



IH 35E Managed Lanes SB 1420 Committee

MEETING MINUTES

**December 9, 2011 at 2:00 pm
City of Lewisville City Hall
Council Chambers, 151 West Church Street
Lewisville, TX, 75057**

IH 35E Managed Lane Project SB 1420 Committee members in attendance:

***John Polster – Denton County
Elizabeth Mow – NTTA
Bill Hale – TxDOT
Alberta Blair – Dallas County
Michael Morris – NCTCOG – Committee Chair
Matthew Marchant – City of Carrollton
Rudy Durham – City of Lewisville
Pete Kamp – City of Denton***

Support Staff in attendance:

***John Hudspeth
Jack Ingram
John Munoz
Matt MacGregor
Dieter Billek***

A Public Notice of this meeting containing items on the proposed agenda was filed with the Office of the Secretary of State on December 1, 2011 as required by Title 43, Texas Administrative Code, §27.92(f).

Minutes

Item 1 Welcome and Introductions

Michael Morris called the meeting to order and provided some brief opening remarks. Mr. Morris introduced Pete Kamp who was added to the committee as the City of Denton representative. Mr. Morris asked if any of the other committee members would like to make a statement and there were none.

Item 2 Approval of minutes from November 30, 2011 meeting of the SB 1420 Committee

Minutes from the November 30, 2011 were provided to the committee. Alberta Blair made a motion to approve the minutes and there was a second. The motion was passed unanimously.

December 9, 2011



Item 3 Discussion of policies concerning the construction and operation of the IH 35E Managed Lanes Project to be recommended for adoption by the Regional Transportation Council

John Hudspeth directed the committee to Handout 3.1, the Guiding Principles document the committee plans to present to the RTC regarding the development of the corridor. The document included all comments received to date. Mr. Morris asked to skip to Item 5 on the agenda.

After discussing Item 5, Mr. Hudspeth opened Item 3 again. Mr. Hudspeth read through each of the sections. Mr. Morris asked that wording be added after Section 4 that the RTC requests the SB 1420 Committee to work with local governments to provide additional funds for the project.

Elizabeth Mow asked how the RTC could commit revenue, as stated in Section 7, if a private developer is used. Mr. Morris explained that excess revenue is revenue in excess of the amount agreed to with the private developer. Jack Ingram also clarified that this would include any excess revenue paid to TxDOT in excess of the costs paid by TxDOT for the project. It was agreed to change this wording to clarify that the excess revenue paid to TxDOT would remain in the corridor.

John Polster asked if a provision could be added to Section 4 regarding Federal funds. There was also discussion regarding a new Section 5 that would address RTC funds, and a new Section 6 that would include funds from local governments. Further discussion prompted by Bill Hale resulted in agreement that all partners would be included under Section 4.

Ms. Blair requested that a provision be added that recognizes the funds that have already been committed. Mr. Morris asked that a "whereas" be added that inventoried all money that has been included to date.

Rudy Durham asked that the document emphasize that the entire project limits be included, from IH 635 in Dallas County to US 380 in Denton County.

Ms. Kamp reiterated Mr. Durham's request and introduced herself to the audience. Ms. Kamp announced that the Denton City Council provided funding for the project and chose her as the committee representative. Ms. Kamp noted that she has been at all of the previous SB 1420 Committee meetings as an observer. Mr. Morris announced that there have also been discussions with Dallas County about providing funding to the project.

Matthew Marchant asked about the wording in Section 2 regarding references to Mobility 2035 and NEPA. Mr. Morris explained that this was changed to clarify that it is the goal to build the entire project. Mr. Marchant asked that the definition of CMAQ be provided in Section 3. Mr. Marchant asked that wording be included regarding the addition of a general purpose lane. Mr. Marchant and Mr. Polster agreed to help develop wording for the Guiding Principles document regarding the additional general purpose lane.

Mr. Hudspeth announced that the project website is active. A link was provided at the previous meeting. Mr. Hudspeth said TxDOT is trying to develop an easier way to navigate to the website.



Item 4 Discussion of delivery model options for the IH 35E Managed Lanes Project and the SB 1420 Committee report to be submitted to the Executive Director of TxDOT

Mr. Morris provided a handout showing a proposed sequence of steps for the project to go through from the issuance of the Request for Information (RFI), which occurred during the summer of 2011, to the issuance of the Request for Proposals (RFP). Mr. Morris' handout showed that the 1420 Committee would request that TxDOT enter into the Request for Qualifications (RFQ) stage prior to the 1420 Committee's final action regarding the determination of a project delivery method. During this stage, additional funding would be sought and right-of-way (ROW) cost estimates can be confirmed or revised. Any new sources of funding identified along with new ROW costs and other information gained from the RFQ process will provide the committee more information on which to base their decision. Therefore, the committee's final recommendation is proposed to be made after the RFQ and prior to the RFP.

John Munoz agreed with this proposed plan and stated TxDOT will continue to refine their analysis as the project moves forward and incorporate any new information that becomes available.

Mr. Polster asked if an action item was needed in order for TxDOT to issue an RFQ. Mr. Ingram responded by saying that an action item was not needed.

Item 5 Discussion of the requirements applicable to the allocation and use of Regional Toll Revenue (RTR) funding

At the request of Mr. Morris, discussion of this item occurred prior to any significant discussion was entered into for Item 3 on the agenda.

Mr. Ingram opened the discussion of this item and directed the Committee to Handout 5.1 which contained a listing of the sections of the Transportation Code relating to the use of Regional Toll Revenue (RTR) funds. The handout also contained an MOU that was entered into between the RTC and TxDOT, a minute order (112015), and a letter from the Attorney General of Texas to the Executive Director of TxDOT dated December 17, 2008. The allocation of funds is determined by the RTC. Mr. Morris provided a handout that provided a list of the RTC toll policies and a webpage address where all of the RTC policies were located. The handouts from TxDOT included the Managed Lanes Policies and the Policy on Excess Revenue Toll Sharing for Managed Lanes. Mr. Morris noted that any updates to the policies would go into the guidelines that are being developed under Item 3 of this agenda and then presented to the RTC.

Mr. Morris asked Mr. Polster if what was presented addresses his request for information on this subject. Mr. Polster responded that to the best of his knowledge the information does address his request. The committee then moved back to Item 3 on the agenda.

Item 6 Topics for SB 1420 Committee meeting on December 19, 2011 at 10:00 a.m.

There is a meeting scheduled for December 19 at 10:00 a.m. in Carrollton.



It is anticipated that if an RFQ was issued in January that qualification statements would be due in March or April.

Mr. Morris would like the resolution from the City of Denton be included in the mail-out. He also said that Dallas would be submitting a partnership letter that should be included in the mail-out.

Mr. Hudspeth will collect and incorporate comments to the Guiding Principles document.

The action items for the next meeting include: approving the minutes from the 12/9/2011 meeting, approving the Guiding Principles document, providing a verbal request for TxDOT to proceed with the RFQ for the project, and adjournment.

Item 7 Adjourn

There was a motion to adjourn and a second to the motion. The motion was passed.