

TEXAS DEPARTMENT OF TRANSPORTATION

COMMISSION MEETING

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

Thursday, May 31, 2012

COMMISSION MEMBERS:

Ted Houghton, Chair
Jeff Austin III
Ned S. Holmes
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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- (1) **Austin District** - Consider a donation from the Lower Colorado River Authority (LCRA) for the design, survey and construction of a deceleration lane and shoulder widening on SH 261 at the Black Rock Park entrance in Llano County (MO)
- (2) **Bryan District** - Consider a donation from Mueller, Inc. for the design and construction of a deceleration right-turn lane from the SH 6 northbound frontage road to the new Mueller, Inc. facility (MO)
- (3) **Houston District** - Consider a donation from HEB Grocery Company, LP, for the design and construction of a right-turn lane from US 290 to the new donor's facility and commercial development (MO)
- (4) **Houston District** - Consider a donation from Lamar Consolidated Independent School District (LCISD) for the design and construction of a right-turn lane from FM 1093 to the new LCISD Building at the secondary access drive of the Satellite Transportation Center (MO)
- (5) **Rail Division** - Consider a donation from BNSF Railway for 17,700 linear feet of 133 pound surplus rail to be used to construct a new interchange track and extend sidings on the South Orient Railroad (MO)

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- (1) **Burnet County** - US 281 north of SH 71 - Consider the quitclaim of surplus right of way to the county (MO)
- (2) **Galveston County** - FM 646 from FM 517 to SH 6 - Consider the acceptance of a donation of land for a highway improvement project (MO)
- (3) **Hays County** - I-35 at FM 3407 in San Marcos - Consider the sale of surplus right of way to an abutting landowner (MO)
- (4) **Leon County** - FM 39 northwest of Jewett - Consider the amendment of MO 110207, passed August 25, 2005 (MO)

- (5) **Lubbock County** - US 62/82 west of University Avenue in Lubbock - Consider the sale of surplus right of way to the abutting landowners (MO)
- (6) **Navarro County** - FM 2859, old alignment at Richland Chambers Lake - Consider the sale of surplus right of way to the abutting landowners with reservation of an easement interest (MO)
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- (2) **Williamson County** - Redesignate a segment of RM 2338 as State Spur 158 in the City of Georgetown (MO)

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P R O C E E D I N G S

1
2 MR. HOUGHTON: Good morning. It is 9:01 a.m.,
3 and I call to order the regular May 31, last day of May,
4 2012 meeting of the Texas Transportation Commission.

5 Note for the record that public notice of this
6 meeting, containing all items on the agenda, was filed
7 with the Secretary of State at 4:33 p.m. on May 23, 2012.

8 I ask that before we begin today that you place
9 all cell phones and other communication devices in the
10 silent or off 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. To comment or
14 register your opinion on an agenda item, please complete a
15 yellow card and identify the agenda item. If not on an
16 agenda item, we will take your comments in the open
17 comment period and that will require a blue card.
18 Regardless of the color, we need to have one filled out if
19 you'd like to speak.

20 Before we open with comments from my fellow
21 commissioners, I'd like to turn some time over to our
22 executive director, Phil Wilson.

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

24 I'd like to ask Jerral Wyer to come forward and
25 provide a quick safety briefing. Jerral.

1 MR. WYER: Thank you, Phil. For the record,
2 Jerral Wyer, director of the Occupational Safety Division.

3 First of all, I want to thank the commission
4 and our administration for making safety the number one
5 priority in this agency. Thank you for that.

6 Second, this morning I'd like to give a short
7 briefing on our emergency response procedures for Building
8 200 East Riverside. First of all, if there's a medical
9 emergency today, please report that to the guard and the
10 guard will call 9-1-1 if necessary.

11 If there's a fire alert or alarm, please exit
12 the west and main entrance to this building, and as you
13 exit the doorway, turn right and walk toward the apartment
14 complex. In the event that the exit on the west side is
15 blocked, please walk to the east side of the building and
16 walk out the exit doors and turn to your left and walk
17 toward the apartment complex.

18 In the event we have a tornado alert or warning
19 this morning, please stay in this room. If you're outside
20 of this room in the break area, please make your way back
21 into this room and stay until further notice.

22 If there's any other emergency, please listen
23 to our security and facility staff because they will
24 provide information as necessary.

25 I thank you for your time this morning.

1 MR. WILSON: With the safety briefing
2 completed, I'll hand the gavel back to you, Mr. Chair, to
3 complete opening remarks.

4 MR. HOUGHTON: Now we will hear from my fellow
5 commissioners. Commissioner Austin.

6 MR. AUSTIN: Good morning, everyone. Glad to
7 see everybody here. I know there's a lot of activity
8 that's been going on the last week. I know there was a
9 hearing the House Transportation Committee held looking at
10 the impact of the Panama Canal on the state, and I was
11 visiting yesterday with a retired admiral and he put it
12 very simply: Look, when you come through the Panama
13 Canal, you take a left and there's Texas. And I liked his
14 concept to try to get the freight back up here.

15 Yesterday, Commissioner Underwood and I, he
16 chairs the Audit Committee, and when you look at where
17 this has come from, what we're doing, where we're going,
18 really appreciate some of the things that are being put in
19 place, but I just want to encourage to those across the
20 agency and in the public to really understand that we're
21 looking for best practices, to be good stewards of the
22 state funds, also to identify best practices and there are
23 a lot of them out there, and for those of you who have not
24 seen any results, you'd be really proud of what's
25 happening internally.

1 At the hearing, we had an opportunity last week
2 to tour the Port of Houston and to look at what's
3 happening there, the activity. As we begin to go forward,
4 looking at multimodal, the coordination with all of the
5 ports in Texas, it really signifies what's happening with
6 Interstate 69. That is our port-to-port connecting route,
7 and I know we have coming up in the next couple of months
8 a new report coming up on the early implementation, and I
9 look forward to seeing that.

10 I thank you all for being here today.

11 MR. UNDERWOOD: Good morning. We don't have as
12 many people in the front row; I feel like I'm in church.

13 I just wanted everybody to know today that
14 TxDOT is on track to be the best, safest DOT in the
15 nation. As of right now we're number one in terms of
16 employee safety. And with the summer coming on, we just
17 need to be really careful because that's the scariest time
18 of the year for our employees that are out working the
19 roads. So to our employees, please stay hydrated, stay
20 sharp because we need you and your families need you, so
21 be smart, be safe. Drive safe, everybody.

22 MR. HOLMES: Good morning. Just as a followup,
23 we talked about this last month from the safety
24 standpoint, even though we have made great improvements,
25 last year we still had 100 workers on the roadway killed,

1 and it's a stunning number. A portion of those are TxDOT,
2 but quite a lot of them are private contractor employees.

3 And so just to reinforce Commissioner Underwood's
4 statement about drive safely, distracted driving is one of
5 the great risks and we need to be really focused on that.

6 Just also as a followup to Commissioner
7 Austin's mention of the Panama Canal hearing held by the
8 House Transportation Committee in Houston last week, I
9 think it was important to note, and Commissioner Austin's
10 testimony there and Phil Wilson's testimony there that in
11 point of fact, our ports are not ready. The canal is
12 going to be able to accept of 50-foot draft vessels. We
13 have no ports currently in Texas that will allow that. We
14 have two that are either authorized or very close to being
15 authorized, Corpus and Freeport, but we are a long way
16 away from having a 50-foot draft port in practicality, and
17 so we've got quite a lot of work to do.

18 A very significant portion of the funding for
19 deep draft below 45 feet comes from the federal
20 government, and as you speak with and see our federal
21 representatives, our U.S. congressmen and senators, remind
22 them of the fact that we need additional funding for our
23 ports, not just to deepen their draft but to maintain the
24 project depth that already exists. And then TxDOT needs
25 to continue to focus on the land transportation system

1 that connects the ports to the markets in Texas and the
2 rest of the U.S.

3 I thank you for being here. Appreciate all of
4 your interest in the activities of TxDOT and your support
5 for it. Thanks.

6 MR. HOUGHTON: Thank you, commissioners.

7 A lot of activity on the coast. By God's
8 grace, geographically we sit in a very, very favorable
9 place.

10 Mr. Wilson, have you noticed how quiet it is up
11 here today? It's been very quiet.

12 MR. WILSON: I don't know why, Mr. Chairman.

13 MR. HOUGHTON: I just wondered is it me. I'm
14 amiss at the silence.

15 (General talking and laughter.)

16 MR. HOUGHTON: With that, we'll move on and the
17 first order of business is to approve the minutes of the
18 April 26, 2012 commission meeting. Members, there's a
19 draft you've been provided in your briefing materials. I
20 there a motion?

21 MR. UNDERWOOD: So moved.

22 MR. HOLMES: Second.

23 MR. HOUGHTON: All in favor?

24 (A chorus of ayes.)

25 MR. HOUGHTON: Thanks. Phil, it's all yours.

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

2 Our first agenda item today includes two
3 resolutions to recognize Toribio Garza, Jr. and Scott D.
4 Burford, who both will be retiring from TxDOT. I would
5 like to invite Toribio to come forward first so we may
6 present his resolution.

7 Good morning.

8 "Whereas, the Texas Transportation Commission
9 takes great pride in recognizing Toribio Garza, Jr., P.E.
10 for his outstanding service to the Texas Department of
11 Transportation and the State of Texas after a long and
12 distinguished career of 26 years;

13 "And whereas, Garza earned a bachelor's degree
14 in civil engineering from the University of Texas at
15 Austin in 1986 and became a licensed professional engineer
16 in 1991;

17 "And whereas, he held various positions in the
18 Pharr and Corpus Christi districts, then becoming Pharr
19 District's director of maintenance in 1999 and holding
20 that position until he was named deputy director of the
21 Maintenance Division in 2007 and director in 2009;

22 "And whereas, Garza ably led numerous
23 maintenance efforts, including statewide emergency
24 operations, managing facility and security needs
25 statewide, and conducting district maintenance operations

1 peer reviews, as well as overseeing the department's
2 pavement management plan;

3 "And whereas, Garza was a member of the TxDOT
4 team that received the 2011 International Road
5 Federation's Global Road Achievement Award, IRFGAA, for
6 TxDOT's pavement management program;

7 "And whereas, he was widely respected by his
8 staff for his dedication, selflessness, trustworthiness,
9 honesty, problem-solving ability and common sense
10 approach;

11 "And whereas, Garza will be remembered for his
12 important contributions to the growing role of the
13 Maintenance Division during state emergency events and for
14 his 'Think Maintenance' motto, a message he spread to
15 encourage long-term, forward thinking among maintenance
16 offices;

17 "And whereas, he led by example of what it
18 means to be guardians of the road, proactively doing what
19 it took to keep roads safe while promoting the value of
20 taking ownership of this important public service;

21 "Now, therefore, be it resolved that the Texas
22 Transportation Commission does hereby extend its sincere
23 best wishes to Toribio Garza in recognition of his
24 considerable professional achievements in a career of
25 loyal service to TxDOT on behalf of the State of Texas and

1 its citizens.

2 "Presented this day, Thursday, the 31st of May,
3 2012."

4 Are there any comments from the commission?

5 MR. AUSTIN: I have one. The things that
6 you've been involved in, maintenance, emergency
7 preparedness, these are things that a lot of the public do
8 not have the opportunity to see the face behind these good
9 things that take place that make it safe for our citizens
10 across the state. I just want to say thank you and good
11 best wishes.

12 MR. UNDERWOOD: I'll miss your smiling face.
13 Thank you for what you do. It's not a glamorous job,
14 maintenance, but I really appreciate what you do for the
15 taxpayers of Texas because you keep the roads safe for
16 them and you protect their investment. So thank you very
17 much for what you do and your staff.

18 MR. HOLMES: We're going to miss you, Toribio.
19 Thank you for all you've done.

20 MR. HOUGHTON: Toribio, I guess a couple of
21 years ago it was brought to my attention that the truckers
22 of the country rated Texas as the best roads in the
23 country, and it's by no accident because of people like
24 you, and I thank you for your dedicated service to this
25 agency. And congratulations and good luck in the future.

1 MR. WILSON: Toribio, would you like to say a
2 few words?

3 MR. GARZA: Sure. How much do I have, about an
4 hour and a half?

5 MR. WILSON: It's your party.

6 (General laughter.)

7 MR. GARZA: It has been an honor and a great
8 privilege to work with the Texas Department of
9 Transportation. I has been an honor and a great privilege
10 to be a part of the rich history that our 95-year-old
11 agency has experienced. A lot of people in this room and
12 a lot of people all over the state contributed to the fine
13 transportation system that we have, and it's been an honor
14 for me to have been part of that.

15 I want to thank a lot of people, I won't names,
16 but a lot of people have helped me in my career back in
17 Corpus and in the Valley and here in Austin, and I thank
18 them. I want to thank our employees, hundreds of
19 employees statewide that every day they continue to design
20 and build and maintain the best transportation system in
21 the country. And Chairman, you alluded to that. That's
22 the true test in my mind is the truck drivers that rate
23 the roads. We can brag about it all day about how we have
24 the best system, but truck drivers, that says something.

25 And special thanks to our 6,000 maintenance

1 employees that Commissioner Underwood mentioned and
2 Commissioner Austin, that they're out there every day,
3 quietly but very pridefully maintaining our system as best
4 as we can in a safe manner. And my hat's off to them.

5 They tell me that we continue to grow as a
6 state by a thousand new Texans every day, that's adding
7 the City of San Antonio every three years, and while we
8 all understand those challenges and what that does to our
9 system, more congestion and more delays and more of
10 everything, more pavement to stress, many times people
11 aren't mindful that that's a lot more complaints, that's a
12 lot more drop-offs, that's a lot more signs that get hit
13 and bridges that get hit, that's a lot more dead rabbits
14 on the road.

15 (General laughter.)

16 MR. GARZA: There's a lot more of everything
17 because our state is growing, and all of that stuff, to
18 start to address is originates in our maintenance sections
19 in our area offices, and they quietly do a great job every
20 day, and so my hat's off to our employees.

21 Again, thank you for your support, thank you
22 for what you do for this agency, good luck to you all, and
23 may God continue to bless the Texas Department of
24 Transportation. Thank you.

25 MR. WILSON: Thank you, Toribio. If you'll

1 stand by.

2 (Applause.)

3 MR. WILSON: Next I would like to have Scott
4 Burford move to the podium and be recognized for his
5 service.

6 Good morning, Scott.

7 "Whereas, the Texas Transportation Commission
8 takes great pride in recognizing Scott D. Burford as an
9 outstanding, dedicated administrator who has served the
10 Texas Department of Transportation for more than 30 years.

11 "And whereas, Burford, a native of Austin,
12 graduated from Southwest Texas State University in 1980
13 with a degree in business administration, and began his
14 TxDOT career in 1981 with the former Automation Division,
15 coordinating administrative support service programs;

16 "And whereas, he was named director of the
17 former Information Systems Division Resource Management
18 and Procurement Services Section in 1998, and became
19 director of the General Services Division in 2003, where
20 he's administered diverse support programs including
21 purchasing and contracting, supply chain management and
22 online information services;

23 "And whereas, Burford, in his distinguished
24 career has served as interim chief programs officer since
25 November 2011, overseeing various technical and

1 administrative program under the agency's new
2 organizational structure;

3 "And whereas, Governor Rick Perry appointed
4 Burford to serve on the Texas Council on Purchasing for
5 People with Disabilities in 2005;

6 "And whereas, in his retirement Burford plans
7 to stay busy and find more time for hunting, fishing and
8 playing golf;

9 "And whereas, Burford has devoted his
10 professional life to improving the quality of life for all
11 Texas;

12 "Now, therefore, be it resolved that the Texas
13 Transportation Commission does hereby extend its sincere
14 best wishes to Scott D. Burford in recognition of his
15 professional achievements in a career of loyal services on
16 behalf of the State of Texas and its citizens."

17 Are there any comments from the commission?

18 MR. AUSTIN: Thank you very much for what
19 you've done. I know in your area you've seen a lot of
20 changes during your career, and thank you for your loyalty
21 in your tenure.

22 MR. UNDERWOOD: Scott, thank you for being
23 behind-the-scenes support of all the men and women of
24 TxDOT for all you've done for us, and wish you the best in
25 the future. Thank you, sir.

1 MR. HOLMES: Hunting and fishing, Scott, you're
2 kind of right down my alley. Thank you for all you've
3 done and best of luck in the future.

4 MR. HOUGHTON: The question is how much can you
5 hunt and fish, how many things can you kill.

6 Congratulations, Scott.

7 MR. UNDERWOOD: The answer is there's not
8 enough hours in the day.

9 (General laughter.)

10 MR. HOUGHTON: I hear you. Thanks a lot.
11 There's a lot of unsung heroes in this agency and you are
12 one of them that doesn't get a lot of the accolades but
13 keeps the lights on, the place going, the wheels greased,
14 and I appreciate your service to the agency. Thank you.

15 MR. WILSON: Scott, would you like to say a few
16 words?

17 MR. BURFORD: Toribio is a tough act to follow,
18 isn't he?

19 First, I'd like to thank the department for all
20 the opportunities to help others in support of the folks
21 in the field. I think that's where the heart of the
22 agency is.

23 With respect to change that the department has
24 gone through, the department has gone through lots of
25 change that I've seen in the last 30 years. This most

1 recent change I think is very good. I think it's going to
2 make a great agency greater, and I was really excited to
3 be part of that.

4 And I'd like to recognize my new employer, if
5 that's appropriate, my wife Angie, and my daughter Erin.

6 (General laughter and applause.)

7 MR. BURFORD: And with that, thank you very
8 much, all of you.

9 (Applause; pause for presentations and photos.)

10 MR. WILSON: Now moving to our next item,
11 Shannon Crum, our Data Management director, will present
12 discussion item 4a regarding strategies for engaging the
13 public in establishing and development mobility and
14 investment priorities. Shannon.

15 MS. CRUM: Good morning, commissioners. For
16 the record, my name is Shannon Crum and I'm with the
17 Transportation Planning and Programming Division.

18 In Rider 42 to the department's current
19 appropriation, the 82nd Legislature directed the Texas
20 Transportation Institute to facilitate and coordinate
21 studies in the four most congested areas of the state in
22 order to identify transportation projects that will have
23 the greatest impact on congestion, economic benefits, user
24 costs, safety and pavement quality. A key element of this
25 charge was that TTI should work to ensure open and

1 transparent public participation throughout the project
2 identification process.

3 This morning, Tim Lomax, senior research
4 engineer at TTI, is here to present an overview of the key
5 principles and best practices they use for public
6 engagement that foster informed, engaged decision-making
7 by all of TxDOT's partners.

8 MR. LOMAX: Thank you, Shannon. Thank you,
9 commissioners. For the record, Tim Lomax with the Texas
10 Transportation Institute.

11 So the work that we've done, not me so much,
12 but Bernie Fette and Tina Geiselbrecht from our staff, has
13 involved a tremendous amount of cooperation and
14 coordination with not only your department but also the
15 MPOs around the state and other transportation partners.
16 I think what they've found is that there's a lot of effort
17 going on right now that we would characterize as sort of
18 on the left side of this diagram, there's a lot of
19 informing and consulting and some involving.

20 If you look around the country at the best
21 practices and even the best practices within Texas, we
22 tend to see more effort on the right side of the diagram
23 in the collaborating and empowering, and I think when we
24 look at the future that we have in transportation, that's
25 really where we think the department and the

1 transportation world ought to go, that we should be
2 involving people in the discussion, collaborating with
3 them and designing the projects so that we get their
4 support when we ask for more funding and project approval.

5 So our charge was to look at a number of
6 elements. To ensure open and transparent public
7 participation is what we're talking about today, but the
8 other three things really involve a lot of public
9 participation as well, it's not just do the public
10 participation, it's make sure that that gets nested in all
11 the things that we're trying to identify in terms of
12 selecting projects and identifying funding mechanisms.

13 So the report that we submitted identifies the
14 key principles, some best practices, we identify some case
15 studies and provide you with some information. I thought
16 I'd go over a few of those today. Again, this comes as a
17 result of a lot of work by your department, your staff and
18 other transportation agencies around the state that we've
19 talked to, so by no means is this a TTI only effort.

20 When we look at recommendations, we've got
21 eight of them specifically listed. A number of these
22 comes from these case studies and come from the best
23 practices that we've seen in Texas and across the country.

24 The first ones sort of talk about starting the
25 discussion, and I think this is really where we need to do

1 a better job of making this personal to the people of the
2 State of Texas. We need to get to the point where they
3 understand the value of transportation like they
4 understand the value of schooling or food or other aspects
5 of their life. I think agencies that do a really good job
6 of this capitalize on events, the Minneapolis bridge
7 collapse, special events that involve transportation, all
8 of these are ways that transportation can tell the story
9 of their value to society.

10 When we talk about sustaining the discussion, I
11 think that we've got some really good examples.

12 Commissioner Austin, you were involved in the Loop 49
13 discussion in Tyler where we had the chamber talking to
14 the Rotary talking to the civic associations. That's the
15 kind of way that I think we can really get more active
16 involvement from the community, it's not just holding a
17 big public meeting, it's capitalizing on a number of
18 different opportunities.

19 We talk about what we should do or sort of the
20 strategy. I think obviously we need to develop some
21 messages that work, but again, personalizing those,
22 targeting them to the problem, and then making sure that
23 we understand how those are being received and adjust
24 those. Clearly, we need to convey a sense of urgency and
25 need that's supported by fact, but that fact has to be

1 felt by the community, those terms have to resonate, and I
2 think when we talk about messages, they need to be
3 messages that are obviously fact-based, but they also have
4 to be maybe a little more personal than an engineer like
5 me is sort of trained to do. I think that's really where
6 we see some huge benefit in looking at other agencies,
7 other examples.

8 Minnesota Department of Transportation uses a
9 panel of people that they poll regularly on issues to find
10 out what they think, how they perceive transportation as a
11 part of the economy, as a part of improving the quality of
12 life.

13 When we look at the way these messages get
14 transmitted, it's really important that we find partners.
15 We can't just always be the transportation people coming
16 to the community. A lot of times it's a lot more
17 effective if it's the mayor or the business community, the
18 football coach if he's having a winning record, if he's on
19 his way out, maybe that's not the guy you want to get on
20 your side, but I think finding ways to get this as part of
21 the public discussion is really where we see a huge
22 benefit when we look around the state.

23 You have been doing this on, for example, the
24 My 35 project where you've got a big corridor but you've
25 broken it up into segments, you've got folks in the

1 communities along the corridor that are engaged in the
2 discussion. Imagine Austin here in Austin did a really
3 good job of involving the public. Involving decision-
4 makers, crafting a vision that everybody can get behind so
5 that we've got strategies that are oriented at finding
6 people where they are and talking to them there, so 50
7 small neighborhood meetings might be better than one big
8 meeting. Strategies like that are ones that I think the
9 public is starting to expect.

10 I think part of that comes from the technology
11 that we've got access to, but part of it also just comes
12 from the evolution of using that technology and conveying
13 information. I think part of the response is to provide
14 adequate resources, people, time, effort, support,
15 institutional support. I think one of the things that we
16 heard that it's probably going to work better if we get
17 the communications people involved with the project
18 development staff, the folks doing design, right of way,
19 environmental, we get them involved early on.

20 It probably doesn't have to be the same level
21 of effort on every project. You know, big projects like
22 the North Tarrant Express, the bigger projects, Katy
23 Freeway in Houston, those are going to require a
24 tremendous amount of public involvement, but we can point
25 to smaller projects that have probably not succeeded as

1 well as they could if we had had more communication
2 involved early on where we knew here's what the community
3 issues are, here's the ideas that the community has about
4 this project and the things that we need to make sure that
5 our design, our planning addresses but also our messaging
6 addresses as well.

7 So to conclude, I think we see this as a series
8 of questions that need to be answered, and some of these
9 are department, some of these are State of Texas, national
10 questions but many of them are individual project,
11 individual program kinds of discussions. We need to make
12 sure that people understand the urgency of the problem, we
13 need to make sure that they understand the problem in ways
14 that they understand how to react to, but we also need to
15 understand at the project and corridor level what kinds of
16 projects are going to address the problems, how are they
17 going to get funded, do the people trust that that funding
18 and that project is going to get delivered on time and is
19 going to be a success, how do we make that connection much
20 more personal.

21 As I said, there's more detail in the report
22 and we've been over the report with several members of
23 your staff, and look forward to working with you some more
24 on advancing these issues.

25 Questions?

1 MR. HOUGHTON: Tim, what's the action item
2 here? What's next?

3 MR. LOMAX: I think a couple of things. One is
4 think about this issue of nesting the communications
5 people or having them work with the design, right of way,
6 environmental staff earlier on. So that's an action for
7 you to consider, for Mr. Wilson to consider in terms of
8 structural elements. I think in working through projects,
9 if you get that to happen and then back that up with some
10 resource issues, I don't know exactly how much money you
11 ought to spend, but if 80 to 90 percent of the project is
12 about how the public is going to be supportive of the
13 project, you've probably got to spend more than 1 percent
14 of your budget on making sure they understand the problem,
15 the solution and get that messaging right.

16 I think the effort is going to vary, but
17 working through this checklist or this answering the
18 questions I think is the right way to go at that. Making
19 sure that those issues get addressed earlier on is better.
20 That's why we're talking about involving the staff,
21 communications folks at an earlier date.

22 MR. HOUGHTON: In the information here that I'm
23 looking at issues, it talks about increase public
24 awareness of transportation funding challenges, work to
25 build consensus on solutions, illustrate consensus,

1 consequences of no change. I better be careful about what
2 I say, but it sounds like lobbying to me, Coby, almost.
3 And of course, we've got to go across the street and say
4 here are the issues or challenges, we've been doing this
5 forever. How do you build this consensus or how do you
6 propose to build this consensus in the public that there
7 need to be more resources to all modes of transportation?

8 MR. LOMAX: I'm going to give you my view. I'm
9 sure there are other people who have informed views as
10 well. You mentioned lobbying. There's a big gray area
11 that we could call lobbying, but I think we in
12 transportation do a terrible job of connecting people with
13 their improved quality of life and our role in
14 transportation and how it makes that happen. So I think
15 there's a lot of information, a lot of connection.

16 When you send your kid to college, I think
17 people intrinsically know what the value of that college
18 education is. I don't know what they have that same
19 connection with transportation, and yet think about
20 people's choice where to live, where to work, that
21 involves transportation. It may not be the number one
22 thing on their list, and certainly in the economy right
23 now it's not the number one thing on their list, but it's
24 certainly a part of that discussion and certainly a part
25 of what's allowed Texas to be economically prosperous and

1 to provide a really good quality of life for a lot of
2 people. We have a pretty good transportation network that
3 allows them to make choices that don't rely on making sure
4 that I'm close to the train so that I can make my hour and
5 a half trip to work.

6 MR. HOUGHTON: Any other questions?

7 MR. AUSTIN: I really appreciate your slides
8 and condensing this down.

9 MR. LOMAX: I had a lot of help. I've got a
10 Ph.D. so I start at 60 slides and work up from there.

11 (General laughter.)

12 MR. AUSTIN: I can appreciate that.

13 I had a chance to visit with a chamber of
14 commerce. They were beginning to form a transportation
15 committee, and a lot of these questions came up, and
16 initially, three or four different people had three or
17 four different projects they were concerned about. And I
18 kind of just stepped back and said, What you can do is be
19 a facilitator, to help the district engineer and the local
20 office, ultimately it would help us, is build the
21 consensus, what are those priorities. So there's a lot of
22 public involvement and engagement at the local level,
23 because one question I always ask is there a consensus of
24 the need, is it safety, is it expansion, is it economic
25 development, is it connectivity, what is the consensus.

1 And you look at some of the successful
2 communities in developing projects and coming up with the
3 concept and moving them forward, they've reached a
4 consensus. And I think at all levels, whether it's the
5 city, the chamber, the county, school districts,
6 businesses, the COG, the MPO, elected officials, everybody
7 has a voice. And where there's a public hearing, you
8 know, sometimes we tend to focus on the negative comments
9 because all comments do count, but we also want to hear
10 every comment that says we support this and why. These
11 comments do count and public involvement, whether it's
12 safety, we like this long-range, your comments do count,
13 and I think this is a very good template for us to share
14 also when we're asked what can we do to advance a project.

15 MR. LOMAX: I think that really goes to the
16 chairman's point too, that an engaged public is one where
17 the few people who have a problem with the project aren't
18 the only ones that show up. The people who commute
19 through a corridor are there to make their wishes,
20 desires, needs known and not just the folks who are
21 motivated. Let's face it, the motivated folks show up.
22 Public engagement, the kinds of issues that we're talking
23 about here, are the way to get more people engaged in the
24 discussion and designing the project, making sure that
25 people know that they're willing to support the funding.

1 MR. AUSTIN: For my role, we need the help of
2 the public, we can't do it without, because they're the
3 eyes and ears, they travel the roads that we don't. We
4 appreciate the help that the public does generate and
5 bring us solutions as well.

6 MR. LOMAX: Absolutely.

7 MR. HOUGHTON: Tim, thank you.

8 MR. WILSON: Mr. Chairman and commissioners,
9 you're aware of this, but for the audience, we have taken
10 a lot of the thought processes and patterns on embedding
11 public involvement into communications, so it's part of
12 that overall organizational chart, for our audience now.
13 And we appreciate the thought our partner TTI has put into
14 this effort. Thank you very much.

15 MR. LOMAX: Look forward to working with you.

16 MR. WILSON: Thank you.

17 Moving to item 4b, our chief financial officer,
18 James Bass, will provide an update regarding the
19 development of TxDOT's LAR. James.

20 MR. BASS: Thank you. Good morning. Again for
21 the record, I'm James Bass, chief financial officer at
22 TxDOT.

23 This morning I want to give you a brief update
24 on where we're at in the development of our appropriations
25 request that we anticipate to be due at the end of August.

1 You'll recall the two primary parts of the LAR
2 are the baseline request and the exceptional items. In
3 our current approach on the baseline request, looking at
4 the State Highway Fund, it's to assume that the level of
5 the appropriation to all other agencies that received from
6 the State Highway Fund remains flat, and then request the
7 remainder of the projected revenues to the Highway Fund to
8 TxDOT for our various programs.

9 In the general revenue funding element of the
10 LAR, our approach is to request the required debt service
11 for any of the Proposition 12 bonds that will have been
12 issued at that point, and then also a continuation of a
13 small amount of general revenue that goes to rail safety.

14 When we move to the exceptional items request,
15 again starting with the State Highway Fund, the approach
16 that we've done in the past couple of sessions is to
17 include as one of the exceptional item requests the
18 additional projects that could be delivered if the
19 legislature so chose to reduce the amount of
20 appropriations out of the Highway Fund to certain other
21 agencies, if those were to be redirected to the department
22 and our programs, what could be accomplished.

23 Another exceptional item request we plan to put
24 in there is centered around the uncertainty of what the
25 Federal Aid Highway Program is going to look like going

1 forward. So if Congress acts and continues this elevated
2 level of funding, we would have that represented as an
3 exceptional item and again showing which programs and
4 projects would move forward through that.

5 For the general revenue portion of the
6 exceptional items request, we would anticipate to ask for
7 additional debt service for future issuances of Prop 12.
8 As the \$5 billion program and all of those projects
9 continue to progress and the payouts increase, obviously
10 we'll be issuing additional bonds that will require debt
11 service. And the administration is also considering a
12 couple of requests for increased funding for public
13 transportation and rail at the moment.

14 Another key element in the overall
15 appropriations request will be the full-time equivalents
16 for the department, and here you see going back to 2007
17 the approved FTE allocations from the legislature for
18 TxDOT, you can see that through the commission's
19 leadership last session we reduced the number of FTEs in
20 the department to just over 12,000 and the anticipation is
21 for 2014 and 2015 to make the request at that same level.

22 Another key item is the capital budget items,
23 and you've heard a lot about this through our
24 modernization efforts, and we would anticipate at this
25 point we're seeing requests from the districts and the

1 various division higher than our baseline in '12 and '13
2 in these three different categories. The first one,
3 information technology, this is not news to anyone in this
4 room, I think, that the department has operated under
5 outdated IT systems that have made it difficult for us to
6 not only communicate internally but also externally, and
7 so there's very likely in the final LAR, or the draft
8 that's presented to the commission, you'll see an
9 increased level of funding for information technology.

10 Along the same lines on equipment, we're seeing
11 through our general services division and different
12 replacement criteria that they go through that looks at
13 the level of maintenance that's being spent on pieces of
14 equipment, the number of miles and years that they've been
15 utilized, it's time for a lot of those pieces of equipment
16 to be updated and to be replaced, and so again, we would
17 anticipate seeing a bump in the request in that area.

18 The third major piece of capital budget is the
19 buildings and the facilities that we have across the
20 state, and it may include new facilities or repair to a
21 lot of our existing facilities, and once again, the
22 requests and information shows a need to address some
23 critical safety items and energy savings and different
24 things in our facilities, and we would anticipate a bump
25 in our funding level for that as well.

1 I promised a brief update. I hope that was
2 brief but still informative. I'd be happy to answer any
3 questions you may have on where we're at on our
4 preparation of the LAR.

5 MR. AUSTIN: I've got a question. I want to
6 focus on IT just for a minute, and I kind of want to turn
7 to Phil, if I may. You know, Phil, we've been here about
8 the same time, you've been here for several months, coming
9 in from outside and coming in and looking at systems to be
10 able to ask for reports, respond, whether it's to members
11 of the legislature, members of the public, how has it been
12 to be able to pull the reports and get the systems to talk
13 in an instant basis, regardless of what it is.

14 MR. WILSON: In an instant basis, it's
15 impossible. And we've had this conversation, many of us,
16 but when you have a mainframe that was built when Ronald
17 Reagan was president -- and people think I'm making a joke
18 when I say that, but it really was built when Ronald
19 Reagan was president -- and we have a complexity of
20 systems. And James and I talked the other day, we have
21 basically a Harry Potter algorithm that four people
22 understand that they get in the magic room and they can
23 plug in the code in our financial data. And if those four
24 guys were in a car wreck and were in the hospital for a
25 month, we'd shut down, because we've had this bolt-on,

1 Frankenstein system that's been built year after year.

2 MR. HOUGHTON: Don't sugar coat any of this.

3 (General laughter.)

4 MR. WILSON: I know. In all honesty, on top of
5 that, Mr. Chairman, it is truly our greatest internal need
6 from a technical standpoint, and we have a mission
7 critical problem we have to address. And I commend Louis
8 Carr and the activities that he's done to try to lead us
9 out of this with the resources we have, and the people
10 that we're repositioning with our resources and with the
11 technology that we have, I think we're doing a lot. But
12 our challenge is we're resource constrained, and when
13 you're resource constrained there's only so much you can
14 do in that effort, even with the best leadership.

15 And we're focused very diligently both on the
16 mainframe, software applications, our FIM system which is
17 our financial data reporting system and the complexity of
18 issues to have to maintain a set of Excel books in a
19 district office apart from FIM so you can get the answer.

20 I mean, that's kind of the worst position government can
21 ever be in when you're trying to respond to the public.

22 So that's a long answer to your question,
23 Commissioner, on where we are.

24 MR. AUSTIN: Well, that hits to the heart of
25 it. I look back at the independent studies that were

1 done, the Grant Thornton report, and this is one of the
2 things that came out is to really look and focus at IT, so
3 this has been identified not only internally but
4 externally. And I guess the challenge going forward is to
5 make sure when we come up with the request is let's get it
6 right and fix it, let's don't try to patch it the best we
7 can.

8 But in trying to be good stewards and be
9 efficient and have a more responsive agency to the public,
10 to whomever, it's going to mean having systems that
11 integrate and talk to one another, be able to get the
12 information. But also, we've got thousands of employees
13 that we're going to have to educate and train and make
14 sure they're up to speed on this as well.

15 And I have had a chance to visit with Louis and
16 really proud of what he's doing with the initiatives. One
17 of the initiatives that they're looking at migrating from
18 one system to another is going to automatically save some
19 money, and we like hearing that, and I think he's to be
20 commended with his whole team as well.

21 MR. UNDERWOOD: A little bit of a summation for
22 the public. TxDOT is more than just a road builder, we
23 also provide information, whether it be to the
24 legislature, to the commission, to our fellow employees,
25 and we need the proper IT equipment to be able to do that

1 in a timely manner. We need to put down the Big Chief
2 Tablet and the Number 2 pencil and get into the 21st
3 Century.

4 MR. WILSON: Yes, sir.

5 MR. HOUGHTON: James, thanks.

6 MR. BASS: Thank you.

7 MR. WILSON: Item 5 is the awarding of Aviation
8 grants. Aviation Division Director Dave Fulton will
9 present this minute order.

10 MR. FULTON: Thank you, Phil. For the record,
11 my name is Dave Fulton, director of TxDOT's Aviation
12 Division.

13 This minute order contains a request for grant
14 funding approval for five airport improvement projects and
15 cancellation of one previously approved grant. The total
16 estimated cost of all requests, as shown in Exhibit A, is
17 approximately \$10.2 million: approximately \$8.6 million
18 in federal funding, \$600,000 in state funding, and
19 approximately \$1 million in local funding.

20 A public hearing was held on April 19, no
21 comments were received. We would recommend approval of
22 this minute order.

23 MR. HOUGHTON: Questions?

24 MR. UNDERWOOD: Dave, we've talked about this
25 before. Addison, is that one of the busiest airports in

1 the country? Is that correct?

2 MR. FULTON: It is. It's at least in the top
3 five, I don't know the exact ranking, for general
4 aviation/reliever airports in the nation.

5 MR. UNDERWOOD: It's considered a reliever for
6 DFW. Isn't that correct?

7 MR. FULTON: Exactly, and Love Field.

8 MR. UNDERWOOD: And Love. So this is very
9 needed, what they need.

10 MR. FULTON: Absolutely, yes, sir. I think the
11 FAA saw that since, as I mentioned earlier in some notes
12 to you, they provided almost \$5 million in discretionary
13 funding for this project, in addition to our state
14 apportionment funding.

15 MR. HOUGHTON: Additional questions? Motion?

16 MR. HOLMES: Motion.

17 MR. AUSTIN: Second.

18 MR. HOUGHTON: All in favor?

19 (A chorus of ayes.)

20 MR. HOUGHTON: Thanks, Dave.

21 MR. FULTON: Thank you.

22 MR. WILSON: Item 6a is the awarding of federal
23 funds for FY 2013, coordinated call for projects and
24 transportation development credits. Eric Gleason,
25 director of the Public Transportation Division will

1 present. Eric, item 6a.

2 MR. GLEASON: Good morning. For the record,
3 I'm Eric Gleason, TxDOT's director of Public
4 Transportation.

5 Agenda item 6a awards approximately \$9.5
6 million in federal funds and 604,000 transportation
7 development credits for selected projects submitted in the
8 department's annual coordinated call for transit projects.

9 Federal Transit Administration Intercity Bus and Job
10 Access and Reverse Commute program funds are awarded in
11 this minute order.

12 Each year the department publishes a request
13 for proposals for transit projects funded from a variety
14 of different FTA programs. This year's RFP was published
15 in the *Texas Register* on August 5, 2011, proposals were
16 due by December 1 of 2011.

17 To date, Congress has only authorized three-
18 fourths of the funds for federal fiscal year 2012
19 programs. This minute order reflects project awards for
20 funds that are currently available. When the remaining
21 fiscal year 2012 funding is available, additional projects
22 will be brought to the commission for approval.

23 Today's awards are a combination of funding for
24 intercity bus service operations and for projects
25 associated with assisting lower income individuals get to

1 jobs and job training activities. Transportation
2 development credits are used in lieu of local match for
3 eligible capital program expenses such as fleet
4 procurement, preventative maintenance, planning and the
5 purchase of IT equipment.

6 These projects contribute to the department's
7 goal to connect Texas communities, and staff recommends
8 your approval of this minute order.

9 MR. HOUGHTON: We have a speaker who would like
10 to address the commission. Javier Bañales, executive
11 officer, LULAC Project Amistad. Javier, welcome.

12 MR. BAÑALES: Good morning, Ted. How are you?

13 MR. HOUGHTON: Nice seeing you.

14 MR. BAÑALES: Nice seeing you.

15 Good morning, gentlemen. My name is Javier
16 Bañales. I'm the chief executive officer for LULAC
17 Project Amistad in El Paso, Texas.

18 Our agency is a social service agency. Our
19 agency provides a number of social services, but without
20 transportation for the recipients of services, the social
21 services that our agency would provide, along with many
22 other social service agencies throughout the state, would
23 not be as efficient as it is today.

24 Our agency provides guardianship services
25 through the Department of Aging and Disability Services,

1 we have contracts with Adult Protective Services, we were
2 recently awarded an award letter from Center for
3 Medicare/Medicaid Services to provide services to Medicare
4 beneficiaries in hospitals.

5 But I'm here today wearing the hat of an agency
6 director that has transportation as its main purpose,
7 because without transportation, as I mentioned, a lot of
8 the recipients of services could not receive those
9 services, low income individuals, especially those in the
10 rural areas of not only El Paso but throughout the state.

11 There is a continuing need, there is really a
12 desperate need to continue to provide transportation
13 through the Job Access and Reverse Commute programs and
14 through the New Freedom program which provides
15 transportation to persons in need. Each year thousands
16 and thousands of individuals receive transportation
17 services through these programs.

18 And I wanted to just follow up a little bit and
19 share with you that what I see at our level when we, as
20 the agencies that receive services, is the professional,
21 the highly dedicated work and the high quality work that
22 Mr. Eric Gleason and his staff provide not just to our
23 agency but to all the other agencies throughout the state.
24 We attend a number of seminars, workshops, annual meetings
25 with the recipients of service agencies and we see the

1 support that is provided.

2 Their effort is to ensure that the funds that
3 are awarded at the local level, whether it is to an entity
4 such as a not for profit agency or a rural transit
5 district, that it is spent in the best way possible, that
6 the goals are met. They monitor, they audit, they provide
7 support, and they're a great resource to use to ensure
8 that the services that are provided certainly meet the
9 expectations and the goals of the program. So I just
10 wanted to comment a little bit about the work that I have
11 seen with Mr. Gleason as the director of Public
12 Transportation, and certainly the rest of his staff.

13 Thank you, Mr. Chairman.

14 MR. HOUGHTON: Thank you, Javier.

15 Motion?

16 MR. UNDERWOOD: So moved.

17 MR. AUSTIN: Second.

18 MR. HOUGHTON: All in favor?

19 (A chorus of ayes.)

20 MR. HOUGHTON: Passes. Eric.

21 MR. GLEASON: Thank you.

22 Agenda item 6b awards up to \$15,000 in state
23 funds to the Concho Valley Transit District to assist with
24 the funding of building modifications to a multimodal
25 transit facility to better accommodate intercity bus

1 carrier operations. The multimodal facility is located in
2 San Angelo and was constructed using a variety of federal
3 program funds, including Intercity Bus and Recovery Act
4 funding. Modifications were agreed upon during a TxDOT
5 site visit to the facility in March of this year.

6 This facility allows for connections between
7 rural and urban services provided by the Concho Valley
8 Transit District and intercity carriers, such as Kerrville
9 Bus, to other Texas destinations including the Dallas-Fort
10 Worth area and San Antonio.

11 Staff recommends approval of this minute order.

12 MR. HOUGHTON: Any questions? Motion?

13 MR. HOLMES: So moved.

14 MR. HOUGHTON: Second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. WILSON: Eric will continue with item 6c
18 awarding federal and state funds to Southwest Area
19 Regional Transit District. Eric.

20 MR. GLEASON: Agenda item 6c awards the
21 remaining balance of Community Council of Southwest Texas
22 active grant contract shown in Exhibit A to the Southwest
23 Area Regional Transit District. This award follows action
24 by the community council on May 22 to separate out rural
25 transit district functions from the activities of the

1 community council. Southwest Regional Transit District
2 will officially continue as the rural transit district
3 providing rural transit service in Edwards, Real, Kinney
4 Uvalde, Maverick, Zavala, Dimmit, and La Salle counties.

5 Staff recommends your approval of this minute
6 order.

7 MR. HOUGHTON: Questions? Motion?

8 MR. HOLMES: Motion.

9 MR. UNDERWOOD: Second.

10 MR. HOUGHTON: All in favor?

11 (A chorus of ayes.)

12 MR. HOUGHTON: Thanks, Eric.

13 MR. GLEASON: Thank you.

14 MR. WILSON: Item 7a is the final adoption of
15 amendments to Chapter 6, State Infrastructure Bank. Brian
16 Ragland, Finance Division director will present. Brian.

17 MR. RAGLAND: For the record, I'm Brian
18 Ragland, director of the Finance Division.

19 Item 7a is a minute order which makes changes
20 to the rules related to the State Infrastructure Bank, or
21 the SIB. These amendments include removing references to
22 loans made from general obligation bond proceeds, as that
23 presumed capitalization SIB, as you know, never took
24 place. We're also shortening the process and simplifying
25 the rules for the majority of borrowers.

1 We did receive comments on the proposed rules.
2 Those comments recommended a \$10 million threshold for
3 the loans which would need to come to the commission in
4 two separate meetings. We agree with those comments and
5 those changes have been incorporated here.

6 And finally, we're making some minor cleanup in
7 language that sometimes adds confusion for both borrowers
8 and internal staff, and staff recommends your approval.

9 MR. HOUGHTON: Questions? Motion?

10 MR. HOLMES: Motion.

11 MR. UNDERWOOD: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. HOUGHTON: Thank you.

15 MR. RAGLAND: Thank you.

16 MR. WILSON: The next item is item 7b(1), the
17 proposed adoption of amendments to Chapter 4, Employment
18 Practices. Chief people officer, Dee Porter, will
19 present. Dee.

20 MS. PORTER: Good morning, gentlemen, and thank
21 you. For the record, my name is Dee Porter.

22 Today we're asking to repeal one of our rules,
23 4.16. It has to do with veterans employment preferences.

24 The reason we're requesting this repeal is because this
25 item is already covered in Government Code, Chapter 657,

1 and does not need to be repeated in department rules.

2 Staff requests your support of this proposal.

3 MR. HOUGHTON: Questions? Motion?

4 MR. HOLMES: Motion.

5 MR. HOUGHTON: Second.

6 MR. HOUGHTON: All in favor?

7 (A chorus of ayes.)

8 MR. HOUGHTON: Thank you.

9 MS. PORTER: Thank you.

10 MR. WILSON: Item 7b(2), the proposed adoption
11 of amendments to Chapter 15, Financing and Construction of
12 Transportation Projects, will be presented by Finance
13 Division Director Brian Ragland.

14 MR. RAGLAND: thank you. Again for the record,
15 Brian Ragland, director of the Finance Division.

16 This minute order relates to language in the
17 rules which requires an annual financial audit be
18 conducted on the financials of transportation
19 corporations. The proposed rule amendment would exclude
20 corporations from this requirement for which the board is
21 comprised of TxDOT employees. And staff recommends your
22 approval.

23 MR. HOUGHTON: Questions? Motion?

24 MR. UNDERWOOD: So moved.

25 MR. AUSTIN: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. RAGLAND: Thank you.

4 MR. WILSON: Item 7c will be presented by Bob
5 Jackson, and it relates to rule review. Bob.

6 MR. JACKSON: Bob Jackson, general counsel.

7 State law requires state agencies to readopt
8 rules at least every four years and prior to readoption to
9 consider whether the reasons for each rule continue to
10 exist. Rules in Chapter 1, Management, and Chapter 11,
11 Design, were reviewed by the public. No comments were
12 received. The reasons for these rules continue to exist.

13 Staff recommends adoption of the minute order.

14 MR. HOUGHTON: Questions?

15 MR. HOLMES: Motion.

16 MR. UNDERWOOD: Second.

17 MR. HOUGHTON: All in favor?

18 (A chorus of ayes.)

19 MR. WILSON: Item 8 will be presented by
20 Suzanne Mann, director of the Office of Compliance and
21 Ethics. She will make her monthly report on the
22 department's Compliance and Ethics report. Suzanne.

23 MS. MANN: Thank you. For the record, I am
24 Suzanne Mann, director of the Office of Compliance and
25 Ethics for the Department of Transportation.

1 The purpose of this report is to provide a
2 summary of information related to complaints and
3 investigations for the month of April 2012. Statutory
4 references to Transportation Code 201.452 provides that
5 the compliance office has primary jurisdiction for
6 oversight and coordination of all investigations occurring
7 on department property or involving department employees.

8 Transportation Code 201.454 requires the director of the
9 compliance office to provide a monthly report to the
10 commission regarding investigation and a summary of
11 information relating to trends and recommendations.

12 The Human Resources Division and the Audit
13 Office notify OCE when investigations are initiated and
14 completed, and OCE monitors those investigations. In
15 accordance with the statute and our modernization plans,
16 all data is compiled by OCE for reporting purposes. There
17 were 35 complaints received during the month of April, 18
18 complaints were closed during the month. Allegations were
19 substantiated in two of the investigations and appropriate
20 action was taken.

21 There is no further action required.

22 MR. WILSON: Suzanne will also present item 9
23 considering amendments for clarification of the employee
24 ethics policy. Suzanne.

25 MS. MANN: For the record again, I am Suzanne

1 Mann, director of the Office of Compliance and Ethics for
2 TxDOT.

3 In December of 2007 the department adopted an
4 ethics policy to comply with Government Code 572.051.
5 This minute order revises the ethics policy to clarify
6 certain provisions and to remove references to divisions
7 that no longer exist with the department.

8 Section 24, existing language in item 4 was
9 deleted for clarification purposes. Item number 4 and
10 former item number 8 were of similar intent regarding
11 employee monetary interest in a contract or subcontract.
12 The rest of the sections were then renumbered to
13 accommodate the deleted item.

14 Section 45, we have further definition is
15 needed to clarify that the executive director may waive
16 the policy in specific cases where the general counsel
17 determines that the waiver does not violate the Government
18 Code or other law.

19 Section 25 was changed. For functions and
20 divisions had been moved to the Department of Motor
21 Vehicles, those have been deleted.

22 Section 27, the new language removes "with a
23 department project" and inserts "of any kind." This
24 language is needed to further employee monetary interest
25 in a contract or subcontract for clarification in

1 consistency with the human resources manual and department
2 practices.

3 Adoption of this minute order is recommended by
4 staff.

5 MR. HOUGHTON: Questions? Motion?

6 MR. HOLMES: So moved.

7 MR. UNDERWOOD: Second.

8 MR. HOUGHTON: All in favor?

9 (A chorus of ayes.)

10 MR. HOUGHTON: Thank you, Suzanne.

11 MR. UNDERWOOD: Suzanne, now that this has
12 passed, if you could get a copy to me of this, please.

13 MS. MANN: Yes, sir.

14 MR. WILSON: Item 10a is regarding the US 77
15 project in Nueces and Kleberg counties. This item will be
16 presented by Ed Pensock, director of Strategic Projects
17 Division. Ed.

18 MR. PENSOCK: Good morning, commissioners,
19 Phil. For the record, Ed Pensock, director of Strategic
20 Projects Division of TxDOT.

21 Item 10a authorizes the department to issue a
22 request for qualifications for the development, design,
23 construction and potentially maintenance of the US 77
24 project. The project will upgrade US 77 between
25 Kingsville and Driscoll from a four-lane, divided facility

1 with at-grade intersections to a full interstate standard
2 facility with overpasses. The project is intended to
3 improve safety and mobility, as well as foster economic
4 development throughout South Texas.

5 The total project is approximately 12 miles in
6 length and is part of an overall upgrade project to US 77
7 from Corpus Christi to Harlingen. The estimated
8 construction cost is approximately \$60 million. This
9 project can be expedited through the use of a design-build
10 contract and the employment of innovative methods for the
11 development and construction of projects that are
12 available through the design-build process. The project
13 will create a fully accessed controlled facility meeting
14 interstate standards.

15 We intend to issue the request for
16 qualifications if you approve later this summer,
17 potentially in the next few days. Staff recommends your
18 approval of this minute order, and I'll be happy to answer
19 any questions.

20 MR. HOUGHTON: We have a speaker that would
21 like to address us prior to our vote. John Wood, Cameron
22 County Regional Mobility Authority vice chair.

23 MR. WOOD: For the record, my name is John
24 Wood. I do serve as vice chair for the Cameron County
25 Regional Mobility Authority.

1 Mr. Chairman, commissioners, Mr. Wilson. I
2 believe we also have County Commissioner David Garza here
3 with us, and he would like to speak. If I might bring him
4 up at this time?

5 MR. HOUGHTON: Sure.

6 MR. WOOD: He usually has a lot more to say
7 than I do, so I think I'll let him go first and try to
8 pick up the pieces. And then he will probably also
9 indicate that my presence here is in lieu of our chairman,
10 David Alex, so that's a benefit also. Trying to be soft
11 to you guys.

12 (General laughter.)

13 MR. GARZA: Hello. How are you? Mr. Chairman,
14 commissioners. It's a pleasure to be here before you, and
15 just for the record, as of last Tuesday I will probably be
16 around at least for another four years, so warning in
17 advance. It was a good Tuesday for me.

18 MR. HOUGHTON: What was the margin?

19 MR. GARZA: A little over two to one, so I'm
20 happy.

21 But I do want to thank you in advance for this
22 project and what you have before you in consideration. We
23 have and always will partner with TxDOT on projects.
24 We're coming to say thank you, we're not coming to bring
25 complaints. We are saying that we can do more with less

1 most of the time. We have spreadsheets that can attest to
2 that fact and we'll be more than happy to share some of
3 those with you, not the true picture, you know. That's an
4 IT issue that we've got going on right now.

5 But we want to tell you that we want to be
6 partners with you and we thank you for the time that you
7 have taken. I know our county judge was up here last
8 week, he spent some time with the different folks in the
9 department. He couldn't be here today, but in advance, we
10 thank you. We want to be partners in this design-build
11 project and we offer ourselves to be part of the process.

12 We also ask that you consider a \$15 million
13 allocation for right of way acquisition. On the map you
14 have two other bypass projects that are shown there.
15 There's a bypass in Driscoll and a bypass in Rivera, and
16 we commit to helping TxDOT with the planning and design
17 that we can have some right of way dollars for those two
18 other pieces.

19 I know that Mr. Austin wanted us to visit with
20 him after your meeting, but you guys are so efficient that
21 this meeting is going around so quickly that we're going
22 to be able to catch a direct flight. I will be back up
23 here for the I-69 Advisory Committee meeting next week, we
24 will visit. We will visit with Ed Pensock and the
25 district engineer on what you have a concern on at a later

1 date next week. Okay?

2 But we just want to tell you that we're really
3 happy and proud of the work that you've done. We also
4 came because Toribio is going back home and we need good
5 people that have TxDOT experience in our county, and he
6 lives in my precinct and I think will be a great asset for
7 us at sometime in the future.

8 So with all that being said, thank you in
9 advance for what you're about to do for us. Mr. Wilson,
10 thank you, sir, for your time.

11 MR. WOOD: Again, thank you. You may have
12 noticed me checking some things off. Those were things
13 that I was going to cover but the commissioner did a fine
14 job of that, so I appreciate his help in this.

15 I do want to thank John Barton for being down
16 in our area not too long ago. We toured the almost
17 complete new international rail bridge crossing that's
18 going to be going into Mexico, the first one in over 100
19 years. It's coming along real well.

20 The only other thing I have to say, I do travel
21 77 quite a bit coming to Austin and San Antonio, and when
22 I get to that area around Corpus and we're actually I-69
23 at that point, things get quiet in the car and my wife
24 wonders what's wrong, what's going on, and I'm smiling and
25 just tooling along on I-69 and enjoying it, and we want to

1 thank you for everything you've done for that. We've got
2 a long way to go, and I know you are aware of that, and we
3 do really certainly appreciate all of your help and work
4 on that.

5 In addition to that, I really do believe that
6 I-69 completion and the work that we're getting done
7 gradually on it will certainly benefit all of us the
8 public traveling, economics, trade between U.S. and
9 Mexico, Texas and Mexico, Mexico being Texas's number one
10 trading partner. But also, I do really think that it will
11 help reduce Toribio's dead rabbit population.

12 Thank you very much. Appreciate being here.

13 (General laughter.)

14 MR. HOUGHTON: Thanks, John.

15 Any other questions?

16 MR. AUSTIN: I just had a comment. John, I did
17 want to make note of your I-69 pin, and I want to say
18 thank you for your comments about Interstate 69, and kind
19 of something you've illustrated with your presence here,
20 this project is not in your neighborhood but it has great
21 impact to your neighborhood. And back to our earlier
22 point of communication, listening to the public, building
23 consensus, your comments and what we've heard from others
24 are a great example of that. I want to say thank you for
25 continued support of working as a region to advance

1 Interstate 69. Thank you all.

2 MR. UNDERWOOD: Good comment.

3 MR. HOUGHTON: Motion?

4 MR. HOLMES: One other quick comment. I
5 appreciate the offer to help with the public involvement
6 of the bypasses. Those are not always simple processes.

7 MR. HOUGHTON: We need a motion.

8 MR. HOLMES: Motion.

9 MR. UNDERWOOD: Second.

10 MR. HOUGHTON: All in favor?

11 (A chorus of ayes.)

12 MR. HOUGHTON: Thank you.

13 MR. WILSON: Item 10b is regarding the Loop
14 1604 project in Bexar County. Ed Pensock will continue to
15 present. Ed.

16 MR. PENSOCK: Thank you. Ed Pensock, Strategic
17 Projects Division.

18 Item 10b authorizes the department to issue a
19 request for qualifications for the development, design,
20 construction and potentially maintenance of the Loop 1604
21 project. This project is \$146 million in northwest San
22 Antonio. The preliminary project limits are approximately
23 7 miles from State Highway 16 (Bandera Road) south to
24 Wiseman Boulevard. The limits on funding are anticipated
25 to be approved by the San Antonio Bexar County

1 Metropolitan Planning Organization and the Transportation
2 Commission, yourselves, later this summer through the
3 Unified Transportation Program.

4 The project will include the expansion of Loop
5 1604 to a four-lane, non-tolled expressway section with
6 overpasses at Braun Road, New Guilbeau Road, Shaenfield
7 Road, and Wiseman Boulevard.

8 The development and completion of the project
9 can be expedited through the use of a design-build
10 contract and the employment of the innovative methods for
11 use in developing these projects. Development of the
12 project is a crucial element in responding to traffic
13 congestion throughout San Antonio and Bexar County.

14 This project, like the previous one, will
15 require further approval from you for the request for
16 proposal process and other preliminary approvals also.

17 Staff recommends your acceptance of this minute
18 order, and I'd be happy to answer any questions.

19 MR. HOUGHTON: Questions? Motion?

20 MR. HOLMES: Motion.

21 MR. UNDERWOOD: Second.

22 MR. HOUGHTON: All in favor?

23 (A chorus of ayes.)

24 MR. WILSON: Item 11 relates to toll road
25 projects. First up is item 11a regarding additional

1 funding to the Grand Parkway Association. Ed.

2 MR. PENSOCK: Ed Pensock, Strategic Projects.

3 Item 11a authorizes additional funding of \$1.5
4 million to the Grand Parkway Association to conduct
5 environmental studies and additional work to support the
6 development of Segments E, F and G of State Highway 99,
7 the Grand Parkway project, from south of I-10 West in
8 Harris County to east of US 59 in Montgomery County.

9 Funding for a total aggregate of \$11.5 million
10 has previously been awarded for studies involving the
11 segments of Grand Parkway. The previously approved
12 funding by the commission has been insufficient for the
13 association to complete all the required studies. The
14 association has accelerated a lot of work and spent a lot
15 of the money that they had anticipated using early on
16 acceleration of projects, including the permitting
17 process.

18 The association and the department have
19 determined that \$1.5 million in funding is necessary to
20 develop the project from the current status through right
21 of way acquisition, environmental re-evaluation, final
22 design, design changes and final construction. It is
23 necessary to increase the funding to the association in
24 order to expedite the timely construction of these
25 segments which is essential to transportation needs in

1 East Texas.

2 Staff recommends your acceptance of this minute
3 order.

4 MR. HOUGHTON: Any questions?

5 MR. HOLMES: So moved.

6 MR. HOUGHTON: Second?

7 MR. AUSTIN: Second.

8 MR. HOUGHTON: All in favor?

9 (A chorus of ayes.)

10 MR. WILSON: The next item is 11b, giving
11 approval to exceed the dollar limit and contract term
12 restrictions for various toll road projects. Ed will
13 continue. Ed.

14 MR. PENSOCK: Item 11b authorizes the
15 department to exceed the dollar limit and contract term
16 restrictions for the procurement under indefinite
17 deliverable contracts of right of way acquisition,
18 procurement engineering and general engineering
19 consultants for projects developed under comprehensive
20 development agreements, design-build agreements, and other
21 innovatively funded develop methods.

22 The department is currently in various stages
23 of planning, procurement and negotiation with respect to
24 multiple projects that will be developed under these PPP
25 agreements. In connection with these efforts, the

1 department intends to rely on firms employing professional
2 engineers, land surveyors and other professionals to
3 perform various roles within the project development and
4 implementation process. The department intends to issue
5 notices of intent to solicit the services of firms
6 employing these professionals under indefinite deliverable
7 contracts and to issue work authorizations for up to eight
8 of these firms to provide various services related to PPP
9 agreements.

10 Contracts shall be no more than \$30 million,
11 initial work authorizations must be issued no later than
12 six years after the contract is executed. Higher dollar
13 limits and longer potential terms are essential to allow
14 these professionals to provide the assistance necessary
15 for these PPP projects.

16 Staff recommends acceptance of this minute
17 order.

18 MR. UNDERWOOD: Questions?

19 How many contracts are you going to issue?

20 MR. PENSOCK: Potentially up to eight.

21 MR. HOUGHTON: And for what amounts?

22 MR. PENSOCK: They will vary from probably
23 about \$12 million up to \$30 million.

24 MR. HOUGHTON: So total liability?

25 MR. PENSOCK: Total liability, absolute total

1 liability would be about \$150 million.

2 MR. HOUGHTON: For eight contracts.

3 MR. PENSOCK: Yes, sir.

4 MR. HOUGHTON: And the projects identified?

5 MR. PENSOCK: Will be the design and
6 construction of I-35E, the design and construction of
7 SH 183, the design and construction of SH 288, the
8 procurement and implementation of US 77 and of Loop 1604,
9 and for assistance on the Horseshoe project.

10 MR. HOUGHTON: And the scope of the work?

11 MR. PENSOCK: There are actually three scopes
12 of work. The first two contracts would be intended to
13 provide right of way acquisition services. To purchase
14 property for these mega-projects is extremely labor
15 intensive, takes a lot of staff, a lot of hands. TxDOT
16 right of way services are limited on our staff so we
17 intend to use two of these contracts to provide right of
18 way acquisition services.

19 Two more of the contracts would be very focused
20 on providing procurement engineering services, helping the
21 department develop procurement documents, do feasibility
22 analyses, develop technical specifications, review
23 technical specifications for the procurement process of
24 these CDAs.

25 The final four would be general engineering

1 consultants that would provide assistance to the
2 department and design and construction oversight during
3 the implementation of these projects.

4 MR. HOUGHTON: Is there any room in these
5 contracts for public information?

6 MR. PENSOCK: I think to a certain degree most
7 of the contracts have some involvement, some requirement
8 for public information.

9 MR. HOUGHTON: I think we heard from Tim Lomax
10 earlier about our lack of public information on projects
11 like this. This may be an opportunity, John Barton, on
12 educating the public as to what we're doing.

13 MR. PENSOCK: Exactly right, Chairman, and in
14 fact, our intention is to work with John and Bob Kaufman
15 and all the rest of the staff in ensuring that we're doing
16 good public involvement.

17 MR. HOUGHTON: I think there's some talent in
18 those regions specific to those regions that could
19 probably help us with public information.

20 MR. PENSOCK: Very critical part of the project
21 development process.

22 MR. HOUGHTON: Okay. Any other questions?

23 MR. HOLMES: Ed, as I was listening to your
24 recital of the projects that these would be used on, you
25 mentioned, among others, 35 East, 35 West, 288. I assume

1 you have another plan for 290 and the Grand Parkway
2 because you didn't mention those.

3 MR. PENSOCK: Actually, these projects could be
4 used to support 290 and the Grand Parkway. At this time
5 actually we have a project-specific procurement for Grand
6 Parkway Segments F and G. These projects would likely be
7 used to procure and support future segments of Grand
8 Parkway, H and I. And it could also be used to support US
9 290, should the department choose to go with a design-
10 build or a public-private partnership delivery model on
11 those projects.

12 All the projects are indefinite deliverable
13 which means they are not tied to any required single
14 specific project. They can be used on multiple projects
15 as needed as granted authority to develop by both the
16 state legislature and yourselves.

17 MR. HOUGHTON: Questions, any additional?
18 Motion?

19 MR. HOLMES: Motion.

20 MR. AUSTIN: Second.

21 MR. HOUGHTON: All in favor?

22 (A chorus of ayes.)

23 MR. HOUGHTON: Thank you, Ed.

24 MS. LOOMIS: Next is Brian Ragland, director of
25 Finance, to present item 12 relating to a SIB application.

1 Brian.

2 MR. RAGLAND: Thank you. Again for the record,
3 Brian Ragland, director of the Finance Division.

4 This minute order gives final approval of a SIB
5 application from the Sulphur River RMA for two loans in an
6 aggregate amount up to \$4,428,039. The loan proceeds will
7 be used for right of way and utility relocation related to
8 the widening of State Highway 24 from FM 904 to FM 64.
9 This is part of a larger project which is approximately \$8
10 million funded with Prop 12.

11 Staff recommends your approval.

12 MR. HOUGHTON: Questions?

13 MR. HOLMES: So moved.

14 MR. UNDERWOOD: Second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. RAGLAND: Thank you.

18 MR. WILSON: Moving on to item 13, the
19 contested case of Lamar Advantage Outdoor Company,
20 presented by TxDOT Attorney Rich O'Connell. Rich.

21 MR. O'CONNELL: Good morning. My name is
22 Richard O'Connell, Office of General Counsel.

23 This item is Lamar Advantage Outdoor v. TxDOT.
24 The case concerns an outdoor advertising sign owned by
25 Lamar Outdoor Company, L.P. that is located along US 84 in

1 Freestone County. On December 17, 2009 the department
2 staff gave notice to Lamar that the sign permit was being
3 revoked. Lamar timely filed an appeal which led to a
4 contested case hearing before an administrative law judge.

5 The judge has prepared a proposed order for
6 your consideration that would withdraw the proposed
7 enforcement action. The enforcement action began when the
8 landlord for Lamar stated that the 2003 lease to Lamar had
9 been terminated. However, the administrative law judge
10 concluded that Lamar's lease of the property remains valid
11 under an earlier 1999 lease. No party filed exceptions to
12 the judge's recommendations.

13 We recommend that the commission adopt the
14 judge's proposed findings of fact and conclusions of law
15 and withdraw the staff's proposed enforcement action.

16 MR. HOUGHTON: Questions? Motion?

17 MR. UNDERWOOD: So moved.

18 MR. HOLMES: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. WILSON: The next item are the awards of
22 contracts for maintenance and departmental building
23 construction, highway construction contracts. John Obr,
24 Construction Division director, will present these minute
25 orders. John, item 14a.

1 MR. OBR: Good morning. For the record, I'm
2 John Obr, director of the Construction Division.

3 Item 14a is for consideration of the award or
4 rejection of Highway Maintenance and Department Building
5 Construction contracts let on May 2 and 3 of 2012. We
6 present 22 project today. The average number of bidders
7 was 4.36; the low bid value was \$18,257,941.35; we had an
8 overall underrun of 4.39 percent.

9 Staff recommends award of all maintenance
10 projects.

11 MR. HOLMES: So moved.

12 MR. UNDERWOOD: Second.

13 MR. HOUGHTON: All in favor?

14 (A chorus of ayes.)

15 MR. WILSON: John, please proceed with item
16 14b, construction contracts.

17 MR. OBR: Item 14b is for consideration of the
18 award or rejection of Highway and Transportation
19 Enhancement Building Construction contracts let on May 2
20 and 3 of 2012. We present 97 projects today. The average
21 number of bidders was 4.2; the low bid value was
22 \$198,529,832.94; the awards are split as 10 projects in
23 Mobility totaling \$51,989,169.18, and 87 projects in
24 Preservation totaling \$146,540,663.76; we had an overall
25 underrun of 1.31 percent.

1 Staff recommends award of all construction
2 projects with the exception of the following four
3 projects:

4 Bastrop County, project number STP
5 1102(492)SRS. Five bids were received for this project
6 with a low bid of 90.28 percent, or \$450,623.60 under the
7 engineer's estimate. This project is for the construction
8 of sidewalks and crosswalks. Within the time allotted in
9 the Texas Administrative Code, Title 43, Part 1, Chapter
10 9, Subchapter B, Rule 9.16, the apparent low bidder,
11 Encino Landscape, Inc. had notified the department of an
12 alleged bid error. Our review of Encino's bid reveals
13 that it met the criteria of a bid error as outlined in
14 Rule 9.16 of the TAC. Therefore, we are recommending
15 rejection of the contract to the apparent low bidder.

16 In Galveston County, project number STP
17 2012(516). One bid was received for this project. The
18 bid was 164.75 percent over, or \$287,158.56 over the
19 engineer's estimate. This project is for landscape
20 development. Upon comparing our engineer's estimate with
21 the single bid received, we found that costs associated
22 with the small quantities of work spread out over widely
23 separated work locations accounted for greater irrigation
24 and maintenance costs. We did not account for such
25 extreme increased prices and are unable to fund the

1 overage. We believe that it would be in the best interest
2 of the department to redesign and re-let the project at a
3 later date, therefore, we are recommending rejection.

4 In Montgomery County, STP 2012(107). One bid
5 was received for this project. The bid was 47.16 percent,
6 or \$270,885.79 over the engineer's estimate. The project
7 is for lane widening and the addition of left turn lanes.
8 Upon comparing our engineer's estimate with the single bid
9 received, we found that the overrun was attributed to
10 items associated with time constraints, numerous traffic
11 control setups, and work in high traffic volume
12 environment. Although the engineer's estimate was
13 structured to account for these factors, we did not
14 anticipate the bid prices would be as high as they were.
15 We believe that it would be in the best interest of the
16 department to redesign and re-let the project at a later
17 date, therefore, we are recommending rejection.

18 And finally in Val Verde County, ITS 99(709).
19 Two bids were received for this project. The low bidder
20 was 56.38 percent, or \$186,401 over the engineer's
21 estimate. This project is for the installation of
22 Intelligent Transportation Systems deployment program
23 traffic control devices. Our review of the plans revealed
24 that they were not clear in communicating that all the
25 dynamic message signs and ITS communications equipment

1 would be supplied by the department. The estimated value
2 for this equipment was \$250,000. In addition, our
3 comparison of the engineer's estimate and the bids
4 received reveals extreme unit bid prices on some of the
5 items which we did not account for. We believe that it
6 would be in the best interest of the department to
7 redesign and re-let the project at a later date,
8 therefore, we are recommending rejection.

9 MR. HOUGHTON: John, if you'd step aside just
10 for a minute, somebody wants to talk about your fine work,
11 Parker County Judge Mark Riley. Mark.

12 JUDGE RILEY: Thank you very much, Mr. Chair,
13 commissioners, Mr. Wilson. And thank each of you for your
14 service to the Great State of Texas, and yes, we
15 appreciate the work you do and all others.

16 I'll be very brief, but I want to tell you that
17 it is partnerships and it is the fine work that's been
18 developed that puts Parker County in the position that
19 it's in today. I know each of you get plenty of reading
20 material, but sometime in the last couple of weeks you
21 should have received a copy of our annual report. I know
22 you're not interested in the little small details about
23 each road, but the theme of that annual report was
24 Partnerships Build Better Roads, and we talked about all
25 of the partners.

1 We received our money in November '08, we
2 turned dirt in May '09, and I was told by many people we
3 would never complete a five-year goal that we had because
4 we had to deal with Federal Highways, we had to deal with
5 railroads, we had to deal with oil and gas companies and
6 TxDOT. And it's a first for Parker County, all new to me,
7 I mean, I'm a kindergarten member when it comes to dealing
8 with these things, and I learned very quickly that to many
9 people it was about process. Now, there's nothing wrong
10 with process and we need process, but I also learned that
11 there are some who understand that you take a legitimate
12 process, not to slow it down but to make it work. And
13 that's what we pushed, that let's take the process, follow
14 the rules, but let's don't slow it down just for the
15 purpose of doing that.

16 I'm here to tell you today that everybody has
17 been onboard, we are going to complete in five years, we
18 have more important part that will let at the end of this
19 year. But this project you're going to let today is
20 because of the partnership that Maribel Chavez and the
21 district office, Brian Barth and John Cordary in the
22 Weatherford office have worked with us, and I know they're
23 going to be so glad to quit seeing me in the district
24 office in Fort Worth when we're through.

25 But I want to thank you very much and with all

1 the comments about partnership and engaging the public
2 today, it does work. And Mr. Wilson, you're on the right
3 track. Thank you very much.

4 MR. HOUGHTON: You mean Commissioner Meadows
5 wasn't an integral part of this road project?

6 JUDGE RILEY: You know, I appreciate
7 Commissioner Meadows very much.

8 MR. HOUGHTON: And that's all you're going to
9 say.

10 JUDGE RILEY: I respect him and appreciate him
11 and just whatever he wants to do, Peru or South Africa or
12 wherever is fine with me.

13 MR. HOUGHTON: Thank you very much.

14 MR. HOLMES: As long as it's on a different
15 continent.

16 (General laughter.)

17 MR. HOUGHTON: All right.

18 MR. HOLMES: So moved.

19 MR. HOUGHTON: Is there a second?

20 MR. UNDERWOOD: Second.

21 MR. HOUGHTON: All in favor?

22 (A chorus of ayes.)

23 MR. WILSON: That brings us to item 15, Eminent
24 Domain Proceedings. John Campbell, director of the Right
25 of Way Division, will present this minute order. John.

1 MR. CAMPBELL: Good morning. For the record,
2 my name is John Campbell, director of the Right of Way
3 Division, and I'd like to present for your consideration
4 this morning item 15.

5 Item 15 authorizes the filing of condemnation
6 proceedings necessary to progress the acquisition of 17
7 non-controlled parcels, 67 controlled access parcels, for
8 a total of 84 parcels this month. Staff recommends your
9 approval of the minute order.

10 MR. HOUGHTON: The privileged motion.

11 MR. AUSTIN: Yes, but before I read the motion,
12 a lot of these are on Interstate 35.

13 MR. CAMPBELL: Yes, sir.

14 MR. AUSTIN: And I would say that is much
15 needed, there's not enough we can do, it feels like, to
16 really improve that roadway, and I'm glad to see some of
17 these projects moving forward.

18 Given that, I move that the Texas
19 Transportation Commission authorize the Texas Department
20 of Transportation to use the power of eminent domain to
21 acquire the property described in the minute order set
22 forth in the agenda for the current month for
23 construction, reconstruction, maintenance, widening,
24 straightening or extending the highway facilities listed
25 in the minute order as a part of the state highway system,

1 and that the first record vote applies to all units of
2 property to be condemned.

3 MR. HOUGHTON: Is there a second?

4 MR. HOLMES: Second.

5 MR. HOUGHTON: All in favor?

6 (A chorus of ayes.)

7 MR. HOUGHTON: Thank you.

8 MR. HOLMES: John, just as a side note, over
9 the next couple of years you're going to have, what, a
10 thousand parcels to acquire or something with all these
11 big projects underway?

12 MR. CAMPBELL: That's a modest estimate, yes,
13 sir.

14 MR. HOLMES: That's a modest estimate. So put
15 your riding boots on, you guys are going to have to work
16 hard.

17 MR. CAMPBELL: Thank you.

18 MR. WILSON: Item 16 contains the routine
19 minute orders, including donations to the department,
20 right of way dispositions and donations, release of access
21 rights, highway designations, reports and speed zones.
22 Department staff recommends the adoption of all of these
23 items and will be happy to explain any of these individual
24 items as needed.

25 MR. HOUGHTON: Questions? Motion?

1 MR. HOLMES: So moved.

2 MR. UNDERWOOD: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: Do we have executive session?

6 No?

7 Oh, we have a blue card. I'm so sorry.

8 Transportation Advocacy Group, Houston Region,
9 Executive Director Jim Fredrichs.

10 Jim, are you still here? Come on up.

11 MR. FREDRICHS: Thank you, commissioners, and
12 good morning. I am Jim Fredrichs, executive director of
13 Transportation Advocacy Group.

14 I just wanted to say briefly I appreciate the
15 comments by Tim Lomax this morning on the need for public
16 engagement. That's precisely what we're about in the
17 Houston region. We're hard at work building a basis of
18 support, recruiting organizations, local firms, economic
19 development organizations, chambers of commerce and local
20 elected officials, all to build that basis of support for
21 more adequate funding of transportation, not only in the
22 Houston region but really Texas as a whole.

23 And we're ramping up our communications
24 efforts. I'm going to be speaking to the August quarterly
25 meeting of a regional group of Houston economic

1 development organizations and be working with Tim on
2 developing that presentation. And really I just want to
3 say you can count on us. We're going to be hard at work
4 supporting the excellent work that TxDOT does in building
5 our transportation infrastructure.

6 And also, I want to say thank you, Mr. Wilson,
7 for agreeing to speak to our group in July. So we look
8 forward to that and look forward to hearing what you have
9 to say.

10 So again, thank you just for the chance to be
11 part of building that public engagement.

12 MR. HOLMES: Are you just batting cleanup for
13 Delvin from last month?

14 MR. FREDRICHS: Yes, I am.

15 (General talking and laughter.)

16 MR. HOUGHTON: Anybody else?

17 Chairman's privilege here. There are a couple
18 of folks who have been associated with this organization.

19 Zeke Reyna, come on up here. I want to talk to
20 you for a second. Zeke, where's Kelli?

21 MR. UNDERWOOD: You better practice, Zeke.
22 It's getting close to the deadline.

23 MR. HOUGHTON: I think next month at this time
24 things will change in your life, I understand, something
25 will change in your life. Is that correct?

1 MR. REYNA: Yes, sir. I will be getting
2 married on June 9.

3 MR. HOUGHTON: Congratulations, Zeke.

4 MR. REYNA: Thank you very much. I appreciate
5 it, sir.

6 MR. HOUGHTON: And she hasn't come to her sense
7 yet.

8 MR. REYNA: Has not. She's got less than ten
9 days to do so. I'm holding out hope here.

10 MR. HOUGHTON: Congratulations to you and
11 Kelli. You were a part of this organization, still are,
12 and we're glad to have you, and just wish you the best of
13 luck and happiness.

14 MR. REYNA: Well, thank you. I appreciate it.
15 Thank you so much.

16 MR. HOUGHTON: Thanks, Zeke.

17 (Applause.)

18 MR. HOUGHTON: This completes all action items
19 on the agenda. Is there anyone signed up? We've done
20 that. Is there any other business to come before the
21 commission?

22 (No response.)

23 MR. HOUGHTON: There being none, I will
24 entertain a motion to adjourn.

25 MR. UNDERWOOD: So moved.

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MR. AUSTIN: Second.

MR. HOUGHTON: All in favor?

(A chorus of ayes.)

MR. HOUGHTON: Thank you very much at 10:34.

(Whereupon, at 10:34 a.m., the meeting was
concluded.)

C E R T I F I C A T E

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MEETING OF: Texas Transportation Commission

LOCATION: Austin, Texas

DATE: May 31, 2012

I do hereby certify that the foregoing pages, numbers 1 through 79, 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) 6/5/2012
(Date)

On the Record Reporting
3307 Northland, Suite 315
Austin, Texas 78731