab dollars, and a local partnership with the  
15 Cameron County RMA to provide some engineering services  
16 and scientific services for some of these projects.

17           When we put all that together, we identified a  
18 funding gap of about \$144 million to bring that entire  
19 corridor to an interstate quality highway with the  
20 exception of the Kenedy County ranch area which we're  
21 working with the Federal Highway Administration on some  
22 design standards that may be acceptable to all. All in  
23 all, it's as close as we've ever been to an interstate in  
24 the Valley so I'm energized by it, I'm challenged by it,  
25 and we will continue working in that direction.

1 I do want to talk real briefly about our local  
2 coordination because I think that was a critical element  
3 to this plan. Both John Casey and I worked very closely  
4 with our local county judges all up and down the corridor,  
5 with our MPOs, the three MPOs in the Valley, as well as  
6 the Corpus MPO, both RMAs that currently serve the Valley,  
7 the I-69 segment and advisory committee members that we  
8 briefed on this, as well as individual meetings with State  
9 Senators Hinojosa and Lucio. All in all, we received full  
10 support from all the parties and it gave us the impetus to  
11 continue moving forward in this direction.

12 Our next step is simply to continue project  
13 development activities on all of the identified projects  
14 and with commission direction we will bring those to  
15 implementation over the next couple of years. We'll  
16 continue coordination with the Federal Highway  
17 Administration on the design standards for the Kenedy  
18 County area, and we'll continue working with those local  
19 ranch owners, as we have in the past, to find a common  
20 solution that will address the access issues for them as  
21 well as the efforts of the design standards for  
22 interstate.

23 In closing, I would like to say that the  
24 planning effort that Randy alluded to and Doug alluded to  
25 for this Proposition 12 has been very effective, very

1 cooperative, and frankly, I think it's a model for us to  
2 use in the future for any additional funding initiatives.  
3 It's been one of the best experiences that I've had  
4 working with our local officials and our local  
5 stakeholders. So with that I'll close, and if you have  
6 any questions on these two corridors, I'll be glad to  
7 answer them. Thank you.

8 MR. MORRIS: Madam Chair, commissioners, my  
9 name is Michael Morris from the North Central Texas  
10 Council of Governments.

11 I would like to make one observation and then  
12 give you a highlight on this particular project. Isn't it  
13 really cool that areas across the whole state can come up  
14 with completely different concepts, all integrated in a  
15 partnership that includes communication, bottom-up  
16 approach, the ability of MPOs and districts to work  
17 together so you can have, in this case, three completely  
18 different examples all coming out of the same process.

19 Mr. Barton, I want to applaud your work three  
20 months or so ago when Dan and Randy came to you and said,  
21 Let's not have one process to try to drive a bottom-up  
22 initiative that the legislature asked for; permit and hold  
23 each of the regions accountable and see what they can come  
24 up with through a grassroots initiative. So John, thank  
25 you very much for that opportunity, and I hope the

1 commission sees the results of that.

2           Commissioners, you talked earlier about  
3 partners and not stakeholders. I think you are witnessing  
4 really the second major partnership. I think the Stimulus  
5 Program, Commissioner Meadows, was another example. It  
6 was copied again here today. Randy is on the phone every  
7 two weeks with everyone across the state, and I want to  
8 applaud all of my colleagues' capabilities. If you don't  
9 get the process right, it's hard to get the product out of  
10 that particular situation right.

11           I've been asked to talk about the Horseshoe  
12 project. I want to really commend Bill Hale for this  
13 particular idea. You can see the general shape of a  
14 horseshoe. I think, Mr. Meadows, it's not a Fort Worth  
15 horseshoe. But you have Interstate 30 coming across the  
16 Trinity River, going into what is downtown Dallas and the  
17 Canyon Mixmaster area, coming back out Interstate 35E, two  
18 bridges crossing the Trinity River, connecting west Dallas  
19 to downtown to south Dallas. Bill Hale pulled this  
20 section out of what was called the Pegasus Project. This  
21 was initiated when the Interstate 35E project collapsed in  
22 Minneapolis-St. Paul. The region now looks at its bridge  
23 ratings very, very closely, and MPOs would ordinarily not  
24 be involved in the notion of a bridge rating, but with  
25 limited funds we are partnering every single revenue

1 source to bring this to completion.

2 We've been working on this for several years.  
3 I think it's clearly the poster of what the legislature is  
4 looking for, as well as the other projects that you've  
5 heard: bridge replacement, congestion, pavement  
6 maintenance, safety, economic development and vitality, I  
7 think all wrapped in one particular project.

8 There's nine funding sources to get this \$820  
9 million project across the goal line. Some of the funding  
10 sources are from the private citizens within the Dallas  
11 region. There's a Mrs. McDermott, happens to be the wife  
12 of the person who started Texas Instruments, who put funds  
13 into this particular project, so she, 100-200 years from  
14 now when our bridges are still in place, will have a  
15 signature to them that represents the capabilities of the  
16 Texas Department of Transportation.

17 I think a lot of people need to be thanked in  
18 this particular effort. The western side of the Metroplex  
19 has moved money to make sure this particular project moves  
20 at this particular point in time. If anyone knows the  
21 sensitivity of the eastern and western sides of the  
22 region, you would know the commitment that the western  
23 side has made. David Casteel, we briefed you on this  
24 project, you bought into it very early on. I thank you  
25 very much as a partner from headquarters. David anchoring

1 some of the innovative finance; Mr. Barton permitting us  
2 across the whole state to take a bottom-up approach to it.  
3 I think we need to thank Mr. Hale for pulling this section  
4 out and expediting it several years ago.

5 And I hope, commissioners, you see the benefit  
6 of the capabilities this great state has when we can all  
7 work together and bring a program like this to you today.  
8 Thank you very much. I'll take questions later.

9 MR. HOPMANN: Thank you, Mr. Morris and Mr.  
10 Eichorst and Mr. Jorge. Thank you for being here with us  
11 and making your presentations.

12 I do want to change gears a little bit and talk  
13 about the \$200 million in statewide connectivity funds  
14 that is a part of the Program 2, House Bill 2, Rider 42  
15 allocations, and it is staff's recommendation that your  
16 Program 2 \$200 million in connectivity funds be applied to  
17 the I-35 Temple project. We followed a process, a very  
18 similar process to what we went through in 2009 when we  
19 evaluated corridors across the State of Texas, and of  
20 course, we looked at some updated information, ran through  
21 the same evaluation process, and to probably not your  
22 surprise, the I-35 Temple project rose to the top.

23 It current carries 98,000 vehicles a day, over  
24 17,000 trucks per day, crash rate is approximately 55  
25 percent higher than the three-year statewide average for

1 similar highways across the State of Texas, and it  
2 operates at service level F in peak hours. And if you  
3 agree to select this project, then this completes the I-35  
4 six-lane mainlane vision of I-35 from San Antonio, Texas  
5 to the Hillsboro Y. And I should point out also that it  
6 was specific in the language of the bill that the  
7 connectivity funds needed to be applied outside of  
8 metropolitan areas of the State of Texas, and it's staff's  
9 recommendation to go with this project.

10 Here's a map of the project. It shows Temple  
11 and you can see in blue it is from South Loop 363 on the  
12 south side of Temple, southwest side of Temple, to the  
13 north side of Temple to Loop 363. And this project can  
14 proceed to letting in August of 2012.

15 Commission action today is to request your  
16 approval of a minute order to adjust the construction,  
17 right of way and consultant authorized amounts for Program  
18 1. We have gone through a reconciliation process, and as  
19 you're aware through previous briefings, our construction  
20 estimates have been coming in lower than the engineers'  
21 estimates, so we were able to save money in the program  
22 that way. Unfortunately, right of way costs have gone up  
23 for some of the projects, and so when you balance it all  
24 out, what remains in Program 1 is about \$100 million, so  
25 we are under the \$2 billion cap of the entire program.

1           We'll also ask your consideration to approve  
2 agenda item 3b which is to allocate \$3 billion of Program  
3 2, as shown on Exhibit A, to the districts and the  
4 metropolitan planning organizations of the state, and this  
5 allows the projects to be developed and to put them on a  
6 schedule to accomplish lettings in the summer of 2012 and  
7 the summer of 2013.

8           And that concludes my presentation. You have  
9 the project list. This list of projects is from the  
10 districts and from the metropolitan planning organizations  
11 around the state. There's over 200 projects on these  
12 lists, and as I said, you have those in your books. We  
13 also have a Proposition 12 link on TxDOT's web page that  
14 will go live this afternoon after the commission meeting,  
15 and these projects are shown on that link for the public  
16 to see and verify that the projects are there and we'll  
17 get started on these things.

18           And I do have to say that, Mr. Barton, you gave  
19 us direction early on that 50 percent of the Proposition  
20 12 funds needed to be ready for letting in 2012 and the  
21 remaining 50 percent in 2013. All totaled, those projects  
22 add up to about \$2.25 billion in construction funds. But  
23 I have to tell you, we failed to do that, we missed the  
24 mark. We actually have \$7 million more in FY12 than we do  
25 in FY13, so technically we're at 50.1 percent in FY12 and

1 49.9 percent in '13.

2 That concludes my presentation. I'm very  
3 pleased with the performance of the districts that have  
4 the Program 1 funds, and they have done a good job  
5 managing those funds and there is about \$100 million  
6 remaining in the Program 1 account. And I'm very pleased  
7 with the processes and the efforts of all 25 districts and  
8 all 25 MPOs and our partners around the state to put  
9 together a list of projects, over \$200 million, about \$3  
10 billion worth of total work, and it was done in less than  
11 four months since the end of the legislative session. It  
12 was a huge amount of work in a very short period of time,  
13 but as Mr. Morris said, it was process-oriented and it  
14 went very, very smoothly and I'm very proud of the work,  
15 and I think everybody should be commended that was  
16 associated with Program 2 in Proposition 12.

17 Thank you very much, and I'll be happy to take  
18 questions.

19 MS. DELISI: Because we laid them out at the  
20 same time, I'm going to call up everyone who signed up for  
21 13, so I'd like to start by calling up Mayor Bill Jones.

22 MAYOR JONES: Good morning. I'm Bill Jones,  
23 mayor of the City of Temple. Madam Chair, commissioners,  
24 Mr. Barton, thank you very much for the opportunity to  
25 come before you and speak today in support of the

1 Proposition 12 funding.

2           You heard the statistics on the I-35 project  
3 through Temple. We're very excited to be at the cusp of  
4 perhaps getting that project funded and beginning to see  
5 the fruition of what's been a longtime vision for not only  
6 Temple, the Central Texas region, but also the State of  
7 Texas to have six lanes all the way from San Antonio  
8 through the split at Hillsboro. It is a very critical  
9 part of the infrastructure for the State of Texas and  
10 obviously it's very important for the City of Temple.  
11 When you see an F rating that it receives in peak hours  
12 and it seems that peak hours are happening more and more  
13 every day, this is extremely critical for us in Temple and  
14 we appreciate your consideration and approval of the  
15 recommendation of staff for that funding.

16           Let me add also, some of the work I've done in  
17 the past, having been a member of the Segment 2 corridor  
18 committee for My 35 and the work that we did, let me  
19 hearken back to the item on rail. The high-speed  
20 intercity passenger rail is an important component of  
21 mobility in the State of Texas. The I-35 segment that  
22 we're talking about and considering now is really, again,  
23 another step in the long-term vision of mobility in the  
24 State of Texas, and the MY35 program called for six lanes  
25 to just be an interim step. As you look at the MY35

1 recommendation, it actually calls for eight lanes all the  
2 way from San Antonio to the Hillsboro split and then much  
3 work on the I-35 East and West segments.

4 But also as a component of mobility on the  
5 highways, intercity passenger rail is a very important  
6 component, and I'm really glad to see the work that the  
7 commission and the department has done on has done on  
8 high-speed rail for the state. It's very critical for us  
9 and mobility as we move forward in the next 30 years when  
10 the population of the state is projected to double, and as  
11 you saw the mega-region of the triangle is going to  
12 increase by about 2-1/2 times of what it currently is.

13 So thank you very much for your consideration  
14 of the proposal. We look forward to working with you,  
15 with the great staff and Department of Transportation.  
16 Let me not leave without once again saying how much we  
17 appreciate working with the Waco District under Richard  
18 Skopik and his team all the way down through area  
19 engineers, Ali Bashi, and the entire TxDOT team for the  
20 wonderful job that they do in coordinating with the local  
21 municipalities and the MPOs to bring transportation and  
22 mobility to the State of Texas. Thank you very much for  
23 your consideration.

24 MS. DELISI: Thank you, Mr. Mayor.

25 Scott Cospers.

1 MR. COSPER: Good morning, commissioners and  
2 staff. I'm Scott Cosper, mayor pro tem of the City of  
3 Killeen and also chairman of the Killeen-Temple MPO. And  
4 rather than repeat everything that Mayor Jones has just  
5 said, we support all of those comments, and also we would  
6 like to thank you for your tremendous support in Central  
7 Texas and your visionary approach to statewide mobility.

8 We totally support the Proposition 12 proposal  
9 that you have and certainly we have a Killeen-Fort Hood  
10 project being US 190 that is embedded in those Prop 12  
11 projects, and on behalf of the mayor of Killeen and the  
12 commanding general of Fort Hood, I would like to say thank  
13 you to the many staff members that have taken time out and  
14 commissioners that have taken time to meet with the  
15 commanding general, the garrison commander and other  
16 community officials. We appreciate very much what you've  
17 already done over the years to improve mobility on and off  
18 Fort Hood and to our region, and we would ask that you  
19 continue to seek out ways to support and aid us in our  
20 mobility and safety on Fort Hood.

21 Rather than belaboring the issue, I'd just like  
22 to say we support this and thank you very much for your  
23 help and consideration.

24 MS. DELISI: Thank you.

25 Commissioner David Garza.

1 MR. GARZA: Good morning. I'd just like to say  
2 in advance thank you all for including us in the process  
3 of developing your plan. I want to thank Mario Jorge and  
4 John Casey for having had a totally inclusive process from  
5 one end of the Valley to the Nueces County area. It has  
6 been a great awakening for some folks that sometimes don't  
7 think we need to work together to accomplish projects. So  
8 John and Mario need to be patted on the back on this one  
9 for us.

10 We thank you in advance for what you're about  
11 to do and the vote that you will take in making I-69 a  
12 reality down to the Valley. The I-69 committee, the  
13 segment committee has been very supportive of the work  
14 that is being done, and we look forward to finding that  
15 \$144 million gap in the future and working with you, both  
16 the county, the RMA and the other entities in this  
17 process. Thank you.

18 MS. DELISI: Thank you.

19 Commissioner Jody Crump.

20 MR. CRUMP: Good morning, Madam Chair, Mr.  
21 Barton, Commission. I appreciate the time to speak to you  
22 this morning.

23 Representing the Southeast Texas Regional  
24 Planning Commission and the metropolitan planning  
25 organization in the Beaumont District, we would very much

1 like to express our gratitude towards the commission of  
2 the \$44.8 million allotted towards our district and also  
3 the money that was allotted towards our MPO.

4           What I'd like to point out this morning was the  
5 unanimous support and consent of all the counties and the  
6 cities and municipalities involved in the Beaumont  
7 District. There's been an allocation of a little over \$50  
8 million and consensus directed directly towards the I-10  
9 project in Orange County. We've moved forward with that  
10 project. And I'd also like to thank Mr. Barton too  
11 because that's his former home in the Beaumont District.  
12 We're proud to see him there and we thank him for his  
13 support and what he's done in the years past. We're back  
14 in that position again and saying we're looking to move  
15 forward with that.

16           Like I said, I express our gratitude towards  
17 you because it's allowed us to move forward with that  
18 project, but we've generated a little shortfall in that  
19 too. We've covered a little over 24 miles across Orange  
20 County, we're currently going to be about a little less  
21 than two miles short from actually attaining the base of  
22 the bridge at the Louisiana border, and that's sort of  
23 what I'm here for today in twofold, telling you how much  
24 we appreciate but also ask if there's some creative  
25 funding set aside somewhere, whether that be a TIF or a

1 TRZ or public private partnership, or whatever it may be,  
2 I'd just like to lobby the commission this morning and ask  
3 that if there's any projects that never come to fruition  
4 through Prop 12 or whatever other funding may come  
5 available that we could direct a little bit back towards  
6 that.

7 We have a resolution from the county  
8 commissioners, our commissioners court. We've signed a  
9 resolution and sent to you, and the other counties, I  
10 believe, have signed resolutions to send to you, the  
11 municipalities have signed resolutions to send to you, the  
12 MPO, everyone that we know is in full agreement has signed  
13 those resolutions and forwarded those to you as a  
14 commission showing the support to move forward, and what  
15 we're looking for is possibly up to \$45 million to finish  
16 those two miles.

17 And it being such a vital interstate highway,  
18 it's a link coast to coast, it's very, very large, and  
19 infrastructure, travel, commercial projects, all of those  
20 things are involved, and coming across that bridge and you  
21 land in the State of Texas the first thing you land on is  
22 that 50 or 60 year old roadbed that's in a poor state of  
23 repair right now. And that's what we're looking for, that  
24 first impression, we want to make a good first impression  
25 and we want to make a good impression as they leave the

1 state.

2 So any way in the future that we could generate  
3 some good avenues of dialogue between the Beaumont  
4 District, the MPO and the Transportation Commission, I'm  
5 telling you we would greatly appreciate that. Thank you.

6 MS. DELISI: Thank you.

7 Michael, I have a card from you. Anything else  
8 you want to say?

9 MR. MORRIS: (Speaking from audience.) No.  
10 I've probably said too much.

11 MS. DELISI: All right. That's all we have  
12 signed up to speak.

13 MR. BARTON: Randy, I don't know if you have  
14 any closing remarks. I just would like to say how much I  
15 appreciate Randy's leadership on this and our district  
16 engineers, our metropolitan planning organizations and the  
17 staff throughout the department, both central office and  
18 region and district staff doing a great job.

19 I do believe, Madam Chair and commissioners,  
20 Randy covered both items, item 13a and 13b, there is a  
21 minute order associated with both, so Randy, I would ask  
22 you to make a recommendation on the passage of the minute  
23 order for item 13a.

24 MR. HOPMANN: It's staff's recommendation to  
25 pass minute order 13a which is a reconciliation for

1 Program 1 of Proposition 12.

2 MS. DELISI: Is there a motion?

3 MR. HOUGHTON: So moved.

4 MR. UNDERWOOD: Second.

5 MS. DELISI: All in favor?

6 (A chorus of ayes.)

7 MS. DELISI: The motion passes.

8 MR. BARTON: And then item 13b, Randy.

9 MR. HOPMANN: It's staff's recommendation that  
10 you approve agenda item 13b which is the \$3 billion  
11 allocation of Program 2 Proposition 12 funds to the  
12 districts and MPOs.

13 MR. HOUGHTON: So moved.

14 MR. UNDERWOOD: Second.

15 MS. DELISI: All in favor?

16 (A chorus of ayes.)

17 MS. DELISI: The motion passes. Thanks, Randy.

18 MR. BARTON: Thank you, Randy. Great job.

19 Madam Chair, a closely related item that I  
20 think a lot of people are also here and interested in is  
21 the updated Unified Transportation Program and it's item  
22 15, and if it's all right, I would like to ask Brian  
23 Ragland, director of our Finance Division to come forward  
24 and discuss this additional funding situation for the  
25 department.

1 MR. RAGLAND: Thanks, John. For the record,  
2 I'm Brian Ragland, director of the Finance Division.

3 Item number 15 is a minute order which updates  
4 the 2012 Unified Transportation Program, better known as  
5 the UTP, that you approved in May. This is the first of  
6 what we anticipate to be quarterly updates based on the  
7 dynamic nature of our programs.

8 We've got a few things going on with this  
9 update. First of all, it adjusts the 2012 figures for  
10 overs and unders that occurred during 2011 and also some  
11 movements of funds which results in about \$200 million  
12 being added to the 2012 letting caps. The item also takes  
13 into account the reconciliation of the Category 5 and  
14 Category 7 funds to the federal apportionments that you've  
15 discussed in previous meetings. That spreads \$200 million  
16 in Category 12 over the ten-year period. The CONSTRUCT  
17 amounts from the Prop 12 projects that were just discussed  
18 by Randy are being included in this update, and then there  
19 are several other minor adjustments including some  
20 technical text revisions to match up with some legislative  
21 actions.

22 And that's all I have unless you have  
23 questions, and staff recommends approval.

24 MR. HOUGHTON: Questions? Motion?

25 MR. UNDERWOOD: So moved.

1 MR. MEADOWS: Second.

2 MR. HOUGHTON: All in favor?

3 (A chorus of ayes.)

4 MR. BARTON: Thank you, Brian.

5 If it would please the commission, we'll return  
6 to the normal order of our agenda for today.

7 MR. HOUGHTON: John, I think Representative  
8 Kolchorst is here.

9 MR. BARTON: Yes, sir. Chairman,  
10 Representative Lois Kolchorst has joined us and I believe  
11 would like to appear before the commission regarding a  
12 project in her district, and so if it pleases the chair, I  
13 would like to offer Representative Kolchorst the  
14 opportunity to appear before you.

15 MR. HOUGHTON: This is not an agenda item.  
16 Correct?

17 MR. BARTON: Correct. I don't believe that  
18 she's here to speak on an item on the agenda but rather  
19 about an item that is not on the agenda, and then again,  
20 as is our custom, we like to provide our state leadership  
21 an opportunity.

22 MR. HOUGHTON: You're on.

23 MS. KOLKHORST: Thank you, Mr. Chairman. Do I  
24 need to fill one of these out?

25 MR. HOUGHTON: We've got one for you.

1 MS. KOLKHORST: All right. Great.

2 MR. HOUGHTON: We're a full service operation  
3 here.

4 (General laughter.)

5 MS. KOLKHORST: That's really quite amazing.

6 I am here today at the request of some of my  
7 constituents from House District 13, Grimes County, a  
8 county I'm very proud to represent.

9 There is a particular grade separation that  
10 they're going to talk about in Plantersville today, and  
11 one of the things that I want to say first off is, number  
12 one, thank you for the jobs that you are doing. It's a  
13 tough job, I know that our budget squeeze is harder and  
14 harder every session since I've been here, and I  
15 appreciate what you do.

16 Mr. Chairman, working with John and David and  
17 also other great folks, I have to say that I think I have  
18 two of the best district engineers that I work with in  
19 Lonnie Gregorcyk and Catherine Hejl. And Catherine does a  
20 really good job of going out and looking at the different  
21 monies available, and she did that on a particular project  
22 which was when you had some money available to do grade  
23 separations and these were competitive across the State of  
24 Texas and we ranked fairly high in a couple of those. One  
25 is in Carlos, and I'm not here to talk about the Carlos

1 grade separation today, I'm particularly talking about the  
2 Plantersville grade separation.

3           As we talked about that, there's been a lot of  
4 push back in the Plantersville area, and way back in  
5 probably 2004 I asked you to put a light at this  
6 particular intersection and you did and it has cut down  
7 and almost made null and void any of the accidents that  
8 we've seen. At the same time, we still have fatalities on  
9 Highway 105, and most of those fatalities are head-on  
10 collisions with people trying to pass. This is a highway  
11 that takes you to Montgomery County from Navasota. And  
12 when we started talking about this project, I pushed for  
13 and asked very explicitly for passing lanes and you  
14 accommodated us on that, and we're getting ready to let  
15 that pretty soon, John, and I appreciate the great work on  
16 that. It is going to cut down on fatalities and crashes,  
17 I promise you.

18           But today I ask you to listen to the folks that  
19 traveled from Grimes County. I think they left at 5:00  
20 a.m. this morning. Am I right? And they have quite a few  
21 concerns about the grade separation. They believe that  
22 the statistics do not support the need for that, and  
23 again, I want to say, as you should call up experts, there  
24 have been a lot of fatalities on 105 and a lot of crashes  
25 on 105 but particularly I think in the head-on collisions,

1 not so much at this intersection.

2 So as we watch politics being talked about  
3 quite often on TV these days, I think one of the things  
4 that's important for all of us in positions that make  
5 decisions for the people is that they think that their  
6 government is slipping away from them. And so today I  
7 rise to encourage you to listen to these folks, they know  
8 a lot better than I do, and I believe in representative  
9 government. Certainly I've had my moments with TxDOT on  
10 things that are land-takings in our area for large  
11 projects, and you have heard and you have listened and  
12 you've made changes and I am so grateful for that. I'm  
13 grateful for where this agency is today.

14 John, your staff does a fabulous job.  
15 Catherine Hejl has worked as much as she possibly can on  
16 this project. It's an underpass now. It's saying to the  
17 folks: You pick out the brick, help us, be invested, but  
18 they seemingly do not want it. So today I ask all of you  
19 to listen to the people and to take their concerns and  
20 make a good decision on this.

21 Senator Ogden and I spoke on my way from  
22 Brenham this morning, and Senator Ogden is very much for  
23 this project. I, for one, from the first public meeting  
24 that we had sat in the back of the room and I listened  
25 because I never want to turn down a grade separation. And

1 I want to compliment you again, great project in Brenham  
2 right now, great project, going to save lives, going to  
3 help on hurricane evacuations, great project, we're moving  
4 fast, way ahead of schedule, everything that we want to  
5 see. Right? And there were some folks that didn't want  
6 that, but for the vast majority. We worked with  
7 commissioners court on that project, John, for five years.  
8 Right? And we had investment from the community and the  
9 community finally said it's going to change some things.  
10 We actually made changes to it, we added a third grade  
11 separation so that the traffic flow from the City of  
12 Brenham could meet the needs of that part of the town.  
13 Fabulous, you worked with us all the way.

14 On this one I ask you to work with the people  
15 here from Plantersville. They're very proud people, it's  
16 a small community, but it's a growing community. You  
17 heard our needs and you put a light there. It has  
18 virtually, again, stopped most of the accidents that we  
19 were having at this particular intersection and it serves  
20 us well.

21 So it's hard to stand up here and say I want to  
22 turn down money but I just do think that these folks  
23 should be heard and their concerns listened to and you  
24 show the discernment that you've been entrusted by the  
25 governor to make these decisions. I've certainly heard

1       them; when I sat back at that public meeting I listened  
2       for a good two hours. And Catherine was taking on a  
3       little water but she did great, but I finally stood up and  
4       said, I heard you. And the thing again, the passing lanes  
5       are the most important part of this particular project,  
6       and the grade separation I'm just not sure is warranted,  
7       but that's, again, why you're appointed by the governor of  
8       the State of Texas, Governor Perry, to make those  
9       decisions, and I look forward to working with you. And  
10       I'm very proud of the people that I represent that they  
11       would take the time today and meet with you.

12                 So with that, I say way to go TxDOT on many  
13       changes that you've made through the years and I look  
14       forward to working with you on many more important  
15       projects. Thank you very much.

16                 Questions, Mr. Chairman?

17                 MR. UNDERWOOD: Just one quick comment. Please  
18       tell your colleagues and thank you for all your hard work  
19       on Prop 12. We wouldn't be here today if it weren't for  
20       what you did. So we really appreciate that and I hope the  
21       audience understands that too, that the legislature gave  
22       us the tools to be able to do what we're doing today, and  
23       we thank you.

24                 MS. KOLKHORST: Yes, sir. Well, Commissioner,  
25       that's important in the discussion of where we go from

1 here and how we pay for highways and the things that we  
2 need to do are going to be the top of the list next  
3 session. We're a growing state with needs and I think  
4 Prop 12 was a great step in the right direction, and we  
5 would be in gridlock right now on any construction, and so  
6 this has been needed. But hopefully our economy will  
7 continue to turn around and we'll come up with more  
8 revenue to build highways and to better serve the people  
9 of Texas.

10 Thank you for what you do, and hope everything  
11 in Lubbock is okay.

12 MR. UNDERWOOD: It's dry, young lady.

13 MS. KOLKHORST: It's dry. Well, I can tell you  
14 I know in our area we have sustained in Grimes County,  
15 this particular part of the county, two wildfires. We did  
16 not get as much attention on the second one which was kind  
17 of lumped into the Waller County area, not nearly as bad  
18 as the Bastrop fire but still very bad, but the fire that  
19 was burning in June, we got about an inch of rain one  
20 night and that's the only thing that stopped that fire, it  
21 would still be burning.

22 It was what they call a plume dominated fire, a  
23 very rare kind of fire, we had people from all over the  
24 United States coming and studying it. And we're just  
25 grateful that Plantersville is still there. They saved

1 the church, very heroic efforts by folks like that are  
2 sitting here that love their community. They literally  
3 watered everything, got their own bulldozers, made the  
4 fire breaks, and that's the kind of people I represent.

5 And so today, while I have a hard time ever  
6 turning down money, I also believe that we have a  
7 responsibility to listen to the people and make good  
8 decisions. And I will tell you that Catherine Hejl has  
9 been in a tight situation with me kind of saying I'm not  
10 sure I want this overpass, and respectfully, Senator Ogden  
11 saying we're going to build it, and she's walked a  
12 tightrope and she's done a very nice job of it. And  
13 again, I want to say kudos to my two DEs, Lonnie and  
14 Catherine. I love them, and I do mean if I had a dinner  
15 party tonight they'd be invited, that's how good they are,  
16 they're good folks.

17 So thank you.

18 MR. MEADOWS: Thank you for coming. We really  
19 do appreciate it. And I would echo Commissioner  
20 Underwood's remarks in expressing our appreciation and  
21 your colleagues for enabling us to have the opportunity to  
22 advance a number of projects in Texas, but I also want to  
23 thank you for your phone call yesterday. First of all, I  
24 know where Plantersville is now, thank you, and your  
25 constituents need to know.

1 MS. KOLKHORST: Okay, good. He didn't know  
2 where Plantersville is. I said, It's the epicenter of the  
3 world.

4 MR. MEADOWS: Your constituents who are here  
5 today need to know that I did get a phone call, I do know  
6 where Plantersville is, I understand what these issues  
7 are, and we will certainly listen and we will take your  
8 concerns very seriously. Thank you.

9 MS. KOLKHORST: Okay, good. And so all I have  
10 to say in parting is the last time I was here you gave me  
11 a hard time about the Horned Frogs, so for all you SMU  
12 fans, we're taking you very seriously, I'm very nervous  
13 about this game.

14 And Commissioner Underwood, we'd like it if  
15 Texas Tech would quit bailing on our schedule a little  
16 bit, we'd like for them to go ahead and keep their  
17 commitments on our schedule.

18 So thank you very much, appreciate it.

19 MR. HOUGHTON: We have several people signed up  
20 to talk about this. The first one, Karen Hale.

21 MALE SPEAKER FROM AUDIENCE: Sir, we've got a  
22 speaking order, if you don't mind.

23 MR. HOUGHTON: Okay. When you come up state  
24 your name and we'll check you off the list.

25 MR. KRUEGER: My name is Randy Krueger, and for

1 the record, I am the county commissioner for Precinct 2 in  
2 Grimes County.

3 MR. HOUGHTON: Who's the county judge?

4 MR. KRUEGER: Betty Shipley.

5 MR. HOUGHTON: She's still there?

6 MR. KRUEGER: Yes, she's still there.

7 MR. HOUGHTON: Tell her hello for me.

8 MR. KRUEGER: I sure will do that.

9 I'm here today, one of several citizens of  
10 Grimes County, wanting to talk to you about project number  
11 033801052. It's a grade separation of Highway 1774 and  
12 Highway 105 in Plantersville.

13 Just a brief history. Proposition 14 passed by  
14 the voters of Texas to fund safety projects that will  
15 reduce crashes and hazardous intersections. Our state  
16 senator, Steve Ogden, worked very hard to get us those  
17 funds and we've had several meetings with him, and he has  
18 voiced that he did want to see this money spent in his  
19 district, and we understand that. We appreciate his  
20 efforts, but our question is: What criteria makes this  
21 project eligible for Proposition 14 funds?

22 To date no one in the Bryan District office of  
23 the Texas Department of Transportation has been able to  
24 answer that question for us. We have asked for  
25 information from all the different departments. The

1 information that we did receive from TxDOT here in Austin  
2 clearly shows that since 2006 when a three-color, four-way  
3 traffic signal was installed and became operational on  
4 March 6 of 2006, there have been no fatal accidents and  
5 there's been a decrease in all accidents at that  
6 intersection. The only fatality accident that has  
7 occurred between 2003 and 2011 was prior to that four-way  
8 signal being installed. Clearly, we do not have a  
9 dangerous intersection there.

10 Our crash data and traffic volume at this  
11 intersection does not merit such an elaborate project. We  
12 understand that crash data changes from time to time and  
13 we feel like our intersection has changed. We ask that  
14 you reconsider the current crash data and build a grade  
15 separation in an area that it's needed in the state. We  
16 have over 400 pages of documents of intersections here in  
17 the state that are way higher than what the intersection  
18 in Plantersville is. It's just hard for us to justify  
19 spending that much money. And I understand that TxDOT is  
20 under scrutiny all the time about your funding, and we  
21 just feel like the project could be moved to an area that  
22 would really need it a whole lot more than what we do.

23 The citizens in that Plantersville area hope to  
24 incorporate, we want to become a city, and if you put this  
25 grade separation there, it will almost kill all of our

1 future development there. We have several little growing  
2 businesses, we have a lot of traffic that comes out of  
3 Houston going to the Texas A&M games, we have the Texas  
4 Renaissance Festival that goes on for two months of the  
5 year, and to put the grade separation there would be very  
6 much of a detriment at that light. It would kill any  
7 future growth in that community.

8 In closing, I want to thank TxDOT very much for  
9 the help. Both of those fires that Representative  
10 Kolkhorst talked about were in my precinct. We lost a lot  
11 of homes, thank goodness we didn't have any loss of life.  
12 TxDOT's help was greatly appreciated and I thank you very  
13 much.

14 I would request that all of the comments made  
15 by Representative Kolkhorst, myself and the rest of the  
16 people here become part of the record of today's meeting.

17 At this time I'd like to introduce our next  
18 speaker who is our county sheriff, Donald G. Sowell.

19 MR. SOWELL: Good morning, commissioners. I'm  
20 Don Sowell, sheriff of Grimes County.

21 Before I go into the talk here, I'd also like  
22 to express my compliments and kudos to TxDOT. I have  
23 about four decades working with them in Houston and in  
24 Grimes County in the last several years, especially in the  
25 last year, and we've had excellent rapport. And I don't

1 know how we could have done it with the two fires in these  
2 last couple or three months, hurricane duty. They manned  
3 posts, just like I did, they directed traffic, they dug  
4 ditches. I can't say any more about them except Grade A.

5 So without further ado, I'd like to thank you  
6 for the opportunity to be here today and reflect my  
7 opinions and concerns regarding this State Highway 105 and  
8 FM 1774 issue.

9 I feel that the four-way signal at that  
10 intersection does control the traffic safely and moves it  
11 timely. I strongly recommend that the speed limit be  
12 considered to be lowered at the Montgomery County line  
13 going into Grimes County to be consistent with the Grimes  
14 County flow of traffic as it enters Grimes County. It's  
15 60 there, goes back up to 70. I suggest that it be  
16 considered to stay at 60, then decrease to 55 when it goes  
17 into Plantersville until at least a mile or so north and  
18 west of the High Point Elementary School which is in that  
19 particular area we're talking about.

20 As traffic enters that Plantersville area from  
21 the High Point Elementary, it needs to start slowing down.  
22 That would ensure a safer area for school bus and other  
23 traffic entering and exiting the High Point Elementary  
24 School region, loading or unloading children. This school  
25 and the residential and business community of Stoneham,

1 Plantersville and High Point schools is much safer. It  
2 would not be raising the speed limit and creating a  
3 complex intersection. It would also be a concern for  
4 fire, emergency, law enforcement and EMS traffic.

5 In conclusion, I would ask that you consider  
6 leaving the intersection as is and implement other  
7 suggestions, as well as working toward more cost-effective  
8 measures. I think, as a patrolman and accident  
9 investigator over my years, that adding a few lanes here,  
10 better shoulders. I like the vibration marks, some people  
11 don't, but I like them in the middle, on the side,  
12 wherever you can. It gets the attention of inattentive  
13 drivers, impaired drivers, drowsy drivers, people that are  
14 aged and confused, it gets their attention, texting, cell  
15 phones. This is what stops accidents from happening.  
16 Drivers become creatures of habit. They know they're not  
17 supposed to text when they drive but sometimes they get  
18 off balance and that vibration mark certainly gets their  
19 attention. And unfortunately, some people get impaired,  
20 that may wake them up before they have an accident. These  
21 are items that I think should be considered very strongly,  
22 as a law enforcement officer.

23 I'm not a politician, I'm not an engineer, and  
24 I conclude with saying that I speak about this problem  
25 here, I travel the state and on the way in this morning I

1 noticed so many intersections are controlled by lights, I  
2 go to Dobbin east of that location, I go to other areas.  
3 This area doesn't need that elaborate system there. I  
4 think signal lights would do it, I think proper traffic  
5 control devices would make it work.

6 I do thank you for your time and appreciate the  
7 opportunity to be here.

8 MS. HALE: Good morning, gentlemen and  
9 ladies -- well, she's not here. Commissioners, thank you  
10 for listening to us and for considering --

11 MR. HOUGHTON: We need to have you state your  
12 name.

13 MS. HALE: I'm Karen Hale.

14 MR. HOUGHTON: There we go. I've got you on  
15 the top of the list.

16 MS. HALE: Yes, there I am. It's Karen Hale.

17 I'm just a local citizen, I don't have any kind  
18 of engineering degree or any kind of law enforcement  
19 experience, but I've been driving a long time. And I  
20 don't have any interest in the community other than I'm  
21 just a citizen, I don't own a business, I don't have any  
22 ulterior motives for anything except that I'm really  
23 concerned about the safety of the people that travel that  
24 intersection, and we have a really nice safe intersection  
25 now that you so gracefully gave us the three-color signal

1 at. We had many, many accidents, crashes and just bad  
2 things there at that intersection until you gave us the  
3 signal. So we thank you for that and we think you solved  
4 our problem already.

5 We have a lot of questions about whether the  
6 data that was used to qualify the project has probably  
7 become obsolete because you gave us the traffic light, so  
8 we think that the figures that were used, a lot of them  
9 were from years before the traffic light was installed and  
10 we think that if you would go back and look at the data  
11 that's now, that it would solve part of that reasoning.  
12 We ask a lot of questions and we keep getting conflicting  
13 information and inconsistent statements by the Bryan TxDOT  
14 personnel, and we've tried to find data and what we've  
15 found doesn't seem to merit that we would have this type  
16 of grade separation.

17 Initially when we suggested that turn lanes and  
18 lowered speed limits and rumble strips would be more cost-  
19 effective than the overpass or grade separation, we were  
20 told that hat was the only type of project which could  
21 have been considered under Proposition 14 guidelines, but  
22 when we look on the TxDOT website there are many other  
23 possibilities that are being covered by Proposition 14.  
24 We just think that there would have been other things that  
25 would work better for us.

1           At a TxDOT community meeting in January of  
2 2010, TxDOT engineer Catherine Hejl and Representative  
3 Kolkhorst listened to us and they both told us, direct  
4 quote, that this intersection would be a moot point due to  
5 the opposition from the community. Then TxDOT held  
6 another community meeting in August 2010 about this  
7 project and the citizens were very surprised and upset  
8 about the meeting because we had already been told that  
9 the project was dead and now they're meeting about this  
10 project again and it's enlarged.

11           So one of the things at that meeting a citizen  
12 asked whether our, the public's, objections would even  
13 have any impact on this project, and one of the Bryan  
14 District engineers said, No, not unless somebody higher up  
15 tells us not to do the project. So we thought part of the  
16 reason why the community meetings were there was so that  
17 they would listen to us and listen to public comments and  
18 the public concerns about the project, so that kind of  
19 bothered us.

20           A Bryan TxDOT official has pressured at least  
21 one county official to give approval for and help promote  
22 the project. When the official refused, pressure was  
23 applied to other county officials to give approval for the  
24 project. At the Stoneham community meeting we were told  
25 that an environmental impact study had been done and

1 recently a landowner was approached by Catherine Hejl to  
2 allow TxDOT to access his property to do an environmental  
3 study. She had no knowledge of the wetlands in that area  
4 that will be impacted, and that would have been discovered  
5 in the previously mentioned environmental study which  
6 supposedly had already been done.

7 At all the TxDOT community meetings, during  
8 Grimes County Commissioners Court public comment periods  
9 and at local community meetings that we've called to  
10 discuss this project, there's not been one citizen that  
11 when asked has raised their hand to say they support the  
12 project, nor has there been one citizen to voice support  
13 of this project.

14 According to crash data provided by TxDOT  
15 Traffic Operations Data Analysis Department that we  
16 received on December 20 of 2010, from 2003 to 2010 there  
17 have been 17 crashes at that intersection, including the  
18 one fatality accident which occurred January 27, 2006 and  
19 that happened before the traffic light became operational.  
20 So we feel like that this is, compared to other  
21 intersections across the state, a safe intersection. And  
22 this is just an increasingly expensive project that we  
23 think won't be as safe as what we have nor as efficient as  
24 what we have, and we would just like to not have that and  
25 have some lowered speed limits.

1           We thank you very much for your consideration  
2 and for listening to our concerns. Thank you.

3           MR. HOUGHTON: Thank you.

4           MR. UNDERWOOD: My name is Lester Underwood.  
5 How are you, Mr. Fred. Thank you, commissioners. I  
6 appreciate speaking to you today.

7           I'm not a public speaker, I'm just a  
8 businessman, and I just happen to own the business on the  
9 intersection of 105 and 1774. You gentlemen, you're very  
10 smart people, you have great vision, and thank goodness  
11 that you do. Hey, I flip hamburgers for a living, I cook  
12 corn dogs, I'll sell you a gallon of milk or a gallon of  
13 gas, and this project is very important to me and that's  
14 why I came. It's important to me and my 15 employees.  
15 Been there ten years.

16           Ten years ago there were five businesses on 105  
17 in Plantersville, Texas, I happened to be one of them;  
18 today there's fourteen. That's the growth we've had in  
19 ten years. That's minuscule to what you look at, but it's  
20 important for us to grow, it's important to our vitality.  
21 Highway 105 with a light is our lifeblood, it's our  
22 business, it puts food on our table. That's why it's  
23 important to us.

24           My little store is just an old country general  
25 store but if any of you have ever grown up in a rural

1 area, there's generally a place that all the ranchers and  
2 farmers or retired people go to have a cup of coffee in  
3 the morning. That's my store. And when people think of  
4 Plantersville, Texas, they think of Imhoff General Store.  
5 We're right there. Hey, if we have an overpass or an  
6 underpass, it's going to put us out of business. So  
7 that's why it's important for me today. It's also going  
8 to greatly hamper the growth and any economic development  
9 that's in our horizon for the future.

10 Thank you for your consideration.

11 MR. HOUGHTON: Thank you.

12 JUDGE IMHOFF: My name is Joe Imhoff, Judge  
13 Imhoff. I'm justice of the peace there in Grimes County.  
14 And my thanks go to all of you from what the previous ones  
15 have said.

16 As I begin, I am Joe Imhoff, I've been a  
17 justice of the peace in Grimes County for 20 years. I am  
18 67 years old and the fourth generation that resides on the  
19 same land in Plantersville that two corners of this  
20 intersection covers. Our family has owned this land for a  
21 time period that spans over a hundred years.

22 I remember 1774 being a dirt road. I also  
23 recall the paving of 1774 and the installation of a two-  
24 way stop sign 40 years ago. This two-way stop sign became  
25 a dangerous intersection. Thirty years ago it even became

1 more dangerous with the increase in the amount of traffic  
2 and the increase of speed limits along Highway 105.

3 Lobbying began for a four-way stoplight but was  
4 unsuccessful at that time. About twelve years ago a  
5 caution light was put in this area and fatalities and  
6 wrecks were minimized greatly. Lobbying efforts for a  
7 four-way stoplight was never given up by the people of  
8 Plantersville. Six years ago a four-way red light was  
9 granted and there have been no fatalities at this  
10 intersection. This is a fact.

11 Politicians and engineers are speculating that  
12 this overpass will save lives, however, there is an  
13 overpass ten miles west from this intersection from  
14 Plantersville that has been responsible for four deaths in  
15 the same six years that we had none. These deaths  
16 occurred from traffic entering the exit ramps and exiting  
17 the exit ramps.

18 Plantersville does not have a dangerous  
19 intersection. We do have an intersection that is  
20 surrounded by good, hardworking people, Christian people,  
21 who believe that the money set aside for this project  
22 should be used where it can actually save lives, where the  
23 lives are currently being lost. Our community does not  
24 want to be the victim of a political battle between  
25 blinded politicians who have their own agendas.

1 I thank you for your time.

2 MR. FAUTH: Good morning, commissioners, Mr.  
3 Barton. My name is Joe Fauth. I am a resident of Grimes  
4 County and have a Plantersville address. I too am an  
5 elected official, but more importantly, a concerned  
6 neighbor and a taxpayer within the Plantersville  
7 community.

8 In summary -- and I'm sure you're all grateful  
9 to hear those words -- we thank you for your consideration  
10 and your indulgence in hearing our presentation today.  
11 The citizens of Plantersville and Grimes County are not  
12 opposed to progress or improvements, but we do believe in  
13 fiscal responsibility. We feel that the estimated expense  
14 for the project could be better spent on more dangerous  
15 highways in Texas.

16 When this project was first presented in  
17 February of 2009, it had a proposed cost of \$8.8 million.  
18 August 2 of 2010 the cost had jumped to \$11.6 million. If  
19 you would look at the TxDOT website today, the cost is  
20 projected \$20,564,763.65. This proposed project is  
21 unnecessary, unwanted, and not cost-effective. It would  
22 also be the only grade separation between Highway 6 in  
23 Navasota and Interstate 45 in Conroe along the 105  
24 corridor for a span of somewhere between 43 to 45 miles.

25 In closing, we believe the project does not

1 project the stated mission statement of TxDOT, and very  
2 quickly, your mission statement says: Provide safe and  
3 efficient movement of people and goods, enhance economic  
4 viability and improve the quality of life for the people  
5 that travel in the State of Texas by maintaining existing  
6 roadways, collaborating with private and local entities to  
7 plan, design, build and maintain expanded transportation  
8 infrastructure.

9           Again, we do want to thank you for hearing our  
10 concerns this morning, and one more thank you for your  
11 support during the tri-county fires and the Riley Road  
12 fire that started on Labor Day.

13           MR. HOUGHTON: We have one more speaker,  
14 Constance Allison, who is chief of staff for Senator  
15 Ogden.

16           MS. ALLISON: Good morning, commissioners. I  
17 just have a statement from Senator Ogden that he wanted to  
18 share with you.

19           "Dear Chair Delisi and Commissioners: I wish  
20 to express my support for the proposed safety bond project  
21 in Grimes County at the intersection of State Highway 105  
22 and FM 1774. It is just the kind of safety project  
23 Proposition 14 bonds were authorized in 2003 by Texas  
24 voters to finance.

25           "I have looked closely at this important

1 matter. I have spoken to local leaders, constituents and  
2 TxDOT, and I'm aware that there is some local opposition  
3 to the project. While I understand the concerns expressed  
4 by some individuals from the area, given that on average  
5 nearly 14,000 vehicles travel through this intersection  
6 each day, this is a safety issue that does not only affect  
7 local residents but also thousands of travelers from  
8 around the state.

9 "TxDOT held public meetings on this issue and  
10 has attempted to address some of the concerns of local  
11 businesses and consumers. In the end, the safety of  
12 thousands of people who drive on these roads must be the  
13 paramount consideration that trumps any argument against  
14 the project.

15 "I appreciate your service and I urge you to  
16 give this project favorable consideration. Sincerely,  
17 Steve Ogden."

18 MR. HOUGHTON: Thank you, Constance.

19 We cannot deliberate on this, Representative  
20 Kolkhorst, we just have to take your testimony, and I  
21 would imagine there's going to be obviously more  
22 conversations about this. But thank you all for coming  
23 today. We appreciate you taking your time to come to  
24 visit with us.

25 John, let's move on to the next agenda item.

1 MR. BARTON: Thank you, Chairman. And again,  
2 thank you all for being here. Safe travels home.

3 The next item on the agenda, returning to item  
4 4a, Mr. Dave Fulton, the director of our Aviation  
5 Division, will come forward with and share with us his  
6 report and item regarding awards for federal and state  
7 grants on aviation projects in the state.

8 MR. FULTON: Thank you, John. Commissioners,  
9 for the record, my name is Dave Fulton, director of  
10 TxDOT's Aviation Division.

11 The first minute order contains a request for  
12 grant funding approval for 15 airport improvement  
13 projects. The total estimated cost of all requests, as  
14 shown in exhibit A, is approximately \$23.2 million:  
15 approximately \$18.3 million in federal funding, \$2.4  
16 million in state funding, and \$2.5 million in local  
17 funding.

18 A public hearing was held on August 18. No  
19 comments were received. We would recommend approval of  
20 this minute order.

21 MR. HOUGHTON: Is there a motion?

22 MR. BARTON: Excuse me, Commissioner, we have  
23 one individual signed up to speak.

24 MR. HOUGHTON: Oh, so sorry.

25 MR. FULTON: I believe Judge Taylor is here.

1 MR. HOUGHTON: Judge Hugh Taylor from Harrison  
2 County, Harrison County judge. Welcome, Judge.

3 JUDGE TAYLOR: Thank you to the chair, and also  
4 commission members and Mr. Barton. I am Hugh Taylor, the  
5 Harrison County judge, 200 West Houston, Marshall, Texas.  
6 I wish to speak in favor of the commission's consideration  
7 of a CIP award to our Harrison County general aviation  
8 airport.

9 The proposed design and engineering funds and  
10 the future construction funds will provide our local  
11 economy with an outstanding base to build upon for years  
12 to come. Thank you for your positive consideration, and  
13 we would like to express our appreciation to the TxDOT  
14 Aviation Division staff for their generous assistance with  
15 this worthy project. Thank you.

16 MR. HOUGHTON: Thank you, Judge.

17 Dave, I want to make one comment. It has  
18 nothing to do with this but it has to do with your overall  
19 program. I had a friend of mine on his way back from  
20 Michigan land his private airplane at the Borger FBO, and  
21 he's raved about it, absolutely raved about that project.  
22 And I think I copied you on an email.

23 MR. FULTON: You did. Thank you very much for  
24 doing that. The primary thing he probably noticed was the  
25 new general aviation terminal building which does change

1 an airport totally when we are able to do that. We've  
2 built about 50 of them. So thank you and thank your  
3 friend for recognizing us.

4 MR. HOUGHTON: And he did.

5 Any other comments or a motion?

6 MR. UNDERWOOD: So moved.

7 MR. MEADOWS: Second.

8 MR. HOUGHTON: All in favor?

9 (A chorus of ayes.)

10 MR. HOUGHTON: Thank you, Dave.

11 MR. BARTON: Dave will also cover item 4b which  
12 deals with the appointment of a member to the Aviation  
13 Advisory Committee.

14 MR. FULTON: Yes, sir. Thank you, John.

15 The second minute order is to reappoint two  
16 current members to new three-year terms on the Texas  
17 Aviation Advisory Committee: Mr. Gordon Richardson from  
18 Caldwell, and Mr. Michael Collier from Lakeway, Texas.  
19 Both meet the statutory requirements for service on the  
20 committee. Both had planned to be here but conflicts  
21 arose and they could not, and they asked me to convey  
22 their appreciation for your consideration.

23 MR. HOUGHTON: Motion?

24 MR. UNDERWOOD: So moved.

25 MR. MEADOWS: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. HOUGHTON: Thank you, Dave.

4 MR. FULTON: Thank you.

5 MR. BARTON: Thank you, Dave.

6 Commissioners, the next item on the agenda is  
7 item 5, it has to do with the promulgation of  
8 administrative rules. For final adoption under item 5a  
9 are rules dealing with Chapter 25 out of Traffic  
10 Operations, and Carol Rawson, director of our Traffic  
11 Operations Division, will present this item.

12 MS. RAWSON: Good morning. For the record, I'm  
13 Carol Rawson, director of the Traffic Operations Division.

14 This minute order proposes final adoption of  
15 amendments to the department's rules for establishing  
16 speed limits to allow for the implementation of House Bill  
17 109, House Bill 1201 and House Bill 1353 from the 82nd  
18 Legislature. The proposed amendments of existing Sections  
19 25.21 through 25.24 were published in the July 15 edition  
20 of the Texas Register. No public comments were received.

21 Proposed new Section 25.26 was published in the  
22 August 12 edition of the Texas Register and a public  
23 hearing was conducted on August 31. This new section  
24 provides for a provisional study process to expedite the  
25 review of highways that qualify for an increased 75 mile

1 per hour speed limit, as allowed under House Bill 1353.  
2 The provisional process involves the completion of a 85th  
3 percentile speed check at a minimum of one location within  
4 the current speed zone and allows for this information to  
5 be submitted in the Traffic Operations Division in a  
6 summary format. No public comment was received on this  
7 item.

8 Staff recommends approval of this minute order.

9 MS. DELISI: Any questions? Is there a motion?

10 MR. UNDERWOOD: So moved.

11 MR. MEADOWS: Second.

12 MS. DELISI: All in favor?

13 (A chorus of ayes.)

14 MS. DELISI: The motion passes.

15 MR. BARTON: Thank you, Carol.

16 Madam Chair and commissioners, item 5b has to  
17 do with the proposed adoption and promulgation of  
18 administration rules. The first item 5b(1) deals with  
19 Chapter 2, our Environmental Policy, and Chapter 12,  
20 Public Participation in Landscaping and Litter Removal,  
21 and Mr. Bob Jackson will present this item.

22 MR. JACKSON: Bob Jackson, general counsel.

23 We are rewriting and restructuring our  
24 Environmental rules in Chapter 2. We propose moving other  
25 rules relating to Adopt a Highway and various landscape

1 programs out of Chapter 2 and into new Chapter 12 to make  
2 room for the restructuring coming up soon in Chapter 2.

3 Recommend adoption of this minute order.

4 MS. DELISI: Questions? Is there a motion?

5 MR. UNDERWOOD: So moved.

6 MR. UNDERWOOD: Second.

7 MS. DELISI: All in favor?

8 (A chorus of ayes.)

9 MS. DELISI: The motion passes.

10 MR. BARTON: Thank you, Mr. Jackson.

11 Commissioners, the next item will be presented  
12 by Joanne Wright of our Office of General Counsel. It  
13 deals with Chapter 9, Contract and Grant Management.

14 MS. WRIGHT: I am Joanne Wright with the Office  
15 of General Counsel.

16 This minute order proposes to repeal the  
17 requirement in Chapter 9 that the department advertise  
18 professional services contracts in the news paper. The  
19 rules would still require contracts for engineering,  
20 architectural, surveying, scientific, real estate  
21 appraisal, right of way and landscape architecture  
22 services to be advertised on the internet at both the  
23 Electronic State Business Daily and the department's  
24 website, but advertising in the newspaper would be  
25 optional.

1 Staff recommends adoption of this minute order.

2 MS. DELISI: Do you have a question?

3 MR. HOUGHTON: No. So moved.

4 MR. UNDERWOOD: Second.

5 MS. DELISI: All in favor?

6 (A chorus of ayes.)

7 MS. DELISI: The motion passes.

8 MR. BARTON: Thank you, Ms. Wright.

9 Item 5b(3), commissioners, deals with the  
10 proposed rule revisions to Chapter 9, dealing again with  
11 Contract and Grant Sanctions, and Ms. Angie Parker of our  
12 Internal Compliance Office will present this item.

13 MS. PARKER: Good morning. I'm Angie Parker,  
14 interim director of the Internal Compliance Office.

15 This minute order proposes the adoption of  
16 amendments concerning a citation change in Section 9.133.  
17 Earlier this year, provisions relating to internal ethics  
18 and compliance procedures for entities doing business with  
19 the department were moved to a new section within the  
20 rules. At the time of the transfer, several references in  
21 the rules were updated, however, the reference contained  
22 in Section 9.133 was overlooked and remained unchanged.  
23 No substantive changes are proposed to the rule.

24 Staff recommends adoption of the minute order.

25 MR. HOUGHTON: So moved.

1 MS. DELISI: Is there a second?

2 MR. UNDERWOOD: Second.

3 MS. DELISI: All in favor?

4 (A chorus of ayes.)

5 MS. DELISI: The motion passes.

6 MR. BARTON: Thank you, Ms. Parker.

7 Commissioners, item 5b(4) will be presented to  
8 us by Mr. Bob Jackson, our general counsel, and it deals  
9 with proposed revisions to Chapters 21, 25 and 27.

10 MR. JACKSON: Bob Jackson, general counsel.

11 The legislature enacts a number of statutes  
12 that are bracketed by population. After a federal census,  
13 they typically pass a bill to update those brackets,  
14 change those populations. They did this after the recent  
15 census. The new bill changes a number of statutes that  
16 affect TxDOT and our rules. This minute order proposes  
17 changing rules merely to change the population brackets to  
18 match the new legislation.

19 Recommend adoption of the minute order.

20 MR. HOUGHTON: So moved.

21 MR. UNDERWOOD: Second.

22 MS. DELISI: All in favor?

23 (A chorus of ayes.)

24 MS. DELISI: The motion passes.

25 MR. BARTON: Thank you, Mr. Jackson.

1           Commissioners, item 5b(5) again is dealing with  
2 proposed adoption of rules related to Chapter 26 regarding  
3 Regional Mobility Authorities, and Mr. Ed Pensock, the  
4 interim director of our Turnpike Authority Division, will  
5 present this item.

6           MR. PENSOCK: Good morning, Madam Chair,  
7 commissioners, Mr. Barton. Ed Pensock, interim director  
8 of the Turnpike Authority Division.

9           Item 5b(5) proposes amendments to Chapter 26  
10 concerning reports and audits of regional mobility  
11 authorities. Chapter 26, Subchapter G of the department's  
12 rules require RMAs to file several reports with the  
13 department: reports including the annual operating and  
14 capital budgets adopted by the RMA, financial information,  
15 statements of surplus revenue, and an independent  
16 auditor's review of the reports of investment  
17 transactions. An RMA is also required to submit an annual  
18 financial and compliance audit of its books and records to  
19 the department, and any other reports and information  
20 regarding its activities that are requested by the  
21 commission or the executive director of the department.

22           While state statutes require commission or  
23 department approval of some activities of an RMA, neither  
24 the commission nor the department has general oversight of  
25 the responsibilities of an RMA. Information should more

1 appropriately be given to the public entity or entities  
2 that oversee the operation of the RMA, a county or city  
3 that is part of that RMA, specifically. The purpose of  
4 these amendments under this rule is to require an RMA to  
5 deliver that information to the public entity or entities  
6 which have oversight. Comments on the proposed amendments  
7 will be accepted until 5:00 p.m. on November 14, 2011.

8 Staff recommends your acceptance of this minute  
9 order.

10 MR. HOUGHTON: So moved.

11 MR. UNDERWOOD: Second.

12 MS. DELISI: All in favor?

13 (A chorus of ayes.)

14 MS. DELISI: The motion passes.

15 MR. BARTON: Thank you, Mr. Pensock.

16 Commissioners, item 5b(6) will be presented by  
17 Ms. Carol Davis, the director of our Motor Carrier  
18 Division, and they deal with proposed amendments to  
19 Chapter 28 regarding our Oversize and Overweight Vehicle  
20 and Loads program.

21 MS. DAVIS: Thank you. Good morning. Carol  
22 Davis, Motor Carrier Division director.

23 Item 5b(6) proposes amendments to Chapter 28  
24 concerning Port of Brownsville Port Authority permits.  
25 These changes alter the corridor route for permitted loads

1 to include location along SH 48 within the port facility  
2 rather than limiting those loads to the entrance of the  
3 port as an origin or destination. These changes will  
4 allow the port to accommodate the permitting needs of  
5 additional businesses within the port facilities.

6 We are recommending approval of the proposed  
7 changes at this time.

8 MR. HOUGHTON: So moved.

9 MR. UNDERWOOD: Second.

10 MS. DELISI: All in favor?

11 (A chorus of ayes.)

12 MS. DELISI: The motion passes.

13 MR. BARTON: Thank you, Carol.

14 Commissioners, item 6 is a report from Ms.  
15 Angie Parker, from the Internal Compliance Office,  
16 regarding the ICP, or Internal Compliance Program.

17 MS. PARKER: Thank you. Again, I'm Angie  
18 Parker.

19 The ICP Office has primary jurisdiction for  
20 oversight and coordination of all investigations occurring  
21 on department property or involving department employees.  
22 During the month of August, the ICP Office received 27  
23 complaints through the TxDOT Watch hotline. A total of 13  
24 investigations were closed during the month, and none of  
25 the allegations in those complaints were substantiated.

1                   Effective September 1, the Human Resources  
2 Division and the Audit Office instituted a new procedure  
3 to notify the ICP Office when an investigation is  
4 initiated or completed. This information will be included  
5 with future reports, along with a summary of the TxDOT  
6 Watch activities.

7                   That concludes my report. I'll be happy to  
8 answer any questions.

9                   MS. DELISI: Any questions?

10                  MR. BARTON: Just a comment. I think that you  
11 have been far too easy on Ms. Parker; I think that you  
12 should have really grilled her.

13                  MS. PARKER: I appreciate it. Thank you very  
14 much.

15                  (General laughter.)

16                  MR. BARTON: Commissioners, item 7 deals with  
17 the department's Historically Underutilized Business  
18 Program, and Ms. Tamela Saldana will be here to present  
19 that item for us. She is the director over this program  
20 office.

21                  MS. SALDANA: Good morning. I am Tamela  
22 Saldana, the DBE/HUB/SBE Programs director and we are  
23 recommending approval of our state HUB goals for TxDOT as  
24 an agency. Over the course of the last two years, TxDOT  
25 has been working with the Comptroller's Office, as well as

1 several other state agencies, on a State of Texas  
2 disparity study which has established the HUB goals and  
3 recommended statewide HUB goals.

4 TxDOT is recommending concurrence to the state  
5 HUB goals as follows: 21.1 percent for building  
6 construction, 32.7 percent for special trades, 23.6 for  
7 professional services, 24.6 for other services, and 21.0  
8 for commodity services.

9 Staff is recommending, again, the adoption of  
10 these particular HUB goals. Any questions?

11 MR. HOUGHTON: So moved.

12 MR. UNDERWOOD: Second.

13 MS. DELISI: All in favor?

14 (A chorus of ayes.)

15 MS. DELISI: The motion passes.

16 MR. BARTON: Thank you, Tamela. And I think  
17 it's always my pleasure to do this to her, not only is she  
18 doing a great job leading our Historically Underutilized  
19 Business and Minority Business Enterprise Program office,  
20 but Tamela is also the department's proudest gold medalist  
21 in the Olympics. She was a member of the women's relay  
22 team, and truly is a gold medalist from an Olympic event,  
23 so it's pretty cool.

24 MS. DELISI: That's awesome.

25 MS. SALDANA: Thank you. Thank you again,

1 John, for embarrassing me.

2 (Applause.)

3 MS. DELISI: I want to know more. What  
4 Olympics?

5 MR. BARTON: Tamela, they want some history on  
6 this. Tell us about your career as an Olympic gold  
7 medalist.

8 MS. DELISI: Because if I was a gold medalist,  
9 I would walk around with it on me.

10 MR. HOUGHTON: Where's the medal?

11 MS. SALDANA: I think I owe Coby for this one;  
12 I'm going to get you.

13 I earned a gold medal in 1984 when I was 14  
14 years old in the 1984 Olympics that were held in Los  
15 Angeles as an appointed member, a high school member of  
16 the relay team, 400 meter relay. And I ran track at the  
17 University of Texas, former NCAA All-American, and proud  
18 to be a Longhorn.

19 MS. DELISI: That's really cool.

20 MR. BARTON: Thank you, and Gig 'em.

21 (General laughter.)

22 MR. BARTON: Commissioners, item 8 on our  
23 agenda deals with toll road projects, and item 8a  
24 specifically is a report on the actual traffic and  
25 revenues on the Central Texas Turnpike System, and will be

1 presented by Mr. Doug Woodall, who is the interim director  
2 of our Toll Operations Division.

3 MR. WOODALL: As Mr. Barton said, I'm Doug  
4 Woodall, interim -- emphasis on interim -- director of the  
5 new Toll Operations Division.

6 Item 8a is the minute order for the commission  
7 acceptance of the actual traffic and revenue for the  
8 Central Texas Turnpike system as of August 31, 2011, as  
9 required by the CTTS indenture of trust. This report  
10 compares the current traffic and revenue data with data  
11 from the prior fiscal year 2010, as well as traffic and  
12 revenue projections from the official 2002 traffic and  
13 revenue study.

14 During FY11, CTTS generated in excess of 83  
15 million transactions and \$68.8 million in revenue.  
16 Average weekday transactions for this last quarter  
17 surpassed the same period of the prior year by 6 percent.  
18 Revenue for this same year of the prior year was surpassed  
19 by 4 percent.

20 Staff recommends your approval of this minute  
21 order.

22 MS. DELISI: Is there a motion?

23 MR. UNDERWOOD: So moved.

24 MS. DELISI: Is there a second?

25 MR. HOUGHTON: Second.

1 MS. DELISI: All in favor?

2 (A chorus of ayes.)

3 MS. DELISI: The motion passes.

4 MR. BARTON: Thank you, Doug.

5 Commissioners, item 8b, also regarding toll  
6 road projects, is consideration of the final approval of a  
7 request from the North Texas Tollway Authority related to  
8 the Chisholm Trail Parkway project on the Metroplex, and  
9 John Munoz, the deputy division director of our finance  
10 division, will present this item.

11 MR. MUNOZ: Good afternoon. For the record, I  
12 am John Munoz, deputy director of the Finance Division.

13 Item 8b would approve the North Texas Tollway  
14 Authority's request for financial assistance for the  
15 Chisholm Trail Parkway project in the amount of  
16 approximately \$1.9 billion. If approved, this toll equity  
17 loan will be added via supplement to the State Highway 161  
18 toll equity loan agreement to provide a toll equity loan  
19 for the combined stand-alone from the rest of the NTTA  
20 special project system consisting of the State Highway 161  
21 and the Chisholm Trail Parkway project. The toll equity  
22 loan for the special project system will be approximately  
23 \$6 billion.

24 Staff recommends approval, and I will be glad  
25 to answer any questions you have.

1 MS. DELISI: Any questions?

2 MR. HOUGHTON: No. So moved.

3 MR. UNDERWOOD: Second.

4 MS. DELISI: All in favor?

5 (A chorus of ayes.)

6 MS. DELISI: The motion passes.

7 MR. BARTON: Commissioners, Mr. Munoz will also  
8 present item number 9 which deals with the department's  
9 debt and portfolio management program.

10 MR. MUNOZ: Agenda item 9 would authorize the  
11 investment officer, James Bass, to participate in specific  
12 government investment pools. The purpose of this request  
13 is to allow James additional options for investing funds  
14 held by the trustee for the Central Texas Turnpike project  
15 to allow for diversity in entities holding these funds  
16 while maintaining liquidity and yield objectives for these  
17 funds. Commission authorization is required under the  
18 Investment Policy.

19 Staff recommends approval, and I will be glad  
20 to answer any questions you have.

21 MR. HOUGHTON: So moved.

22 MR. UNDERWOOD: Second.

23 MS. DELISI: All in favor?

24 (A chorus of ayes.)

25 MS. DELISI: The motion passes.

1 MR. BARTON: Thank you, John.

2 Commissioners, item 10 deals with the purchase  
3 of buildings and property exchanges. We have two items,  
4 10a regarding an issue here in Travis County and our  
5 properties at Riverside Drive, and Mr. Uly Flores from the  
6 Maintenance Division will present this item.

7 MR. FLORES: Good morning. For the record, my  
8 name is Uly Flores. I'm the director of Facilities  
9 Management with the Maintenance Division.

10 On September 15, 2011, the department, through  
11 the Texas Facilities Commission, paid in full the bond  
12 obligation of the lease with option to purchase contract  
13 which is secured by Buildings 150 and 200 at our Riverside  
14 campus. This minute order authorizes the department to  
15 accept the deed for the two buildings from TFC and also  
16 authorizes the executive director to enter into an  
17 assignment agreement with TFC to assume all rights and  
18 obligations for the ground leases that continue through  
19 2022.

20 The department will save about \$104,000 by  
21 paying this ten months early. We will gain full control  
22 and management of the two Riverside buildings, and in  
23 turn, it will provide the department some long-term  
24 control and space and facilities planning options.

25 Staff recommends approval.

1 MR. HOUGHTON: So moved.

2 MR. UNDERWOOD: Second.

3 MS. DELISI: All in favor?

4 (A chorus of ayes.)

5 MS. DELISI: The motion passes.

6 MR. BARTON: Thank you, Uly.

7 Mr. Flores will also cover item 10b which deals  
8 with some exchanges that we are seeking approval to move  
9 forward with in the Dallas District.

10 MR. FLORES: This minute order authorizes the  
11 department to issue three requests for proposals to select  
12 private entities to design and construct new replacement  
13 facilities and other support structures on department-  
14 owned property in exchange for existing properties in  
15 Dallas, Grand Prairie, Kaufman and Rockwall. The property  
16 exchanges will fund one new area maintenance facility in  
17 Irving, one new area maintenance facility in Kaufman, one  
18 new maintenance facility in Garland, one new engineering  
19 and lab building in McKinney, and some support structures  
20 at Cedar Hill. It also authorizes the department to  
21 negotiate and enter into a development and exchange  
22 agreement with the best value proposers.

23 The combined appraised value of these four  
24 properties is \$14.2 million. Construction of these  
25 facilities will enable the department to provide much

1 needed replacement facilities necessary to support  
2 department operations without any capital outlay.

3 Staff recommends approval.

4 MR. HOUGHTON: So moved.

5 MR. UNDERWOOD: Second.

6 MS. DELISI: All in favor?

7 (A chorus of ayes.)

8 MS. DELISI: The motion passes.

9 MR. BARTON: Thank you, Uly.

10 Commissioners, item 11a and 11b have to do with  
11 the department's Public Private Partnership program and  
12 procurement processes. Mr. Ed Pensock, the interim  
13 director of our Turnpike Authority Division, will present  
14 these items. 11a deals with the authorization of the  
15 department to move forward with a public private  
16 partnership on Interstate 35E.

17 MR. PENSOCK: For the record, Ed Pensock,  
18 Turnpike Division of TxDOT.

19 Item 11a authorizes the department to issue an  
20 RFQ for the development, design, construction, financing,  
21 maintenance and operation of all or any portion of the  
22 I-35E managed lanes project in Dallas and Denton counties,  
23 Texas, between I-635 and US 380.

24 Senate Bill 1420 authorized the department to  
25 enter into a CDA for all or any part of the I-35E managed

1 lanes project in Dallas and Denton counties. By  
2 resolution adopted September 21, 2011, the North Texas  
3 Tollway Authority confirmed the NTTA's previous waivers of  
4 its first option to develop, finance, construct and  
5 operate the I-35E managed lanes project, and declined to  
6 exercise the NTTA's option to develop, finance and  
7 construct the project. Their waiver is conditioned upon  
8 terms within their resolution.

9 The development and completion of all or any  
10 part of the project could be expedited through the use of  
11 a public private partnership agreement and the employment  
12 of innovative methods for the development and financing of  
13 projects that are available through P3 agreements. The  
14 department has determined that its option to develop the  
15 project should be exercised. This project will replace  
16 the functionally obsolete deteriorating infrastructure as  
17 well as add capacity for projected increases in traffic  
18 volume.

19 Be happy to answer any questions, otherwise,  
20 staff recommends acceptance of this minute order.

21 MS. DELISI: Are there any questions? Is there  
22 a motion?

23 MR. MEADOWS: So moved.

24 MR. UNDERWOOD: Second.

25 MS. DELISI: All in favor?

1 (A chorus of ayes.)

2 MS. DELISI: The motion passes.

3 MR. BARTON: Thank you, Ed.

4 The next item, commissioners, 11b deals with  
5 the issuance of a determination on a request for waiver by  
6 URS Corporation regarding the department's Comprehensive  
7 Development Agreement Program and its conflict of interest  
8 rules, and Mr. Pensock will present this item as well.

9 MR. PENSOCK: Again, Ed Pensock.

10 Item 11b makes a determination that URS's  
11 participation as an equity owner, team member, consultant  
12 or sub-consultant of or to a proposer for a comprehensive  
13 development agreement project for which it does not  
14 provide procurement services, including the Grand Parkway  
15 and I-35E projects, would not constitute a conflict of  
16 interest or create the appearance of a conflict of  
17 interest.

18 URS has submitted a request for determination  
19 of a conflict of interest regarding the firm's  
20 participation as part of developer teams for upcoming CDA  
21 projects. URS has requested that the commission determine  
22 that no conflict of interest exists if the firm provides  
23 engineering, design and construction management and  
24 administration and actual construction services on CDA  
25 projects where the firm has not provided procurement

1 services.

2 URS is specifically seeking to participate on a  
3 proposer team for the Grand Parkway and I-35E projects.  
4 URS has been involved in these specific activities,  
5 including updating the statewide programmatic technical  
6 provisions, planning and pre-procurement work for the  
7 SH 183 managed lanes project in Dallas, and due diligence  
8 efforts for the department on the Chisholm Trail project,  
9 an NTTA sponsored project.

10 Staff has reviewed the request from URS and  
11 staff has carefully reviewed the work performed by URS.  
12 In response to the department's request for additional  
13 information, URS states that they have not participated in  
14 any meetings or conference calls in which sensitive  
15 information regarding the projects have been discussed or  
16 have access to sensitive information. URS states the firm  
17 did not participate because of a joint decision by the  
18 department and URS to limit URS's participation. URS  
19 further states that their team members did not participate  
20 in discussions of business strategy and ideas of potential  
21 competitors for any CDA procurement.

22 URS has not been included in past meetings of  
23 legal and financial subcommittees for upcoming  
24 procurement, nor will they attend future meetings. The  
25 firm will be engaged in specific tasks that may be

1 supplied to these subcommittees which involve technical  
2 aspects and analysis only. URS has proposed specific  
3 measures to ensure that they are not subject to conflict  
4 of interest of which the department has full authority to  
5 review and approve.

6 Based on these findings, staff recommends  
7 approval of the URS request for a waiver of their  
8 preclusion from being on a proposer team for the SH 99  
9 Grand Parkway project and the I-35E managed lane project.  
10 I'll be happy to answer any questions, otherwise, staff  
11 recommends your acceptance of this minute order.

12 MS. DELISI: Are there any questions? Is there  
13 a motion?

14 MR. UNDERWOOD: So moved.

15 MR. HOUGHTON: Second.

16 MS. DELISI: All in favor?

17 (A chorus of ayes.)

18 MS. DELISI: The motion passes.

19 MR. BARTON: Thank you, Ed, and stay where  
20 you're at.

21 Commissioners, item 11c must be deferred at  
22 this time. Complications regarding this matter have  
23 arisen that CH2M HILL has asked us to withhold from taking  
24 action on this item until they've had an opportunity to  
25 address them.

1           Item 12 on the agenda is dealing with the  
2 department's Pass-Through Program, and again Mr. Pensock  
3 will present information relating to this item for the  
4 commission's consideration.

5           MR. PENSOCK: Ed Pensock, Turnpike Division.

6           Item 12 authorizes negotiation and execution of  
7 a final pass-through toll agreement with Bexar County. The  
8 project will widen FM 471, Culebra Road from a two-lane  
9 roadway to a four-lane, divided roadway from Callison Lane  
10 to FM 1560 and will provide bicycle lanes in both  
11 directions. The project length is approximately 2.4  
12 miles.

13           The Bexar County proposal was selected by the  
14 commission on May 26, 2011 under the December 16, 2010,  
15 Pass-Through Toll Program call as providing a best value  
16 to the state and was successful in negotiating the  
17 financial terms of a pass-through toll agreement. The  
18 commission approved the program call limited to an  
19 estimated total of \$250 million in Category 12 funds in  
20 December 2010.

21           In July 2011, the department certified \$177.6  
22 million from Category 12 for the entire reimbursement  
23 period for all selected proposals under the program call.  
24 Fourteen proposals were selected by the commission on May  
25 26, 2011 for negotiation of financial terms, and three

1 additional projects were granted conditional approval, one  
2 of those three including the Bexar County for up to a  
3 maximum of \$176 million.

4 On July 28, 2011, the 14 proposals selected in  
5 May were approved by the commission for final negotiation  
6 of pass-through agreements. That total estimated  
7 \$157,264,770. The department now recommends final  
8 approval of Bexar County's proposal in the amount of \$15.5  
9 million.

10 I'll be happy to answer any questions. Staff  
11 recommends acceptance of this minute order.

12 MS. DELISI: Are there any questions?

13 MR. HOUGHTON: So moved.

14 MS. DELISI: Hold on. We've got one person  
15 signed up. Commissioner Crump again, come on down.

16 MR. CRUMP: Thank you, Madam Chair, Mr. Barton  
17 and members of the commission.

18 My name is Jody Crump, I am a county  
19 commissioner in Orange County, Precinct 4. Precinct 4 is  
20 where the FM 299 pass-through toll project resides, and we  
21 are on the alternate list, we are number two on the  
22 alternate list, didn't quite make the funding on the first  
23 round. But what I'm here today to do is to ask you if  
24 that funding becomes available in any way, shape, form or  
25 fashion to be considered. It's a 6.4 mile road, it's

1 considered a bypass, a loop around the small Vidor area.

2 Most people in the area are in full support of  
3 that project, and we've seen a decline in the county  
4 population, a decline in the city municipal population, we  
5 see some distress there, and some people are ready to see  
6 some changes happening and we think that's going to bring  
7 some vital growth to that area. It's going to be actually  
8 the sort of western portion of Orange County, it's been  
9 pretty stagnant for a while. We believe this project  
10 provide that avenue of growth, commercial, industry,  
11 residential.

12 Also, a local option election has been approved  
13 by the commissioners court and is on the November 8  
14 general ballot to approve beer and wine sales in that  
15 area. So between the potential beer and wine sales and  
16 the potential 299 Loop to come through, we see some  
17 diamond in the rough projects there, we see some things  
18 that could really happen in that area, and we're really  
19 looking forward to moving into that phase, and we just  
20 would ask your consideration if that funding becomes  
21 available to be moved right into that and then go into  
22 contract negotiations and build us a road.

23 Thank you.

24 MS. DELISI: Any questions for the  
25 commissioner?

1 (No response.)

2 MS. DELISI: Thanks for coming.

3 MR. BARTON: Just some clarifying comments, and  
4 I would ask Ed to come back to the podium. Commissioners,  
5 if not clear in the presentation, the minute order  
6 specifically allows the authorization of the terms that  
7 have been negotiated on the project in Bexar County, but  
8 part of the discussion is you asked us, I believe two  
9 meetings ago, to look at our Pass-Through Toll Program  
10 calls from 2009 and '10 to see if any of those projects  
11 had either come in under what we had expected or if they  
12 were not able to proceed and therefore monies were left  
13 available.

14 In doing so, we identified that two projects  
15 had not been able to move forward, those entities had  
16 chosen to reject their opportunity to proceed on those  
17 projects, there is sufficient funding available from those  
18 two projects to move forward with the two additional  
19 projects on the list that you approved from the 2011 call.  
20 One is the FM 299 project in Orange County and so with  
21 your agreement, not through a minute order but in  
22 acknowledgment of that, we will move forward with  
23 negotiations with Orange County. Another is for a project  
24 on US 83 in Hidalgo County, it's referred to as the La  
25 Joya project, and again, we would also be moving forward

1 with negotiations with Hidalgo County for that project.

2 MS. DELISI: Great.

3 MR. HOUGHTON: Is this your former district,  
4 Beaumont?

5 MS. DELISI: It is.

6 MR. BARTON: The Beaumont District, I am proud  
7 to be the district engineer for the Beaumont District from  
8 2003 to 2008, and it was a pleasure to serve there. But I  
9 want to make sure that it is noted for the record that  
10 that has no undue influence on any recommendations that  
11 are made by myself or staff.

12 MR. HOUGHTON: I was just asking a mere  
13 question.

14 (General laughter.)

15 MR. PENSOCK: With your concurrence, staff will  
16 execute the final pass-through agreement with the Bexar  
17 County project and will enter into negotiations on the  
18 Orange County and Hidalgo County projects that Director  
19 Barton has discussed.

20 MR. HOUGHTON: So moved.

21 MR. UNDERWOOD: Second.

22 MS. DELISI: All in favor?

23 (A chorus of ayes.)

24 MS. DELISI: The motion passes.

25 MR. BARTON: Thank you, Ed.

1           The next item on the agenda, commissioners, is  
2 item 14 dealing with transportation planning and financing  
3 issues. 14a will be presented by Mr. Jim Randall,  
4 director of our Transportation Planning and Programming  
5 Division, and it deals with the appointment of members to  
6 the Border Trade Advisory Committee.

7           MR. RANDALL: Good afternoon, commissioners.  
8 My name is Jim Randall with the Planning and Programming  
9 Division.

10           This minute order appoints eight members to the  
11 Border Trade Advisory Committee. The purpose of the  
12 committee created in 2001 by the 77th Legislature is to  
13 define and develop a strategy and make recommendations to  
14 the commission and the governor in order to address the  
15 highest priority border trade transportation challenges.  
16 The Border Trade Advisory Committee recommendations are  
17 included in the International Trade Corridor Plan and  
18 presented to the presiding officers of the State House and  
19 Senate.

20           Seven of the existing committee members' terms  
21 expired on August 31, 2011. The current Border Commerce  
22 Coordinator, Secretary of State Hope Andrade, has  
23 requested that the city of Del Rio's new mayor, Thornbull  
24 Roberto Fernandez, replace the former mayor as a committee  
25 member. An additional member has been added to the

1 committee for the Port of Brownsville with the enactment  
2 of Senate Bill 816 of the 82nd Legislature. Upon your  
3 approval, the eight individuals or positions named in the  
4 minute order will be reappointed to the committee with  
5 terms expiring on August 31, 2014.

6 Staff recommends the approval of this minute  
7 order.

8 MR. HOUGHTON: So moved.

9 MR. UNDERWOOD: Second.

10 MS. DELISI: All in favor?

11 (A chorus of ayes.)

12 MS. DELISI: The motion passes.

13 MR. BARTON: Thank you, Mr. Randall.

14 Item 14b will be presented by Brian Ragland,  
15 the director of our Finance Division, and it has to do  
16 with some projects being funded from the Regional  
17 Transportation Council of the North Central Texas Council  
18 of Governments through the use of the funds they receive  
19 through the State Highway 121 toll project.

20 MR. RAGLAND: Thanks, John. For the record,  
21 Brian Ragland, director of the Finance Division.

22 Item 14b is a minute order that we bring to you  
23 periodically that give your approval of projects  
24 programmed under the State Highway 121 account. This  
25 minute order adds a few new projects totaling about \$3.7

1 million and makes some adjustments to previously approved  
2 projects, for a total authorization of about \$3.6 billion.

3 Exhibit C presents a financial summary of the account.

4 I'm happy to answer any questions, and staff  
5 recommends your approval.

6 MS. DELISI: Is there a motion?

7 MR. HOUGHTON: So moved.

8 MR. UNDERWOOD: Second.

9 MS. DELISI: All in favor?

10 (A chorus of ayes.)

11 MS. DELISI: The motion passes.

12 MR. BARTON: Thank you.

13 Brian will now cover item 14c dealing with the  
14 same issue but a different fund, the State Highway 161  
15 fund.

16 MR. RAGLAND: Correct. Item 14c, like the  
17 previous item, this minute order is your approval of  
18 projects programmed under the State Highway 161 account.  
19 This minute order adds approximately \$40 million in  
20 projects and makes some adjustments to the projects you  
21 previously approved. The total is about \$131 million and  
22 Exhibit C shows the financial summary of that.

23 Staff recommends your approval.

24 MR. HOUGHTON: Where did that money come from,  
25 that \$40 million?

1 MR. RAGLAND: It's the 161 excess toll  
2 arrangement.

3 MR. BARTON: It's the fund that the NTTA paid  
4 for the right to construct, operate and maintain the  
5 extension of 161.

6 MR. HOUGHTON: The balance of that is on the  
7 Chisholm Trail?

8 MR. BARTON: No. I think that the Regional  
9 Transportation Council will be considering the use of  
10 those funds, but the funding that the North Texas Tollway  
11 Authority is bringing to the Chisholm Trail Parkway  
12 project is just from system equity from their other  
13 projects.

14 MR. RAGLAND: Staff recommends approval.

15 MR. HOUGHTON: So moved.

16 MR. UNDERWOOD: Second.

17 MS. DELISI: All in favor?

18 (A chorus of ayes.)

19 MS. DELISI: The motion passes.

20 MR. BARTON: Thank you, Brian.

21 Brian will also present the next item which is  
22 item 16 dealing with the State Infrastructure Bank and  
23 final approval of a request from Montgomery County,  
24 specifically the City of Magnolia.

25 MR. RAGLAND: Item 16 is a minute order that

1 gives your final approval to a SIB loan for the City of  
2 Magnolia in the amount of \$2 million. The loan proceeds  
3 are going to be used for utility relocations in connection  
4 with a project on FM 1774.

5 Staff recommends your approval.

6 MS. DELISI: Is there a motion?

7 MR. HOUGHTON: So moved.

8 MR. MEADOWS: Second.

9 MS. DELISI: All in favor?

10 (A chorus of ayes.)

11 MS. DELISI: The motion passes.

12 MR. BARTON: Continuing on, Brian will present  
13 item 17 which is the monthly Obligation Limit report.

14 MR. RAGLAND: This is the first month of FY12  
15 for the report, and it's the report on the Obligation  
16 Limit as well as the motor fuel tax receipts.

17 On the Obligation Limit report you will now  
18 notice many more rows because we now allocate funds to  
19 MPOs as well as their associated districts. I will also  
20 mention the figures in the first column, the Obligation  
21 Limit column, are figures before you approved the UTP item  
22 today, so those figures will go up by about \$200 million  
23 for FY12 on next month's report. The amounts counting  
24 against the caps for September amounted to about \$154  
25 million.

1           On to the motor fuel tax update, the September  
2 receipts were down 1.73 percent when compared to September  
3 of 2010. The page following shows the split between  
4 diesel and gasoline. Those were down 1.85 and 1.7,  
5 respectively.

6           And that's all I have unless you have any  
7 questions for me. Thank you.

8           MR. BARTON: Thank you, Brian.

9           Commissioners, item 18 has to do with the  
10 department's contracts, and Ken Barnett, the interim  
11 director of the Construction Division, will present both  
12 items 18a and 18b. 18a has to do with the department's  
13 Maintenance and Building Construction contracts.

14           MR. BARNETT: Good afternoon. For the record,  
15 my name is Ken Barnett. I'm the interim director of the  
16 Construction Division.

17           Item 18a is for the consideration of award or  
18 rejection of Highway Maintenance and Department Building  
19 Construction contracts let on September 8 and 9, 2011. We  
20 present 14 projects today; we had an average number of  
21 bidders of 4.71, with a low bid value of \$15,821,656; we  
22 had an overall underrun of 5.68 percent.

23           Staff recommends award of all maintenance  
24 projects.

25           MR. HOUGHTON: So moved.

1 MR. UNDERWOOD: Second.

2 MS. DELISI: All in favor?

3 (A chorus of ayes.)

4 MS. DELISI: The motion passes.

5 MR. BARTON: Thank you.

6 And now Ken will cover item 18b which has to do  
7 with the department's Highway and Transportation  
8 Enhancement Building Construction contracts.

9 MR. BARNETT: Item 18b is for the consideration  
10 of award or rejection of Highway and Transportation  
11 Enhancement Building Construction projects let on  
12 September 8 and 9, 2011. We present 59 projects today;  
13 the average number of bidders was 4.75; the low bid value  
14 was \$477,008,724. The awards are split approximately  
15 \$184,553,000 or seven projects in Mobility, and  
16 approximately \$292,455,000 or 52 projects classified as  
17 Preservation. We had an overall underrun of 0.95 percent.

18 Staff recommends award of all construction  
19 projects with the exception of the following two projects:

20 Project number C91635N164 in Nueces County,  
21 this project came in 64 percent over the estimate. It's  
22 for the Marine Development Center with Texas Parks and  
23 Wildlife. They've asked that we reject all the bids on  
24 this project so we can pull it back and maybe redesign it  
25 to bring it closer to the amount of money that they have.

1           The other job that we have for rejection is  
2 project HP 62(002) in Nacogdoches County. We had seven  
3 bidders for this project and it's for overlay and added  
4 shoulders on FM 225. In reviewing the bids we think there  
5 were some problems with the plans and we think we ought to  
6 pull that back and kind of clarify some of the items.  
7 We're not convinced that the letting was fair and  
8 competitive because of the errors in the plans, so we'd  
9 like to recommend rejection so that we can kind of correct  
10 those errors and re-let the project in the future.

11           Also contained in this minute order is a  
12 recommendation to award project C 2552-01-033 in El Paso  
13 County. For this particular project a bidder was read as  
14 the low bidder publicly in our meeting at the letting,  
15 however, as we tabulated the bids, we determined that they  
16 had some problems with the bid sheet that they submitted.  
17 They had an extra item and they also did not submit a bid  
18 for an item that we needed. In accordance with Rule 9.15  
19 in the Texas Administrative Code, that bidder was declared  
20 non-responsive; therefore, this minute order recommends  
21 award to the lowest responsive bidder on that project.

22           Do you have any questions?

23           MS. DELISI: If there's on questions for Ken,  
24 I'd like to call up John Goodrich.

25           MR. GOODRICH: Good afternoon, Madam Chair and

1 commissioners. My name is John Goodrich, and as executive  
2 vice president, I represent C.F. Jordan Construction, a  
3 locally owned company in El Paso. The reason for our  
4 presence is to request consideration of bid number  
5 255201033, otherwise known to us as Transmountain West.

6 On September 9, we acknowledged addenda number  
7 1 and submitted our bid for the project and were read as  
8 the low bidder at \$59,117,000 and change. However, during  
9 the tabulation process later that afternoon, it was  
10 determined that we had used the original bid form supplied  
11 by TxDOT and not the addenda bid form. The addenda  
12 included six items. One item as an item description  
13 revision and the others were quantity changes or  
14 deletions.

15 From what we understand, the item description  
16 change was the issue that effectively deemed us as  
17 non-responsive. This item changed from cement-treated  
18 base 6.5 inch to cement-treated base 14 inch. This item  
19 affects the job by approximately \$3,200 and would not have  
20 changed the competitiveness of the bid. Another item that  
21 was revised included the quantity for an MSE retaining  
22 wall. Originally the item required 255,000 square feet  
23 and now only requires 209,000 square feet per the addendum  
24 This will result in a savings of \$872,000 to the State of  
25 Texas if our bid is used.

1           If the commission deems the use of the original  
2 bid form as a clerical error, as we have requested, our  
3 bid would read approximately \$58,244,000, using only these  
4 two revised items. By accepting our bid, TxDOT would save  
5 the taxpayers over \$3 million to the next bidder.

6           We have completed several projects for TxDOT  
7 and respect the professionalism of the department. We  
8 respectfully ask that TxDOT, in the best interests of the  
9 State of Texas, waive as a technicality Jordan's failure  
10 to use the revised bid form and award this contract to  
11 Jordan as it results in a savings of \$3 million to the  
12 State of Texas. If this is not possible, please move to  
13 reject all bids and re-bid the project. During this time  
14 of difficult budgets, \$3 million to fund additional work  
15 in the future.

16           We appreciate your time and consideration, and  
17 I can answer any questions.

18           MS. DELISI: Any questions?

19           (No response.)

20           MS. DELISI: Then I'd like to at this time call  
21 up John Carlson.

22           MR. CARLSON: Good afternoon, Madam Chair,  
23 commissioners. I'm a senior vice president with Sundt  
24 Construction. Our Texas operations are based in San  
25 Antonio and we also have an office in El Paso.

1 I'd like to adhere to the staff's  
2 recommendation that the project be awarded to us. We were  
3 the lowest responsive bidder, we were \$6-1/2 million below  
4 the engineer's estimate and a half percent below the next  
5 responsive bidder.

6 Thank you and I'd be prepared to answer any  
7 questions.

8 MS. DELISI: Any questions? No? Thank you.

9 MR. HOUGHTON: I would like to ask -- Ken, stay  
10 there -- our general counsel. Ken, you probably could  
11 answer these questions but counsel says I need to ask him  
12 because that keeps me out of trouble.

13 Based upon what we've heard here today from the  
14 apparent low bidder, do we have that kind of latitude to  
15 waive those mistakes in the bid process.

16 MR. JACKSON: When they ask as to waive  
17 technicalities, although our spec book allows us to waive  
18 technicalities, it does not refer to administrative rules.  
19 We cannot waive administrative rules.

20 MR. HOUGHTON: So it is a rule and we're not  
21 allowed to waive those rules.

22 MR. JACKSON: Yes, sir.

23 MR. HOUGHTON: Okay. Period.

24 MR. JACKSON: Period.

25 MR. HOUGHTON: So what's the next remedy? The

1 next remedy prescribed to us was reject all and re-bid.

2 MR. JACKSON: Right. You have two choices: to  
3 reject all and re-bid, or to award to the lowest  
4 responsive bidder.

5 MR. HOUGHTON: If we reject all, do we just  
6 reject out of hand and go try it again just because?

7 MR. JACKSON: Yes.

8 MR. HOUGHTON: No other reason than just to do  
9 that.

10 MR. JACKSON: Than to think that you may get a  
11 better price next time.

12 MR. HOUGHTON: May get a better price. Okay.  
13 That's all I've got.

14 MS. DELISI: Any other questions?

15 (No response.)

16 MS. DELISI: Is there a motion?

17 MR. UNDERWOOD: So moved.

18 MS. DELISI: Is there a second?

19 MR. HOUGHTON: Second.

20 MS. DELISI: All in favor?

21 (A chorus of ayes.)

22 MS. DELISI: The motion passes.

23 MR. BARTON: Thank you, Ken.

24 Commissioners, item 19 deals with the  
25 department's eminent domain proceedings, and Mr. John

1 Campbell, the director of our Right of Way Division, will  
2 present this item.

3 MR. CAMPBELL: Good afternoon. For the record,  
4 my name is John Campbell, director of the Right of Way  
5 Division.

6 I'd like to present for your consideration  
7 today item number 19 which authorizes the filing of  
8 condemnation proceedings necessary to progress the  
9 acquisition of real property by the exercise of eminent  
10 domain for both non-controlled and controlled access  
11 highways. This item proposes for the commission  
12 consideration the acquisition of 15 non-controlled access  
13 parcels, nine controlled access parcels, for a total of  
14 24.

15 Staff recommends your approval of the minute  
16 order, and I want to again remind you of the special form  
17 of the motion that must be made.

18 MS. DELISI: Commissioner Houghton is very  
19 excited about making the motion, so go ahead, Commissioner  
20 Houghton.

21 MR. HOUGHTON: A very special motion.

22 MR. CAMPBELL: It's a special motion.

23 MR. HOUGHTON: Thank you, John.

24 I move that the Texas Transportation Commission  
25 authorize the Texas Department of Transportation to use

1 the power of eminent domain to acquire the properties  
2 described in the minute order as set forth in the agenda  
3 for the current month for construction, reconstruction,  
4 maintenance, widening, straightening or extending the  
5 highway facilities listed in the minute order as part of  
6 the state highway system, and that the first record vote  
7 applies to all units of property to be condemned.

8 MS. DELISI: Is there a second?

9 MR. MEADOWS: Second.

10 MS. DELISI: All in favor?

11 (A chorus of ayes.)

12 MS. DELISI: The motion passes.

13 MR. BARTON: Thank you, Mr. Campbell.

14 MR. CAMPBELL: Thank you.

15 MR. BARTON: Commissioners, item 20 is our  
16 routine minute orders dealing with donations to the  
17 department, right of way dispositions and donations,  
18 highway designations, speed zones, and transportation  
19 development credits. Each of these minute orders were  
20 contained within the information provided to you.

21 We'd be happy to answer any question that you  
22 might have about them individually, but if not, we would  
23 recommend your approval of the routine minute orders.

24 MS. DELISI: Is there a motion?

25 MR. UNDERWOOD: So moved.

1 MR. MEADOWS: Second.

2 MS. DELISI: Al in favor?

3 (A chorus of ayes.)

4 MS. DELISI: The motion passes.

5 That completes all the action items on the  
6 agenda. The commission will be recessing into executive  
7 session in a few minutes and it is likely that we will  
8 take up item 22 on the agenda when the executive session  
9 concludes.

10 Before we recess, I'd like to take any open  
11 comments. Are there any additional ones?

12 MR. BARTON: No, Madam Chair.

13 MS. DELISI: Okay. At this time we will recess  
14 to meet in executive session under Government Code Section  
15 551.074 to interview and discuss the election of the  
16 executive director of the Texas Department of  
17 Transportation.

18 (Whereupon, at 12:26 p.m. the meeting was  
19 recessed, to reconvene this same day, Thursday, September  
20 29, 2011, following conclusion of the executive session.)

21 MS. DELISI: The meeting of the Texas  
22 Transportation Commission is convened. For the record,  
23 the time is 1:10 p.m. The commission has concluded its  
24 executive session.

25 We will take up item 22.

1 MR. HOUGHTON: I'd like to make a motion to  
2 elect Phil Wilson as the executive director of the Texas  
3 Department of Transportation at a salary of \$292,500 per  
4 year, and to authorize the chair to seek approval from the  
5 Legislative Budget Board and the governor for additional  
6 compensation.

7 MS. DELISI: Is there a second?

8 MR. UNDERWOOD: Bill and I second that.

9 MS. DELISI: All in favor say aye.

10 (A chorus of ayes.)

11 MS. DELISI: The motion passes.

12 Is there any other business to come before the  
13 commission?

14 (No response.)

15 MS. DELISI: There being none, I will entertain  
16 a motion to adjourn.

17 MR. UNDERWOOD: So moved.

18 MR. HOUGHTON: Second.

19 MS. DELISI: All in favor?

20 (A chorus of ayes.)

21 MS. DELISI: And the motion passes.

22 Please note for the record it is 1:11 p.m. and  
23 this meeting stands adjourned.

24 (Whereupon, at 1:11 p.m., the meeting was  
25 concluded.)

C E R T I F I C A T E

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2  
3 MEETING OF: Texas Transportation Commission

4 LOCATION: Austin, Texas

5 DATE: September 29, 2011

6 I do hereby certify that the foregoing pages,  
7 numbers 1 through 162, inclusive, are the true, accurate,  
8 and complete transcript prepared from the verbal recording  
9 made by electronic recording by Nancy H. King before the  
10 Texas Transportation Commission.  
11  
12  
13  
14  
15

16  
17 10/05/2011  
(Transcriber) (Date)

18  
19 On the Record Reporting  
20 3307 Northland, Suite 315  
21 Austin, Texas 78731  
22  
23