

TEXAS DEPARTMENT OF TRANSPORTATION

COMMISSION MEETING

Room 1A.1
200 East Riverside Drive
Austin, Texas

Thursday, June 28, 2012

COMMISSION MEMBERS:

Ted Houghton, Chair
Jeff Austin III
William Meadows
Jeff Moseley
Fred Underwood

STAFF:

Phil Wilson, Executive Director
John A. Barton, Deputy Executive Director
Bob Jackson, General Counsel
Rose Walker, Chief Clerk
Kristen Webb, Chief Minute Order Clerk

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- (3) **Houston District** - Consider a donation from Cockrell Interest, Inc., for the design and construction of a traffic signal light and left-turn lanes from Beltway 8 to Greens Crossing Boulevard and from Greens Crossing Boulevard to Beltway 8 (MO)
- (4) **Houston District** - Consider a donation from Farouk Alattar for the design and construction of a right-turn lane from US 59 to Grand Estates Drive in Fort Bend County to access donor's commercial development (MO)
- (5) **Houston District** - Consider a donation from Perry Homes, LLC, for the design and construction of a right-turn lane from SH 6 to North Creekmont Drive for future residents of the Perry Homes development (MO)
- (6) **Houston District** - Consider a donation from TAVAX, Inc., for the design and construction of a left-turn lane and median break from SH 6 to the donor's commercial development in Fort Bend County (MO)
- (7) **Odessa District** - Consider a donation from Agri-Empresa, LLC for an amount sufficient to cover all expenses incurred for the addition of two (2) railroad spur tracks across FM 662 in Midland County (MO)
- (8) **Yoakum District** - Consider a donation From Enterprise Products Operating, L.P., for the design and construction of turn lanes from UA 77 to the gas plant just north of Yoakum (MO)

b. **Highway Designations**

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Fort Bend County - I-10, immediately east of FM 1463 in Katy - Consider the designation of two locations on the highway at which access will be permitted to the abutting property (MO)

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

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OPEN COMMENT PERIOD 116

ADJOURN 117

P R O C E E D I N G S

1
2 MR. HOUGHTON: Good morning. It is 9:02 a.m.,
3 and I call the regular June 28 meeting of the Texas
4 Transportation Commission to order.

5 Note for the record that public notice of this
6 meeting, containing all items on the agendas, was filed
7 with the Secretary of State at 3:50 p.m. on June 20, 2012.

8 I ask that before we begin, please place all
9 cell phones and communication devices in the silent or off
10 mode.

11 And if you wish to address the commission
12 during today's meeting, please complete a speaker's card
13 at the registration table in the lobby. There's two
14 colors: yellow is on an agenda item, and blue is in open
15 comment period. Regardless of the color or what you want
16 to talk about, we need to have a card signed by you.

17 Now before we begin, the tradition has been to
18 allow our commissioners to greet you and to talk about, ad
19 nauseam, what they'd like to talk about, but I get the
20 privilege of reading a letter that was sent to me
21 yesterday from former Commissioner Ned Holmes, and he
22 asked that I read his comments into the record. Some of
23 you may want to leave before we start this, Commissioner
24 Meadows.

25 Dated June 27, 2012. To All, With sincere

ON THE RECORD REPORTING

6/28/2012

(512) 450-0342

1 gratitude, I end my term on the Texas Transportation
2 Commission. I appreciate the commitment and support of my
3 fellow commissioners. I have enjoyed the camaraderie,
4 Ted's perseverance, Fred's sense of humor, Bill's energy,
5 Jeff's enthusiasm. Our newest commissioner, Jeff Moseley,
6 who has also been my friend for years, is a community
7 leader who will be an asset to the commission, and I
8 congratulate him on his appointment.

9 I also appreciate the hard work and dedication
10 of Phil Wilson, his staff and all of our TxDOT employees.

11 I have worked closely with many of you and you show great
12 pride in the work you do and how you serve Texas. I would
13 also like to thank Teresa Lemons who has been my TxDOT
14 assistant for my entire term. The employees of TxDOT are
15 the reason that TxDOT is the best-in-class state agency.
16 I have been proud to be a part of the TxDOT team.

17 When I began my term 5-1/2 years ago, we were
18 preparing for a decline in transportation funding. While
19 we still anticipate that decline, it's amazing how many
20 billions of dollars in major projects have advanced in the
21 past five years through previously unanticipated funding,
22 like Proposition 12, ARRA funding, and new delivery
23 methods. While this hasn't solved our long-term funding
24 issues, advancing these projects have boosted a struggling
25 economy and will ease congestion in some areas. Praise

1 for this success goes to the entire TxDOT team, all of you
2 in the transportation industry, our legislators and the
3 voting public. Keep up the good work.

4 I will continue to be a transportation advocate
5 and I will likely hunt and fish a little more in my spare
6 time. Thanks again for all you have done for
7 transportation and to help me during my tenure at the
8 Texas Transportation Commission. I enjoyed the ride and I
9 will see you down the road. Sincerely, Ned Holmes.

10 And I thank Commissioner Holmes.

11 (Applause.)

12 MR. HOUGHTON: With that, it would be very
13 fitting then to have our newest commissioner from Houston,
14 Jeff Moseley. Commissioner Moseley.

15 MR. MOSELEY: Mr. Chairman and members, I
16 figured out you have to turn the switch on. Step one.

17 But thank you so much, Chairman and members,
18 for this wonderful opportunity to serve the State of
19 Texas. Having worked with TxDOT over the years in county
20 government, and then here at the state in economic
21 development, and then with Houston business leaders, I
22 have a deep appreciation for this agency and so that
23 really makes it a very particular honor for Governor Perry
24 to have appointed me to serve as a commission member, and
25 I'm deeply appreciative of his faith and confidence in me

1 and I'm humbled by that and look forward to serving over
2 the next half decade in this capacity.

3 Chairman Houghton, you and this commission
4 deserve tremendous credit for taking TxDOT to new heights
5 following Sunset. That's particularly warming to me
6 coming on because I see wonderful momentum and direction,
7 and I'm so pleased to be a part of this team.

8 I'm especially enthusiastic to be working with
9 these fellow members of the commission, and it's a
10 particular pleasure to be working once again with Phil
11 Wilson. We worked together in Governor Perry's office,
12 pursuing high paying jobs in economic development, and I
13 don't think it escapes anybody here that there is a direct
14 tie between mobility and high paying jobs. So Phil, what
15 a pleasure to be working with you as well.

16 Thank you, Chairman and members.

17 MR. AUSTIN: First, Jeff, welcome, and I want
18 to make some comments about your arrival here in just a
19 second.

20 But first, to Commissioner Holmes, I know he's
21 not here, but it's been a pleasure to serve with
22 Commissioner Holmes and his legacy in really taking
23 tremendous leadership, especially when it comes to the
24 Grand Parkway, of pulling folks together to make things
25 happen will not be forgotten and his legacy will live on.

1 And we wish him well, and I know he'll continue to be a
2 friend of transportation.

3 Okay. Now, Jeff, we've got an issue. We've
4 had Ned, Fred and Ted, and now I've been in a family
5 business where there's been three Jeffs all working
6 together, so the way we distinguished which Jeff somebody
7 was talking to, you could tell by the tone of voice. So
8 Mr. Chairman, we're going to have to distinguish with the
9 tone of voice is it the new one or the old one. Now, I've
10 been called Jeff III. Who knows what we'll do? We'll
11 figure this out, but now it's Jeffs.

12 So welcome aboard, and it will be appropriate,
13 since you don't have your lapel pin yet. Yesterday I came
14 back from Washington, I was up with the I-69 Alliance, and
15 first of all, hopefully there's some good news on the
16 federal reauthorization bill. In there, there's language
17 that would help convert existing roadways that meet
18 interstate standards to interstate, specifically I-69, and
19 the Alliance, I was fortunate to join them, were passing
20 out shields to members of the Texas delegation, senators
21 and congressmen, a shield that they have part of I-69 in
22 their district. I have never seen, in my years of going
23 to Washington, such great reception, enthusiasm, and
24 everybody said, Well, finally.

25 And what's happened, especially since the last

1 Texas legislative session and in the last couple of years,
2 in December when we put the first shield on I-69 down in
3 Robstown, it has been validated. And as we look at what
4 we're doing with the team and the local representation all
5 up and down this route, there's going to be much more to
6 come, and I think there's a lot of excitement here.

7 So with this, Jeff, I want to give you your
8 first I-69 pin to wear.

9 MR. MOSELEY: Wonderful. Thank you very much,
10 Jeff.

11 MR. AUSTIN: A couple of last things. I know
12 there's a large delegation here from Navarro County, I
13 know you have been really working, I'll save some comments
14 for later, but thank you all for being here, working on a
15 project of statewide significance and of regional
16 significance.

17 Also, today I'm really excited, and from my
18 former life as the chairman of the NET RMA in Tyler, they
19 have two miles of their toll road, Toll 49, opening up
20 today. And that's been many of my compadres and the staff
21 helping move that along, but that's exciting for Tyler and
22 look forward to seeing the traffic continue to open up
23 there. The locals support it.

24 Thank you. Happy to be here. And Commissioner
25 Meadows, good morning.

1 MR. MEADOWS: Well, thank you, Jeffs, I
2 appreciate it. I think maybe just J3 will work. What do
3 you think about that?

4 (General laughter.)

5 MR. MEADOWS: I just would like to begin by
6 echoing remarks previously made, and I know there will be
7 more, regarding the service of Ned Holmes. You know, Ned
8 is one of those people that was a true pleasure to work
9 with because he was a man who was focused on
10 accomplishment, he was truly effective, had tremendous
11 leadership skills, accomplished so much but did so with a
12 style of grace and dignity and true class, and what a
13 gentleman and what an honor and privilege it was to have
14 had the opportunity to have accomplished so much that we
15 did do so with Ned.

16 And I certainly want to join everyone in
17 welcoming our new colleague, Jeff Moseley. I don't recall
18 exactly how long we have known and worked with each other,
19 but it's probably left alone and just say it's been a few
20 decades. And I know this is going to be a great challenge
21 and it's something that you really are going to enjoy.

22 I would have to say to Chairman Houghton, now
23 with Moseley here we really do have an element of wisdom
24 and intelligence that's going to be a nice complement to
25 our charm and good looks.

1 (General laughter.)

2 MR. MEADOWS: The chairman always has the last
3 word, as we all know, it's just the way that it is.

4 Anyway, Moseley, we're glad you're here. It's
5 a real pleasure.

6 I just want to mention one thing, an item that
7 I was really impressed with and was privileged to have had
8 the opportunity to attend, and that was in Parker County
9 two weeks ago. Parker County is a county located in North
10 Central Texas that had a gathering of transportation sorts
11 where we all, we know, gather at these summits or
12 conferences or convocations or symposiums or whatever it
13 is, we all talk about the challenges we face meeting the
14 transportation needs of the citizens of our region, our
15 state, our county. But that differed somewhat in this
16 sense, that was a real celebration, because Parker County
17 is one of those counties that recognize that in order to
18 really meet the rapidly growing transportation needs of
19 its citizenry, it was going to have to come to the table
20 with resources.

21 And so elected official in Parker County,
22 Texas, under Judge Mark Riley's leadership -- he has, of
23 course, appeared before us a number of times -- those
24 elected leaders went out and floated an \$80 million bond
25 program that the voters endorsed, supported and passed.

1 And they took those \$80 million, advancing projects that
2 we couldn't advance, but what was interesting about it and
3 really, I think, is the future, the future is today in
4 many places like Parker County, we joined in partnership
5 with them. In some cases we put financial resources to
6 complement their money, in some cases we provided support
7 to help them through the challenging processes of getting
8 projects delivered or to a point that they could be
9 delivered.

10 And so I really do think that it's important
11 for us to recognize counties, like Parker County, that
12 have stepped up, that have put true money in the game,
13 they're true partners, they're truly committed, and in
14 fact, we recognize that and strongly support it in every
15 way that we can. And who benefits at the end of the day?

16 The citizens that live there.

17 Anyway, I congratulate Parker County. Thank
18 you.

19 MR. UNDERWOOD: Jeff, excited that you're here.
20 I'm impressed by your track record so I'll look forward
21 to learning a lot from you.

22 I wish Ned was here, Bill. I'm going to miss
23 Ned. He was the best straight man an old country boy
24 could ever have. So if you're listening, Ned, you'll be
25 missed. And I look forward to working with the chair

1 since he'll be my new straight man. It's the guy on my
2 left that gets a dose of me.

3 (General laughter.)

4 MR. UNDERWOOD: On a serious note, I want to
5 take a second to thank all the men and women from the Rio
6 Grande Valley that hosted Phil and myself on June 5.
7 Senator Lucio was very gracious with his time, he met with
8 us in Brownsville, and later on had us over to his
9 beautiful home and had a chance to meet all the local
10 leadership in Cameron County.

11 I also want to thank our district engineer,
12 Mario Jorge, for showing us some of the important
13 transportation projects around the Valley. We had a great
14 visit with his team and also got a chance to see the -- I
15 hope I pronounce this right, I speak Texan, not English --
16 Anzalduas International Bridge in McAllen. We had an
17 opportunity to see other projects in the McAllen,
18 Brownsville and Port Isabel area. And I want to thank the
19 men and women of TxDOT for the hard work that they do in
20 that area. They do a great job. I look forward to
21 working with the leadership in the Valley on some crucial
22 projects as we go forward.

23 Also, I want to share this note to our
24 employees, this is the hot time of the year, it's
25 unbelievable out there for you men and women. For the

1 driving public, please be careful of our employees, for
2 our employees, please stay hydrated, and for our chairman,
3 that means drink lots of liquids.

4 MR. HOUGHTON: Is that what that is?

5 MR. UNDERWOOD: Yes. Thank you all for being
6 here.

7 MR. HOUGHTON: Oh, the love up here is just
8 thick.

9 (General laughter.)

10 MR. HOUGHTON: I hope we'll have an
11 opportunity, I want to remind everyone that the commission
12 will be meeting next month in Corpus Christi, and then in
13 September we will be meeting in The Woodlands which is
14 just north of Houston in the greater Houston area, and I
15 hope we can schedule Ned to be at that commission meeting
16 where we all can then at that time personally let him know
17 of our gratitude.

18 But I do want to say some of the things we're
19 going to do today, I think things we will do today, we had
20 authorized by the state legislature seven CDA projects, of
21 those seven, Ned hit the trifecta in Houston with the
22 Grand Parkway, 290 and 288, and I say that seriously
23 because if not for Ned Holmes, I'm not sure we'd have
24 gotten those projects completed. And it was his hard work
25 and his determination that we will today vote to fund two

1 of those three, or not say fund them but move those
2 projects along, and in August, Phil and John, I think
3 we're going to award the Grand Parkway in August. Is that
4 an accurate statement? September? Okay. So he'll have
5 an opportunity to see the award, hopefully, if we can get
6 him off the hunting trail. He is in Africa right now,
7 adding to his trophy collection in his trophy room.

8 So I want to thank everyone for coming today.
9 We've got a safety briefing. I'm going to turn it over to
10 Phil and then we'll come back to me and then we'll approve
11 the minutes.

12 MR. WILSON: Thank you, Mr. Chairman. I'd like
13 Jerral Wyer to come before us to give us our quick safety
14 briefing. Jerral.

15 MR. WYER: Thank you, Phil. Good morning,
16 everyone. For the record, my name is Jerral Wyer,
17 director of the Occupational Safety Division.

18 First, I want to thank our commission and our
19 administration for their continued leadership in making
20 safety our number one priority at TxDOT.

21 This morning I'd like to give you a brief
22 emergency procedure operation for this building. In the
23 event of a medical emergency, please step outdoors, if
24 possible, contact our guard and we will contact 9-1-1
25 and/or our TxDOT staff will respond to the emergency.

1 In the event of a tornado, I'm going to ask
2 that everyone stay in this room until given further
3 guidance. This is your secure room. It's very important
4 that everyone stay located in here in the event of a
5 tornado alert.

6 In the event we have a fire alert or warning,
7 please exit the main entrance where you came into the
8 building, and if you will, as you exit the building,
9 please turn right and walk toward Lady Bird Lake. We will
10 gather in front of the apartment complex there until given
11 further notice. In the event that the west exit, the main
12 entrance is blocked, please exit the east side of the
13 building. If you'll walk down the hallway to our left or
14 right, you can exit the east side of the building and then
15 turn left and again walk towards Lady Bird Lake, and we
16 will gather there until further notice.

17 I appreciate your time this morning, and I hope
18 everyone has a safe day. Thank you.

19 MR. WILSON: Mr. Chairman, turning back to you.

20 MR. HOUGHTON: Our first order of business this
21 morning is approval of the corrected minutes from April
22 26, 2012 commission meeting and the approval of the
23 minutes from the May 31, 2012 commission meeting.
24 Members, the draft minutes have been provided to you in
25 your briefing materials. Is there a motion?

1 MR. UNDERWOOD: So moved.

2 MR. AUSTIN: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: All right, Phil, it's all yours.

6 MR. WILSON: Thank you, Mr. Chairman. I will
7 present our first agenda item today, item 3, the 2013-2017
8 Strategic Plan for submission to the LBB and the
9 Governor's Office.

10 Good morning, Mr. Chairman and commissioners.
11 For the record, I'm Phil Wilson, executive director of
12 TxDOT. This morning will be presenting the 2013-2017
13 Strategic Plan overview.

14 TxDOT is legislatively required to develop a
15 five-year plan as part of the biannual appropriations
16 process. The plan outlines the goals and objectives for
17 the agency and its top priorities. It needs to be
18 approved by the commission, it will be informed by
19 management and stakeholders who have gone through that
20 process. Additionally, it forms the basis for our
21 budgetary request and describes our key performance
22 metrics.

23 In the Strategic Plan development process, we
24 were able to collect over the past few months input from
25 TxDOT and across our stakeholder base. We codified the

1 learnings and incorporated them into a draft Strategic
2 Plan which we shared with the commission and key aides,
3 reviewed the draft Strategic Plan with key employees, we
4 had a series of teleconferences, webinars and inputs to
5 make sure that agency top to bottom, we were live and able
6 to answer questions about where we were going and why. We
7 had our final drafting which we took those edits and
8 comments and suggestions from the commission and staff,
9 and with the adoption of the plan prior to submission of
10 the plan, where we are today. That's the last step in our
11 process.

12 TxDOT's strategic mission, many of these things
13 we have adopted in the past few months, but this is a
14 compilation and comprehensive approach to that. Our
15 agency mission: work with others to provide safe and
16 reliable transportation solutions for Texas. Our agency
17 philosophy: adopting values, trust, integrity,
18 responsibility, excellence and service.

19 Our goals. Our first goal is to maintain a
20 safe system, and that's why we're very appreciative of
21 what Jerral does this morning when we started off our
22 program, and we're on track to maintain a very safe
23 system, both for the driving public and for our employees.

24 Our objective being explicit to those goals: reduce
25 crashes and fatalities on the system through renovations,

1 technology and public awareness. Our second objective is
2 to maintain and preserve the transportation assets of the
3 State of Texas.

4 Additionally, our other goals include
5 congestion. Our objective is to partner with local
6 officials to develop and implement congestion mitigation
7 plans in Texas. Our third goal as an agency is to connect
8 Texas communities. Objective is to prioritize new
9 projects that will increase the state GDP and enhance
10 access to goods and services throughout the state. And
11 our last goal is to become a best-in-class state agency.
12 The objective is to ensure the agency deploys its
13 resources responsibly and has a customer service mind-set.

14 Our next objective there is to focus on a work
15 environment, safety, succession planning and training to
16 develop a great workforce.

17 And what I think we tried to capture, we do
18 capture with our objectives in this last goal, is both an
19 external and internal mind-set, and so these objectives to
20 tie to our goals are intensely focused on that activity
21 both as an agency as we look at ourselves and to the
22 public as a whole.

23 As we take a look at our priorities for TxDOT,
24 tying back to our strategic direction, we see things as
25 being the safest DOT in the United States as being a

1 priority. We have several examples on the side, and these
2 are not meant to be comprehensive but just examples of
3 things we're trying to do that tie to those. Texas 3.4
4 percent drop in fatalities versus the U.S. drop of 2.9
5 percent from 2009 to 2010. Currently we have the lowest
6 employee accident rate of any DOT in the United States,
7 and as Commissioner Underwood said a few moments ago,
8 we're going into summer, that is our most dangerous time,
9 and we are focused like a laser on ensuring that we are
10 staying safe, doing everything within our control on
11 maintaining safety for our people, whether through
12 hydration, best practices on the highway, and informing
13 the driving public about the need to be safe.

14 Also a priority, develop, implement and
15 authorize comprehensive development agreements, CDAs, and
16 discuss the need for additional CDAs. As I mentioned,
17 this is part of what we present to the Governor's Office
18 and the legislature. As we look at examples, progress on
19 the Grand Parkway we hope to report, progress on US 290,
20 progress on I-35E, progress on NTE/I-35W, just as
21 examples, once again, not comprehensive. And that all
22 TxDOT CDAs authorized by the 82nd Legislature are under
23 procurement or contract as a measurement going into
24 January of next year.

25 Additional priorities also include develop

1 innovative maintenance approaches that reduce costs and
2 improve/preserve transportation system conditions. We're
3 to better utilize our technology for accessing road and
4 bridge conditions, so if there are things out there in the
5 toolbox we can identify to understand from a technology
6 standpoint and take the human issue of judgement out as
7 much as possible, to actually have a metric we can look at
8 utilizing IT and other interesting ways of improving that,
9 we want to have that.

10 Also, innovative contracting approaches that
11 extend the roadway life cycles. Part of our conversation
12 is long-term if we spend a dollar today more and get two
13 or three more years, for example, out of a project, we
14 ought to look at that for consideration before the
15 commission and before the legislature.

16 Also, better utilization of new materials,
17 e.g., warm mix -- which I call the Goldilocks asphalt,
18 it's not too hot, it's too cold, it's just right -- I
19 actually can tell a joke.

20 (General laughter.)

21 MR. WILSON: Develop effective information
22 systems, development and application of business
23 intelligence tools for decision-making, and another
24 milestone we're going to reach in the next couple of
25 months is conversion to Microsoft Outlook. For those of

1 you who don't know, we've been on Novell GroupWise, nobody
2 else is on Novell GroupWise, entire corporate America.
3 We're going to be different and we're going to convert and
4 make it accessible for our employees and be better at
5 making IT decisions because of that as we go forward
6 communicating.

7 Another priority is act as a resource for
8 transportation funding. We hope to expand the use of the
9 State Infrastructure Bank and Transportation Reinvestment
10 Zone financing options, more tools in the toolbox. As
11 Commissioner Meadows talked about, that partnership
12 opportunity with counties and with others across the
13 state, we're looking for partnership opportunities to
14 leverage the state's resources in partnership with
15 regional transportation officials, the MPOs, the counties,
16 fill in the blank who's out there. And these type of
17 tools allow us to continue to be a good partner and good
18 steward going forward.

19 Also, looking at \$4 million of additional
20 infrastructure investments for roads made possible through
21 partnership. If you take a look at the CDAs, the activity
22 taking place across the state right now, we are truly
23 leveraging significant resources because of those
24 partnership opportunities and acting as a resource for
25 those communities.

1 Another priority is implementing congestion
2 mitigation projects. We wish to continue the expansion of
3 rapid response wrecker programs in major metropolitan
4 areas, as an example. Every time I can get a car off the
5 road in partnership with a regional transportation
6 organization, that's one less road I may have to build as
7 quickly because we're solving it through good common sense
8 tools. There are other examples along those same lines
9 we're working on together with our partners.

10 Lastly, we want to further strengthen and
11 enhance our relationship with MPOs, counties and other key
12 stakeholders. Our large MPOs, in April 2012, presented a
13 "In Partnership with TxDOT" presentation. I think that
14 captured very nicely the kind of relationship we're
15 working towards each and every day with our MPOs across
16 the state about trying to address key priorities and
17 initiatives together. And also, the I-35 and I-69 segment
18 advisory committees are also just examples of the kind of
19 work -- Commissioner Austin, we're having those
20 conversations with on a regular basis -- for example, on
21 I-69 from Texarkana all the way down to the Valley, how do
22 we treat that as a holistic system in a way that we take
23 incremental pieces out, and whether it's through state
24 resources, local resources and the long-term UTP, we're
25 addressing long-term growth opportunities for the state.

1 Other parts of our Strategic Plan and key take-
2 aways that we're focused on, our technology resource
3 planning, or as I call it, fixing IT. That's a
4 significant issue for this agency and I believe we're
5 making great strides and progress in partnership with our
6 other state agency partners in DIR and the Comptroller's
7 Office, but it is a very key strategic initiative going
8 forward for this agency to be successful.

9 Within your appendixes you have the agency's
10 strategic planning process, our current organizational
11 chart, our five-year projections for outcomes, our list of
12 measurement definitions, our workforce plan, and our
13 survey of employee engagement. All of these are tools
14 which we are honed in on as administration to ensure we
15 are a best-in-class state agency and that we have the
16 mind-set focused on our people, our processes, and how we
17 have success going into the next legislative session,
18 partnering with the legislature and our local key
19 stakeholders.

20 Our next steps. We will submit the Strategic
21 Plan to the Governor's Office and the LBB, we'll syndicate
22 key messages outlined today with key stakeholders, and
23 lastly, execute, execute, execute.

24 Very proud of the work that the staff has done
25 in presentation and preparation of this. I want to thank

1 the commissioners for their input as we developed this
2 plan together to take to the legislature, the Governor's
3 Office. And I'll be happy to answer any questions the
4 commission may have. Thank you very much.

5 MR. HOUGHTON: Questions of Phil?

6 (No response.)

7 MR. WILSON: Great. Thank you.

8 MR. HOUGHTON: Thanks, Phil.

9 We have one participant in the audience,
10 Jennifer McPhail. Somebody want to help Jennifer?
11 Portable mike coming behind you.

12 MS. McPHAIL: Thank you. I'm Jennifer McPhail
13 and I'm with ADAPT of Texas.

14 And I just wanted to comment that in the
15 Strategic Plan I could find no real vision for compliance
16 with the Americans with Disabilities Act as it pertains to
17 sidewalk construction projects, because all throughout the
18 State of Texas, whether we're talking about Austin, where
19 I'm from or Corpus or Houston or Dallas or Bastrop or
20 Victoria, there are problems with the sidewalk network in
21 every community across the State of Texas. It's very
22 important, especially since there's additional funding
23 that's been found, that we make the compliance with ADA a
24 more prominent piece of what you have before you.

25 I also want to say that Adaptive Texas is very

1 much in favor of the projects that you have before you
2 today to vote on that the City of Austin has submitted to
3 you. It's very important that we take an aggressive
4 approach to the problems that exist in communities, and I
5 saw really nothing very clear in the Strategic Plan that
6 says this is our plan for ADA compliance over the next
7 five years.

8 Now, there are roadways, like I-35, that have
9 frontage roads that have doctors' offices and other
10 important things like that, that draw pedestrians to them,
11 and people will be forced to be in oncoming traffic
12 because there are no sidewalks. These projects benefit
13 both disabled people and non-disabled alike, children and
14 elderly and people like myself, and we haven't really made
15 those projects a priority. It's not as sexy as roadways,
16 toll roads, those kind of things are the sorts of things
17 that people talk to you every day about, and often you
18 forget about the sidewalk network and what exists in
19 communities.

20 And what if you don't have a car? You're
21 always going to be forced into the road no matter what
22 community you live in. And it's not morally wrong but
23 it's a violation of the law.

24 I have written comments for you as well, but
25 I'd really like to know more specific detail is being

1 given to those types of projects, because if we have
2 additional funds, now is the opportunity. And
3 infrastructure improvements are the lifeblood of every
4 community and community includes sidewalks as well.

5 Thank you.

6 MR. HOUGHTON: I'd like to have -- who could
7 address some of these issues that Jennifer just talked
8 about publicly?

9 MR. WILSON: I could take a start, and ask John
10 to come up after that.

11 Ms. McPhail, thank you very much for coming in
12 today. I appreciate your comments very much.

13 The Strategic Plan on TxDOT's strategic
14 direction, we were very broad in our approach, and I think
15 as part of that broadness in our approach we hopefully can
16 capture what you just expressed. And I think if you look
17 at our Strategic Plan on connecting Texas communities, we
18 have enhance access to goods and services throughout the
19 state. The intent, I would believe, is that we partner
20 with local communities, like the City of Austin or other
21 cities. We have local project offices that Mr. Barton,
22 our deputy executive director, can speak to, and that
23 local project office is often involved in planning for
24 things like sidewalks and accessibility. So our plan is
25 intently broad, we also have a very focused activity

1 within those partnerships with local cities to take on
2 activities like the ADA.

3 And John, I'll turn it to you for further
4 elaboration.

5 MR. BARTON: Thank you, Director Wilson. And
6 for the record, my name is John Barton, deputy executive
7 director and chief engineer for the department.

8 And the comments that were shared by the young
9 lady are certainly appropriate. The department has taken
10 this issue seriously and I appreciate the comments by
11 Director Wilson in response to how the Strategic Plan
12 helps to focus on that.

13 In addition to that, just a couple of things
14 that I would share, Chairman Houghton, is that our design
15 practices for the projects that we undertake throughout
16 our system include a policy that I put out a little over a
17 year ago, I believe, now that requires us to look at the
18 inclusion of bicycle and pedestrian facilities on all of
19 those, and encourages that those be included where
20 appropriate to address the transportation and mobility
21 needs of pedestrians and bicyclists, and in all honesty,
22 that means that on most urbanized projects those
23 facilities would be included as we advance those projects.

24 Beyond that, we have a dedicated program and I
25 believe the estimated value is about \$15 million per year

1 that we specifically set aside to target the construction
2 and improvement of sidewalks throughout communities in
3 Texas to make sure that we've removed barriers and that
4 we're complying with those ADA requirements on those
5 facilities. And it would be wonderful if we could
6 magically transform all of our existing sidewalk
7 facilities to meet those requirements overnight, but we
8 have a strategic plan to aggressively pursue those
9 throughout our programs at that \$15 million per year. And
10 that does not include those improvements that are made
11 with the other transportation projects that I've mentioned
12 that have those elements designed into them.

13 So in general, our policy is that any project
14 that is not simply a resurfacing of the roadway and
15 routine maintenance but is beyond that, so a
16 rehabilitation or new construction or reconstruction, that
17 we intentionally and thoughtfully and develop and
18 implement those ADA-compliant facilities along those
19 rights of way for pedestrians.

20 MR. UNDERWOOD: John, also I would suggest that
21 we make sure that when we're doing this that we focus
22 also, as the young lady said, on doctors' offices or
23 businesses where they need to be able to get in and out
24 of. And you said pedestrians, now, we are talking about
25 people in a wheelchair also. Correct? Pedestrians means

1 they can walk up steps. My Jennifer was in a wheelchair
2 for almost a year so I understand where she's coming from.

3 MR. BARTON: Yes, sir. The definition of
4 pedestrian is someone that's not using another mode of
5 transportation, bicycle, car, truck, skateboard, those
6 sorts of things.

7 MR. UNDERWOOD: Okay. But you understand what
8 I'm saying, let's make sure as we do this, because we're
9 limited with our resources, we need to make sure that we
10 apply them in an appropriate area.

11 MR. BARTON: And, Commissioner Underwood, that
12 is our current practice with the \$15 million program,
13 they're strategically targeted to those areas where we
14 have our highest known pedestrian use, and then also, on
15 our design practices when we look at those facilities,
16 like Interstate 35 and improvements along that. In the
17 Metroplex, recently, I discussed this with Maribel Chavez
18 of our Fort Worth District and Bill Hale of our Dallas
19 District, as they're expanding those facilities,
20 rebuilding those frontage roads, we're installing those
21 sidewalks and bicycle facilities along those routes.

22 MR. UNDERWOOD: Thank you.

23 MR. HOUGHTON: Thanks, John.

24 MR. BARTON: Thank you.

25 MR. HOUGHTON: There is an action item. Is

1 there a motion?

2 MR. AUSTIN: So moved.

3 MR. UNDERWOOD: Second.

4 MR. HOUGHTON: All in favor?

5 (A chorus of ayes.)

6 MR. HOUGHTON: Thanks. Phil.

7 MR. WILSON: Thank you, Mr. Chairman.

8 Now moving to our next item, the awarding of
9 Aviation grants, item 4. Aviation Division Director Dave
10 Fulton will present this minute order.

11 MR. FULTON: Thank you, Phil. For the record,
12 my name is David Fulton, director of TxDOT Aviation
13 Division.

14 This minute order contains a request for grant
15 funding approval for six airport improvement projects.
16 The total estimate cost of all requests, as shown in
17 Exhibit A, is approximately \$2-1/2 million: approximately
18 \$1.3 million in federal funding, \$900,000 in state
19 funding, and approximately \$300,000 in local funding.

20 Public hearings were held on May 24 and June 21
21 of this year. No comments were received. We would
22 recommend approval of this minute order.

23 And I believe Judge Taylor is here to speak.

24 MR. HOUGHTON: Harrison County Judge. Welcome.

25 JUDGE TAYLOR: Thank you, Mr. Chairman, Mr.

1 Wilson, commissioners.

2 I want to express my sincere gratitude for
3 assisting us with this project. I was here in late summer
4 last year when we first discussed it. Mr. Fulton and the
5 entire Aviation Division staff has been of great
6 assistance to me, as I focused on this as an improvement
7 to our general aviation airport, and to my engineer on
8 staff in Marshall, Texas, Harrison County.

9 Our goal is to do a unique renovation project
10 that provides for 10-12 years of good surfaces in the
11 future, along with safety measures, lighting, beacon, et
12 cetera. And I believe the TxDOT division and my staff
13 have reached the pinnacle in our goal and we are prepared
14 to proceed with construction.

15 I wanted to make a brief comment in favor of
16 the commission's award of funds for the locally
17 significant project, CIP grant award under the Aviation
18 section, item number 4 on the commission's agenda. The
19 county is excited about our progress and we want to move
20 forward with construction by the winter. As you all know,
21 we can only do pavement projects in a certain time of
22 year, and if we proceed promptly now, we will be able to
23 begin October 1, I hope, and finish while the weather is
24 still favorable.

25 It's truly an honor for me personally to

1 represent almost 70,000 residents of Harrison County and
2 indeed an honor to appear here before you to make positive
3 comments in regard to item number 4.

4 Thank you, Mr. Chairman.

5 MR. HOUGHTON: Thank you, Judge.

6 Any comments, questions?

7 MR. AUSTIN: Judge, welcome, glad to see you
8 down from East Texas.

9 JUDGE TAYLOR: Great to be back.

10 MR. AUSTIN: Isn't this program of what you're
11 working on with the airport also in part working on some
12 roadways and everything else coming back in around your
13 business park as well?

14 JUDGE TAYLOR: This is an economic development
15 project, in my opinion. We have MEDCO board which is
16 developing the business parks in town, we have a brand new
17 park south of town that's not far at all from our general
18 aviation airport, we still have space in the northern
19 business park in Marshall. Of course, other communities
20 in Harrison County, the Waskom community, the Hallsville
21 community, Karnack, Uncertain, Elysian Fields, we all
22 participate in the general aviation airport on our
23 grounds, and we hope to do further CIP projects in the
24 next fiscal year to continue to develop that.

25 This renovation project will be the starting

1 point, I believe, in an overall renovation there at the
2 airport and possibly some other measures that will impact
3 economic development there in regard to aviation
4 education, things of that nature. So this is a good first
5 step, for me personally; I'm very proud of what we've
6 done.

7 MR. AUSTIN: And that might include I-69 too.

8 JUDGE TAYLOR: We need to support our
9 representatives who are doing what's necessary for I-69
10 development that will impact our residents and our region.

11 Yes, sir. Thank you.

12 MR. HOUGHTON: Commissioner Underwood.

13 MR. UNDERWOOD: Just a comment to Dave. Thank
14 you, Dave, for your staff and everything bumping this up,
15 because if I understand correctly, it was going to be
16 later on in the year.

17 MR. FULTON: Yes, sir.

18 MR. UNDERWOOD: So we appreciate you being
19 here, sir. As an aviation pilot, I really understand how
20 important this is and how you need to be doing it when the
21 weather is good, so we get a good bang for our buck when
22 we do the runway.

23 JUDGE TAYLOR: It's significant. And Mr.
24 Fulton's contribution is significant to me personally
25 because he's really helped me throughout the last year and

1 a half to develop these projects, and we are working on
2 others as we speak. So I'm very confident in what we've
3 started and I'm very pleased with the effort of not only
4 Mr. Wilson but the commission and Mr. Fulton's staff.

5 MR. UNDERWOOD: On behalf of the commission, be
6 sure and tell staff we appreciate them, Dave, please.

7 MR. UNDERWOOD: Thank you for being here,
8 Judge.

9 JUDGE TAYLOR: Thank you, sir.

10 MR. HOUGHTON: Any other questions?

11 MR. MEADOWS: I'd just move approval, but in
12 doing so, I'd really like to echo Commissioner Underwood's
13 remarks. Having had the opportunity on one of these
14 projects to work kind of hands-on with Dave Fulton and
15 that staff, they really do a lot to advance the aviation
16 assets of the State of Texas, and I think we recognize
17 that and really appreciate the importance of your work and
18 the good work that you're doing.

19 MR. FULTON: Thank you, Commissioner Meadows
20 and Underwood for those very kind comments.

21 We would recommend approval of this minute
22 order.

23 MR. HOUGHTON: We have a motion. Second?

24 MR. UNDERWOOD: Second.

25 MR. HOUGHTON: All in favor?

1 (A chorus of ayes.)

2 MR. HOUGHTON: Thanks, Dave.

3 MR. WILSON: Item 5a is the awarding of state
4 funds to public transportation projects for FY 2013. Eric
5 Gleason, director of the Public Transportation Division,
6 will present. Eric, item 5a.

7 MR. GLEASON: Good morning. For the record,
8 I'm Eric Gleason, director of the Public Transportation
9 Division for TxDOT.

10 Agenda item 5a awards approximately \$29.7
11 million in state funds to small urban and non-urbanized or
12 rural public transportation systems for fiscal year 2013.

13 These funds are for both operating and capital expenses
14 and are used to leverage additional local and federal
15 funding for the same purposes.

16 There are 30 urban and 39 rural public
17 transportation systems eligible for state funding. The
18 allocation among these systems, shown in Exhibit A, is
19 consistent with the funding allocation formula adopted by
20 the commission in the Texas Administrative Code. The
21 allocation also includes, as provided for in the
22 Administrative Code, funding to offset any reductions in
23 funding triggered by the results of the 2010 census.

24 Rural and urban transit districts use state
25 funding, along with local revenues and federal grant

1 program funding, to sustain a network of critical
2 connectivity and congestion relief services around the
3 state, and while we often associate these services with
4 providing elderly individuals and individuals with
5 disabilities or lower incomes access to healthcare, they
6 also play an important role in getting people to work.

7 For example, Panhandle Community Services
8 connects residents living in Hereford and Dimmitt to jobs
9 at the Cargill Beef Packing Plant in Friona, 40 miles
10 away. Every day 120 employees catch service beginning at
11 4:45 a.m. and return home at 3:00 p.m. for the first
12 shift, and for the second shift 109 employees catch
13 service beginning at 2:00 p.m. and return home at
14 midnight.

15 Employers tell us that reliable transportation
16 options help reduce workplace absenteeism rates, and
17 particularly for lower income employees who may not be
18 able to purchase or maintain their own transportation.

19 Brownsville Metro connects residents of Cameron
20 County Colonias to jobs and job training opportunities at
21 UT Brownsville, Texas Southernmost College, Brownsville
22 municipal government offices, and the Brownsville central
23 business district, and each day 519 passengers board one
24 of three fixed route services in the area provided by
25 Metro in partnership with Workforce Solutions Cameron and

1 other local workforce centers and services.

2 And finally, Brazos Transit District operates a
3 park and ride service connecting residents of The
4 Woodlands to jobs in Houston, and every day 2,200
5 commuters board a premium express bus service at one of
6 three area park and rides, taking advantage of over 40
7 daily round trips offered in support of regional efforts
8 to address congestion in the Interstate 45 corridor.

9 All told, systems supported by this funding
10 carry over 28 million passengers and provide almost 56
11 million miles of service each year with combined operating
12 budgets in excess of \$187 million.

13 We recommend approval of this minute order.

14 MR. HOUGHTON: Questions?

15 MR. UNDERWOOD: Eric, I appreciate what you do
16 on this. Having lived in Dimmitt, I realize how critical
17 this is to those men and women that work. So my fellow
18 commissioners, this is important.

19 MR. HOUGHTON: Is there a motion?

20 MR. AUSTIN: So moved.

21 MR. UNDERWOOD: Second.

22 MR. HOUGHTON: All in favor?

23 (A chorus of ayes.)

24 MR. HOUGHTON: Thank you, Eric, very much.

25 MR. WILSON: Eric will also present item 5b,

1 awarding metropolitan transportation planning funds and
2 transportation development credits for FY 2013. Eric.

3 MR. GLEASON: Agenda item 5b awards
4 approximately \$5.2 million of Federal Transit
5 Administration Metropolitan Planning Program funds and one
6 million in transportation development credits, as
7 described in Exhibit A.

8 Section 5303 funds are allocated using the
9 latest census data, in this case, for the first time 2010
10 census results. Metropolitan planning organizations
11 receive funds on an allocation methodology described in
12 the Texas Administrative Code which takes into account the
13 ratio of each MPOs population to the total population of
14 all MPOs, minimal funding requirements, and the previous
15 year's allocation. These funds are used to support a
16 variety of activities, including management and economic
17 feasibility studies, evaluations of previously funded
18 projects, development of transportation plans and other
19 planning tasks associated with improvements to public
20 transportation systems, facilities and equipment.

21 The amounts included in this minute order
22 include 75 percent of the anticipated fiscal year 2012
23 total for the 5303 Program. The remaining balance will be
24 awarded at a later date. We recommend your approval of
25 this minute order.

1 MR. HOUGHTON: Questions? Motion?

2 MR. UNDERWOOD: So moved.

3 MR. MEADOWS: Second.

4 MR. HOUGHTON: All in favor?

5 (A chorus of ayes.)

6 MR. WILSON: Eric will continue with item 5c
7 awarding transportation development credits to Hill
8 Country Transit District.

9 MR. GLEASON: Thank you.

10 Agenda item 5c awards approximately 94,000
11 transportation development credits to the Hill Country
12 Transit District to assist with local match requirements
13 for fuel expenses associated with transit service in the
14 Killeen and Temple urbanized areas. This award allows
15 Hill Country Transit District to enjoy the same benefit of
16 a change in match ratio requirements to offset rising fuel
17 prices, as other urban transit districts announced by FTA
18 earlier this year. The department inadvertently omitted
19 Hill Country Transit District's request from the
20 application it submitted on behalf of small urban areas to
21 the FTA in Texas.

22 We recommend approval of this minute order.

23 MR. HOUGHTON: Motion?

24 MR. MEADOWS: So moved.

25 MR. UNDERWOOD: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. HOUGHTON: Eric, thanks for your good work.

4 MR. GLEASON: Thank you.

5 MR. WILSON: Item 6a(1) is the final adoption
6 of amendments to Chapter 9. Director of the Office of
7 Compliance and Ethics, Suzanne Mann, will present.
8 Suzanne. Tamela Saldana.

9 MS. SALDANA: Good morning. For the record, I
10 am Tamela Saldana, the DBE/HUB/SBE Program director. We
11 are recommending your approval of agenda item 6a(1).

12 TxDOT, over the course of the last year, has
13 gone out and has completed numerous public involvement
14 sessions around the state involving our DBE/HUB/SBE
15 Program. There were four onsite sessions held around the
16 state with 129 participants. We held a total of six
17 information webinars with a total of 168 participants. We
18 also had a public hearing in which there were ten written
19 comments received. We also had five people attending that
20 public hearing and also had testimony from local and state
21 industry stakeholders.

22 Comments that resulted in changes to the
23 proposed rules include regarding the organization and
24 structure of the DBE/HUB/SBE Program within the agency in
25 the Office of Civil Rights, therefore, the references to

1 the DBE/HUB/SBE Program in any definite location of the
2 agency was removed in order to allow greater flexibility
3 to the administration in where the DBE/HUB/SBE Program is
4 placed in the organization.

5 Reconsideration of the rule process time was
6 also a change. It increased the time frame from 10 to 30
7 days. Also, there was a clarification to 9.301 regarding
8 the SBE applicability of federal funds on projects that
9 receive the DBE goal for professional services contracts.
10 Other rule comments that resulted in change include the
11 clarification of the DBEs not being identified on the plan
12 and can be used to show good faith efforts and count
13 towards goal determination.

14 Comments that did not result in a change in the
15 language is a request that a panel be used for non-
16 compliance determinations and reconsiderations in the
17 result of an appeal. This process already exists
18 administratively and formally within the agency. Another
19 request was to establish a new DBE goal every year. The
20 goal requirement is every three years and it's a federal
21 regulatory requirement. Removal of the five-day notice to
22 terminate existing DBEs. This rule stood as this is also
23 a federal requirement.

24 Establish a race-neutral small business set-
25 aside for professional services contracts. This also was

1 not changed as this is also not legal at this time in
2 terms of the federal or state regulations. And then
3 finally create a race-neutral set-aside for the DBE/SBE
4 Program, and this also was not changed due to state and
5 federal laws.

6 The rules have been rewritten in general to
7 bring them into compliance with new federal and state
8 requirements, to address concerns raised in both the state
9 and federal audits on the programs, and to remove outdated
10 references to the Business Opportunities Programs Office
11 which no longer exists. The rules also have been
12 rewritten to create the same complaint process for each
13 program.

14 Therefore, I am recommending to you for your
15 approval and requesting that the commission repeal the
16 current rules and adopt the new rules regarding the
17 Disadvantaged Business Enterprise Program, the
18 Historically Underutilized Business Program, and the Small
19 Business Enterprise Program, each representing a different
20 subchapter.

21 MR. HOUGHTON: Any questions from the
22 commission? Is there a motion?

23 MR. UNDERWOOD: So moved.

24 MR. HOUGHTON: Second?

25 MR. AUSTIN: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. HOUGHTON: Thank you.

4 MS. SALDANA: Thank you.

5 MR. WILSON: Thank you, Tamela.

6 Next item is 6a(2), the final adoption of
7 additional amendments to Chapter 9. Chief Officer Russell
8 Zapalac will present. Russell.

9 MR. ZAPALAC: Thank you, Phil. My name is
10 Russell Zapalac. I'm TxDOT's chief planning and projects
11 officer.

12 This morning we have two very similar minute
13 orders that we're asking for the commission to adopt. The
14 first one 6a(2) amends Chapter 9 to modify the general
15 rules for design-build contracts and solicitations. The
16 amendment provides for the periodic performance
17 evaluations of the design-build contractor's team members,
18 consultants and subcontractors for these agreements. The
19 amendments also provide for consideration of these
20 performance evaluations in the evaluation and
21 qualification statements and the proposals submitted in
22 response to department's requests.

23 We received one set of comments to the rules
24 form the Texas Association of Business. They were in
25 support of the amendment and they offered several wording

1 changes. Upon review of those wording changes with
2 general counsel, we believe that the requested changes
3 were a little too specific for the minute order and
4 elected to leave the wording as originally shown in the
5 draft.

6 Staff recommends the adoption of this
7 amendment.

8 MR. HOUGHTON: Questions? Motion?

9 MR. AUSTIN: So moved.

10 MR. HOUGHTON: Second?

11 MR. UNDERWOOD: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. HOUGHTON: Thanks, Russell.

15 MR. WILSON: Now item 6a(3), final adoption of
16 amendments to Chapter 27 will also be presented by Russell
17 Zapalac.

18 MR. ZAPALAC: Again Russell Zapalac.

19 Item 6a(3) amends the Chapter 27 to modify the
20 general rules for private involvement and solicitations of
21 comprehensive development agreements. This amendment
22 provides for the periodic performance evaluation of the
23 developer's team members, consultants and subcontractors
24 for comprehensive development agreements. The amendment
25 also provides for consideration of these performance

1 evaluations in the evaluation of qualification statements
2 and proposals submitted in response to department's
3 requests.

4 Again, we received one set of comments from the
5 Texas Association of Business and they did include wording
6 modifications. Again, general counsel and staff recommend
7 that we stay with the original language, and staff
8 recommends approval of this amendment.

9 MR. HOUGHTON: Any questions? Motion?

10 MR. AUSTIN: So moved.

11 MR. HOUGHTON: Second?

12 MR. UNDERWOOD: Second.

13 MR. HOUGHTON: All in favor?

14 (A chorus of ayes.)

15 MR. HOUGHTON: Thanks, Russell.

16 MR. WILSON: Item 6a(4) will be presented by
17 TxDOT attorney Jack Ingram, and also relates to final
18 amendments to Chapter 27. Jack.

19 MR. INGRAM: Good morning. I'm Jack Ingram,
20 associate general counsel.

21 The commission proposed amendments to the rules
22 governing the committees that make financial
23 determinations concerning certain TxDOT toll projects.
24 The amendments require a person, in order to be eligible
25 to be a member of the committee to be an elected official

1 or a full-time employee of the represented entity.

2 No comments were received on the amendments and
3 we recommend your approval.

4 MR. MEADOWS: So moved.

5 MR. AUSTIN: Second.

6 MR. HOUGHTON: All in favor?

7 (A chorus of ayes.)

8 MR. HOUGHTON: Thanks, Jack.

9 MR. WILSON: The next item is 6b(1), proposed
10 amendments to Chapter 5. This amendment will be presented
11 by Chief Financial Officer James Bass.

12 MR. BASS: Good morning, commissioners. For
13 the record, I am James Bass, chief financial officer at
14 TxDOT.

15 I'm happy to bring forward to you today the
16 result of the work by a rule advisory committee that was
17 made up by our partners in the transit industry as well as
18 some of our partners of the metropolitan planning
19 organizations, and the rule amendments deal with the
20 administrative rules dealing with the management of our
21 transportation development credits.

22 I would just briefly like to highlight a few of
23 the primary changes that are being proposed in the rules
24 today and to highlight some of the things that are staying
25 the same.

1 Under current rules, as credits are earned, 75
2 percent of those earned credits go into a locally
3 controlled account and 25 percent go into a statewide
4 account. In the proposed rules there would be no change
5 to that distribution.

6 Credits in the local account currently can only
7 be awarded by the commission in response to a program
8 call. Under the proposed rules, the award of development
9 credits to specific projects would be delegated to the
10 MPOs for those credits that reside in the local account.
11 There would be reporting of the balances of the locally
12 available credits in the department's UTP and the MPOs
13 would submit an annual report to the department on their
14 use of the development credits.

15 Currently, local account credits may not be
16 used on a highway project unless that project provides
17 direct support of a rail, transit, bicycle, pedestrian, or
18 will improve air quality. That limitation in the proposed
19 rules would be removed.

20 Currently, credits in the statewide account can
21 be awarded by the commission either in response to a
22 program call or on an individual one-by-one basis as we've
23 seen earlier this morning, and in the proposed rules there
24 would also be no change to that.

25 The last significant highlight I would point

1 out to you is that in the proposed rules, at the beginning
2 of each fiscal year there would be a reserve fund for
3 transit projects that would maintain a beginning of the
4 year balance of 15 million of credits and that would be
5 replenished at the beginning of every year and, in effect,
6 reserved for transit projects.

7 I would be happy to answer any questions the
8 commission may have.

9 MR. HOUGHTON: Before we do that, I have two
10 speakers. Rob Stephens, Longview Transit, transit
11 industry and PTAC member.

12 MR. STEPHENS: Good morning. Thank you for the
13 opportunity to present to you today. I want you to feel
14 comfortable today with moving forward. As a
15 representative of the transit industry, my name is Rob
16 Stephens. I currently serve as the general manager for
17 the small urban system in Longview. I also serve as the
18 small urban representative for the Texas transit industry
19 across the State of Texas for several years now, been in
20 the transit business for over 20 years, have taken
21 advantage of the TDC program and we've been very grateful
22 in the communities that the transit serves. More
23 recently, I've been appointed to the Public Transportation
24 Advisory Committee and have been very thankful to be
25 engaged in the process.

1 So I'd like to thank you for the opportunity to
2 engage in the process and proposed rulemaking, and want to
3 encourage you to adopt with confidence that this is a good
4 thing for the transit industry. Thank you.

5 MR. HOUGHTON: Thank you for coming, Rob.
6 Thank you for your comments.

7 And governmental relations, Shawna Russell,
8 Texas Transit Association Legislative Committee. Welcome
9 back, Shawna. You've come full circle.

10 MS. RUSSELL: Good morning, Mr. Chairman,
11 commissioners, Mr. Wilson. Thank you for the warm welcome
12 back.

13 I am Shawna Russell, the AVP for governmental
14 relations at the T in Fort Worth. I come before you this
15 morning in my capacity as the legislative chair of the
16 Texas Transit Association.

17 We just wanted to come this morning and let you
18 know how much we commend the TDC rulemaking advisory
19 committee for both the process and the product that they
20 have created to offer for your review and for public
21 comment. We also want to offer our support for these
22 draft rules and we want to compliment and let you know
23 what a great job the TxDOT staff involved in this process
24 did.

25 We appreciate the opportunities that the

1 industry has been provided to receive and provide input on
2 this topic and the opportunities we had to vet it among
3 the PTN providers across the State of Texas, and we just
4 want to thank the department and the commission for your
5 continued commitment to multimodal options for our state
6 and the opportunity that public transit providers have to
7 be a partner in that. So thank you very much.

8 MR. HOUGHTON: Thank you, Shawna.

9 Any questions of Mr. Bass? Motion?

10 MR. AUSTIN: So moved.

11 MR. HOUGHTON: Second?

12 MR. AUSTIN: Second.

13 MR. HOUGHTON: All in favor?

14 (A chorus of ayes.)

15 MR. HOUGHTON: The next item 6b(2) is the
16 proposed adoption of amendments to Chapter 7 and Chapter
17 25. It will be presented by the director of the Rail
18 Division, Bill Glavin.

19 MR. GLAVIN: Good morning, commissioners.
20 Thank you for your service. For the record, I'm Bill
21 Glavin, director of the Rail Division for the Texas
22 Department of Transportation.

23 This minute order is to change some rules in
24 line with the department's increasing responsibilities in
25 rail transportation in the State of Texas. The department

1 had created a new Rail Division effective December 1,
2 2009. The department proposes moving the rules governing
3 railroad grade crossings from Chapter 25, Traffic
4 Operations, to Chapter 7, Rail Facilities, reflecting this
5 change in the organization. It also amends the rules to
6 correct statutory citations to reflect changes in federal
7 regulations cited in the rules, eliminate ambiguities
8 within the rules, and eliminate references to obsolete
9 technologies within the rules, and to improve the
10 readability of the rules and to make other non-substantive
11 changes.

12 This minute order proposes the repeal of
13 Chapter Sections 25.70 to 25.76, and proposes the adoption
14 of new Sections 7.101 to 7.106, all relating to railroad
15 grade crossings, to be codified under Title 43 of the
16 Texas Administrative Code, Part 1.

17 The minute order, as presented for your
18 consideration, authorizes publication of the proposed
19 rules for adoption in the *Texas Register* for the purpose
20 of receiving public comment. Staff recommends approval of
21 this minute order.

22 MR. HOUGHTON: Questions? Motion?

23 MR. UNDERWOOD: So moved.

24 MR. MEADOWS: Second.

25 MR. HOUGHTON: All in favor?

1 (A chorus of ayes.)

2 MR. HOUGHTON: Thanks, Bill.

3 MR. WILSON: Now under item 6b(3), the proposed
4 adoption of amendments to Chapter 9, presented by Chief
5 Planning and Project Officer Russell Zapalac. Russell.

6 MR. ZAPALAC: Thanks, Phil. Again for the
7 record, Russell Zapalac, chief planning and projects
8 officer for TxDOT.

9 This minute order proposes the amendment to
10 Sections 9.2 and 9.6 concerning the contract claims
11 process for comprehensive development agreements and
12 certain design-build contracts. The amendment would allow
13 the contract claims procedure in Section 9.6 to be used
14 for design-build contracts with an estimated total
15 construction cost of \$500 million or more.

16 Presently, Section 9.6 authorizes the
17 department to only use a dispute review board for
18 comprehensive development agreements. Private entities
19 that enter into these large design-build contracts with
20 the department need to be able to use a dispute resolution
21 process that does not place the final decision for claims
22 in the hands of the department employee. The current
23 process requires that the executive director make the
24 final decision on design-build contracts.

25 This amendment will assist the department in

1 tracking meaningful proposals and in generating
2 competition for design-build projects by aiding the
3 design-build contractors in obtaining construction
4 financing and performance bonds, as well as producing
5 finality of disputed claims within a reasonable time.

6 Comments on the proposed amendments will be
7 accepted until five o'clock on August 13, 2012. Staff
8 recommends approval of this draft amendment.

9 MR. HOUGHTON: Questions? Motion?

10 MR. UNDERWOOD: So moved.

11 MR. AUSTIN: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. HOUGHTON: Thanks, Russell.

15 MR. WILSON: On to item 6b(4), the proposed
16 adoption of amendments to Chapter 28, presented by Traffic
17 Operations Division Director Carol Rawson. Carol.

18 MS. RAWSON: Good morning. For the record, I'm
19 Carol Rawson, interim director of the Maintenance
20 Division.

21 This minute order gives authority to the
22 Victoria County Navigation District to issue permits for
23 operations of oversize/overweight vehicles on specific
24 roads within Victoria County. It also establishes the
25 guidelines for the agreement between the navigation

1 district and the department and the requirements for the
2 issuance of these permits.

3 Staff recommends approval of this minute order.

4 MR. HOUGHTON: Questions of Carol? Motion?

5 MR. UNDERWOOD: So moved.

6 MR. MEADOWS: Second.

7 MR. HOUGHTON: All in favor?

8 (A chorus of ayes.)

9 MR. WILSON: Item 7 will be presented by
10 Suzanne Mann, director of the Office of Compliance and
11 Ethics. She'll make her monthly report of the
12 department's compliance and ethics report. Suzanne.

13 MS. MANN: Good morning. Welcome, Commissioner
14 Moseley. This is the report we talked about yesterday.

15 For the record, I am Suzanne Mann, director of
16 the Office of Compliance and Ethics for the Texas
17 Department of Transportation.

18 The purpose of this report is to provide a
19 summary of information related to complaints and
20 investigations for the month of May 2012. Transportation
21 Code 201.452 provides that the Compliance Office has
22 primary jurisdiction for oversight and coordination of all
23 investigations occurring on department property or
24 involving department employees. Transportation Code
25 201.454 requires that director of the Compliance Office to

1 provide a monthly report to the commission regarding
2 investigations and a summary of information relating to
3 trends and recommendations.

4 The Human Resources Division and the Audit
5 Office notify OCE when investigations are initiated and
6 completed, and OCE monitors those investigations. In
7 accordance with the statute and our modernization plans,
8 all data is compiled by OCE for reporting purposes.

9 Twenty-two complaints were received during the
10 month of May and 30 complaints were closed during the
11 month. Allegations were substantiated in two of the
12 investigations and appropriate action was taken. No
13 further actions are recommended at this time by the
14 commission. Thank you

15 MR. WILSON: Item 8 will adopt the Texas Rural
16 Transportation Plan, and this item will be presented by
17 Engineering Supervisor Peggy Thurin. Peggy.

18 MS. THURIN: Good morning. I'm Peggy Thurin
19 with the Transportation Planning and Programming Division.

20 In November of 2010, the Transportation
21 Commission adopted the Statewide Long-Range Transportation
22 Plan 2035. Building on the success of that work, the
23 Planning and Programming Division began work on the Texas
24 Rural Transportation Plan. This plan is the rural
25 component of the Statewide Long-Range Transportation Plan,

1 and although it's currently a stand-alone document, it's
2 fully consistent with the long-range plan and will be
3 integrated and updated with it in 2014.

4 The minute order before you this morning adopts
5 the Texas Rural Transportation Plan. This multimodal plan
6 includes an assessment of the rural needs beyond the
7 Unified Transportation Program's out year of 2021. It
8 assesses the needs for highways, bicycles and pedestrians,
9 general aviation, inland waterways, rail and public
10 transportation.

11 In addition to the needs assessment for the
12 various modes, 650 unfunded added capacity highway
13 projects were analyzed and ranked by district. These
14 projects came from the TxDOT district project list and
15 recommendations from stakeholders and the public. These
16 rankings do not indicate the priority in which projects
17 will be funded but is a first step in a process to better
18 define and evaluate the needs for transportation projects
19 beyond the year 2021. It's a starting point for project
20 development. Each district will use these documents, as
21 well as their local knowledge of their districts, in
22 determining how projects move forward towards
23 construction.

24 Eight stakeholder meetings were held around the
25 state in August of 2011. Over 700 individuals were

1 invited to participate in developing a consensus on the
2 project analysis process as well as project
3 identification. These included various regional planning
4 organizations, county judges, business leaders and other
5 transportation partners. An additional webinar was held
6 with the stakeholders in February of this year to present
7 the results of the project analysis. A public meeting was
8 also held in each TxDOT district in March to present the
9 study findings and obtain public input. Over 200 people
10 attended these meetings. Collectively, this work effort,
11 technical analysis, stakeholder and public input shaped
12 the Texas Rural Transportation Plan.

13 A public hearing was held in Austin on May 21
14 and comments were received until June 4. A total of 30
15 comments were received. A summary of those comments and
16 responses can be found in the appendix of the plan.

17 Staff recommends your approval of this minute
18 order.

19 MR. HOUGHTON: Any questions?

20 MR. AUSTIN: I have one comment. This is a
21 very comprehensive plan. We've had opportunity to look at
22 this over the last couple of months, and I'll just say
23 there's a lot of work that's gone into this. I thank you
24 and all the constituents and members of the community that
25 have participated.

1 And as we look at this, there's a lot of other
2 east-west corridors that are also important in here, and
3 at some point in the future, I know we have a lot of
4 priorities, but as we begin to check off some, it may be
5 worthy to take a look at some of the east-west corridors,
6 much like we're doing some of our north-south routes like
7 I-69, I-35, consideration to begin looking at maybe
8 starting with Interstate 20. I know Judge Taylor is here,
9 he'd probably nod in support of that. But as we begin
10 looking at that and ultimately Interstate 10, they're very
11 important to the state and about 41 percent of our traffic
12 does go east-west, and we'd like your help at some point
13 when the timing is right to begin looking at that.

14 MS. THURIN: Will do.

15 MR. HOUGHTON: Any other questions? Motion?

16 MR. AUSTIN: So moved.

17 MR. HOUGHTON: Second?

18 MR. MEADOWS: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. HOUGHTON: Thanks, Peggy.

22 MR. WILSON: Item 9a is regarding an RFP for
23 the I-35E managed lanes project in Dallas and Denton
24 counties. Strategic Projects Division Director Ed Pensock
25 will present. Ed.

1 MR. PENSOCK: Good morning, Chairman,
2 commissioners, Director Wilson. For the record, Ed
3 Pensock with the Strategic Projects Division of TxDOT.

4 Item 9a authorizes the issuance of a request
5 for proposals to develop, design, construct, and,
6 potentially, maintain general purpose lanes, managed
7 lanes, frontage roads and associated facilities along the
8 I-35 corridor in Dallas and Denton counties through a
9 design-build contract.

10 This item also authorizes the department to pay
11 each proposer who submits a responsive but unsuccessful
12 proposal an amount based on the value of the work product
13 that can be used by the department in the performance of
14 its functions. The maximum amount of this stipend will be
15 \$1 million per proposer.

16 On September 29, 2011, Minute Order 112840
17 authorized the department to issue a request for
18 qualifications for the development of the project. The
19 department issued the request for qualifications on
20 January 23, 2012. Four of the five teams submitting
21 qualification statements were best qualified to be on the
22 short list of teams and will be requested to submit
23 detailed proposals.

24 The planned improvements will increase capacity
25 in the corridor and will relieve congestion, reduce travel

1 time and improve air quality, as well as provide social
2 and economic benefits locally, regionally, statewide and
3 nationwide.

4 Staff recommends your acceptance of this minute
5 order.

6 MR. HOUGHTON: Commissioner Meadows, I've got
7 to believe you have something to say about this.

8 MR. MEADOWS: I do not. All I would say is I
9 would move approval, and thank everybody involved in
10 bringing us to this very important point.

11 MR. HOUGHTON: To our regional partners,
12 congratulations.

13 MR. AUSTIN: I'll second that.

14 MR. HOUGHTON: All in favor?

15 (A chorus of ayes.)

16 MR. HOUGHTON: Thank you, Ed. You're going to
17 be up here a while, aren't you, Ed?

18 MR. WILSON: Item 9b is the authorization of an
19 RFP for the Horseshoe Project. Strategic Projects
20 Division Director Ed Pensock will continue to present.
21 Ed.

22 MR. PENSOCK: Ed Pensock, Strategic Projects.

23 Item 9b authorizes the issuance of a request
24 for proposals to develop, design, construct, and,
25 potentially, maintain the Dallas Horseshoe Project on

1 Interstate 30 from Sylvan Avenue to west of I-45 and on I-
2 35E from north of Eight Street to north of I-30 in Dallas
3 County.

4 This item also authorizes the department to pay
5 each proposer who submits a responsive but unsuccessful
6 proposal an amount based on the value of the work product
7 that can be used by the department for the performance of
8 its functions. The maximum amount of the stipend per
9 proposer will be 0.25 percent of the price of the work in
10 the design-build agreement.

11 Additionally, this item authorizes the
12 department to pay each proposer a partial stipend based on
13 the value of the work product provided in the proposal
14 that can be used by the department, up to a maximum amount
15 of \$728,000, should the procurement be terminated prior to
16 award of the contract.

17 On October 27, 2011, Minute Order 112874
18 authorized the department to issue a request for
19 qualifications for the development of the Horseshoe
20 Project. The department issued the RFQ on December 9,
21 2011. Three of the seven teams submitting qualification
22 statements were best qualified to be on the short list of
23 teams and will be requested to submit detailed proposals.

24 Completion of this project will improve mobility on two
25 of the 20 most congested roadways in the state and is a

1 crucial element to responding to traffic congestion for
2 the Dallas-Fort Worth Metroplex.

3 Staff recommends your acceptance of this minute
4 order.

5 MR. HOUGHTON: Again, Commissioner Meadows.

6 MR. MEADOWS: I'd again like to move approval
7 of the minute order, and in doing so, express deep
8 appreciation to all the partners involved in advancing it,
9 and congratulate the region on this next success.

10 MR. HOUGHTON: Let me go back, Ed, to the prior
11 minute order and this one. When do you anticipate award
12 of those projects?

13 MR. PENSOCK: With your approval of these
14 minute orders, we'll be able to issue the request for
15 proposals both in July. We are scheduled to issue those
16 final RFPs both in next month, early and mid part of the
17 month, and we expect to have the proposals submitted to us
18 late summer, and we anticipate coming before you with a
19 request to award those contracts in the fall, in the
20 September-October-November time frame for both those
21 projects.

22 MR. HOUGHTON: My understanding is we will be
23 in the Metroplex area in November. Correct? That would
24 be a timely award.

25 MR. PENSOCK: Very good time, yes, sir. We're

1 doing everything we can, and as Commissioner Meadows
2 alluded, a lot of very smart people, a lot of very good
3 people have worked very hard to get us this far and will
4 continue to work very hard to get us across the goal line
5 on these projects.

6 MR. HOUGHTON: My congratulations to the team.
7 There's a motion. Is there a second?

8 MR. AUSTIN: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. HOUGHTON: Thank you.

12 MR. WILSON: Next up is item 10a regarding the
13 election of a chair and vice-chair for the SB 1420
14 Committee. Ed will continue.

15 MR. PENSOCK: Item 10a provides the
16 commission's concurrence with the election of Michael
17 Morris and Alberta Blair as chair and vice-chair of the SH
18 183 Managed Lanes Project SB 1420 Committee. Texas
19 Administrative Code 27.92(c) requires commission
20 concurrence in the SH 183 Managed Lanes Project SB 1420
21 Committee election of chair and vice-chair.

22 On June 21, 2011 the committee met and elected
23 Michael Morris, representing North Central Texas Council
24 of Governments for the area, as the chair of the
25 committee, and Alberta Blair, representing Dallas County,

1 as vice-chair.

2 The department and local stakeholders are
3 currently analyzing the options for the financing and
4 delivery of the SH 183 Managed Lanes Project that requires
5 the formation of the 1420 Committee. The project includes
6 construction of tolled managed lanes, general purpose
7 mainlanes, and frontage roads. The development of the 183
8 Managed Lanes Project is a crucial element in responding
9 to the severe congestion that exists in the metropolitan
10 area.

11 Staff recommends your acceptance of this minute
12 order.

13 MR. HOUGHTON: Go ahead.

14 MR. MEADOWS: Let me again move approval, and
15 pause just for a moment and congratulate the 1420
16 Committee process, first of all, because I think it has
17 been a very helpful process, and we thank the legislature
18 for giving us that tool to work with in advancing these
19 projects.

20 Second of all, I'd like to congratulate this
21 particular 1420 Committee process for its effectiveness
22 and efficiency as it's already met, it's deliberated, it's
23 considered and made a recommendation to us.

24 And third, I hope that we are very to be in the
25 same position as we've been on these last two projects

1 where we're moving ahead with the RFP and ultimate award
2 of the contract to advance the project.

3 Thank you.

4 MR. HOUGHTON: Is this the last of the CDA
5 1420s? We're done.

6 MR. PENSOCK: No, Chairman.

7 MR. HOUGHTON: One more?

8 MR. PENSOCK: We have one more with the SH 288
9 project in the Houston area.

10 MR. HOUGHTON: Okay. 288 in Houston.

11 Jeff, what are you waiting for, Moseley? I
12 think Alan Clark is in the room. We can get this thing
13 done here pretty quick. Right?

14 Motion? You did have a motion.

15 MR. AUSTIN: I'll second.

16 MR. HOUGHTON: All in favor?

17 (A chorus of ayes.)

18 MR. HOUGHTON: You're not finished yet?

19 MR. PENSOCK: No, sir.

20 MR. WILSON: Item 10b relates to a facility
21 agreement for the North Tarrant Express. Ed.

22 MR. PENSOCK: Thank you for your patience,
23 Chairman.

24 (General laughter.)

25 MR. HOUGHTON: Well, we keep giving away money

1 to the Metroplex and it's just getting a bit difficult.

2 MR. MEADOWS: I'm sorry. What's wrong with
3 that?

4 MR. PENSOCK: Item 10b authorizes the executive
5 director to enter into a facility agreement with an
6 affiliate of North Tarrant Express Mobility Partners to
7 develop, design, construct, finance, maintain and operate
8 the NTE Segments 3A and 3B managed lanes project.

9 On January 29, 2009, Minute Order 111661, the
10 commission conditionally awarded to NTEP CDAs to develop,
11 design, construct and finance and operate the North
12 Tarrant Express Project, as well as other potential
13 facilities, to the extent necessary, for connectivity,
14 safety and financing.

15 The commission authorized the department to
16 commence and complete necessary negotiations with NTEP to
17 finalize any agreement for the construction of a proposed
18 facility under the Segment 2 through 4 CDA and stated that
19 commission approval is required before the executive
20 director may enter into such an agreement. The
21 CDA for NTE Segments 2 through 4 includes developing a
22 master plan for the corridor along I-35 West from I-30 to
23 SH 170 in Tarrant and Dallas counties, as well as other
24 facilities for connectivity, safety and financing. Under
25 the terms of the CDA, NTEP has the right to propose self-

1 performance of facilities ready for development.

2 On May 19, 2010, NTEP submitted a ready for
3 development proposal for Segments 3A and 3B managed lanes
4 project, a facility that extends along I-35W in Tarrant
5 County. Subsequent negotiations have resulted in
6 agreement regarding the facility terms and conditions.

7 Staff recommends your acceptance of this minute
8 order and we're ready to answer any questions if
9 necessary.

10 MR. MEADOWS: I'd again like to move approval
11 and just stop for a moment and consider that in the last
12 few minutes we have just advanced \$4 billion in projects
13 to serve the citizens of North Texas.

14 MR. PENSOCK: And my palms are sweating.

15 MR. MEADOWS: And what I think is remarkable,
16 and we all at this table need to pause and consider, is
17 that each one of those projects are unique in the sense
18 that the delivery or finance methodology differs
19 significantly but the constant is the fact that everyone
20 involved partnerships to some degree or another. I mean,
21 the project we just advanced is a concession project,
22 working with the private sector, private capital coming to
23 bear to advance transportation projects in that region.
24 Design-build, each one of these projects has been
25 different, and each one will likely be different as we

1 move forward with 183, for example.

2 And I think it's just important to pause and
3 recognize, first of all, that we're delivering billions of
4 dollars in projects to serve the citizens, second of all,
5 that in a creative, innovative and pretty aggressive way,
6 we've come together, recognized and embraced the realities
7 which has enabled us to move forward, and third, we've got
8 to recognize the fact that the legislature gave us the
9 tools and we are effectively using those tools to yield
10 good projects for the citizens.

11 So I think I made a motion there are the first.
12 If not, move approval.

13 MR. HOUGHTON: Is there a second?

14 MR. AUSTIN: I'll second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. WILSON: Ed will continue with item 11, a
18 request of the Hidalgo County Regional Mobility Authority.

19 Ed.

20 MR. PENSOCK: Item 11 authorizes the exception
21 to the requirements of 43 Texas Administrative Code,
22 Chapter 26.51, for a person to serve as a director or
23 chief administrative officer of a regional mobility
24 authority, and approves Pilar Rodriguez to serve as the
25 executive director of the Hidalgo County Regional Mobility

1 Authority.

2 The HCRMA recently hired Mr. Rodriguez as its
3 executive director. Mr. Rodriguez participates in a
4 voluntary capacity in the management of the City of Pharr
5 Volunteer Fire Department and in the Rio Grande Valley
6 Communications Group, both of which receive funds from
7 Hidalgo County, a member of the regional mobility
8 authority. Both the fire department and the Rio Grande
9 Valley Communications Group serve their respective regions
10 during emergency situations.

11 Title 43 TAC, 26.51 prescribes conditions for a
12 person to serve as a director or chief administrator of an
13 RMA. Under that title, a person is not eligible to serve
14 as a director or chief administrative officer if the
15 person or the person's spouse is employed by or
16 participates in the management of a business entity or
17 other organization other than a political subdivision that
18 is regulated by or receives funds from the Department of
19 Transportation, the RMA or the member county. Title 43,
20 26.51 also provides that the commission may approve an
21 exception to the requirements of that subchapter.

22 The regional mobility authority has disclosed
23 to the public the details of the potential conflict by
24 posting a notice on the HCRMA website. The notice informs
25 the public that Mr. Rodriguez, while employed as the HCRMA

1 executive director, will also continue to serve as the
2 deputy volunteer fire chief for the City of Pharr and
3 chairman of the board of directors of the Rio Grande
4 Valley Communications Group, and that Mr. Rodriguez is not
5 compensated in either of these roles.

6 By serving as deputy volunteer fire chief for
7 the City of Pharr and chairman of the board of directors
8 of the Rio Grande Valley Communications Group, Mr.
9 Rodriguez will not incur any obligation or nature that is
10 in substantial conflict with the proper discharge of his
11 duties as the executive director of the regional mobility
12 authority.

13 Staff recommends your acceptance of this minute
14 order.

15 MR. HOUGHTON: We have one speaker to testify,
16 Dennis Burlison, Hidalgo County RMA Chair. Dennis.
17 Bringing your body guards with you, Dennis?

18 (General laughter.)

19 MR. BURLESON: I always need all the help I can
20 get, Chairman.

21 Chairman, commissioners, executive director,
22 it's my pleasure to be accompanied by my fellow board
23 member, Ricardo Perez, and also we have representatives
24 from the county judge's office, if there's questions about
25 the communications group, and my pleasure to introduce to

1 you Pilar Rodriguez, our new executive director who has
2 made my life a lot simpler the last couple of months. So
3 we hope that you grant Pilar the exception.

4 And with that, I'll turn it over, if I can, to
5 Pilar if he needs to say anything or if you have any
6 questions.

7 MR. RODRIGUEZ: Chairman and commissioners,
8 thank you very much for considering this item, and if
9 approved, look forward to working with the TxDOT staff.

10 MR. HOUGHTON: We look forward to having you
11 onboard and moving things forward down in Hidalgo County.

12 Any other comments?

13 MR. AUSTIN: One comment. Now, Dennis, I know
14 from my prior life as an RMA chair/board member, this
15 provision is very important to maintaining integrity and
16 separation, and I think this is great, with your
17 participation in the community. And just for the record,
18 I want to ask you a question, the board members that you
19 have that are the ultimate governing body continue to not
20 have any conflict of interest or anything, that comply
21 with this section as well with the board.

22 MR. BURLESON: Well, we're mindful of that.
23 Actually, I'm concerned about the conflict of interest if
24 we have a hurricane in the Valley, I'm worried about
25 losing my executive director for a couple of weeks, so it

1 works both ways. But we think that effort that he does
2 for the county and for all of South Texas is important,
3 and we want to be able to see him continue to do that.

4 MR. AUSTIN: But this also demonstrates the
5 partnership and cooperation from your local constituents.

6 I applaud your efforts.

7 MR. BURLESON: Thank you.

8 MR. HOUGHTON: Thank you all. Welcome.

9 Ed, this is an action item? Is there a motion?

10 MR. AUSTIN: So moved.

11 MR. PENSOCK: This is an action item that
12 requires your passage of the minute order, and staff
13 recommends your acceptance.

14 MR. HOUGHTON: We have a motion.

15 MR. UNDERWOOD: Second.

16 MR. HOUGHTON: All in favor?

17 (A chorus of ayes.)

18 MR. HOUGHTON: Thank you.

19 Hold on. Ed, stay there for just a minute. I
20 want to take a break, and I was not aware of this, Ed, and
21 I fumble with this sometimes, but I want to express my
22 condolences on the passing of your father on Monday night,
23 and I am surprised you're still here - I'm glad you're
24 still here -- and to your family. The condolences of
25 myself, and I know the other commissioners probably feel

1 the same way.

2 MR. PENSOCK: Thank you very much, Chairman.
3 It's been a trying last couple of months and I'd like to
4 think my father is in a better place.

5 MR. HOUGHTON: Thanks, Ed.

6 MR. WILSON: Moving on to item 12a, the Unified
7 Transportation Program for 2012, presented by Director of
8 Planning Marc Williams. Marc.

9 MR. WILLIAMS: Good morning, Mr. Chairman,
10 commissioners, Director Wilson. Again for the record, my
11 name is Marc Williams. I serve as director of Planning
12 for the Texas Department of Transportation.

13 Item 12a is to approve quarterly revisions to
14 the 2012 Unified Transportation Program. The UTP is a
15 ten-year statewide program of planned projects and
16 anticipated funding allocations. The commission approved
17 the 2012 UTP on May 26, 2011, and revisions to the 2012
18 UTP on September 29 of 2011 and December 15 of 2011 and
19 again on April 26 of 2012. On April 26 of 2012, the
20 commission also approved funding level adjustments to
21 allocate an additional \$2 billion in state and federal
22 program capacity.

23 A public meeting was held on Tuesday, May 8 of
24 2012 to discuss the 2012 quarterly revisions and a formal
25 public hearing was conducted on Wednesday, May 30 of 2012

1 at 10:00 a.m. Comments were accepted until June 11 of
2 2012 at 4:00 p.m. Central Standard Time.

3 The changes in the UTP include funding level
4 adjustments due to fund transfers, authorizes projects for
5 the additional state and federal funding, including
6 projects selected for the \$2 billion allocation, and it
7 also converts approximately \$380 million of state-funded
8 projects to federal funding categories to help utilize
9 remaining federal funding level adjustments for fiscal
10 year 2012.

11 This process to advance the \$2 billion and the
12 state-to-federal conversion has been an extensive and
13 coordinated effort, and would like to express thanks to
14 the many individuals and entities throughout the state
15 that have been part of this process, including our MPOs,
16 cities, counties, districts and their staff, as well as
17 staff within the divisions of Finance and Transportation
18 Planning and Programming, along with our partners with the
19 Federal Highway Administration.

20 Staff will recommend this for your approval.

21 MR. HOUGHTON: We have a few speakers, just a
22 few, that I think some would like to give the money back
23 because they don't have enough time or projects, but I'm
24 not sure. The first, and not in the order of importance,
25 is County Judge Nelson Wolff, Bexar County.

1 JUDGE WOLFF: We thank you, Mr. Chairman. And
2 we're delighted to see Jeff Moseley here. You can hardly
3 go wrong when you appoint a former county judge in a
4 position of power.

5 (General laughter.)

6 JUDGE WOLFF: Jeff worked with us and Phil on
7 the Toyota effort, and it was a very smashing success, in
8 large part due to these two gentlemen that that came here
9 to Texas.

10 We've come a long way in the last four months
11 when we began meeting with Phil and Chairman Houghton
12 regarding a comprehensive program for San Antonio dealing
13 with 1604 and then also with 281. In that very short
14 period of time, the city voters approved \$30 million for
15 that project interchange, the county commissioners took a
16 vote for \$100 million on our part of the ATD which is a
17 local sales tax fund to support this project, the Advanced
18 Transportation Board met and was in concordance with that
19 and also voted to support the transit priority lane, and
20 then the MPO took a vote just last week to support this
21 comprehensive plan.

22 And with 281, 1604, transit priority lanes on
23 281, when you add all that together, it's \$130 million in
24 local funding, and when you look at the different various
25 pockets of financial support from the Texas Department of

1 Transportation, that comes to about \$296.8 million for a
2 total of over \$426 million. So it was a good, strong
3 partnership between the local entity and TxDOT, and I
4 cannot say enough about the leadership of TxDOT and the
5 willingness to work with us on some very difficult,
6 controversial issues.

7 Let me just quickly mention a few people. My
8 son, Commissioner Kevin Wolff, was on the MPO and made
9 that motion to support this under fairly difficult
10 circumstances. Mario Medina, your local man in San
11 Antonio, has done a wonderful job of presenting this
12 comprehensive program and was really instrumental in
13 putting it together.

14 We have three people with us here today, and if
15 you would allow them just to come up, maybe say one quick
16 couple of words. Sam Dawson, who is the founding chairman
17 of the San Antonio Mobility Coalition, the private sector,
18 and then Henry Munoz who is chairman of the Advanced
19 Transportation District, and Councilman Ray Lopez. I
20 believe they're all here today.

21 Sam, would you like to come up and just say a
22 couple of quick comments on that?

23 MR. DAWSON: Thank you, Judge.

24 Mr. Chairman, commissioners and Director, let
25 me just say that I'm here in my role as founding chairman

1 of the San Antonio Mobility Coalition and the immediate
2 past chairman of the Greater San Antonio Chamber of
3 Commerce. And I will say from San Antonio and Bexar
4 County's perspective, we see this as one of the biggest
5 and greatest transportation compromises, probably in the
6 last 25 years for our area, and it's been a very
7 intentional compromise by a lot of different
8 organizations, and we heard of those today, but let me
9 reiterate, we've got TxDOT, the county, city, VIA, ATD and
10 the MPO all working really hard, and that's a lot of
11 people and a lot of organizations. But it would not have
12 happened without your leadership, Mr. Chairman and
13 Director.

14 But most specifically we want to compliment
15 Mario Medina, our district engineer, not just his
16 leadership but his patience, and it's taken a lot of
17 patience but he hung in there with us. It got a little
18 thin sometimes, you could hear it in his voice, but he did
19 a great job.

20 And we're thankful for your leadership, and
21 this is a great day for San Antonio and Bexar County.
22 Thank you.

23 MR. MUNOZ: Good morning, Mr. Chairman, members
24 of the commission. My name is Henry Munoz and I'm the
25 chair for the Advanced Transportation District Board of

1 Trustees.

2 And I simply came this morning on behalf of our
3 board to say thank you, thank you to you, thank you to
4 Mario, and particular thanks to County Judge Nelson Wolff.

5 You know, ten years ago when he helped lead the fight to
6 create the Advanced Transportation District, we had no
7 idea that ten years later we'd be sitting on this side of
8 leveraging over half a billion dollars in transportation
9 acceleration. Today, with your action, you will
10 accelerate almost another half billion worth of projects.

11 This time they include a healthy accommodation of public
12 transit, managed lanes, relief of congestion and improved
13 air quality for the citizens of San Antonio.

14 Thank you to each and every one of you for your
15 patience in dealing with us. We look forward to our
16 continued successful working relationship.

17 MR. LOPEZ: Thank you. My name is Ray Lopez.
18 I'm the vice chairman for the MPO in the San Antonio area,
19 and I also have the privilege of serving as the
20 intergovernmental relations chair for the City of San
21 Antonio and on the infrastructure and growth committee for
22 the City of San Antonio, so I can tell you that I'm
23 acutely aware of the issues and the problems relative to
24 transportation, to traffic and all the things that keep us
25 all up at night.

1 This has truly been a great partnership moving
2 forward through some difficult times to figure out what we
3 were going to do and how we were going to do it, and more
4 importantly, how we were going to pay for it.

5 The other thing slightly biased on my part is
6 that most of that 1604 work is going to be done within my
7 district, so there's an awful lot of people back in San
8 Antonio that are really happy with me right now for being
9 able to pull this off. But I've got to tell, and I do
10 tell them that it certainly wasn't me, it was really a
11 joint effort by an awful lot of folks that had the city's
12 best interests in mind.

13 What I'd like to do, with your indulgence, is
14 to ask the entire delegation that's here from San Antonio
15 to stand up, and this is just a small group of the folks
16 that were involved, working incredibly hard for the issues
17 that are important to all of us, and that's
18 transportation.

19 I would be remiss if I didn't, along with
20 everybody else, give accolade to Mario Medina, but I'm
21 afraid to do that because as he walked in I know that he
22 was able to fit his head through the door, and I'm afraid
23 he may not be able to get out. But I will, running that
24 risk, also extend my congratulations to him for the hard
25 work that he did, it was not easy. And also to recognize

1 Clay smith as the recently retiring TxDOT representative
2 and leader in San Antonio.

3 And thank you very much for your confidence in
4 San Antonio and our area. We will certainly work hard to
5 earn that and continue that trust and confidence. Thank
6 you very much.

7 JUDGE WOLFF: Again, thank you very much.

8 MR. HOUGHTON: I understand they call you
9 Landslide now.

10 JUDGE WOLFF: Well, you know, when you've got
11 to bring this many people together.

12 MR. HOUGHTON: Well, I understand that you had
13 a unanimous vote at county commissioners, unanimous vote
14 at VIA, unanimous vote at ATD, and 14 to one at the MPO.

15 JUDGE WOLFF: Fourteen to one at the MPO which
16 was an extraordinary vote. As you know, it was a little
17 bit controversial.

18 MR. HOUGHTON: But it's still extraordinary.

19 JUDGE WOLFF: It's pretty strong.

20 MR. HOUGHTON: Congratulations to San Antonio,
21 and off we go.

22 JUDGE WOLFF: Thank you very much.

23 MR. AUSTIN: Mr. Chairman, I'd like to make a
24 comment.

25 Judge, I'd like to compliment you on what's

1 happening, because this is not our solution, this is a
2 solution from San Antonio. And I think back a couple of
3 meetings ago when we were talking about some of the
4 partnerships and Commissioner Meadows really pointed out
5 what the Metroplex has done and how they leveraged
6 different tools, different entities and how everyone was
7 working together under Michael Morris and with the
8 counties, the cities.

9 Since that time, amidst some controversy, you
10 have really advanced the ball, and I say that, there's
11 more than one source, there's more than one funding
12 mechanism. You're addressing, as was said a while ago,
13 air quality, congestion relief, and I applaud because
14 these are local solutions. And TxDOT is one participant,
15 but if it's not supported and you don't build consensus
16 locally of how to do it and move forward, it won't happen.

17 And I go back to my days as RMA chair, working
18 with my district engineer, Randy Hopmann. Randy and I had
19 numerous discussions and it went something like this: we
20 don't care who builds the project as long as it gets done.

21 And I think that in building consensus, working with
22 that, and there's going to be some pain. Progress brings
23 pain but it also brings economic development, you're
24 addressing issues locally, and I applaud the community and
25 I hope to see you back with more progress reports like

1 this going forward. So congratulations.

2 JUDGE WOLFF: Thank you. We will, and we think
3 this is a breakthrough project because it addressed not
4 only the highways and byways and roads and traffic, but
5 also addresses some public transportation issues and
6 that's with the transit priority lane, first one for us,
7 and so we think that's a major breakthrough in
8 transportation issues in urban areas.

9 MR. AUSTIN: San Antonio is very important to
10 the state, from a geographic location, population, and I'm
11 glad to see you addressing a lot of issues.

12 JUDGE WOLFF: Come see us.

13 MR. HOUGHTON: Thank you, Judge.

14 We also have County Judge Carlos Cascos from
15 Cameron County. The real South Texas. Right?

16 JUDGE CASCOS: Good morning. San Antonio, I
17 love that city but it's not South Texas.

18 (General laughter.)

19 JUDGE CASCOS: But it's good to see Judge
20 Wolff. He's always been so kind to us when we've gone to
21 San Antonio to visit.

22 Commissioner Moseley, welcome. Thank you so
23 much. And I look forward to seeing you in Cameron County
24 and South Texas in the very near future. Many of you have
25 been there. I've known Phil for a number of years. We

1 sat on the Border Security Council together.

2 And I applaud what Commission Meadows and you
3 have talked about partnerships, and that's the way we're
4 going to get things done in Texas is through partnerships,
5 economic development, creation of jobs.

6 I want to thank you for your continued support
7 of the I-69/US 77 corridor. I want to thank you for your
8 work on the I-69 Alliance. That thoroughfare is just so
9 important to the Valley and South Texas. We're the only
10 county that sits on a border with a deepwater port and we
11 need to exploit and use that deepwater port as much as
12 possible.

13 I want to thank you for visiting South Texas.
14 Please continue to come by. Thank you for your investment
15 in the Valley, and God bless you. Thank you.

16 MR. HOUGHTON: Thank you, Judge.

17 County Commissioner, Cameron County, David
18 Garza.

19 MR. GARZA: Chairman Houghton, commissioners,
20 it's a pleasure to be here this morning. And it was
21 really nice to have the judge with me. I said, You're
22 going to go to a commission meeting this month? And he
23 said, Yes, the Spazmatics are playing at Cedar Street
24 Courtyard Wednesday night, so I'll be there a day early.
25 So I want you all to know that.

1 (General laughter.)

2 MR. GARZA: But I come before you to support
3 the UTP plan -- all due respect to the judge -- to support
4 your plan and to support the updates that you have that
5 impact us in our county. It is great to see what we'll be
6 able to do with the changes that are being made.

7 I do want to thank Jeff Austin for his help on
8 the I-69. He's been a champion for us, he's been great to
9 work with. I have my pin. I could not be in D.C. because
10 we were here yesterday, but thank you for being there with
11 the Alliance.

12 There's a number of things that have occurred
13 in our county that would have not occurred without the
14 help of TxDOT and TxDOT employees. And everybody is
15 throwing love bouquets out to you. I will throw another
16 one to a department that normally doesn't get it, and that
17 is the Environmental Division. Working with Carlos Swonke
18 in getting to where we are now on the second access of
19 South Padre Island, second access pathway, we are now
20 having a public hearing on July 17.

21 I would hope and invite each and every one of
22 you if you want to take a vacation in South Padre to join
23 us there that evening. It's going to be from 5:30 to 7:30
24 at the convention center on South Padre Island. We hope
25 and are inviting folks from across the state. If any of

1 you wishes to send a letter of support, we'll take that
2 from you also.

3 But we do want to thank you. We want to invite
4 you to that particular activity down there, and you are
5 making a difference, we're partnering with you. Even on
6 some of the update projects that are included today in
7 there, we have participation from the RMA, from the MPO,
8 from the local district and from you guys. Thank you so
9 much.

10 MR. HOUGHTON: Commissioner, thank you for
11 coming.

12 Navarro County Judge H.M. Davenport. Is the
13 judge in the room? There he is.

14 JUDGE DAVENPORT: Well, good morning,
15 gentlemen. It's certainly great to be in Austin, Texas.
16 We got up at four o'clock this morning to board the bus at
17 5:30 to make the trip down here, and we arrived in plenty
18 of time and it's good to see all of you.

19 As county judge of Navarro County, I certainly
20 wanted to come and reaffirm the importance that we feel
21 this project of the relief route, we'll call it, around
22 the south part of Corsicana will be to Texas as well as to
23 Navarro County and Corsicana.

24 That relief route has been a part of the
25 overall transportation program, as I understand it, for 15

1 to 20 years, or 25 years even, and I know I've heard about
2 it for a long time, had a lot of citizens asking me about
3 it, and it's an integral part of the Texas Trunk System
4 and will have statewide impact. It will relieve Texas
5 Highway 31 transportation bottleneck through Corsicana.

6 I believe Commissioner Austin has had the
7 privilege of coming through Corsicana a time or two, as
8 has Harrison County Judge Hugh Taylor. I think he had a
9 good time this morning whenever I mentioned that fact, and
10 he said, Oh, yes, I was there earlier. And so once you
11 come through that, you really get your feet wet and you
12 understand what we have to deal with.

13 Currently there is some construction going on
14 and trucks are being diverted around by detour, but under
15 normal circumstances, trucks roll through downtown
16 Corsicana constantly, and it is quite a bottleneck, if you
17 will.

18 This project will also increase the
19 connectivity between Waco and Tyler, allowing the quicker
20 movement of commerce, of course, and it's also going to
21 reduce the risk of hazardous materials coming through
22 downtown Corsicana which will be a great thing for us. We
23 have had some problems in the past years with that.

24 So I respectfully, at this time, request that
25 you guys approve that funding, whatever is required to get

1 that project moving. And again, Jeff, I want to thank you
2 for your work on this as well. Gentlemen, I want to thank
3 you, and lady, all of you for your consideration. Thank
4 you.

5 MR. AUSTIN: Judge, before you step down, I
6 know you have several people here with you today.

7 JUDGE DAVENPORT: There's quite a contingent. I
8 think there was about twelve of us who rode the bus down
9 here.

10 MR. AUSTIN: If you would please stand. I'd
11 like to say thank you to each of you because you represent
12 the different entities, the chamber and economic
13 development, the city, the county, and I know there's a
14 lot of other citizens that I've had the opportunity to
15 visit with. But in hearing years ago where there was not
16 consensus, you have come together, and I know in looking
17 at this project have come up with donations of land, the
18 city is going to take the lead on certain portions of this
19 and the county to move forward probably in a better way
20 than what we can. I think it's a great demonstration of
21 what partnerships and coming together and setting the
22 priorities saying here's what we can do, here's what we
23 can contribute to the project. You set a great example.

24 That's one of the biggest questions I hear from
25 people in East Texas, legislators, citizens, businesses:

1 What's going to happen in Corsicana? So congratulations
2 on your effort, and especially to Darwin and Bill Heald
3 for assisting.

4 JUDGE DAVENPORT: They're a great bunch to work
5 with. I've complimented all of them.

6 MR. AUSTIN: Representing Cook, Byron Cook.

7 JUDGE DAVENPORT: Yes. Byron is wonderful.

8 MR. AUSTIN: I know he's not here today but I
9 hear from him, and I know he's certainly been a big part
10 and participant in this, and we thank the representative
11 for his efforts as well.

12 JUDGE DAVENPORT: Yes, sir. Thank you.

13 MR. AUSTIN: Thank you.

14 MR. HOUGHTON: The mayor of Corsicana. Mayor.

15 MAYOR McCLANAHAN: For the record, I'm Chuck
16 McClanahan, mayor of the City of Corsicana. Good morning,
17 Chairman Houghton and members of the Texas Transportation
18 Commission.

19 As mayor of the City of Corsicana, it's my
20 honor to represent the citizens for the proposed State
21 Highway 31 relief route through Corsicana in Navarro
22 County. The proposed project is of critical importance to
23 the State of Texas, Navarro County and Corsicana, as well
24 as our neighboring communities to the east and the west
25 along the Highway 31 corridor.

1 The Texas Highway 31 relief route will benefit
2 the entire State of Texas, improving the flow of traffic,
3 though also reducing the vehicles traveling along Highway
4 35. Moreover, the relief route would decrease the volume
5 of in-town travel of vehicles carrying hazardous material
6 through our city, and will make our community and our
7 citizens much safer from potential harmful events.
8 Moreover, the relief route would greatly improve the flow
9 of traffic through the County of Navarro, thus improving
10 economic benefits and development for commerce and
11 communities all along the corridor.

12 Because of this critical important project that
13 will have statewide impact, the stakeholders across the
14 State of Texas are many. The listing of supporters are
15 Senator Brian Birdwell, State Representative Byron Cook,
16 Texas Transportation Commissioner Jeff Austin, county
17 judges, elected officials of Navarro County and of Smith
18 County, as well as cities, chambers of commerce, economic
19 development corporations located in and around the
20 vicinity of Highway 31.

21 Chairman Houghton and members of the
22 commission, I respectfully request that the Texas
23 Transportation Commission approve the funding that is
24 required for this construction project.

25 Thank you.

1 MR. HOUGHTON: Mayor, thank you.

2 MR. AUSTIN: Thank you again, and I concur with
3 my comments that I made earlier. Thank you for all your
4 support.

5 MAYOR McCLANAHAN: Thank you, appreciate it.

6 MR. HOUGHTON: Thanks, Mayor.

7 Any other questions?

8 (No response.)

9 MR. HOUGHTON: Marc, what's staff
10 recommendation?

11 (General laughter.)

12 MR. WILLIAMS: Staff respectfully requests your
13 consideration for approval of this amendment to the UTP.

14 MR. HOUGHTON: Thanks, Marc.

15 Is there a motion?

16 MR. UNDERWOOD: So moved.

17 MR. AUSTIN: Second.

18 MR. HOUGHTON: All in favor?

19 (A chorus of ayes.)

20 MR. HOUGHTON: It's a great day for Texas.

21 Thanks, Marc. Great work to all. Thank you
22 very much.

23 (Applause.)

24 MR. WILSON: Now item 12b, Unified

25 Transportation Program for 2013. Marc, please continue.

1 MR. WILLIAMS: Thank you, Director.

2 Item 12b is to approve quarterly revisions to
3 the 2013 UTP. The commission approved the 2013 UTP on
4 April 26 of 2012. Changes include funding level
5 adjustments due to fund transfer requests, addresses
6 updates to project-specific program lists to authorize or
7 deauthorize projects, and other minor revisions or
8 technical corrections.

9 A public meeting was held Tuesday, May 8, 2012
10 to discuss the 2013 UTP quarterly revisions and a formal
11 public hearing was conducted Wednesday, May 30, 2012 at
12 10:00 a.m. Comments were accepted until June 11, 2012 at
13 4:00 p.m. Central Standard Time.

14 Staff recommends approval of the revisions to
15 the 2013 UTP.

16 MR. HOUGHTON: Motion?

17 MR. UNDERWOOD: So moved.

18 MR. AUSTIN: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. WILSON: The next item is 13a, bond- funded
22 project allocation flexibility, presented by Chief
23 Financial Officer James Bass. James.

24 MR. BASS: Good morning. Again for the record,
25 I'm James Bass, chief financial officer at TxDOT.

1 As you're aware, commissioners, we've started
2 over the past few years bringing forward to you specific
3 dollar amount allocations by project for bond-funded
4 projects. This minute order would enhance our operational
5 efficiency by allowing when a particular project closes
6 out to allow us, rather than bring each individual item
7 back to the commission, to delegate the ability to the CFO
8 position to make those overrun/underrun adjustments on
9 those particular projects, to also make adjustments when
10 there are required change orders, and as we've recently
11 seen, the third element it would allow for is if we find
12 ourselves in a timing situation of having additional
13 federal funds available to the state and not being able to
14 meet with the commission in a timely fashion, it would
15 allow the CFO to make adjustments to the funding elements
16 of projects to ensure that we do not lose any federal
17 obligation authority.

18 I'd be happy to answer any questions the
19 commission may have, and if there are none, staff would
20 recommend your approval.

21 MR. UNDERWOOD: Just want to make sure, James,
22 that everybody understands, this will not allow the CFO to
23 select or deny projects.

24 MR. BASS: Correct.

25 MR. HOUGHTON: You know how to empty a room.

1 MR. BASS: I'm known for that.

2 (General laughter.)

3 MR. HOUGHTON: Well, no. We approved the
4 project and here comes the guy with the money and he says
5 I'm going to be moving money around.

6 MR. BASS: Are the ones that are here sleeping
7 now?

8 MR. HOUGHTON: Any other questions? Is there a
9 motion?

10 MR. UNDERWOOD: So moved.

11 MR. AUSTIN: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. BASS: Thank you.

15 MR. WILSON: Next is item 13b, Texas Mobility
16 Bonds. James, please continue.

17 MR. BASS: This would amend the Tenth
18 Supplemental Resolution for the Texas Mobility Fund Bond
19 Program and would allow for the issuance of up to an
20 additional \$600 million of bonds. Again, the ultimate
21 amount that we're able to deliver through this program
22 will be dependent upon both market interest rates when we
23 do the bond pricing and the certified revenue estimate
24 from the Comptroller's Office.

25 Staff would recommend your approval.

1 MR. MEADOWS: So moved.

2 MR. AUSTIN: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. BASS: Thank you.

6 MR. WILSON: Next is the Texas Highway Safety
7 Plan, item 14, presented by Traffic Operations Division
8 Director Carol Rawson. Carol.

9 MS. RAWSON: Good morning. I'm Carol Rawson,
10 director of the Traffic Operations Division.

11 The minute order before you seeks the approval
12 of the 2013 Highway Safety Plan. And our Highway Safety
13 Plan is designed to reduce the number and the severity of
14 traffic crashes, injuries and fatalities through training,
15 education and enforcement. Being that I know we all just
16 heard about our Strategic Plan for the department and
17 knowing that safety is our number one goal here at TxDOT,
18 this Highway Safety Plan is one of those tools that we're
19 doing to implement that very important goal.

20 When we talk about safety and when we talk
21 about the Highway Safety Plan, we have to start with crash
22 data and crashes and where is safety happening or where
23 are safety issues, and as you can see, from 2008 to 2011
24 we've been making great improvements in the number of
25 fatalities that are happening out on our highways, from

1 3,479 to 2011 we'll be just right at 3,013. Good
2 improvements, still a very, very long way to go, so still
3 a lot of work.

4 So when we look at the fatalities, this is how
5 we're focusing and where we're going within the plan.
6 First and foremost, is we know that alcohol, which is also
7 on the graph, is still a very large problem within our
8 state. Over 34 percent of the fatalities that we see are
9 due to a driver being under the influence of alcohol
10 within our state. We have received news that we are
11 number five in the nation for DUI fatality rate in
12 comparison to all the other states. Not a good place for
13 us to be but one that helps us to know that we need to
14 focus and truly figure out how to fix this problem. The
15 Highway Safety Plan before you has education, training and
16 enforcement that will address these problems.

17 Next one, another one that jumps out at us when
18 we look at those fatality numbers, 470 people died in
19 motorcycle crashes in 2011. It's still continuing to
20 increase and we're still working hard to try to figure out
21 how to fix this problem. Of the 470 people, 55 percent of
22 them were not wearing helmets, another piece of it.

23 Another problem is not only are they not wearing helmets,
24 but they're drinking before they get on their motorcycle
25 to do this. Motorcycles account for almost 16 percent of

1 our fatalities, yet they're only 2 percent of our vehicle
2 mix. This is where we need to go.

3 The Highway Safety Plan, as part of that, has
4 not only public information and education with the Share
5 the Road program, and we will continue those efforts
6 through 2013.

7 MR. UNDERWOOD: Carol, I want to stop you for
8 just a minute. As a motorcycle rider, are these accidents
9 with motorcycles individual accidents or motorcycle-
10 vehicle accidents?

11 MS. RAWSON: It's a mixture, sir. Some of them
12 are singular, meaning that it's a motorcycle only. There
13 is some problem which is part of the Share the Road that
14 talks about where the cars just aren't seeing the
15 motorcyclists. We're trying to heighten that awareness.
16 We all know what people are doing, they're distracted
17 within the vehicle, they're not watching for the vehicle.

18 That's part of that Share the Road, Look Twice for
19 Motorcyclists. It's a piece of that 470 that we're trying
20 to break down and work with the motorists, work with the
21 motorcyclists and try to figure out how to get these
22 numbers to come down.

23 MR. UNDERWOOD: I'd like to see those
24 percentages when you have time to get those to me, please.

25 MS. RAWSON: I would be more than happy to give

1 those to you, sir.

2 MR. UNDERWOOD: Thank you.

3 MS. RAWSON: Another piece of our fatalities,
4 when you go and you look and you pull up the fatal
5 reports -- which I do quite often -- 46 percent of the
6 people that die that are fatalities on our roadways are
7 not buckled up. The simplest thing that they can do is
8 put your seatbelt on. And our Click It or Ticket campaign
9 which has just been a wonderful campaign over the last ten
10 years, when we started seatbelt use was just 76 percent,
11 in 2011 it was 93.7. We're above the national average on
12 people using the seatbelts.

13 But still, for every percentage that we can
14 get, one percentage point will save 25 Texans' lives and
15 586 injuries. So we will continue, that's part of the
16 plan to do that. Amazing statistic. When we went back
17 and in looked over the last ten years, we believe in the
18 last ten years with the increase that we had we've saved
19 2,843 lives, we've had 48,000 fewer serious injuries, and
20 over \$10 billion worth of savings. Just by putting your
21 seatbelt on. That's also part of your Highway Safety Plan
22 that's before you.

23 When we talk safety, we always talk about, from
24 my standpoint as a safety engineer I talk the three Es
25 which is engineering, education and enforcement. I'm

1 going to engineer you the best road out there, the safest
2 road that we can do, and that's what we do here at the
3 department, we educate, we tell people put your seatbelt
4 on, don't drink and drive, but there's that other
5 component that whenever you do everything perfect and tell
6 everybody what to do, you still need to issue them a
7 ticket to get that point across.

8 A large portion of our Highway Safety Plan is
9 our selective traffic enforcement program which is putting
10 those extra cops out there, issuing those tickets for
11 speeding, intersection violations, driving while
12 intoxicated and safety belt use, a very large component of
13 our Highway Safety Plan.

14 And as you can see, here's our 2013 plan, it's
15 \$142.5 million over 312 projects that we're going to go
16 out and implement with your approval. And from that large
17 contributions from not only our local match but our state
18 match and definitely with the implementation of the
19 program, we believe that we'll be saving lives here in the
20 State of Texas.

21 If there's not any questions, staff does
22 recommend approval of the Highway Safety Plan.

23 MR. HOUGHTON: Questions of Carol?

24 (No response.)

25 MR. HOUGHTON: Great presentation, Carol.

1 Thank you very much.

2 Motion?

3 MR. UNDERWOOD: So moved.

4 MR. HOUGHTON: Second?

5 MR. AUSTIN: Second.

6 MR. HOUGHTON: All in favor?

7 (A chorus of ayes.)

8 MR. HOUGHTON: Thank you, Carol.

9 MR. WILSON: The next items are the award of
10 contracts for maintenance and department building
11 construction, highway construction contracts. John Obr,
12 Construction Division director, will present these minute
13 orders. Item 15a, John.

14 MR. OBR: Good morning. For the record, I am
15 John Obr, director of the Construction Division.

16 Item 15a is for consideration of the award or
17 rejection of Highway Maintenance and Department Building
18 Construction contracts let on June 5 and 6 of 2012. We
19 present 36 projects today. The average number of bidders
20 was 4.03; the low bid value was \$61,190,451.07; we had an
21 overall underrun of 13.15 percent.

22 Staff recommends award of all maintenance
23 projects.

24 MR. HOUGHTON: Any questions of John? Motion?

25 MR. AUSTIN: So moved.

1 MR. UNDERWOOD: Second.

2 MR. HOUGHTON: All in favor?

3 (A chorus of ayes.)

4 MR. WILSON: John, please proceed with item
5 15b, construction contracts.

6 MR. OBR: Item 15b is for consideration of the
7 award or rejection of Highway and Transportation
8 Enhancement Building Construction contracts let on June 5
9 and 6 of 2012. We present 49 projects today. The average
10 number of bidders was 4.78; the low bid value was
11 \$291,625,155.32; the awards are split as 12 projects in
12 Mobility totaling \$94,856,517.30, and 37 projects in
13 Preservation totaling \$196,768,638.02; we had an overall
14 overrun of 6.58 percent.

15 In accordance with Government Code 669.003
16 which provides that a state agency may not enter into a
17 contract with an entity that employs a person who was the
18 executive head of the agency within the previous four
19 years unless the governing board of the agency approves
20 the contract in an open meeting. Staff recommends award
21 of all construction projects, as shown in Exhibit A, while
22 acknowledging that J.D. Abrams, L.P. is the apparent low
23 bidder for Dallas District, Ellis County highway
24 improvement contract job number 3005, project number C
25 2610-1-37, and currently employs Mr. Amadeo Saenz who

1 served as the executive director of the department within
2 the previous four years.

3 Again, staff recommends award of all
4 construction projects with the exception of the following
5 project: in Harris County, project number STP
6 2012(521)HES. We had one bid that was received for this
7 project. The bid was 69.41 percent, or \$421,321.65 over
8 the engineer's estimate. This Category 8 HES funding
9 project is for the realignment of left turn lanes and
10 traffic signals. The overrun can be attributed to high
11 traffic volumes and work zone constraints. Having
12 received only one bid, we did not feel that we received
13 adequate competition. We believe that it would be in the
14 best interests of the department to redesign and relet the
15 project at a later date, therefore, we are recommending
16 rejection.

17 MR. HOUGHTON: Any questions of John regarding
18 the projects?

19 (No response.)

20 MR. HOUGHTON: I see, John, we went over -- I
21 call it over/under - we're over 6 percent.

22 MR. OBR: Yes, sir. That was a first since
23 I've been here.

24 MR. HOUGHTON: Is that right?

25 MR. OBR: That's correct.

1 MR. HOUGHTON: That's been a long time. Hope
2 it's not a trend.

3 MR. OBR: I agree.

4 MR. HOUGHTON: A motion?

5 MR. UNDERWOOD: So moved.

6 MR. HOUGHTON: Second?

7 MR. AUSTIN: Second.

8 MR. HOUGHTON: All in favor?

9 (A chorus of ayes.)

10 MR. HOUGHTON: Thank you, John.

11 MR. OBR: Thank you.

12 MR. WILSON: That brings us to item 16, Eminent
13 Domain Proceedings. John Campbell, director of the Right
14 of Way Division, will present this minute order.

15 MR. CAMPBELL: Good morning. And welcome,
16 Commissioner Moseley. My name is John Campbell. I'm the
17 director of the Right of Way Division.

18 I'd like to present for your consideration this
19 morning item 16 which authorizes the filing of
20 condemnation proceedings necessary to progress the
21 acquisition of five non-controlled parcels on two right of
22 way projects and 43 controlled access parcels on 14 right
23 of way projects, for a total of 48 parcels for acquisition
24 by condemnation this month.

25 Staff recommends your approval of the minute

1 order.

2 MR. MOSELEY: Mr. Chairman, if there's no
3 objection from Commissioner Austin, I do have a motion to
4 offer. I move that the Texas Transportation Commission
5 authorize the Texas Department of Transportation to use
6 the power of eminent domain to acquire the properties
7 described in the minute order set forth in the agenda for
8 the current month for construction, reconstruction,
9 maintenance, widening, straightening, or extending the
10 highway facilities listed in the minute order as a part of
11 the state highway system, and that the first record vote
12 applies to all units of property to be condemned.

13 MR. AUSTIN: Mr. Chairman, he took the words
14 right out of my mouth, and I second that motion.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. HOUGHTON: Passes. Thank you, John.

18 MR. WILSON: Item 17 contains the routine
19 minute orders, including donations to the department,
20 highway designations, release of access rights, right of
21 way dispositions and donations, reports and speed zones.
22 Department staff recommends the adoption of all these
23 items and would be happy to explain any of these
24 individual items as needed.

25 MR. HOUGHTON: Motion?

1 MR. UNDERWOOD: So moved.

2 MR. AUSTIN: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: Thank you very much.

6 We have one person that would like to speak in
7 open session, Jim Von Wolske. Jim, come on up.

8 MR. VON WOLSKE: Greetings. Can you hear me
9 now? My name is Jim Von Wolske. I'm an engineer retired.

10 The last time I spoke to this group, Ric Williamson was
11 chairman. He said, Come back any time, you have a lot of
12 good ideas, plus you're funny. So here I am.

13 (General laughter.)

14 MR. VON WOLSKE: Back then you were getting
15 hammered because you were an arrogant agency. You're not.
16 I made the comment that every road TxDOT builds should be
17 222, too narrow, too crooked and too late. I said but
18 wait, it's not your fault. You're getting pushed around
19 by a bunch of pipsqueak local politicians. You needed
20 legislative help then, you still need it.

21 For instance, MoPac, re-striping is going to
22 increase the capacity. That's ludicrous, yet it got so
23 much publicity. Now they want sound walls. That's not
24 going to help anything either. Turns out there's just a
25 group of about 50 or 100 people that dictate everything

1 that goes on in Austin. That won't change until the
2 change the city council to a 10-1 structure, so I urge you
3 not to do very much for Austin.

4 But there are a couple of things that came to
5 my mind, and the executive director and this lady both
6 said safety. Well, on southbound MoPac between Research
7 Boulevard/183, down to 2222, about a year a cable barrier
8 was installed. It's virtually right on the pavement on
9 the left side so there was ample breakdown space there and
10 now there's no breakdown lane, so it is a death trap by
11 design.

12 So last time I came in I didn't get to speak
13 but I did meet with John Barton and then he set up a
14 meeting with Greg Malatek. Another engineer and myself,
15 we put together basically a laundry list of 22 things, low
16 cost, zero cost safety improvements for the Austin area.
17 So we went out on a field trip, and he liked them, but
18 I've had a deafening zero response on this and it's been
19 two months. So that barrier should be torn out.

20 Another one, a pressing issue is there's plans
21 to build a bicycle bridge across Barton Creek on
22 southbound MoPac. The easy solution is to put the Jersey
23 Barriers there. There's an unused lane, it could be done
24 overnight for \$40,000. John Malatek said -- no -- Greg
25 said it's easy to do, you have lots of barriers. Some

1 said that's a traffic bottleneck. It's not, because I
2 spent four separate times during rush hour there observing
3 traffic, that is not a bottleneck, it never will be a
4 bottleneck. Oak Hill is a bottleneck, the river is a
5 bottleneck.

6 But that should be done because some day some
7 truck is going to hit those bicyclists and it's going to
8 look like someone drove over a whole family of armadillos,
9 there's going to be guts all over the road. Please do it.

10 To get some relief, my suggestion is that you
11 do a negative toll on Highway 130 during congested
12 periods. That's like a negative income tax which Milton
13 Friedman suggested. Well, that was ludicrous back then
14 but it makes a lot of sense because I drove that road and
15 it's the most beautiful road you guys have done in years.

16 Congratulations. I turned off the radio and started
17 singing to myself on that road.

18 The 290 Bypass, you should put up a sign, 290
19 comes in from the east and you've got 183 which is Ed
20 Bluestein going south down to Ben White, put up a sign
21 saying 290 Bypass because people will get off I-35 and
22 take that and relieve some of the traffic.

23 One moment, please, here. Don't spend one more
24 red nickel on any passenger rail systems in the state.

25 The reason is I love big, noisy machinery, I took the

1 Amtrak up to Oklahoma, what a dismal ride. It's a
2 functionally obsolete way to do things, it's a financial
3 failure, both in Austin and nationwide. There won't be
4 any more Obama money coming, and maybe in November there
5 won't be any more Obama, so just don't count on spending
6 more money for rail. There's a little handful of people
7 that advocate it. It's false.

8 Parkways, this is the last thing I want to talk
9 about. There's a noisy little neighborhood group in Oak
10 Hill that wants 290/71 through Oak Hill to be a parkway, a
11 parkway. Okay, you can't say parkway, breathe it out.
12 Best I can tell, it's a French word meaning really stupid
13 idea because it's a terrible traffic solution.

14 So now safety, we talked about two quick fixes:
15 pull up that cable barrier, put up the Jersey Barricades
16 on MoPac. Director Wilson says safety is the number one
17 concern, the lady on item 14, traffic safety is number
18 one, so you have your Click It or Ticket. Maybe you need
19 a new campaign bumper sticker that says: Honk if you love
20 Jesus, text if you want to meet him.

21 Thank you.

22 (General laughter.)

23 MR. VON WOLSKE: That is funny, isn't it.

24 MR. MEADOWS: That is funny.

25 MR. HOUGHTON: Can we trademark that?

1 MR. VON WOLSKE: So I would really like it if
2 you would direct Mr. Barton and Mr. Malatek to put the
3 squeeze on at least those two minimal projects and work
4 with me on this.

5 People said well, how do you know all this
6 stuff. I said, Well, geez, it's just so obvious, it just
7 jumps right into plain view, but no one has the moxie to
8 come and talk to you guys and say this can and should be
9 done. Thank you.

10 MR. HOUGHTON: Mr. Von Wolske, have you ever
11 attended the Austin MPO meetings?

12 MR. VON WOLSKE: The which ones?

13 MR. HOUGHTON: The Austin MPO, Metropolitan
14 Planning Organization.

15 MR. VON WOLSKE: I'm glad you asked. Yes.

16 MR. HOUGHTON: Well, I would think that you'd
17 want to frequent that place more often.

18 MR. VON WOLSKE: No. I'll tell you why.
19 Because I went to some of the planning meetings about six
20 or seven years ago, Barrientos was there. Someone raised
21 the subject about why is it taking so long to put the
22 bypass around Bastrop. Well, he bowed his neck and
23 lowered his voice and acted tough and said, Well, my dad
24 lives down there and he's never said anything, but I'll
25 get that job moving, I'll put the squeeze on those

1 people -- meaning you guys. Well, he should stay out of
2 it. He's a dilettante. He doesn't understand anything
3 about road design or the limitations of construction.

4 Likewise, MPO, you have Watson's add more
5 stripes to MoPac, solves your problems, and put up sound
6 barriers, that solves the problems. The get-ons and get-
7 offs on MoPac are pathetic. In fact, I know one of your
8 ex-engineers, and he said that TxDOT begged Austin to
9 leave 2nd Street open for a crosstown expressway, but no,
10 Austin said we're putting a convention center there. So
11 what happens is that they listen to the whiney little
12 neighborhood association and if they get 50 people showing
13 up, it's a landslide.

14 I mean, in fact, Malatek said, Well, Austin
15 wants sound walls. No, Austin doesn't want sound walls.
16 Austin, you've got a huge population in north Austin that
17 has to get to south Austin daily, and conversely. Sound
18 walls won't do anything. You've got probably 50 houses on
19 MoPac that should be put to the bulldozer and buy that
20 right of way and then expand the road.

21 I had a friend from England and I said, Why
22 have you got such rinky-dink roads over here? He said, We
23 do, but the only good roads in all England are the
24 straight roads and those were built by the Romans 2,000
25 years ago. And so you go and whine to the Roman road

1 builders that's my uncle's pig farm, they'll cut your head
2 off and eat your pigs and put the road straight and it's
3 been good for 2,000 years.

4 Thank you.

5 (General laughter.)

6 MR. HOUGHTON: Thank you. Thank you for
7 coming.

8 MR. WILSON: This concludes the action items on
9 today's agenda, so Commissioner, I will hand the meeting
10 back to you.

11 MR. HOUGHTON: Well, I will adjourn shortly,
12 but I do want to recognize an employee that I think he had
13 some going away party last night or tonight, I can't
14 remember, I saw an announcement. Austin District Engineer
15 Carlos Lopez. Come on up, Carlos.

16 Well, first of all, I want to thank you for
17 your service to the department for all the many years and
18 having to put up with certain commissioners up here and
19 past commissioners. But again, thank you for what you
20 have done for us, and I hope your new journey is going to
21 be as rewarding.

22 MR. LOPEZ: Well, thank you, Chairman, but if
23 there was a party last night, I missed it.

24 MR. HOUGHTON: Well, when is it? Did they have
25 one last night?

1 MR. LOPEZ: It's next month.

2 MR. HOUGHTON: Well, maybe my invitation was
3 just wrong.

4 MR. LOPEZ: But thank you anyway. I appreciate
5 that, Chairman.

6 MR. HOUGHTON: We will not be here next month.

7 MR. LOPEZ: That is correct.

8 MR. HOUGHTON: We will not be here next month,
9 so I just wanted to make sure that you got the appropriate
10 sendoff.

11 MR. LOPEZ: Well, thank you very much. It's
12 been a great time here at TxDOT and still have got another
13 month and I love being the Austin District engineer. As
14 you can see, we have a lot of issues in our town.

15 MR. HOUGHTON: Yes. I think Mr. Vol Wolske and
16 you could open up a business, you could have something
17 going there.

18 MR. LOPEZ: Let me talk to him in August. But
19 thank you, Chairman, and we'll see you again soon.

20 MR. HOUGHTON: Thank you again, Carlos.

21 This completes all the action items on the
22 agenda. Is there anyone else signed up today? I don't
23 think so, I don't have any cards.

24 If there's no more business to come before the
25 commission, I will entertain a motion to adjourn.

1 MR. UNDERWOOD: So moved.

2 MR. AUSTIN: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: What time is it?

6 MR. UNDERWOOD: It's 11:18.

7 (Whereupon, at 11:18 a.m., the meeting was
8 concluded.)

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MEETING OF: Texas Transportation Commission

LOCATION: Austin, Texas

DATE: June 28, 2012

I do hereby certify that the foregoing pages, numbers 1 through 117, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Transportation Commission.

(Transcriber) 7/6/2012
(Date)

On the Record Reporting
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