

TEXAS DEPARTMENT OF TRANSPORTATION

COMMISSION MEETING

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

Thursday, March 28, 2013

COMMISSION MEMBERS:

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

STAFF:

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

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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 March 28, 2013 meeting of
4 the Texas Transportation Commission. Note for the record
5 that public notice of the meeting, containing all items on
6 the agenda, was filed with the Secretary of State at
7 3:15 p.m. on March 20, 2013.

8 And before we begin today, would you please
9 place your communication devices in the silent or off
10 mode. And if you wish to address the commission, former
11 Chairman Delisi, I don't care who you are, you have to
12 have either a yellow or a blue card. And of course, the
13 yellow is on an agenda item and the blue is at the end on
14 just the open session.

15 And let's see, what else do we have on the
16 agenda. Before we begin today, I want to turn the mike
17 over to our Executive Director Phil Wilson.

18 MR. WILSON: Thank you, Mr. Chairman. I'd like
19 to ask Deputy Executive Director John Barton to come
20 forward and provide a quick safety briefing. John.

21 MR. BARTON: Good morning. For the record, my
22 name is John Barton, and I have the pleasure of serving
23 the state as the deputy executive director here at the
24 Texas Department of Transportation. Chairman,
25 commissioners and Director Wilson, thank you for allowing

1 me an opportunity to briefly share some comments about our
2 safety program and the importance of focusing on that.

3 As we all know, each and every day we have men
4 and women across the state that work at peril to provide
5 safe and efficient and reliable transportation solutions
6 for Texas and it's important that we remember that they
7 are out there working for us and that they are in harm's
8 way. And I want to again applaud this commission for your
9 leadership and focusing this agency and the public on
10 safety. As we entered the room this morning, on the
11 screen there was some information about the importance of
12 driving safely, to be smart and to drive safely, and I
13 really do appreciate that. So it is most valuable to us,
14 it is our most paramount goal and mission at this agency.

15 And keeping in line with that culture of always
16 making sure we're focused on doing things safely and
17 correctly, we do have many guests with us today, people
18 that aren't familiar with this facility, and we don't
19 expect anything to happen today, but just to remind
20 everyone, if you have a medical emergency, please see the
21 guard station in the foyer of this building. As you
22 walked in this morning you had to pass by there to sign in
23 to be a part of this meeting, and they will be able to
24 contact the appropriate medical support services for you.

25 If we have any inclement weather -- and it's

1 promising to be another beautiful day in Austin, Texas,
2 filling in on my chamber of commerce responsibility -- and
3 we don't expect any inclement weather, but if we do have
4 any inclement weather, we can find safe harbor in the
5 hallways surrounding the elevator shaft here on the first
6 floor and to go downstairs into our basement if we need to
7 do that.

8 If there's a need to evacuate the building for
9 any emergency, we'll be notified of that, someone will
10 come forward and speak from this podium to announce that
11 to the audience here, and we will exit the building either
12 through the front doors that many of you used to come into
13 the building or through the exits that are marked in the
14 hallways, and would gather over in front of the Capitol so
15 that we can make sure everyone is safe.

16 Again, I applaud this commission and Director
17 Wilson for your focus on safety for instilling within the
18 agency a culture of making sure we always look at that
19 first and foremost, and I appreciate the honor of bringing
20 this safety briefing to the commission this morning.

21 Thank you.

22 MR. WILSON: Thank you, Mr. Barton.

23 With the safety briefing completed, I'll hand
24 the gavel back to Mr. Chair to complete opening remarks.

25 MR. HOUGHTON: As customary, we will now hear

1 from my fellow commissioners, to my far right from the
2 great State of Houston. Right? Commissioner Moseley.

3 MR. MOSELEY: Thank you, Chairman, members.
4 Good morning.

5 We received yesterday afternoon a letter from
6 Governor Perry raising our awareness of the challenges to
7 some of our rural and suburban airports with the Budget
8 Control Act, so Chairman, I look forward to joining you
9 and the members in a special called meeting next week to
10 make sure that we don't see any loss of service to these
11 important airports.

12 I also wanted to say congratulations and a
13 thank you to Commissioner Meadows. It's been a pleasure,
14 my friend, to serve with you. Regretfully, we didn't have
15 very long to serve together, but I appreciate Commissioner
16 Meadows' nearly half decade of leadership here on the
17 commission. He has a heart for this state, and especially
18 for the North Central Texas region. I appreciate deeply
19 his commitment to I-35. He was very actively involved in
20 the My 35 planning process which has been held up as a
21 nationally recognized standard for TxDOT planning and also
22 was very willing to step up and lead the Panama Canal
23 Working Group, and I appreciate so much the foundation
24 that he's put in place there and he's passed the baton to
25 me for that. I say thank you, Commissioner, for your

1 leadership. That's a very important contribution.

2 So I wish you all God's blessings, and thank
3 you again for your service to this state and for your
4 contributions to TxDOT.

5 MR. AUSTIN: Jeff, I want to echo the comments
6 about Bill. And I would say thank you, Bill, for your
7 service. I've enjoyed working with you, even before I was
8 on the commission, coming up and visiting with you, always
9 smiling. And I know I took a picture a couple of times
10 outside your office, where's Bill, we didn't know where he
11 took off to.

12 But I will say what you've done with Interstate
13 35 has been absolutely incredible. You know, there's 35W,
14 there's 35E, and now rumor has it there's a 35M now. You
15 think it's for Meadows but it's for the magnificent work
16 that you've done, and that does not go unnoticed as we
17 look at that 35M -- could be called 360 too, right there
18 in the middle.

19 Also, one thing, before we had our hearings
20 last year, we were talking about Maritime Division, I know
21 one thing, just listening to Bill, watching, listening to
22 staff, your interest in what's happening on the coast with
23 the harbor, especially down in the Corpus area, watching
24 the ferries and great interest and paying attention to
25 what's going on and bringing significant attention to that

1 has been truly, truly magnificent. And I've enjoyed
2 listening and watching and learning, so we're going to
3 miss you, and thank you. I know you won't be a stranger,
4 so I guess he's going to have to fill out a blue or yellow
5 card when he comes back too.

6 A couple of other things. Earlier last week I
7 had the opportunity to go up to Washington with several of
8 our port officials from the state. I know Herman Deutsch,
9 our director of Maritime Services, Coby, Melanie led the
10 efforts. We've been asked, based on what's coming up with
11 WRDA, Water Redevelopment Act, what's going to be the
12 impact on Texas, what is Texas doing, and I'm proud to be
13 a part of the group that we have a good story but just
14 because we have a good story, that doesn't mean it's
15 enough. We have a long way to go to be able to respond
16 and look at some of the reauthorization.

17 We had the opportunity to go visit with the
18 Corps and really have some fruitful discussions as it
19 relates to the Intracoastal Waterway and some of the needs
20 of our ports, looking at the possibility of some credit
21 enhancements potentially in the WRDA bill. And just what
22 that is, it hasn't been reauthorized, it used to be every
23 two years but it hasn't been reauthorized since 2007. I
24 don't know if we've had a budget since then, close, but
25 2007 is a long time. And we are no longer a highway

1 department, we are a department of transportation, to be
2 able to look at the needs of our exports, imports and then
3 it ties into freight, et cetera.

4 But we also met with two of the members of the
5 T&I Committee. One was Bob Gibbs of Ohio, the ranking
6 Democrat, and then also the ranking Democrat Tim Bishop of
7 New York. And what's significant, he's going to be
8 holding some hearings looking at the impact of the ports,
9 and Coby volunteered for us to come testify since his
10 district covers Southampton and we figured we'd probably
11 need that up in July. But just figured I'd poke at Coby.
12 But speaking of Coby, I know we visited with Chairman
13 Shuster's staff and they're very engaged with their recent
14 trip to Texas of what's going on.

15 But Coby has reached a milestone, and there
16 were these posters circulating yesterday, and, Coby, I'm
17 not quite sure, you're going to have to help me with this,
18 but I understand there's a Grammy Award artist that put
19 this together and the little thing down here says: Watch
20 him turn 49 into 50, once in a lifetime event, but his
21 greatest and most amazing trick of all time. Still not
22 sure what that is, to be determined, but I just want to
23 say, Coby, congratulations on reaching a milestone.

24 (Applause.)

25 MR. AUSTIN: Thank you. That's all I have.

1 And Toll 49 in Tyler will open up to interstate tonight,
2 that's good news.

3 MR. MEADOWS: I'm going to pass.

4 MR. HOUGHTON: I was not going to allow you to
5 speak.

6 MR. MEADOWS: I knew that, somehow I knew that.

7 (General laughter.)

8 MR. HOUGHTON: Which would be a first.

9 Commissioner Underwood, you can't pass.

10 MR. UNDERWOOD: Okay. Normally I get a little
11 bit of breathing room and I get a chance to listen to my
12 eloquent fellow commissioner.

13 I'll start off with first I want to remind
14 everybody that this is Work Zone Safety and it's a
15 priority this year, and again, we will recognize National
16 Work Zone Awareness Week this April. The display case in
17 our lobby features the importance of work zone awareness
18 and stresses that distracted driving, alcohol, excessive
19 speed can be major contributors to work zone accidents and
20 fatalities. Our goal at TxDOT is to protect the members
21 of the TxDOT family working on our roads, and also for the
22 traveling public.

23 Now, I'm not as eloquent as my fellow
24 commissioners -- for those that have been here before, you
25 know that -- you've heard of the PPP, right, the public-

1 private partnerships. When I think of that, I think of
2 Bill -- and I've had to write this down, like I said, I'm
3 not as eloquent as they are -- I think of Bill as
4 passionate, personable and a patriot. He has what I call
5 an infectious laugh, yet when you look into his eyes you
6 can see he's a very serious man.

7 If you were to equate Bill in the equine world,
8 I would equate him to -- some people you've got to get
9 spur marks to get them to go, to get them to move, in
10 Bill's case he has bit marks where you're trying to rein
11 him in. He has got so much energy.

12 He's done a great job for the DFW area, but
13 also I think you need to understand this, he's been very
14 supportive of my efforts in rural Texas. I can always
15 depend on him to help me, for guidance, for information,
16 and that's critical when you're on the commission to have
17 somebody that's helping you, not only from his backyard
18 but to care about the rural areas of the state.

19 If you were to look in the dictionary under
20 advocate, you'd see a picture of Bill Meadows. I promise
21 you, you want him on your side. He's tireless in his
22 pursuit of excellence, in himself and in those around him.

23 I can say that because he's helped me become a better
24 commissioner. He has so much energy, I like to tease him,
25 I say, you know, if you were to take Bill Meadows and nail

1 one of his feet to the floor, he'll burn a donut in your
2 carpet.

3 One last thing, I don't know if you realize
4 this, Bill is an author, he has written some books. One
5 of them is How to Turn \$500,000 into a Half a Million,
6 Money Can Make You Rich, How to Become Best Friends with
7 Yourself Without Becoming Emotionally Attached, and one I
8 want to get for my wife is How to Create Airline Food at
9 Home.

10 (General laughter.)

11 MR. UNDERWOOD: But on a serious note, TxDOT is
12 a much better organization because of Bill Meadows, and I
13 want to thank him for all his efforts. Thank you, Bill.

14 MR. MEADOWS: Thanks, Fred.

15 MR. HOUGHTON: I was worried about the equine
16 moment for a second.

17 MR. MEADOWS: Boy, I was too.

18 MR. HOUGHTON: My mother used to equate me to a
19 species in the equine world on various occasions.

20 A couple of events have taken place this week,
21 not only Commissioner Meadows leaving the commission here
22 shortly, but I understand, Commissioner Austin, that the
23 NET RMA has allowed bicycles on their toll road, and I
24 think it's a monumental event, I really do. And in light
25 of that, we have a little gift for you. Can somebody

1 please get the gift? And remember, Coby is going to have
2 the last laugh, Commissioner Austin, on that poster.

3 (A bicycle and helmet were brought out and
4 presented to Commissioner Austin.)

5 MR. HOUGHTON: Fully equipped with a toll tag
6 on the bicycle and a logo of the NET RMA, and we looked
7 long and hard for something appropriate for you to ride,
8 so with that, enjoy. Safe travels on the new NET RMA toll
9 road.

10 MR. AUSTIN: That's got a flat tire.

11 MR. HOUGHTON: And there may be a kit in there
12 to change that.

13 MR. AUSTIN: You know, you guys are such good
14 friends.

15 (General laughter.)

16 MR. HOUGHTON: Yeah, we are.

17 All right. Now moving on, Commissioner
18 Meadows, you are not going to leave here unscathed; you
19 knew that, that's just part of the operation. The staff
20 and management has put together a video, and if we're
21 ready to do that video, we'll do the video first and then
22 there's a little ceremony after that. We'll do the video
23 first, so are we ready?

24 (Whereupon, a video was shown, followed by
25 applause.)

1 MR. HOUGHTON: All right. John, we're not
2 finished yet. You're going to have something you can take
3 home with you, but this is the lighter version, this is
4 the one that you can actually fit in a car. We'll have
5 the heavier version soon. Now, you notice, Commissioner,
6 we looked the numbers up and you've been fibbing, it's not
7 \$15 billion, it's \$12,340,000. But there's a few things
8 in the pipeline, John.

9 (A sign was presented to Commissioner Meadows.)

10 MR. BARTON: So Commissioner Meadows, again,
11 this just tried to symbolize some of the great
12 accomplishments you've been instrumental in helping us
13 bring forward, and we're having a real TxDOT sign made,
14 but the announcement didn't give us time to get it
15 produced until probably next week. But after talking with
16 the chairman, I felt like it was only appropriate to be
17 able to make a tag for you that at your discretion, if you
18 want to claim the \$16.34 billion, including those that are
19 yet to be delivered, you can stick that on there.

20 MR. MEADOWS: No question that's right. I
21 always had to help them with their math.

22 (General laughter and applause.)

23 MR. HOUGHTON: It was rather interesting that
24 former Chair Delisi came up and wouldn't shake your hand
25 and called you old news or yesterday's news, that's pretty

1 cold. But with that said, we'll turn the mike over to
2 you, and thank you for your service, and more importantly,
3 your friendship.

4 MR. MEADOWS: Well, thank you very much, Ted.
5 As uncomfortable as I am right now, given this sort of
6 recognition which I don't really think is deserved but I
7 really want to thank everyone for your efforts in putting
8 all of this together. *Me gusta la musica.*

9 (General laughter.)

10 MR. HOUGHTON: You liked that?

11 MR. MEADOWS: *Absolutamente.*

12 You know, I think it's always good at a time of
13 change and transition, it's just a good time to
14 acknowledge success because it reflects on the success of
15 the whole. It really reflects on the success of the
16 entire agency, of everybody from this dais to every
17 employee out there in the field.

18 You know, I think we all judge our success as
19 we undertake any enterprise or endeavor, we all ask
20 ourselves a real fundamental question, and that is: Is
21 the place better when I leave as when I came? And I think
22 we all ask ourselves that question, and I think everybody
23 in this room and everybody in this agency can say
24 absolutely, I can truthfully say yes, it is. And I think
25 we all can, and I look around and I look at everybody here

1 and I think we can all be proud of that because, in fact,
2 this is just a good time to stop and ask that question.

3 You know, all the challenges this agency has
4 faced and everything it has accomplished in the past five
5 years that I've had the privilege to serve on this
6 commission is truly remarkable. I'm just grateful, really
7 grateful to have been a part of it. And you know, again,
8 it's not one person's accomplishments, it's really by a
9 large number of very bright, dedicated and committed
10 people, the people of this agency that all work together
11 toward a common goal. They work every day and they do the
12 right thing.

13 You know, you've got to start -- that's why you
14 get the last word in these sort of instances because, you
15 know, you have to gauge everything.

16 MR. HOUGHTON: We've got ten people that have
17 signed up.

18 (General laughter.)

19 MR. MEADOWS: Oh, yes, that's exactly right.
20 Well, then I'm going to have to pause right here and come
21 back.

22 You have to pause and thank some people, and
23 you know, of course, when you undertake that initiative
24 that you're going to leave people out. But I have to
25 start first and thank my colleagues. It's been a pleasure

1 to have served alongside you, and I must include in that
2 Ned Holmes and Chair Deirdre Delisi. And I really
3 appreciate Deirdre being here today. What remarkable
4 people, all committed and dedicated to that common goal
5 which is advancing transportation in this state.

6 You know, Jeff Moseley, you have truly filled
7 the void created, and that void would be of commission
8 statesman. When Holmes left, we were looking around
9 going, man, we've got a hole in this thing, we've got a
10 problem. But your experience and wisdom will continue to
11 serve this agency very well.

12 And Jeff Austin, you brought energy and
13 enthusiasm onto this second floor, and when you arrived,
14 you've never let up and you won't let up, and I think that
15 really will serve this agency extremely well.

16 And Commissioner Underwood, I'll tell you, it's
17 interesting you were talking about books, our minds are
18 working in the same sort of fashion which concerns me a
19 little bit. Just the other day -- you all probably don't
20 know this -- I heard that Mr. and Mrs. Underwood have a
21 joint undertaking which makes sense, given what I've heard
22 for the last five years, and it actually is an upcoming,
23 to-be-published cookbook that's entitled Cooking Tips and
24 Quips from the High Plains. And what it does, it's a
25 blend because it features Mrs. Underwood's famous recipes,

1 Possum and a Six-Pack, that sort of thing, with Fred's
2 signature quips and they're liberally sprinkled throughout
3 the book. And I know we're all looking forward to its
4 release. It's something that everybody would like to have
5 a copy of.

6 And will tell you, I will absolutely miss the
7 humor, the wit, but most of all your wisdom, I really
8 will.

9 Gosh, I don't know where to begin with
10 Houghton, I don't even know where to begin. Ted, you're a
11 partner, you're an associate, you are a co-conspirator,
12 you're a collaborator, and most importantly, you are a
13 true friend. I think as we go through life you have the
14 opportunity to have some true friends that you work with
15 well together and accomplish things together and sort of
16 agonize through some defeats, but on the other hand, at
17 the end of the day you are a friend. You know, you're so
18 intelligent and creative, and it goes with what I would
19 cautiously disguise as a clear leadership style.

20 I would go on but there is little much else I
21 could say because it was all pretty much captured in that
22 2011 box office hit movie titled Bill and Ted's Excellent
23 Adventures. You might want to pick that up. I truly will
24 miss you, my friend.

25 You know, the future of this agency, I think,

1 is so bright because of, again, the people, the people
2 that we do have here. I've got to just pause for a moment
3 and recognize some people that worked with me very
4 closely. I would begin by just acknowledging Phil
5 Wilson's team. That's why the agency's future is so
6 bright. You have assembled a world class team and their
7 work is impactful, and in such a short period of time,
8 Phil, you and that team you have put together, with their
9 dedication and loyalty and commitment to this state, has
10 made a tremendous difference and it really will in the
11 future.

12 I've got to stop for a moment and just
13 acknowledge three commission assistants that have
14 tolerated my craziness over the last few years. Coby
15 Chase actually served as my commission assistant, which in
16 and of itself was an odd and interesting time, but much
17 accomplished. Brian O'Reilly and then, of course, Sara
18 Bagwell, who I've had the pleasure of working with for the
19 last couple of years, and it is, in a simple word, a
20 pleasure. Your wit, your grace, your wisdom, you're
21 perceptive, you're intelligent, and it has been, again,
22 nothing but a pleasure working with you.

23 Again, the future of the agency is bright
24 because you have someone like Victor Vandergriff coming on
25 who is going to take that chair right down there, and I've

1 known and worked with, as many of you all have, Victor
2 Vandergriff for almost 20 years and know him to be a man
3 of integrity, intelligence, he understands these issues,
4 and he's going to be truly creative to this process.

5 So with all that, I would just say again it's
6 been a privilege for me to serve, it's been a pleasure to
7 have had this opportunity to work alongside of you all
8 every day, and thank you, appreciate it.

9 (Applause.)

10 MR. HOUGHTON: With that, we're going to take a
11 five-minute break where Bill can talk to some folks who
12 have come to see him and wish him well. So we'll take
13 five minutes.

14 (Whereupon, a brief recess was taken.)

15 MR. HOUGHTON: We'll reconvene the
16 Transportation Commission meeting.

17 Our first order of business this morning is to
18 approve the minutes of the February 28, 2013 commission
19 meeting. Commission members, drafts of the minutes have
20 been provided in the briefing material. Is there a
21 motion?

22 MR. AUSTIN: So moved

23 MR. HOUGHTON: Second?

24 MR. MEADOWS: Second.

25 MR. HOUGHTON: All in favor?

1 (A chorus of ayes.)

2 MR. HOUGHTON: And we turn the agenda over to
3 Phil, it's all yours.

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

5 The first item on the agenda is 3a, the
6 appointment of a member of the Freight Advisory Committee.
7 This item will be presented by Director of Planning Marc
8 Williams.

9 MR. WILLIAMS: Good morning, Mr. Chairman,
10 commissioner members, Director Wilson. For the record
11 again, my name is Marc Williams, director of Planning for
12 TxDOT.

13 In January of this year, under administrative
14 rules, the commission was able to create the Freight
15 Advisory Committee and appoint 21 members to the
16 committee. As you know, the committee was created to
17 assist the department in addressing freight transportation
18 matters and serving as a forum for discussion regarding
19 transportation decisions affecting freight mobility.

20 Since the appointment of the original Freight
21 Advisory Committee members in January, two additional
22 members have been identified as candidates that are
23 nominated in addition to the committee. These include Mr.
24 Alan Russell, who is president of the Tecma Group of
25 Companies from El Paso, and Judge Clay Jenkins, who is the

1 Dallas County judge executive. Also, one committee member
2 from BNSF Railroad requested to be replaced by another
3 representative from his agency, and so Mr. French F.
4 Thompson is also recommended to the commission for
5 approval.

6 This minute order appoints these three new
7 members to the Freight Advisory Committee. One of the new
8 appointees, as I said, replaces one of the committee
9 members from the same organization, and staff recommends
10 approval of this minute order for proposed adoption.

11 MR. HOUGHTON: Any questions of Marc? Is there
12 a motion?

13 MR. AUSTIN: So moved.

14 MR. UNDERWOOD: Second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. HOUGHTON: Thanks, Marc.

18 MR. WILSON: Next up is item 3b, the
19 appointment of a director to the Texas Private Activity
20 Bond Surface Transportation Corporation. This item will
21 be presented by Chief Financial Officer James Bass.

22 MR. BASS: Good morning. I'm James Bass, chief
23 financial officer at TxDOT.

24 Agenda item 3b would appoint Scott Haywood to
25 fill a vacancy on the Private Activity Bond Surface

1 Transportation Corporation, and staff recommends your
2 approval.

3 MR. MOSELEY: So moved, Chairman.

4 MR. AUSTIN: Second.

5 MR. HOUGHTON: All in favor?

6 (A chorus of ayes.)

7 MR. WILSON: Next item 3c, the appointment of a
8 director to the Grand Parkway Transportation Corporation.
9 Chief Financial Officer James Bass will continue with this
10 item. James.

11 MR. BASS: Second verse same as the first, but
12 this is replacing a vacancy on the Grand Parkway
13 Transportation Corporation and would appoint Scott Haywood
14 to fill that vacancy.

15 MR. MOSELEY: So moved, Chairman.

16 MR. AUSTIN: Second.

17 MR. HOUGHTON: All in favor?

18 (A chorus of ayes.)

19 MR. BASS: Thank you.

20 MR. WILSON: Next is item 4, the award of
21 federal and state grant funding for airport improvement
22 projects. This item will be presented by Aviation
23 Division Director Dave Fulton.

24 MR. FULTON: Thank you, Phil.

25 This minute order contains a request for grant

1 funding approval for nine airport improvement projects.
2 The total estimated cost of all requests, as shown in the
3 exhibit A, is approximately \$19.9 million: approximately
4 \$16.6 million in federal funds, \$1.2 million in state
5 funds, and \$2.1 million in local funds.

6 A public hearing was held on February 21 of
7 this year. No comments were received. We would recommend
8 approval of this minute order.

9 MR. HOUGHTON: Any questions of Dave? Motion?

10 MR. UNDERWOOD: So moved.

11 MR. AUSTIN: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. FULTON: Thank you.

15 MR. HOUGHTON: Thanks, Dave.

16 MR. WILSON: Now item 5, updates to the 2013
17 Unified Transportation Program. This item will be
18 presented by Director of Planning Marc Williams.

19 MR. WILLIAMS: Again for he record, Marc
20 Williams, director of Planning for TxDOT.

21 The commission approved the 2013 UTP on April
22 26 of 2012 and revisions subsequently to that document on
23 June 28, August 30 and October 25 and December 13 of 2012,
24 as well as on January 31 of 2013. A public meeting was
25 held Thursday, February 21, 2013 to discuss the 2013 UTP

1 revisions and a formal public hearing was conducted on
2 Tuesday, March 5, 2013 at 10:00 a.m. Comments were
3 accepted until March 18; no comments were received.

4 The changes to the 2013 UTP include funding
5 level adjustments due to fund transfer requests and the
6 allocation of about \$600 million in funds to priority
7 projects across the state, including remaining FY '13
8 federal funds that will be obligated this fiscal year. In
9 addition, there are updates to project lists, information
10 on available transportation development credit balances,
11 and other minor revisions or technical corrections.

12 Staff recommends approval of the minute order.

13 MR. HOUGHTON: Any questions? We have somebody
14 to speak, signed a yellow card. Andrew, are you here?
15 Where are you?

16 MR. CANNON: Good morning. Andrew Cannon,
17 Hidalgo County MPO transportation director.

18 I just wanted to come before the commission and
19 Mr. Wilson this morning, we wanted to thank you for the
20 efforts for funding the two projects that we have on this
21 listing. They're pretty dynamic for our area, not only
22 are they going to take care of congestion, they're going
23 to address some serious safety concerns that we have with
24 our interchange and evacuation routes, as well as be some
25 good economic driving tools for us for that area and

1 promote some growth.

2 So again, on behalf of my policy committee, I
3 wanted to come this morning and thank you for the
4 inclusion of those projects on that list.

5 MR. HOUGHTON: Thanks, Andrew, for coming this
6 way. Appreciate it and all the efforts down in Hidalgo
7 County.

8 MR. CANNON: We appreciate all of you coming
9 down.

10 And on a side note, I just want to say in the
11 15 years of coming to commission meetings, I never thought
12 I'd hear Selena played. I sort of was floored on that
13 one, talking about her in the car driving up last night,
14 as a matter of fact.

15 But no, we appreciate all that you gentlemen do
16 for us and your staff, and John Barton has been a
17 tremendous asset to us down there in the Valley as well,
18 and we appreciate everything that you do and the
19 dedication that you put in for us.

20 MR. HOUGHTON: Thanks, Andrew.

21 MR. CANNON: Thank you.

22 MR. HOUGHTON: Any other questions?

23 MR. AUSTIN: No questions. I move we approve
24 as presented.

25 MR. UNDERWOOD: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. WILSON: Moving on to item 6a, establishing
4 new toll rate tables for State Highway 45 Southeast and
5 the Cameron ramps along SH 130. This item will be
6 presented by Toll Operation Division Director Doug
7 Woodall. Doug.

8 MR. HOUGHTON: Have we got Doug here? Grand
9 entrance, Doug.

10 MR. WOODALL: My apologies. My boss had me
11 cornered. And thank you to Carol Rawson for informing me
12 to get up here now. Doug Woodall, director of Toll
13 Operations Division.

14 Item 6a will authorize new toll rate tables on
15 two ramps on State Highway 130 at Cameron Road and for 45
16 Southeast. This change is necessary to reflect
17 modifications in the vehicle classification system used at
18 those locations which is currently shape-based and it
19 would go to an axle-based, is really all that is, but it
20 does modify the rate tables, which requires commission
21 approval.

22 This minute order includes a certification by
23 the traffic and revenue consultant that says in their
24 opinion the adoption of the proposed new rate tables will
25 not adversely affect the ability of the commission.

1 Implementation of the new system will occur over a three-
2 week period starting in the month of April.

3 Staff recommends your approval.

4 MR. HOUGHTON: Any questions of Doug?

5 MR. AUSTIN: So moved.

6 MR. HOUGHTON: Second?

7 MR. UNDERWOOD: Second.

8 MR. HOUGHTON: All in favor?

9 (A chorus of ayes.)

10 MR. HOUGHTON: Thanks, Doug.

11 MR. WILSON: Now item 6b, establishing
12 temporary toll rate tables for SH 130, Segments 1 through
13 4, and SH 45 Southeast. Toll Operation Division Director
14 Doug Woodall will continue to present. Doug.

15 MR. WOODALL: Thank you.

16 Item 6b authorizes the truck discount pilot
17 program and establishes temporary toll rate tables for a
18 period of up to one year, starting April 1 and possibly
19 extending as far as March 30, 2014, or until a date of an
20 earlier termination of the pilot program. This would be
21 for Segments 1 through 4 of State Highway 130 and for
22 State Highway 45 Southeast. At the end of the pilot
23 program, the toll rates will revert back to the previously
24 approved rate tables. A similar reduction in toll rates
25 is being implemented on State Highway 130, Segments 5 and

1 6, extending approximately 41 miles from the southern
2 terminus of Segment 4 to I-10 near Seguin.

3 Again, staff recommends approval.

4 MR. HOUGHTON: Questions?

5 MR. AUSTIN: I just had one question. What
6 kind of feedback are you receiving from the trucking
7 community and other folks on this?

8 MR. WOODALL: Generally speaking, very positive
9 feedback. Factual evidence is the one month truck
10 incentive that the commission had implemented in February
11 where we experienced a 49.04 percent increase in truck
12 usage. From that standpoint it's positive. We're also
13 following up on social media sites and surveys as well,
14 and so far everything is looking very positive.

15 MR. AUSTIN: Is there any way to tell is a lot
16 of the traffic, are they trucks that are going back and
17 forth, short haul, are they long haul, one-time traffic?
18 Are they using the system one time or are they going back
19 and forth?

20 MR. WOODALL: One curious thing about the
21 truck, we don't have systems in place to identify or track
22 an individual vehicle through, but we are seeing the
23 heaviest increase in Segments 2 and 3 of State Highway 13,
24 the middle two pieces, so that would indicate to me
25 there's an increase in short haul, but there's also a

1 corresponding increase in the long haul, so I think it's
2 spread across both types of trips.

3 MR. AUSTIN: I think this is a good plan and
4 continue to reach out to them. That's good.

5 MR. HOUGHTON: Any other questions of Doug? If
6 not, motion?

7 MR. AUSTIN: So moved.

8 MR. UNDERWOOD: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. WOODALL: I apologize for a dollar waiting
12 on a dime. Thank you.

13 MR. WILSON: Now item 7 considering action on a
14 contested case. This item will be presented by TxDOT
15 attorney Rich O'Connell. Rich.

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

18 This item is consideration of a contested case
19 hearing which TxDOT referred to the State Office of
20 Administrative Hearings. The administrative law judge has
21 processed the case and submitted to you a proposal for
22 decision for your consideration.

23 The case concerns the Right of Way Division's
24 enforcement action against the owner of an outdoor
25 advertising sign located on I-35 East in Hill County. It

1 was Fairway Outdoor Advertising. On March 5, 2012
2 documented that the sign owner was maintaining the sign
3 from the TxDOT right of way in violation of the
4 department's rules. At the hearing the sign owner
5 admitted the violation.

6 So the question is what is the appropriate
7 penalty. You may take one of two actions: revoke the
8 sign permit which means the owner must remove the sign, or
9 two, impose a \$500 penalty. You have the authority to
10 take either action. For revoking the sign permit, the
11 TxDOT rules say that you will cancel the permit. For
12 imposing a monetary penalty, the legislature in the last
13 session adopted new Transportation Code Section 391.0355
14 saying you may impose an administrative penalty.

15 Now, the ALJ weighed these issues in his
16 proposal for decision and concluded that you do have
17 authority to take either action, but he recommended that
18 you impose the \$500 penalty as more commensurate with the
19 nature of the violation. No party filed exceptions to the
20 ALJ's recommendation which I believe shows that they're in
21 general agreement with it.

22 OGC recommends that you adopt the ALJ's
23 proposed findings of fact and conclusions of law and
24 impose a \$500 penalty. OGC also corrected one minor error
25 concerning a citation to legal authority in the proposed

1 conclusion of law, but otherwise recommends that you adopt
2 the ALJ's proposal.

3 I'll be happy to answer any questions.

4 MR. HOUGHTON: We have no one speaking on this?

5 No one. Okay.

6 So your recommendation?

7 MR. O'CONNELL: The ALJ recommended --

8 MR. HOUGHTON: I'm asking for staff

9 recommendation.

10 MR. O'CONNELL: To adopt the ALJ's

11 recommendation.

12 MR. HOUGHTON: Okay. Very good. A fine of

13 \$500.

14 MR. O'CONNELL: Yes.

15 MR. HOUGHTON: Okay. Motion?

16 MR. UNDERWOOD: I move that we give the fine.

17 MR. HOUGHTON: Second?

18 MR. AUSTIN: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. HOUGHTON: Thanks, Rich.

22 MR. O'CONNELL: Thank you, sir.

23 MR. WILSON: Next up, item 8 is the
24 promulgation of administrative rules. 8a(1) is the final
25 adoption of amendments to Chapter 1. This item will be

1 presented by Director of Planning Marc Williams.

2 MR. WILLIAMS: Thank you. Again for the
3 record, Marc Williams, director of Planning.

4 This minute order adopts the amendments
5 concerning department advisory committees. The
6 commission, by Minute order 113434, dated January 31 of
7 2013, proposed the amendments to our administrative rules
8 that created the Freight Advisory committee to provide
9 advice and recommendations to the department regarding
10 freight transportation matters and assisting in
11 identifying potential freight transportation facilities.
12 This minute order formally adopts those amendments for the
13 Freight Advisory Committee and essentially codifies that
14 committee in our administrative rules.

15 Since we're moving a little fast on the agenda,
16 I wanted to take just a minute to offer a brief commercial
17 for the Freight Advisory Committee. Just wanted to note
18 that the committee has got our next scheduled meeting on
19 May 13 and 14 in El Paso, Texas coming up. I understand
20 that is going to be a good trip for us and would like to
21 acknowledge the work of Carolyn Mays and Luke and others
22 in the audience in coordinating that meeting. And thank
23 you as well, Chairman Houghton, for your assistance.
24 We're working with Mr. Russell with Tecma Industries on
25 that.

1 Also, we are planning two more upcoming
2 meetings, San Antonio, Texas in August and Amarillo in
3 October. The specific dates and times for those have not
4 been published yet, but you can keep up to date at
5 movetexasfreight.com on all of the activities related to
6 our Freight Advisory Committee.

7 So with that brief commercial interlude, I
8 would recommend adoption of the proposed minute order.

9 MR. MOSELEY: I would move the approval of the
10 minute order. And does El Paso move freight?

11 MR. HOUGHTON: We move a little bit, just a
12 little bit of freight. All in favor?

13 (A chorus of ayes.)

14 MR. HOUGHTON: Thanks, Marc. And thanks for
15 taking some of our time, I appreciate that.

16 MR. WILSON: Now item 8a(2), the final adoption
17 of amendments to Chapter 7. This item will be presented
18 by General Counsel Jeff Graham.

19 MR. GRAHAM: Thank you, Phil, Chairman,
20 commissioners.

21 This is an amendment to Section 7.31, Safety
22 Requirements, Rail Safety. As a result of the
23 department's review of its rules, we found some outdated
24 references to some of the laws. This merely consolidates
25 them and makes them current.

1 Staff recommends that you adopt this minute
2 order.

3 MR. HOUGHTON: You heard the testimony. Is
4 there a motion?

5 MR. UNDERWOOD: So moved.

6 MR. MOSELEY: Second.

7 MR. HOUGHTON: All in favor?

8 (A chorus of ayes.)

9 MR. HOUGHTON: Do you want to filibuster any?

10 MR. GRAHAM: No, and I have no advertisements
11 to present.

12 MR. HOUGHTON: Okay.

13 MR. WILSON: Item 9a will be presented by
14 Suzanne Latimer, director of the Office of Compliance and
15 Ethics. She will make her monthly report on the
16 department's compliance and ethics report. Suzanne.

17 MS. LATIMER: For the record, I am Suzanne
18 Latimer, director of the Office of Compliance and Ethics
19 for TxDOT.

20 The purpose of this report is to provide a
21 summary of information related to complaints and
22 investigations for the month of February 2013, in
23 accordance with Transportation Code 201.452 and 201.454.
24 The Human Resources Division, Office of Civil Rights and
25 Audit Office notify the Office of Compliance and Ethics

1 when investigations are initiated and completed and the
2 Office of Compliance and Ethics monitors those
3 investigations. All data is compiled by the Office of
4 Compliance and Ethics for reporting purposes.

5 There were 30 complaints received during the
6 month of February, 20 complaints were closed during
7 February and allegations were substantiated in three of
8 those investigations.

9 No action is needed by the commission.

10 MR. HOUGHTON: Thank you very much.

11 MR. WILSON: Next is item 10 considering
12 preliminary approval of -- I'm sorry, Suzanne. Suzanne
13 will continue with item 9b. I apologize. Amendments to
14 the employee ethics policy. Suzanne.

15 MS. LATIMER: Thank you. Section 572.051(c) of
16 the Texas Government Code requires each state agency to
17 adopt a written ethics policy for the agency's employees
18 that is consistent with the standards of conduct
19 prescribed in that section of law, and further, instructed
20 the Office of Attorney General to develop a model ethics
21 policy that state agencies may use in adopting agency
22 policy. To comply with Section 572.051(c) of the
23 Government Code, in December 2007 the Texas Transportation
24 Commission adopted the TxDOT ethics policy. Before you
25 today is a minute order to revise the TxDOT ethics policy

1 to align our policy more closely with Texas ethics laws
2 and with the model ethics policy written by the Office of
3 the Attorney General.

4 Staff recommends approval of this minute order
5 and I will be glad to answer any questions you may have.

6 MR. HOUGHTON: Questions?

7 MR. MOSELEY: So moved, Chairman.

8 MR. HOUGHTON: Second?

9 MR. UNDERWOOD: Second.

10 MR. HOUGHTON: All in favor?

11 (A chorus of ayes.)

12 MR. HOUGHTON: Thank you, Suzanne.

13 MR. AUSTIN: You have really put some good
14 thought into this and it's concise. Thank you.

15 MS. LATIMER: Thank you.

16 MR. WILSON: Next is item 10 considering
17 preliminary approval for financial assistance in the form
18 of a loan from the Camino Real Regional Mobility
19 Authority. This item will be presented by Innovative
20 Financing and Debt Management Officer Benjamin Asher.

21 MR. ASHER: Good morning. For the record, I'm
22 Ben Asher, the Innovative Financing and Debt Management
23 officer here at TxDOT.

24 This item is to consider preliminary approval
25 of a request for a \$9.4 million loan to Camino Real

1 Regional Mobility Authority to cover certain operating and
2 maintenance expenses for the managed lanes portion of the
3 Loop 375 Cesar Chavez Border Highway project from US 54 to
4 Zaragoza Road in El Paso County.

5 Staff recommends approval, and I'd be happy to
6 answer any questions.

7 MR. HOUGHTON: Questions?

8 MR. AUSTIN: I just have a question of the
9 chair. Do you have bike lanes?

10 MR. HOUGHTON: No, sir.

11 (General laughter.)

12 MR. AUSTIN: I move approval.

13 MR. HOUGHTON: No bike lanes, it's dangerous.
14 Is there a second?

15 MR. UNDERWOOD: Second.

16 MR. HOUGHTON: All in favor?

17 (A chorus of ayes.)

18 MR. HOUGHTON: Thanks, Ben.

19 MR. WILSON: The next items are the award of
20 contracts for maintenance and department building
21 construction and highway construction contracts. John
22 Obr, Construction Division director, will present these
23 minute orders. Item 11a.

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

1 Item 11a is for consideration of the award or
2 rejection of Highway Maintenance and Department Building
3 Construction contracts let on March 6 and 7 of 2013. We
4 present 30 projects today. The average number of bids pre
5 project was 4.1; the low bid value was \$30,446,843.69; and
6 we had an overall underage of 5.7 percent.

7 Staff recommends award of all maintenance
8 projects with the exception of the following two projects.
9 Travis County project number RMC - 624686001. The project
10 received three bids. The low bid on this project was
11 15.45 percent, or \$935,129.88 under the engineer's
12 estimate. This project is for roadside maintenance at
13 various locations. The plans for this project did not
14 adequately define the scope of the project. When the
15 district became aware, it would like to have an
16 opportunity to present and address this error by removing
17 approximately 21 percent of centerline miles or work.
18 Therefore, we recommend that this project be rejected and
19 relet at a later date.

20 Also, Williamson County project RMC -
21 625362001. The project received five bids. The low bid
22 on this project was 72.38 percent, or \$218,312 over the
23 engineer's estimate. This is a mowing project that spans
24 both Williamson and Travis counties. The district feels
25 that combining three smaller contracts into one will

1 improve bidder interest and result in better overall
2 prices. We recommend that the project be rejected also
3 and relet at a later date.

4 MR. HOUGHTON: Any questions? Is there a
5 motion?

6 MR. UNDERWOOD: So moved.

7 MR. HOUGHTON: Second?

8 MR. AUSTIN: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. HOUGHTON: Thank you.

12 MR. WILSON: John, please proceed with item
13 11b, construction contracts.

14 MR. OBR: Item 11b is for consideration of the
15 award or rejection of Highway and Transportation
16 Enhancement Building Construction Contracts let on March 6
17 and 7 of 2013. We present 62 projects today. The average
18 number of bids per project was 4.44; the low bid value was
19 \$223,573,835.68; the awards are split as seven projects in
20 Mobility totaling \$112,116,883.59, and 55 projects in
21 Preservation totaling \$111,456,952.09; we had an overall
22 underrun of 6.21 percent.

23 Staff recommends award of all construction
24 projects with the exception of the following two projects,
25 which one will be rejected and one will be deferred to the

1 April commission meeting. Howard County project number NH
2 2013(488), the project received two bids. The low bid on
3 this project was \$391,087.71 over the engineer's estimate.

4 This project is for spot repair work. We are
5 recommending that this project be rejected based on the
6 impact this project will pose on our budget availability
7 for future projects. We recommend that the project be
8 rejected and relet at a later date.

9 Ellis County project number PTF 2013(451), this
10 project received three bids. The low bid on this project
11 was \$934,925.19 over the engineer's estimate. This
12 project is for widening an existing overpass and
13 approaches. It includes a pass-through agreement with
14 third party funding from the City of Midlothian. We have
15 communicated with the city for a determination as to how
16 they wish to proceed. The city has indicated that they
17 need more time to reach a decision of this magnitude and
18 requested that we defer the decision to award or reject
19 until next month. We agree with this course of action,
20 therefore, we recommend that the decision to award or
21 reject this project be deferred to the April 2013
22 commission meeting in order to afford the city the time
23 they need to come to a decision.

24 MR. HOUGHTON: Any questions? Motion?

25 MR. AUSTIN: So moved.

1 MR. HOUGHTON: Second?

2 MR. UNDERWOOD: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: Thank you.

6 MR. WILSON: That brings us to item 12, Eminent
7 Domain Proceedings. Gus Cannon, director of Resource
8 Management will present this minute order.

9 MR. CANNON: Good morning. I'm Gus Cannon,
10 director of the Resource Management Section of the Right
11 of Way Division.

12 I'm presenting for your consideration item 12
13 which authorizes the filing of condemnation proceedings
14 necessary to progress the acquisition of 24 non-controlled
15 and 18 controlled access parcels by exercise of eminent
16 domain, for a total of 42 parcels for the month.

17 Staff recommends your approval of the minute
18 orders.

19 MR. HOUGHTON: Any questions? None. Motion?

20 MR. MOSELEY: Chairman, I happen to have a
21 motion that perhaps next commission meeting will be
22 offered by the incoming commission member. But the motion
23 that I offer today is that I move the Texas Transportation
24 Commission authorize the Texas Department of
25 Transportation to use the power of eminent domain to

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

8 MR. AUSTIN: I'll second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. HOUGHTON: Thank you.

12 MR. WILSON: Item 13 contains the routine
13 minute orders, including donations to the department,
14 right of way dispositions and donations, highway
15 designations, release of access rights, finance and speed
16 zones.

17 MR. HOUGHTON: We have a request to address the
18 commission from the judge of Caldwell County. Judge Tom
19 Bonn.

20 JUDGE BONN: I understand it's my turn to
21 speak. For the record, I'm Judge Tom Bonn from Caldwell
22 County, and I want to thank the chairman and the
23 commissioners and Director Wilson for allowing me this
24 opportunity.

25 We started this about six months ago with the

1 opening of 130 and the concern of the speed limit, and I
2 was just conversing in the back there with your associate
3 about the proposed speed limits.

4 First of all, I want to say thank you,
5 diplomacy does work. I'm a little concerned about the
6 eight miles from Lockhart proper to the county line and
7 then the additional two miles into Travis County on the
8 road that we're talking about, and I just found out a
9 second ago that you're proposing to restore the 65 on
10 approximately six or eight miles and then reduce it to 60
11 through the incorporated area of Mustang Ridge.

12 There's a certain reputation for speed limit
13 enforcement. I'm not going to take the liberty to
14 describe it any further, but it's very confusing to the
15 public when you're driving one speed, then all of a sudden
16 you reduce to a different speed and afford the opportunity
17 for a citation. So I would hope that you would consider
18 that the entire stretch be 65 miles an hour.

19 And one other thing I would like to ask of the
20 commission is to put signage that shows that that is US
21 183 because I just drove it this morning, the only signage
22 I saw was Schuelke Road with the overpass that T's into
23 183 northbound, and you look and you can see that sign,
24 but there's no sign on the road itself that designates it
25 as 183.

1 So I would appreciate your consideration of my
2 request, and I want to thank you for your help.

3 MR. HOUGHTON: Thank you, Judge, for coming.

4 Any other questions?

5 MR. MOSELEY: Thank you, Judge.

6 MR. UNDERWOOD: Thank you, Judge, for your
7 service to your community and thank you for being here,
8 sir.

9 MR. MOSELEY: I was just going to ask the judge
10 what kind of population growth he's contemplating along
11 this strip of roadway. Judge, thanks for your testimony.

12 I was just curious, it seems like Mustang Ridge and this
13 region may be enjoying some development and population
14 growth, and I'm just curious what you project as far as
15 the growth along this corridor.

16 JUDGE BONN: Well, we're still waiting for a
17 major subdivision development on 130 South where it
18 intersects Highway 80 and to the east, Cherryville, and
19 then we have Walton up on the northwest part of the county
20 where 150 comes into the county. But on the section that
21 we're talking about north of Lockhart, the only thing I've
22 seen there and the only thing that I'm hearing is a golf
23 driving range that just showed up about three months ago,
24 but as far as commercial development, I don't have any
25 knowledge of that happening. So that's really not a

1 concern reflective to the speed limits.

2 MR. MOSELEY: That six-mile strip that you
3 identified, is that a more heavily developed region?

4 JUDGE BONN: If you're referring to the Mustang
5 Ridge?

6 MR. MOSELEY: Yes, sir.

7 JUDGE BONN: Mustang Ridge is like any other
8 little small community, it expands their city limits,
9 backs it up to everybody else's city limits. I haven't
10 noticed any major developments. In fact, there was one, I
11 think it was a liquor store or some kind of club or
12 something, it's shut down. So I have not noticed any new
13 developments in the last three years with the construction
14 of the highways

15 MR. MOSELEY: There's no proposed big box
16 developments along that stretch of roadway?

17 JUDGE BONN: No, sir, not that I'm aware of.

18 MR. MOSELEY: Okay.

19 Any other questions?

20 MR. HOUGHTON: John Barton, are you in earshot?
21 I didn't see you back there. Can you come up?

22 MR. MOSELEY: Thank you, Judge.

23 MR. HOUGHTON: Judge, just wait here for a
24 second.

25 John, you've done the speed studies out there?

1 MR. BARTON: Yes, sir. Those were conducted by
2 our Traffic Operations Division staff.

3 MR. HOUGHTON: And the result of the speed
4 studies, what do you take into consideration on the speed
5 studies?

6 MR. BARTON: The actual observed speeds that
7 are being used on the roadway by the traveling public and
8 we also take into consideration other engineering and
9 traffic-related issues related to safety. One of the
10 things specifically about Mustang Ridge that was
11 considered and evaluated that staff made the
12 recommendation is the fact that the community itself asked
13 for a lower speed limit, and it's always something that we
14 take into consideration when a city or county passes
15 resolutions or ordinances asking for those.

16 And then in addition to that, with the
17 independent school district and the way it operates its
18 bus pickup and dropoff services in Caldwell County, they
19 are using State Highway 183 -- excuse me -- US Highway 183
20 and using those areas to drop off and pick up students,
21 and in particular in that Mustang Ridge area is where
22 their highest number of bus stops are. The terrain of the
23 roadway is a little bit more rolling in that area, and so
24 traffic will be going over hilltops with bus stops just
25 over the crest of those hills and taking those traffic

1 patterns and safety considerations into place with the
2 observed traffic travel speeds on the roadway, the 85th
3 percentile speed and those safety considerations was the
4 reason for the recommendation of a 60 miles per hour speed
5 limit in the Mustang Ridge area specifically.

6 MR. HOUGHTON: So we're reacting to, in part,
7 the wishes of the local community.

8 MR. BARTON: That was a consideration. I think
9 the engineering and safety issues were, again, the
10 development in Mustang Ridge, the school bus stops, the
11 terrain of the roadway and the observed traffic speeds.

12 MR. HOUGHTON: Okay. Thanks, John.

13 MR. UNDERWOOD: John, what you're saying is
14 that the school bus stops on the highway itself, there's
15 no way where they can pull over.

16 MR. BARTON: That is correct. And the
17 facility, when it was reconstructed, has two lanes in each
18 direction, the buses are stopping out there at the edge of
19 the roadway to pick up students and to drop them off. So
20 that's obviously an issue that we took note of and was
21 part of the evaluation process.

22 MR. UNDERWOOD: So that's why we did that
23 because if there had been a turnout for the bus, there
24 would have been a different result.

25 MR. BARTON: That's correct.

1 MR. MOSELEY: Which county is Mustang Ridge in?
2 Is it in Caldwell?

3 MR. BARTON: Caldwell County.

4 MR. HOUGHTON: Any other questions of John?
5 None.

6 Judge.

7 JUDGE BONN: If I could just offer another
8 comment. Looking at the speed survey, I believe the lady
9 showed me that it was 62 miles an hour through that area,
10 and she said it could go either -- the five-mile increment
11 could either go lower or higher, but my point is you've
12 got a better road, the best road that's ever been there,
13 and you have shoulders on that road now which you didn't
14 have before. And yes, sometimes the school buses stop
15 there, but they do have the opportunity to get off the
16 road itself.

17 And I'm just concerned from a public
18 standpoint, the public is not going to drive 60 through
19 there, they're going to drive 65, and so it will afford
20 the opportunity for that community to continue the
21 citations.

22 I've talked to some of the people from that
23 area, you know, I understand safety, but from a practical
24 standpoint, you're driving six miles of 65, then all of a
25 sudden it goes down for three or four miles to 60, then it

1 goes back up to 65. From a practical standpoint, I know
2 we all observe safety but that's one of my concerns. I
3 just wanted to express that.

4 MR. HOUGHTON: I appreciate the input.

5 Any other questions?

6 MR. MOSELEY: Chairman, is there a study on the
7 number of citations issued on this stretch of roadway? Do
8 we happen to know what the record is?

9 MR. HOUGHTON: John, no? And I think one of
10 the things, one of our tenets that we operate by here is
11 safety is number one, and if the community has asked us,
12 as part of the review, the safety of those kids on those
13 school buses, I think we have to react to that local
14 community of Mustang Ridge.

15 And if there's no other questions, I'm willing
16 to hear a motion.

17 MR. UNDERWOOD: Quick question of John.
18 Because of these school buses, do we have signs alerting
19 the driving public to the fact that there will be school
20 buses?

21 MR. BARTON: Commissioner Underwood, it's not
22 uncommon for us to have school bus stop ahead signs to
23 notify the public. I'm not sure that we have them on
24 this, I can't say that specifically. Carol Rawson, our
25 director of Traffic Operations, is here and she may know

1 the answer to that question. But it is a common practice
2 for us to do that.

3 MR. UNDERWOOD: Right. I would like to know
4 that also just for the safety of these young men and women
5 on that school bus.

6 MR. HOUGHTON: Carol, come on.

7 MR. BARTON: Carol is here. I don't know if
8 she knows the answer to that question specifically or not.

9 MR. UNDERWOOD: The reason why I asked about
10 the turnout too, you know where I'm coming from on that.
11 When the school bus stops off our road, they break down
12 the side of the road --

13 MR. BARTON: Correct.

14 MR. UNDERWOOD: -- and we end up with more
15 expense.

16 MS. RAWSON: Good morning. I'm Carol Rawson,
17 director of Traffic Operations. Currently out there on
18 the 183, what are the frontage roads, there are no "school
19 bus ahead" signs, but certainly could be added as we're
20 working through getting the road up and operating.

21 MR. UNDERWOOD: I would request that you do a
22 study to see whether or not they should be there, because
23 that worries me, the fact that these buses are stopping on
24 the highway, not in a turnout.

25 MS. RAWSON: Absolutely. They're stopping and

1 it's certainly something that we've done in other
2 locations around the state.

3 MR. UNDERWOOD: And also, is it feasible
4 whether or not we can actually have turnouts for these
5 buses, then it would give us the flexibility to go back
6 and say okay, now we can have a faster speed -- a common
7 speed all the way through the road.

8 MS. RAWSON: Right, certainly.

9 MR. UNDERWOOD: Thank you, ma'am.

10 MR. AUSTIN: Carol, before you leave, one
11 comment. And I'm sitting here thinking, you know, Judge,
12 I'm very sympathetic to what you're saying for
13 consistency, but I think of when I drive down here,
14 whether it's US 31 or 79, I experience those same
15 frustrations of traveling through different parts of the
16 state where there's different speed zones, but I come back
17 and overall while it may slow me temporarily, but safety
18 does come back to be first.

19 And I can promise you this is not something
20 that's being singled out and probably there's been more
21 input which is a positive thing, and listening to you,
22 your cohorts in the county and others as well, but there's
23 been a lot of input.

24 MR. MOSELEY: Chairman, I'll second
25 Commissioner Austin's motion to approve.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. HOUGHTON: Thank you.

4 Any other items on the agenda?

5 MR. WILSON: This concludes the action items on
6 today's agenda, Mr. Chairman, so I'll hand the meeting
7 back to you.

8 MR. HOUGHTON: Well, we want to approve the
9 minute orders. Is there approval of all minute orders?

10 MR. UNDERWOOD: So moved.

11 MR. MEADOWS: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. HOUGHTON: With that, that completes all
15 action items. Anybody sign up for open? No one, anyone?
16 No? Anyone like to speak?

17 (No response.)

18 MR. HOUGHTON: If not, if there's no other
19 business, I'll entertain the most privileged motion.

20 MR. UNDERWOOD: So moved.

21 MR. AUSTIN: Second.

22 MR. HOUGHTON: At 10:14 a.m., Central Daylight
23 Time, we are adjourned.

24 (Whereupon at 10:14 a.m., the meeting was
25 concluded.)

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C E R T I F I C A T E

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MEETING OF: Texas Transportation Commission

LOCATION: Austin, Texas

DATE: March 28, 2013

I do hereby certify that the foregoing pages, numbers 1 through 57, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Transportation.

(Transcriber) 04/01/2013
(Date)

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