

TEXAS DEPARTMENT OF TRANSPORTATION

COMMISSION MEETING

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

Thursday, June 27, 2013

COMMISSION MEMBERS:

Ted Houghton, Chair
Jeff Austin III
Jeff Moseley
Fred Underwood
Victor Vandergriff

STAFF:

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

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P R O C E E D I N G S

1
2 MR. HOUGHTON: Good morning. It's 9:00 a.m.,
3 and I call to order the regular June 27, 2013 meeting of
4 the Texas Transportation Commission.

5 Note for public record that notice of this
6 meeting, containing all items on the agenda was filed with
7 the Secretary of State at 4:48 p.m. on June 18, 2013.

8 And before we begin today, please turn your
9 cellular communication devices in the off or silent mode.

10 If you wish to address the commission today on
11 an agenda item, it's a yellow card, in open session which
12 will be at the end of the meeting, it's a blue card. Even
13 past chairmen must sign a card if they are here today, and
14 I think she is here today. They do have to sign, and I
15 think it's pink, their card is pink, they have to sign a
16 pink card.

17 All right. I'll turn time over to Phil for our
18 safety briefing.

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

20 I'd like to ask Deputy Executive Director John
21 Barton to come forward and provide a quick safety
22 briefing. John.

23 MR. BARTON: Good morning, Phil, Chairman,
24 commissioners. For the record, my name is John Barton,
25 and I have the honor and pleasure of serving as the

1 agency's deputy executive director.

2 Just a couple of safety items that I wanted to
3 mention this morning. We have a lot of guests here with
4 us today, exciting to see so many friends in the audience,
5 and wanted to remind everyone that safety is the most
6 important priority and initiative and value at this
7 agency. The commission's leadership in this area has been
8 much appreciated in changing the culture of safety focus
9 in this agency.

10 A couple of quick reminders about system
11 safety. We're coming up on the glorious 4th of July
12 holiday where we can celebrate our independence and those
13 who have fought so hard to provide us with the freedoms we
14 enjoy in this country. I would like to remind everyone to
15 travel safely. I understand there will be a lot of
16 distracted drivers out there on the roadway, and if you
17 are driving, before you drink and drive, ask someone who
18 hasn't been drinking to drive for you. A reminder that we
19 have a lot of dangerous situations occur over the 4th of
20 July week and the extended weekend, and July historically
21 is one of the most deadly months on highways here in the
22 State of Texas. So just encourage the public to drive
23 safely as they celebrate this country's independence.

24 I don't expect that we'll have any emergencies
25 today, but if we do, just briefly, if there's a weather-

1 related emergency and we need to seek shelter, we will
2 shelter here in place. I would ask everyone to leave this
3 room, make their way back out into the foyer and then take
4 either stairwell which are located on either side of the
5 elevator shafts, and meet us all down in the basement
6 where we can shelter in place, or in the stairwells
7 themselves if room is necessary.

8 If we are called upon to evacuate this
9 building, someone will either come to this microphone or
10 from the dais and announce that we have been asked to
11 leave the building for whatever purposes it may be. I
12 would again ask all of us to exit this building through
13 the front doors by the guard station, to safely cross at
14 the intersection of Congress and 11th over to the south
15 side of the Capitol Building, and we can gather there so
16 that the law enforcement and emergency response teams can
17 come in and safely do what they need to in the building.

18 We do have first aid available. If anyone
19 should need those services, I would ask you to go to the
20 guard station, there's a first aid kit there, and we have
21 people that are available to provide any assistance that
22 might be necessary. If medical attention is required, we
23 can call 911 at that time.

24 So thank you for allowing us to start this
25 meeting with a focus on safety, and I appreciate the

1 opportunity to make this briefing.

2 MR. WILSON: Thank you, John.

3 With the safety briefing completed, I'll hand
4 the gavel back to you, Mr. Chairman, to complete opening
5 remarks.

6 MR. HOUGHTON: As customary, we will start with
7 opening remarks from my commissioner to my far right,
8 Commissioner Vandergriff.

9 MR. VANDERGRIFF: I'm just delighted to be
10 here. No remarks.

11 MR. HOUGHTON: Commissioner Moseley.

12 MR. MOSELEY: Chairman, members, good morning.

13 I'm really pleased to have so many of you participating
14 in today's commission meeting. And Chairman Hunter, of
15 course, always good to see you and look forward to your
16 presentation.

17 Chairman, members, thank you for designating me
18 as the liaison to the Texas ports community. It's really
19 been an honor for me to serve in this capacity, picking up
20 where Commissioner Meadows left off. I have been
21 privileged to tour the Sabine-Neches Navigation District
22 and Port of Freeport, and look forward to joining
23 Commissioner Vandergriff July 15 for a tour of Port of
24 Corpus. We'll get a wonderful chance to understand some
25 of the vision and some of the direction that the port is

1 making as it relates to the Panama Canal, the new shipping
2 lane opening up, so I look forward to that visit in the
3 next few days.

4 Chairman, again thank you for letting me be
5 this liaison. Our goal this summer is to try to visit
6 with all of the 26 ports communities throughout the rest
7 of the calendar year and then report back to this
8 commission, give an overview of how we see the strengths
9 and opportunities of our ports as it relates to getting
10 goods to market and tying into our transportation system.

11 Thank you, Chairman.

12 MR. HOUGHTON: Thank you.

13 MR. AUSTIN: Good morning, everyone. Glad to
14 see such a great crowd here this morning. I'm glad to see
15 one of my bankers here today: Chairman Hunter. Chairman,
16 thank you for what you've done and the leadership you
17 provided over in the House. We really appreciate that,
18 and your interest, one, just being here, in
19 transportation. I know even when we had our meeting down
20 in Corpus last year, your involvement and your
21 participation does not go unnoticed and we hear you. So
22 thank you for being here.

23 You know, yesterday was a workshop that we had
24 an opportunity to talk about a lot of challenges that we
25 face from maintenance, looking at the systems that we

1 have, and I know staff is going to be working hard over
2 the next couple of months putting together some
3 recommendations for us. And for those of you in the
4 public or within TxDOT, we're going to need your input to
5 help give us the right direction to help establish
6 priorities and also make sure we're taking care of the
7 system we have. That's first and foremost to keep Texas
8 moving.

9 And speaking of keeping Texas moving, we're
10 going to be in the Valley in a couple of weeks to actually
11 designate I-69. We've received approval for this, but
12 we're actually going to put up the sign on July 15 for
13 several miles down there, and a lot of work that has
14 gotten us to this point.

15 Where is Judy Hawley? I know she's in here
16 somewhere. Judy, would you mind standing up? She is our
17 chairperson for the advisory committee. Judy, thank you
18 for your work in leading statewide of really helping I-69
19 become a reality. And this is going to put a little less
20 than 200 miles that will be designated which is a
21 tremendous, tremendous result of the efforts of a lot of
22 people, grassroots, working bottom up, how can we make
23 things happen.

24 Also, just as many of you are traveling
25 around -- I know Commissioner Underwood is going to talk

1 about this, we have a black piece of tape in honor of one
2 of our workers that was killed on a roadside accident --
3 we'd ask as you're traveling, we're fortunate, we have
4 great roads in Texas, but we can't take that for granted,
5 be mindful of the crews and just be safe as you're out
6 traveling with distracted driving.

7 One final note I'd like to share, you never
8 know where I might pop up in driving around and stopping.
9 I enjoy stopping, I've popped into one of our visitor
10 centers, stopped at one of the construction sites. I had
11 the opportunity, one road that I travel frequently is US
12 79 and I stopped right outside of Palestine, stopped by
13 and visited our crew.

14 And I had the opportunity to visit with the
15 project manager, Don Wilbanks -- this is a Longview bridge
16 project -- and just in the course of the conversation they
17 were sharing something that was happening. He said, We're
18 ahead of schedule. And I said, Well, why is that? He
19 said, Well, it's because of the cooperation of our team
20 and the contractor, they're bringing additional crews in
21 to begin working on something that wasn't scheduled till
22 later because of taking advantage of what the weather was
23 doing.

24 What a great example of the partnership, not
25 just with TxDOT, but also, Phil and John, what you have

1 done to allow our project managers and everybody that
2 level to make that decision to work with the contractors
3 to expedite projects to keep Texas moving.

4 Thank you.

5 MR. UNDERWOOD: I'm sorry I'm a little bit lost
6 for words because we lost a fellow TxDOT employee this
7 week. We would like to go one day without wearing this,
8 we'd like to go one day without a death on our highways.
9 We really need the public's help on this. I know that we
10 at TxDOT take it serious, but I would like for the public
11 to take it serious.

12 I'm going to shift gears now. I want to thank
13 all the men and women, our staff and the people that are
14 involved in Keep Texas Beautiful. I got a chance to speak
15 at the annual meeting, and it was very impressive of the
16 work that they're doing, the time and effort they spend of
17 not only cleaning up in their areas but teaching young men
18 and women to be more conscious of how to take care of our
19 natural resources. I like it because of the work that our
20 staff is doing and the men and women out there on Keep
21 Texas Beautiful, we're able to say Keep Texas Beautiful,
22 not Make Texas Beautiful. So thank you for all the hard
23 work that you do. It's appreciated and it's obvious any
24 time you drive through your communities.

25 Thank you.

1 MR. HOUGHTON: Thank you, commissioners. And a
2 formal welcome to Senator Hinojosa. Glad to have you here
3 today. And J.M. Lozano, Representative Lozano, thank you
4 for being here today. And I think we have one more from
5 the Valley, Representative Herrero. He's running late?
6 Okay. Welcome to him in advance.

7 So we're going to move ahead, we've got a full
8 agenda. We have a retirement we want to acknowledge.
9 Phil, do you want to talk about one of our employees
10 getting ready to go to the other side.

11 (General laughter.)

12 MR. WILSON: Our first agenda item today is a
13 resolution recognizing Mario G. Medina, P.E., San Antonio
14 District Engineer, upon his retirement from the department
15 after 28 years of service. I would like Mario to come
16 forward for the presentation of his resolution. Good
17 morning.

18 MR. MEDINA: Good morning.

19 MR. WILSON: "Whereas, the Texas Transportation
20 Commission takes great pride in recognizing Mario G.
21 Medina, P.E. for his outstanding service to the Texas
22 Department of Transportation after a distinguished career
23 of 28 years, most recently as San Antonio District
24 Engineer;

25 "And whereas, Medina, a native of Laredo,

1 graduated from the University of Texas at Austin in 1986
2 with a bachelor's degree in civil engineering;

3 "And whereas, Medina began his TxDOT career in
4 1981 with the Laredo Area Office where he worked for five
5 summers while pursuing his degree, assumed his first full-
6 time position in field coordination for the Design
7 Division, and moved up the ranks until he left the
8 division in 2002 as a manager in the Consultant Contract
9 Office;

10 "And whereas, he then joined the Transportation
11 Planning and Programming Division as Multimodal Section
12 director to oversee rail planning, railroad safety
13 inspections, state sponsorship of the Gulf Intracoastal
14 Waterway, pedestrian and bicycle planning, and
15 multimodal/intermodal planning projects;

16 "And whereas, in 2006 Medina was named Laredo
17 District Engineer where he led operations and project
18 planning for the eight-county district, including the FM
19 1472 railroad grade separation and US 83/SH 359
20 interchange;

21 "And whereas, in 2008 he was named San Antonio
22 District Engineer where he worked closely with the Alamo
23 Regional Mobility Authority to launch its first design-
24 build projects for Loop 1604/US 281 and oversaw completion
25 of the Loop 410 northwest expansion and finalization of

1 the Wurzbach Parkway project;

2 "And whereas, Medina's engineering and
3 management talents helped advance TxDOT's mission to
4 provide safe and reliable transportation solutions for
5 Texas;

6 "Now, therefore, be it resolved that the Texas
7 Transportation Commission does hereby extend its sincerest
8 best wishes to Mario G. Medina, P.E. in recognition of his
9 professional achievements in a career of loyal service on
10 behalf of the State of Texas and its citizens."

11 Are there any comments from the commission?

12 MR. MOSELEY: Well, I want to say
13 congratulations and thank you for your three decades of
14 service to the State of Texas. It would be interesting to
15 get out a calculator and understand how your contributions
16 to mobility have helped build the state's economy because
17 we know there's a wonderful connection between all the
18 projects you've been involved in, in getting goods to
19 market, getting knowledgeable workers to their workplace.
20 But anyway, thank you for your wonderful service to this
21 state and wish you the very, very best.

22 MR. MEDINA: Thank you, sir.

23 MR. AUSTIN: Well, Mario, we're going to miss
24 your leadership, and I want to say thank you, and your
25 sense of humor. I know Commissioner Moseley and I had the

1 opportunity to be down a couple of months ago in San
2 Antonio, and Mario finally stopped me, commissioners, as
3 we were walking by. I'm knee high to a grasshopper to
4 Mario and he put his arm around and said, What's going on,
5 what happened, why do I have two commissioners here in one
6 day? But it was all good. We were looking at some of the
7 projects, he drove me around and shared with me some of
8 the projects and the mobility challenges that you have and
9 some of the solutions that are possible.

10 Thank you. You've helped get to the point
11 where we are, and look forward to seeing you have a
12 successful after-career. Don't be a stranger.

13 MR. MEDINA: Thank you, sir.

14 MR. UNDERWOOD: Mario, I appreciate your
15 friendship over these years. Thank you. And thank you
16 for taking the time to squire me around and educate me,
17 and more important, thank you for the large body of work
18 you've done. You can drive all over San Antonio and see
19 that in your area. And most of all, thank you for being
20 such a quality gentleman and professional and representing
21 us so well. I'm proud to be associated with you, sir.

22 MR. MEDINA: Thank you, sir.

23 MR. HOUGHTON: Mario, you and I go a ways back
24 when you were down in the Valley and then moved up to San
25 Antonio to follow was it Casteel, that guy?

1 MR. MEDINA: Yes, sir, that guy.

2 MR. HOUGHTON: That's an easy act to follow.
3 The bar wasn't very high, was it?

4 (General laughter.)

5 MR. HOUGHTON: But I just want to thank you for
6 your service. And I see you have your family here and you
7 may want to share your family, and I know you have some
8 comments. But thanks for what you've done, and now I ask
9 you what are you going to do now? You're too young to
10 retire.

11 MR. MEDINA: You're correct, I'm too young to
12 retire. I'm going to spend some time with my family next
13 couple of months, and then we'll see where I end up. I
14 definitely want to stay in the industry, and we'll see
15 where we go.

16 MR. HOUGHTON: I imagine I'll see you around
17 here somewhere.

18 MR. MEDINA: You probably will, but I'll have
19 to wait a year.

20 (General laughter.)

21 MR. HOUGHTON: I understand that, I understand
22 that rule. Thank you very much for your service. And now
23 the mike is yours.

24 MR. UNDERWOOD: One quick question, Mario, you
25 brought your daughters and sons, did you not bring your

1 wife?

2 (General laughter.)

3 MR. MEDINA: Yes, sir, I brought my wife.

4 MR. UNDERWOOD: Okay, just want to make sure.

5 MR. MEDINA: Real quick, I just say thank you
6 to everyone. The supervisors when I first started with
7 the department allowed me the opportunity to grow. Mr.
8 Behrens, Mr. Saenz, Mr. Wilson, Mr. Barton who have kind
9 of given me the faith, and they had the faith in me
10 regarding my ability to lead and manage, so that's real
11 important to me. The TxDOT personnel that I had an
12 opportunity to work with, especially the folks in the San
13 Antonio District, they've really helped this department,
14 and when you have individuals like that that you're
15 working with, it makes the job a whole lot easier.

16 And then I just want to say it's been an honor,
17 a privilege and a blessing to be part of TxDOT and to do
18 great things for this state. So whatever my future holds,
19 I will always cherish my time with the department, but as
20 you can see, they're the main reasons I'm retiring and I'm
21 going to hang out with them.

22 So thank you. Thank you for all the kind words
23 and support.

24 (Applause.)

25 MR. HOUGHTON: What I'd like to have you do,

1 Mario, is introduce your family, please.

2 MR. MEDINA: I'd love to. I'll start at the
3 end. Derek, go ahead and stand up, please. This is my
4 middle child, Derek Blake Medina. He's 8th grade, working
5 on playing football, and I say that working.

6 Gray, do you want to stand up? Here's my
7 oldest child, this is Gray Medina, and actually, he is
8 playing football.

9 And then my lovely daughter, Marisa, who is
10 eleven, working on being twenty-one.

11 And then finally, my lovely wife, *mi corazon y*
12 *alma*, Janet Medina.

13 (Applause.)

14 MR. HOUGHTON: We're going to take some
15 pictures now.

16 (Pause for presentation and photographs.)

17 MR. HOUGHTON: Commissioner Wolff, are you in
18 the audience? Where are you? I didn't know you were
19 here. I understand you want to say a few words.

20 MR. WOLFF: If I could.

21 MR. HOUGHTON: Yes, please.

22 MR. WOLFF: Thank you, Mr. Chairman. First let
23 me say thank you to the commission as a whole. Also, let
24 me give a special thanks to really the staff of TxDOT and
25 all their employees, the folks that really do the work.

1 However, I came here today to speak about a specific
2 employee, and that's obviously Mario.

3 I tried to think of a way to describe the folks
4 that he's had to deal with on almost a daily basis, and I
5 wrote down a little thing here, I said anyone who can put
6 up with egotistic, demanding, impatient, think they're the
7 smartest people in the room, electeds like myself,
8 deserves not only thanks for the work he's done, but some
9 sort of sainthood as well. To describe him and his
10 actions, certainly in San Antonio, patience,
11 understanding, he's persistent, tenacious, creative, all
12 of those things he has embodied in the time that I've
13 certainly worked with him in San Antonio.

14 But some of the things that I have respected
15 even above those was the loyalty and dedication to his job
16 and his profession that he displayed in every single
17 interaction I've ever seen him in, and I think that speaks
18 so much to him as an individual.

19 So Mario, thank you for helping us, thank you
20 for doing a tremendous job, thank you for acting as a
21 mentor and a friend to me. Well done, my friend.

22 Thank you.

23 (Applause.)

24 MR. HOUGHTON: Okay. The first item of
25 business is the minutes approval of the May 30, 2013

1 commission minutes. There's drafts of the minutes in your
2 briefing material. Is there a motion?

3 MR. UNDERWOOD: So moved.

4 MR. AUSTIN: Second.

5 MR. HOUGHTON: All in favor?

6 (A chorus of ayes.)

7 MR. WILSON: At this time we'll move forward to
8 item 6, approving the update to the 2013 Unified
9 Transportation Program. This item will be presented by
10 Director of Planning Marc Williams.

11 MR. WILLIAMS: Good morning, Chairman,
12 commissioners and Phil. Again for the record, my name is
13 Marc Williams. I serve the department as director of
14 Planning.

15 This minute order approves updates to the 2013
16 Unified Transportation Program. The UTP is the ten-year
17 statewide program that guides the development and
18 authorizes construction of transportation projects across
19 the state. The commission approved the 2013 UTP on April
20 26 of 2012 and there have been seven revisions since its
21 original adoption. This will be the eighth revision of
22 the 2013 UTP, and the commission will consider adoption of
23 the new 2014 version of the UTP in August.

24 Changes to the 2013 UTP include funding level
25 adjustments due to fund transfer requests, updated project

1 lists, and adjustments to other project program priorities
2 and needs. Specifically, I would like to call attention
3 to funding allocations toward several strategic
4 transportation projects and programs that are part of this
5 June revision.

6 The revision includes \$310 million for the
7 reconstruction of the Harbor Bridge in Corpus Christi that
8 will allow for critically needed infrastructure
9 replacement and also improve mobility and trade flow in
10 the area. The revision also includes \$300 million for the
11 western extension of the Border Highway, Loop 375 project
12 in El Paso to provide congestion relief and resiliency to
13 Interstate 10 in El Paso and improve border trade flow to
14 the second busiest U.S.-Mexico port of entry in the
15 nation.

16 It also includes \$600 million for the SH 183
17 corridor serving the Dallas-Fort Worth Metroplex that will
18 help leverage additional infrastructure improvements and
19 enhanced mobility, not only to the Metroplex but also to
20 the Dallas-Fort Worth Airport. In addition, \$40 million
21 toward a partnership with Hays County and the Texas
22 Department of Transportation that will help to provide
23 approximately \$110 million in state highway program
24 improvements that will serve both the State of Texas as
25 well as Hays County.

1 The UTP revision also includes information on
2 transportation development credits and allocates TDCs to
3 the department to use on several projects eligible for
4 National Highway Performance Program funding, presents
5 2014 preliminary funding level recommendations for the
6 update of the 2014 UTP in August, along with other minor
7 revisions and technical corrections.

8 I understand we have several speakers today.
9 Staff would recommend approval of this minute order.

10 MR. HOUGHTON: Yes, we do. Let me ask the
11 first speaker I'd like to recognize. As we have said, and
12 I call it the Ric Williamson Creed, that of those here
13 today are held to three minutes, any of the elected
14 officials here who would like to speak, it's unlimited.
15 We may want to adjust that just a little bit after the
16 results of the other night over in the Senate, just a
17 little. I don't think I could sit for 12-13 hours.

18 (General laughter.)

19 MR. HOUGHTON: So Senator Hinojosa, welcome.
20 And I want to, first of all, thank you for your support of
21 transportation and unwavering support of transportation
22 over the years that I've been associated with you.
23 Welcome, and the mike is yours.

24 SENATOR HINOJOSA: Thank you, Mr. Chairman and
25 commission members.

1 Actually, the other night was just true
2 democracy, people speaking their minds, but it was a
3 little bit rough.

4 Let me just again thank the commission for
5 allowing me to share a few remarks. As you well know,
6 I've been in the legislature for quite a number of years,
7 probably longer than some of you have been on the
8 commission, and I have to tell you that for many, many
9 years we used to get all this testimony complaining and
10 criticizing the commission, and it has changed. Now it's
11 the opposite, we have a line of witnesses that come and
12 praise the commission and talk about the good work the
13 commission is doing, how transparent it is, and how you
14 communicate with local public officials on different
15 projects.

16 And I saw this change during the last six-eight
17 years when we had Madam Chair Delisi take over the
18 commission. This change has brought about nothing but
19 positive results, positive feedback, not only from the
20 community but also from the legislature. For us we
21 understand the importance of TxDOT, we understand the
22 importance of our transportation needs. That is what
23 makes our state the leading state in the nation in the
24 creation of new jobs.

25 So for us, trying to find a steady, reliable

1 source of revenue is a key, and will continue to be a key,
2 working with the commission to make sure we continue to
3 expand our transportation infrastructure so that our
4 economy can continue to grow. And we look again at a
5 special session coming up Monday, again we'll take up
6 different legislation, especially a constitutional
7 amendment to try to provide that source of revenue. It's
8 not enough but it's just many different tools and
9 different sources that we'll continue working to
10 accomplish that goal.

11 The other issue for me is I want to thank the
12 commission for taking time to come down to the Coastal
13 Bend area and meet with my constituents and the people of
14 the Coastal Bend and taking testimony about our need to
15 replace the Harbor Bridge. The Harbor Bridge is very
16 important to our economy, for the creation of new jobs.
17 So I want to thank you for the support you've given us in
18 the past, I want to thank you for continuing the support
19 with the \$310 million you just approved to us.

20 The Coastal Bend area is very much a key part
21 of our economy. Sometimes I remind people that during the
22 Iraqi and Afghanistan wars, the Port of Corpus Christi was
23 one of the major ports where we shipped military equipment
24 to Afghanistan. And so it's a very important vital role
25 that the bridge and the port plays for us.

1 And finally, to me, working with the
2 delegation, Chairman Hunter, Representative Herrero,
3 Representative Lozano, and working with the local public
4 officials and the private sector, the refineries and the
5 community leaders and the state officials and TxDOT really
6 as an example of us working as a team, as a community to
7 make things happen. And for us, I want to thank you for
8 your service and listening to our needs and responding.

9 On my side, as a legislature, a state senator,
10 I will continue to support and searching for ways to find
11 different funding mechanisms to make sure that we fund and
12 provide the necessary revenue to TxDOT to continue its
13 fine work.

14 And one more point about state employees.
15 Mario, let me tell you for us in the legislature, we make
16 laws, pass laws, legislate, but the state employees of the
17 State of Texas, they are the ones that keep our doors
18 open, show up every morning at eight o'clock, leave at
19 five, sometimes work late, but without their contribution
20 we could not funding as a state. So I just want to thank
21 all the state employees, especially TxDOT employees, for
22 the commitment to the job and their responsibility to the
23 citizens of the State of Texas.

24 Thank you so much, Chairman Houghton.

25 MR. HOUGHTON: Thank you, Senator.

1 MR. AUSTIN: Senator, before you sit down, I
2 want to say thank you for being here.

3 Being a partner in transportation, you did
4 something this session where you practiced what you
5 preached. Senate Bill 466 was very important to the
6 state, to this agency, it's bringing the NEPA process back
7 to locals, meaning back to the state, where we can help
8 advance projects a little bit quicker but maintain the
9 checks and balances. And I want to say thank you for your
10 leadership because that's going to help us really expedite
11 the projects, working with Carlos and his team. Thank you
12 again for your leadership on that.

13 SENATOR HINOJOSA: Thank you, Commissioner. I
14 think that bill will really expedite the process, will
15 make it much more cost-effective in terms of getting
16 projects done much, much quicker. But thank you for your
17 comments.

18 MR. HOUGHTON: Thank you, Senator.

19 Next is Representative Todd Hunter, Chairman
20 Hunter.

21 MR. HUNTER: Mr. Chairman, we did pass half
22 your budget.

23 MR. HOUGHTON: Yes.

24 (General laughter.)

25 MR. HUNTER: And it wasn't filibustered.

1 It's good to see all of you. The great thing
2 about following the senator is I get to speak for three
3 members, Chairman Herrero and Representative Lozano, and I
4 want to tell you think you very much, we echo the
5 senator's comments.

6 Let me make some personal comments. Chairman,
7 thank you for your friendship. I want to tell all five of
8 you the Coastal Bend, as the senator said, I would say
9 this group here has been some of the highlights of finally
10 recognizing the coastal zone, and we appreciate you a lot.

11 I know Commissioner Vandergriff, Moseley and Austin,
12 you'll be in the area. We are very, very appreciative, we
13 thank you for your attention. And Commissioner Underwood,
14 I'm still on the diet as a diabetic, even though you don't
15 believe grapes help, so I still want you to know that.
16 But thank you all.

17 And Brother Wilson did a good job this session.
18 He didn't hack anybody off in the House that I know of
19 this session.

20 MR. HOUGHTON: That you know of.

21 (General laughter.)

22 MR. HUNTER: That I know of. He did a great
23 job, he was a great person for all of you.

24 I'm here for one issue, that's the Harbor
25 Bridge. We have the Harbor Bridge project for these many

1 years, we appreciate your support. The simple comment
2 here is our community wants it, South Texas wants it, I
3 have my county judges here, my mayor is here, we have
4 representatives here from the port. Very simple is thank
5 you for your help, the Harbor Bridge is number one.

6 Well, I blew it, now you have to listen to one
7 other guy, so just J.M. Lozano and me. But we're here for
8 the Harbor Bridge, it's great, it will be helpful not only
9 for constructive value but for safety value, and it will
10 be a great day for Texas and a great day for South Texas,
11 but it's a great day for the Coastal Bend, and it's good
12 to come to a meeting that's positive.

13 As I've told you before, the less I talk, the
14 more votes I get. So thank you very much, and amen.

15 MR. HOUGHTON: And thank you for your support
16 on SJR 2. Thank you very much.

17 Representative Lozano, would you like to say
18 anything?

19 MR. LOZANO: Very brief.

20 MR. HOUGHTON: I want to thank you for your
21 support also of SJR 2. You get another shot at it.

22 MR. LOZANO: Yes, we will. This one will pass
23 a lot quicker.

24 MR. HOUGHTON: I hope so.

25 MR. LOZANO: You know, in the Senate chamber

1 the other night, my colleague, we were behind the rail but
2 we had front row seats, and he had a decibel app on his
3 iPhone and it reached 100 decibels on the House floor.
4 That was quite impressive.

5 But with regard to the Harbor Bridge project,
6 as you know, commissioners, this is an incredible asset
7 for the region. It not only helps Nueces County and San
8 Patricio County, but with the ever increasing productivity
9 of our oil and gas wells, it's going to continue to
10 increase in its use, and with the Panama Canal expanding,
11 it will also provide another tremendous opportunity for
12 Texas to have a larger port than we have now along the
13 coast. And thank you for your support.

14 MR. HOUGHTON: Representative Herrero, you've
15 signed up to speak. Thank you for coming.

16 MR. HERRERO: Yes, sir. Thank you. And I
17 don't want to take any more time than what I want to,
18 other than I wanted to make a point to drive the three
19 hours to say thank you. That's how important this project
20 is to our community. I want to echo the sentiments of our
21 delegation and just wanted to say truly that as a
22 community that we are grateful and it was worth the three-
23 hour trip for me to make this morning, and I'm glad that I
24 made it on time. So thank you for your consideration.

25 MR. HOUGHTON: Representative, thank you very
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1 much for coming, taking the time.

2 The next speaker is the mayor of Corpus
3 Christi, Mayor Martinez.

4 MAYOR MARTINEZ: Thank you, Chairman,
5 commissioners, Mr. Wilson, Ms. Walker. Thank you all for
6 your service, thank you what you do for the state.

7 For over 21 years transportation has been a
8 passion in our family and has certainly extended out to
9 our community. And I will tell you that this is not only
10 the strong support that we have with Senator Hinojosa and
11 Chairman Hunter and our delegation, but every leader that
12 we have regionally here in our community. But most
13 importantly, we know that if we don't have the public
14 behind this, you don't have a project. And there have
15 been over eight public meetings and there's significant
16 engagement, and a bridge that is now, it's built to World
17 War II standards, we need a new bridge.

18 I thank you for your support. The economic
19 driver this will be to us will be a huge multiplier. So
20 thank you, and we're here also to support you and make
21 sure that you have an opportunity to do the great work
22 that you do for the wonderful State of Texas. God bless
23 you.

24 MR. HOUGHTON: Mayor, thank you for your
25 support also.

1 The next is County Judge Terry Simpson, San
2 Patricio County. Judge.

3 JUDGE SIMPSON: Mr. Chairman, commissioners.
4 In San Patricio County the bridge doesn't actually enter
5 into the county, but it is so important to our economy
6 that we're willing to help fund the work to get it done.
7 We've got about \$20 billion worth of projects sitting on
8 the books, waiting to get built, waiting on permits, and
9 this bridge will help continue those projects along so
10 that we can continue to provide the jobs.

11 That bridge, used to be hardly any traffic on
12 it that's there now, but since the economy has grown in
13 the area, were fast growing, it's like a freeway back and
14 forth over that bridge every morning and every afternoon.

15 In fact, I avoid it as much as I can, I go around the
16 other way.

17 But I do appreciate your attention. You
18 challenged us to do something on our end, and we've lived
19 up to that challenge, I believe, and we do appreciate the
20 fact that the money that you previously dedicated to this
21 project and the new money you've dedicated, we can't thank
22 you enough for that because it is very vital to us, and we
23 thank you.

24 MR. HOUGHTON: Thank you, Judge.

25 MR. AUSTIN: Judge, before you step down, I

1 want to say thank you for your work on I-69 as well,
2 because one thing you have done with your leadership is
3 not working just in one little area, you've been working
4 throughout the entire region of inclusion, and I want to
5 say thank you for your leadership, it's all paying off.

6 JUDGE SIMPSON: Thank you, Commissioner Austin.

7 MR. HOUGHTON: Nueces County Judge Loyd Neal.

8 JUDGE NEAL: Mr. Chairman, thank you very much.

9 I want to take just a moment to thank the commission.
10 And Jeff, it's good to see you again. Jeff and I go back
11 a long, long way in our relationships and working
12 together. I want to thank our delegation for their
13 support.

14 Mr. Chairman, you challenged us to come up with
15 local funds. We met that challenge, we met with you. The
16 counties of San Patricio County and Nueces County, the
17 City of Corpus Christi, and the port, working with our
18 MPO, are ready to provide those funds to help make this
19 dream become a reality. We can't do that without your
20 help, and we appreciate that very much. We appreciate all
21 those with TxDOT who have supported this project over the
22 years. I may live long enough to see this bridge built,
23 and I'd certainly like to see that.

24 So thank you very, very much, Mr. Chairman.

25 MR. HOUGHTON: Thank you, Judge. Thanks for

1 coming.

2 The Port of Corpus Christi Commissioner Judy
3 Hawley.

4 MS. HAWLEY: Just following up with the rest of
5 my delegation, thank you. It's been a long time coming.
6 Every project has its own life and this one has really
7 taken wings with a lot of the economic expansion that
8 we've had in the Coastal Bend.

9 A number of you have been down there.
10 Commissioner, we welcome you, really look forward to
11 having you come down next month with Jeff and experience
12 firsthand some of the vibrant economic growth that's
13 happening.

14 Thanks for your courage, thanks for your
15 vision. It's not easy to allocate dollars of that
16 magnitude to any project. This is a mega project, these
17 are the hard ones. You all stepped up to the plate.
18 We're not going to read about some catastrophe because you
19 all have ensured that we will replace a bridge that is
20 faulty, a bridge that desperately needs your consideration
21 and your attention.

22 So thank you for your leadership, thank you for
23 your courage. We welcome you to come down for the
24 groundbreaking. We want you to drive over that bridge and
25 we hope it's in just a couple of years. Everybody is

1 working together well. Federal people are working
2 together well on the fast-tracking, the local people are
3 working together well. You've created a huge, huge piece
4 with finding the funding so that we can move forward with
5 the RFP.

6 So again, gratitude to all of you. Our
7 delegation has been phenomenal. Senator Hinojosa's
8 leadership, he has been a stalwart behind this bridge for
9 many, many years. Representative Hunter, he took a little
10 leave, then he came back in, and we're so glad that he
11 came back to the House, and his leadership, as you all
12 know, is just incredible. The delegation, J.M. and Abel,
13 have added their weight to our strength behind
14 transportation in our area.

15 SJR 2, I'm going to take one moment to lobby
16 for that, we are so behind that. I'm wearing my I-69 hat,
17 all the other transportation needs that we have in this
18 state. I urge all of those who have any influence in this
19 room, make sure that we get that baby passed because
20 that's absolutely critical for future funding for
21 transportation projects. We don't want to just maintain,
22 we don't just want to replace, we truly, truly need to
23 make sure that our infrastructure is in place for the
24 economic growth that we need in this state.

25 So thank you again for your vision, for your

1 courage and your support of the Coastal Bend. Thank you.

2 MR. HOUGHTON: Thank you, Judy.

3 All right. Now shifting gears a little bit
4 further north, Hays County Commissioner Debbie Ingalsbe.
5 Debbie here? There you are. She's going to talk about
6 something in Hays County. Right?

7 MS. INGALSBE: I am. Good morning. Chairman,
8 commissioners, thank you so much for the opportunity to
9 come speak with you.

10 You know, Hays County continues to be one of
11 the fastest growing counties, not only in the state but
12 the nation, and I really thank you for your confidence in
13 us. We've had several partnerships with the state. We
14 are finishing one up right now and it is a great
15 partnership.

16 We're asking once again for your confidence in
17 this partnership to improve some very much needed state
18 roadways that will provide additional safety, mobility and
19 economic development opportunities for our county and for
20 our region.

21 And so we really thank you so much for all that
22 you do. We hope that we will continue to partner with
23 you, and thank you so much for the work and the confidence
24 that you've had in Hays County. Thank you.

25 MR. HOUGHTON: Thank you, Commissioner.

1 Next Commissioner Will Conley, Hays County
2 Precinct 3.

3 MR. CONLEY: Good morning. Thank you for this
4 opportunity, and thank you for your partnership with Hays
5 County.

6 The commissioner touched on the projects and
7 how we see ourselves moving forward, but if you would
8 allow me, Mr. Chairman, just a brief moment to tell a
9 little bit about our partnership in the past because I
10 think it's important about our state and the examples that
11 we have and how we move forward.

12 In 2005 I was before this commission as a very
13 young commissioner representing Hays County with my
14 colleagues, and we passed, with your support, one of the
15 largest, one of the best pass-through financing programs
16 in the state. I remember driving home being so proud of
17 that accomplishment, and then a very small, vocal minority
18 took rise in Hays County. We had an election in 2006, an
19 off-year election with a very small turnout, and we lost
20 that election on how to move forward with those roads.

21 But the court was persistent, we kept our head
22 down, we kept crawling through the trenches and you stayed
23 there with us every step of the way. We went back out for
24 a bond in 2008 and passed that 70 to 30, with the most
25 people participating in a bond election in Hays County in

1 its collective history.

2 Since that time, we have developed, along with
3 other state and federal funds, local dollars, getting
4 close to almost now a half a billion dollars worth of
5 state highway improvements in Hays County, on time, under
6 budget, wonderful cooperation from the commission to Mr.
7 Wilson, his staff, to those that have worked with us at
8 the district.

9 We have now taken the savings from that program
10 and area asking to partner with you once again and
11 continue the success that we have in Hays County and to
12 show you how important it is for our state and for our
13 county. What started off as a difficult issue in Hays
14 County, we now have unanimous support from the top to the
15 bottom throughout Hays County on this partnership because
16 it has been so successful.

17 So I encourage you to keep supporting us, we
18 will keep doing the work which we promise you that we will
19 do, and keep building a stronger Texas.

20 Thank you, Mr. Chairman.

21 MR. HOUGHTON: Thank you, Commissioner.

22 MR. VANDERGRIFF: Chairman, I've got to make
23 one note to the commissioner and the county judge from
24 Hays County, and I'm sorry to give a plug to my past, but
25 your county tax assessor-collector, Luanne Caraway, is one

1 of the best in the State of Texas and a very well
2 respected voice. She represents you well.

3 MR. CONLEY: Thank you, sir.

4 MR. HOUGHTON: Marc, can you tell me the types
5 of monies, the initiatives that we're talking about here
6 that created the opportunity to build a new Harbor Bridge?

7 MR. WILLIAMS: The funding sources?

8 MR. HOUGHTON: Right.

9 MR. WILLIAMS: They're a combination of both
10 federal and some state funding, predominantly federal, but
11 as some of the speakers referenced, there are several
12 local contributions that are coming in from the counties
13 and the MPO and the city and the port that are helping to
14 bridge that funding gap that we need -- that's a bad pun,
15 I know, sorry about that -- to deliver this project, and
16 it's been a real cooperative effort with all of the
17 parties that have been involved with it.

18 MR. HOUGHTON: I understand they created two
19 transportation reinvestment zones.

20 MR. WILLIAMS: Yes, sir, they did.

21 MR. HOUGHTON: To get over the hump on this
22 project.

23 MR. WILLIAMS: Yes. Plus there's been some
24 work with right of way donations with the Port of Corpus
25 Christi, as well, to help, again, bring down the cost. So

1 it's really trying to look at any opportunity we have to
2 put the money that we need to deliver the project
3 together.

4 MR. HOUGHTON: My congratulations to all. Any
5 other comments from the commissioners?

6 MR. AUSTIN: I'd just like to say one thing.
7 One other advocate I know on the Harbor Bridge that was
8 not with us today but it is also really supportive of this
9 is former Commissioner Bill Meadows, because he spent a
10 lot of time down there talking about this and I want to
11 make sure that Bill is thanked also for his passion for
12 this project.

13 MR. VANDERGRIFF: I just want to echo that I
14 think all these projects are worthwhile and worthy of
15 supporting, and I'm going to, from my perspective being
16 new on the commission, continue to work with you to help
17 make the UTP and the process that goes into making that
18 up, coupled with how the partnership funding is on all of
19 these projects, I'm not sure that's as clear and succinct
20 and precise for the public and the folks across the street
21 at the Capitol, so look forward to working with you on
22 that.

23 But no question, these projects are important
24 and worth supporting.

25 MR. HOUGHTON: With that said, is there a

1 motion?

2 MR. AUSTIN: So moved.

3 MR. VANDERGRIFF: So moved -- well, I'll move
4 or second.

5 MR. HOUGHTON: Consider a vote. All in favor?

6 (A chorus of ayes.)

7 MR. MOSELEY: Chairman, I just wanted to also
8 add I'm pleased to vote in favor of this motion. This is
9 very clearly a wonderful demonstration of the local
10 leadership coming together to work with the state. And
11 then we heard some testimony today that talks about the
12 dynamic economic development of this region and how
13 strategic our investment in this bridge improvement will
14 be to growing -- I think I heard the term in San Patricio
15 County alone -- \$20 billion, Chairman, of enhancements
16 that will come along with this improvement to the bridge,
17 and then there's all the other things that will come with
18 the new cargos that will come because of the Panama Canal
19 and the new shipping lanes. So it's a pleasure to be a
20 part of supporting this motion.

21 MR. HOUGHTON: Thank you very much. Marc,
22 congratulations.

23 MR. WILLIAMS: Thank you.

24 MR. WILSON: We will now go to item 4, the
25 awarding of federal and state grant funding for airport

1 improvement projects. Aviation Division Director Dave
2 Fulton will present. Dave.

3 MR. FULTON: Thank you, Phil, commissioners.
4 For the record, my name is Dave Fulton, director of
5 TxDOT's Aviation Division.

6 This minute order contains a request for grant
7 funding approval for eleven airport improvement projects.
8 The total estimated cost of all requests, as shown in
9 Exhibit A, is approximately \$4 million: approximately
10 \$3.2 million federal, \$400,000 state, and \$400,000 in
11 local funding.

12 A public hearing was held on May 16. No
13 comments were received. We would recommend approval of
14 this minute order.

15 MR. HOUGHTON: Are there any questions of Dave
16 on Aviation? Fred?

17 MR. UNDERWOOD: So moved.

18 MR. AUSTIN: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. FULTON: Thank you.

22 MR. WILSON: Next up is item 5a, awarding state
23 funds to public transportation providers for FY 2014, as
24 appropriated by the 83rd Texas Legislature. This item
25 will be presented by Public Transportation Division

1 Director Eric Gleason. Eric.

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

5 Agenda item 5a awards approximately \$29.7
6 million in state grant funds to small urban and non-
7 urbanized public transportation systems for fiscal year
8 2014. These funds are for both operating and capital
9 expenses and are used to leverage additional local and
10 federal funding for the same purposes.

11 There are 30 urban and 38 rural public
12 transportation systems eligible for state grant funding
13 The allocation among these systems shown in Exhibit A is
14 consistent with the funding allocation formula adopted by
15 the commission in the Texas Administrative Code. The
16 allocation also includes, as provided for in the
17 Administrative Code, funding to offset any reductions in
18 funding triggered by the results of the 2010 census.

19 Rural and urban transit district uses state
20 funding, along with local revenues and federal grant
21 program funding to sustain an infrastructure of critical
22 connectivity and congestion relief services and supporting
23 capital investments around the state, providing access to
24 jobs, job training, education, healthcare, shopping and
25 recreation. All told, systems supported by this funding

1 carry 30 million passengers and provide over 57 million
2 miles of service each year, with combined operating
3 budgets in excess of \$195 million.

4 We recommend your approval of this minute
5 order.

6 MR. HOUGHTON: We have a speaker on 5a, let me
7 see, Eric, John McBeth from Texas Association of Community
8 Transit. John.

9 MR. MCBETH: Mr. Chair, commission members and
10 Director Wilson, thank you very much.

11 I stand here today as the newly elected
12 chairman of the Texas Association for Community Transit
13 which was formed last Friday afternoon here in Austin to
14 represent the interests of small urban and rural transit
15 systems. Our precursor organization was the Association
16 for Coordinated Transit which was formed back in 1984 and
17 was the first transit association in the state.

18 It's kind of a historic moment for me because
19 back in 1985 I stood in front of this commission to appeal
20 to the commission to consider allowing small urban and
21 rural systems access to what was then called the Texas
22 Public Transportation Fund, the PTF, and at that time I
23 was the newly elected president of the Association for
24 Coordinated Transportation. Well, I'm back again today to
25 tell you that you did give us that access in 1987, we have

1 spent the money well, and this money that we're talking
2 about today is the lifeblood of rural and small urban
3 transit.

4 While the metropolitan transit authorities have
5 a tax base at their local level through local option, we
6 do not have that due to the total number of communities
7 that the 68 of us serve throughout the State of Texas.
8 This money is the money we use to match our federal grants
9 and it's the money that we spend very well and you get
10 your biggest bang for your buck.

11 I'm here to tell you thank you, thank you for
12 all your support that you have given us. Like I said,
13 this money is very critical, and we look forward in our
14 new association to continuing to work with the commission
15 and the department to further the goals of the commission
16 and the department, but also to increase mobility for
17 those people that we serve that live in rural Texas and
18 small urban Texas.

19 Thank you very much, sir.

20 MR. UNDERWOOD: Before you leave, sir, I want
21 to make sure our fellow commissioners understand something
22 too. In the rural areas it's not like in a city where
23 you're taking people five or ten blocks or across town, in
24 a rural area you're covering, if I remember correctly,
25 about 57 million miles.

1 MR. McBETH: That number is probably exactly
2 correct.

3 MR. UNDERWOOD: This is really critical to the
4 rural areas of Texas.

5 MR. McBETH: It is.

6 MR. UNDERWOOD: It's communities that don't
7 have a tax base.

8 MR. McBETH: In my area, Brazos Transit
9 District, which I've run since 1982, we serve 16 counties
10 that stretch from the Brazos Valley all the way over to
11 Lufkin-Nacogdoches, and we do commuter operations down the
12 Woodlands into Houston. You get a great bang for your
13 buck. I take 5-1/2 miles of cars off of Interstate 45
14 corridor every morning and every afternoon. And the
15 average trip length in my rural program is probably about
16 48 miles one way. So this is critical link for a lot of
17 people, and this money is absolutely the lifeblood of our
18 systems. We can't do what we do without this money.

19 MR. UNDERWOOD: These citizens couldn't
20 function, they couldn't be productive without this.

21 MR. McBETH: No. We carry a lot of people to
22 jobs, but we also carry a lot of people to dialysis
23 clinics.

24 MR. UNDERWOOD: That's right, to hospitals.

25 MR. McBETH: And there's not much more

1 important than a dialysis visit, that I know of.

2 MR. UNDERWOOD: Or doctors, period.

3 MR. McBETH: Or doctors, period, yes, sir.

4 MR. UNDERWOOD: I understand. Thank you very
5 much for being here.

6 MR. McBETH: Thank you, sir.

7 MR. HOUGHTON: With that said, John, in my
8 opinion we kind of gloss over this part, some aviation we
9 gloss over that until a crisis occurs like when the feds
10 were going to close down several of our towers, and then
11 we take a big interest. But I would say, John, that you
12 would echo we have a first class transit department,
13 transit agency in the Texas Department of Transportation.

14 MR. McBETH: Oh, yes, sir. When I stood before
15 this commission in 1985, your Public Transportation
16 Division consisted of three people and it was in the
17 Planning Division, DTN. I still remember those D things,
18 D10, D12, D11, all of that. Three people, a director, an
19 associate director and a secretary/clerk/typist, that's
20 what it was.

21 I'm also on the board of directors of the
22 Community Transportation Association of America. We cover
23 all the United States, Hawaii, Alaska and certain portions
24 of Canada. You have absolutely the best Public
25 Transportation director and the best Public Transportation

1 Division. My colleagues in other states, when I tell them
2 what Eric does, they look at me like I'm crazy. What,
3 your highway department does that for you? And I'm always
4 happy to say: Well, we don't have a highway department,
5 we have a transportation department.

6 The leadership that Director Wilson has shown,
7 working with him is just a dream, and working with Eric is
8 a dream. We are so fortunate in Texas that we've had you
9 as a partner, not only in financing, but as a moral
10 partner that stands behind us and says what you guys do is
11 important. We don't blow our horn a lot out in rural
12 Texas, we're too busy working. We're just neighbors
13 helping neighbors is what we do. So we couldn't do it
14 without you guys and we couldn't do it without this money,
15 and we really do appreciate it.

16 And we look forward, at the Association for
17 Community Transportation, of working diligently with you
18 to further your goals as well as the mobility goals of
19 Texas.

20 MR. HOUGHTON: Thank you, John, very much for
21 the kind words.

22 MR. McBETH: Thank you, sir. Thank you all.
23 Have a great day.

24 MR. AUSTIN: I just have one question for Eric.
25 Thank you very much for coming.

1 Eric, as we're looking at this, the census
2 impact, this is going to back to adjust for negative
3 impacts from the 2010 census, what are we using for that
4 number right now to come up with that adjustment, as far
5 as census?

6 MR. GLEASON: What we did with that, the
7 calculation compares what the numbers would be with the
8 2000 census versus what they are with 2010.

9 MR. AUSTIN: 2010, okay, gotcha.

10 MR. GLEASON: All our formulas are proportional
11 share formulas, and so we just didn't want anybody to be
12 negatively impacted by that.

13 MR. HOUGHTON: Is there a motion on 5a?

14 MR. AUSTIN: So moved.

15 MR. UNDERWOOD: Second.

16 MR. HOUGHTON: All in favor?

17 (A chorus of ayes.)

18 MR. WILSON: Item 5b approves the transfer of
19 Federal Transit Administration Section 5303 Metropolitan
20 Transportation Planning funds to the Federal Highway
21 Administration. Eric Gleason will continue. Eric.

22 MR. GLEASON: Thank you. Agenda item 5b
23 authorizes the transfer of funds under the Federal Transit
24 Administration Metropolitan Planning Program to the
25 Federal Highway Administration for public transportation

1 planning. Funding allocated by FTA in Section 5303, as
2 well as funding allocated by the Federal Highway
3 Administration for metropolitan transportation planning
4 may be used for planning projects for all modes of
5 transportation. We believe it is a duplication of effort
6 to have two federal agencies, as well as two department
7 divisions, administering these funds.

8 This minute order results in a single
9 department division, Transportation Planning and
10 Programming, administering both streams of funding rather
11 than the current process of having of having Public
12 Transportation administer FTA funding and Transportation
13 Planning and Programming administer Federal Highway
14 funding. It is consistent with the federally offered
15 Consolidated Planning Grant Program with the objectives of
16 reducing the level of administrative effort and permitting
17 state staff to improve planning activity oversight.
18 Additionally, the Texas Association of Metropolitan
19 Planning Organizations supports this recommendation.

20 This approval is effective for fiscal year 2013
21 funds and future years' funds until amended by action of
22 the commission. We recommend your approval of this minute
23 order.

24 MR. HOUGHTON: Any questions? Motion?

25 MR. AUSTIN: So moved.

1 MR. UNDERWOOD: Second.

2 MR. HOUGHTON: All in favor?

3 (A chorus of ayes.)

4 MR. WILSON: Next up is item 5c, approving
5 designated recipient status regarding federal grants for
6 public transportation. Eric.

7 MR. GLEASON: Agenda item 5c recommends TxDOT's
8 acceptance of designated recipient status for the 5310
9 program for two large urbanized areas, Houston-Galveston
10 and Conroe-The Woodlands, for a limited time to assist in
11 transitioning the program under MAP-21. This action is
12 related to changes in the Federal Transit Administration's
13 Section 5310 Program included in MAP-21, now known as
14 Formula Grants for the Enhanced Mobility of Seniors and
15 Individuals with Disabilities.

16 The commission has already approved similar
17 designated recipient status for the department for the
18 Austin and Laredo large urbanized areas. Under MAP-21,
19 each of the twelve large urbanized areas in Texas need to
20 identify a designated recipient for 5310 program funds.
21 MAP-21 language allows them to request TxDOT to continue
22 in that role. Approving this minute order today completes
23 that process.

24 Staff recommends your approval of this minute
25 order.

1 MR. HOUGHTON: Questions? Motion?

2 MR. UNDERWOOD: So moved.

3 MR. AUSTIN: Second.

4 MR. HOUGHTON: All in favor?

5 (A chorus of ayes.)

6 MR. WILSON: Now item 5d, rescinding Minute
7 Order 113426 and awarding federal 5310 funds, Formula
8 Grants for the Enhanced Mobility of Seniors and
9 Individuals with Disabilities Program, and awards
10 transportation development credits for FY 2013. Eric.

11 MR. GLEASON: Thank you. This minute order
12 awards approximately \$8 million in FTA Section 5310
13 formula grants and 758,000 transportation development
14 credits for various public transportation projects in
15 rural and small urbanized areas shown in Exhibit A.

16 Under previous commission action, Minute Order
17 113426 awarded the first six months of funding apportioned
18 to this program. Since then, further guidance from FTA
19 has resulted in some changes to that award. Consequently,
20 today's action rescinds that action and awards the entire
21 annual apportionment for the rural and small urban areas
22 of the state.

23 Transportation development credits are awarded
24 to match federal funds for eligible capital projects such
25 as fleet and preventative maintenance. This minute order

1 also awards funding for projects in the large urbanized
2 areas of Houston-Galveston and Conroe-The Woodlands.
3 Those projects are included in Exhibit B.

4 Staff recommends your approval of this minute
5 order.

6 MR. HOUGHTON: Questions?

7 MR. AUSTIN: So moved.

8 MR. UNDERWOOD: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. WILSON: Item 5e awards federal and state
12 funds and transportation development credits to Texoma
13 Area Paratransit System. Eric.

14 MR. GLEASON: Thank you. Agenda item 5e awards
15 \$937,000 of FTA Section 5316 Job Access Reverse Commute
16 funds, \$60,000 in state funds and 40,000 transportation
17 development credits to the Texoma Area Paratransit System,
18 otherwise known as TAPS, for public transportation
19 services in Collin County.

20 For the past several months the department has
21 been working closely with Collin County, the City of
22 McKinney and the North Central Texas Council of
23 Governments to transition Collin County to a new transit
24 provider. On July 1, TAPS will become the transit
25 district providing public transportation services in the

1 urbanized and rural portions of Collin County.

2 The \$60,000 in state funding will allow the
3 continuation of current service levels in the portion of
4 Collin County within the Dallas-Fort Worth urbanized area
5 for a period of time to allow for TAPS and the council of
6 governments to reach an agreement for the long-term
7 provision of services in this area. The \$937,000 of JARC
8 funding and 40,000 transportation development credits will
9 be used to start up new commuter services connecting rural
10 areas of Collin County to McKinney and the Parker Road
11 DART station. Two-thirds of these funds are de-obligated
12 grant funding returned to the department from the North
13 Central Texas Council of Governments for these purposes.

14 This is the second minute order presented to
15 the commission as part of this transition process. At
16 last month's meeting the commission approved the transfer
17 of remaining grant balances from the Collin County
18 Committee on Aging to TAPS. A third and final minute
19 order will be presented at the July meeting recommending
20 an award of transportation development credits for a
21 variety of capital projects to help address critical asset
22 maintenance and replacement needs.

23 Staff recommends your approval of this minute
24 order.

25 MR. VANDERGRIFF: So moved.

1 MR. HOUGHTON: Whoa, Silver. We've got two
2 speakers. County Commissioner Chris Hill, Collin County.
3 Commissioner, welcome.

4 MR. HILL: Thank you, Chairman. Thank you,
5 commissioners. If you're going to go ahead and just vote
6 and approve it, I can just hold my comments.

7 MR. HOUGHTON: That's entirely up to you.

8 MR. VANDERGRIFF: I was definitely trying to
9 make that motion.

10 MR. UNDERWOOD: Quick question, sir, are those
11 your bodyguards?

12 MR. HILL: Yes. We brought bodyguards today
13 for our civics lesson.

14 MR. UNDERWOOD: That's good.

15 MR. HILL: They're very excited about attending
16 the Transportation Commission meeting. My son Travis is
17 with me, and Mr. Underwood's son is with him as well this
18 morning.

19 It's our pleasure to travel here from Collin
20 County, north of Dallas, to thank you for your support in
21 the past and ask for your continued support. It's dynamic
22 times right now in Collin county and we've got a lot of
23 investment in highway projects and we're trying to do a
24 great job at investing in public transportation as well,
25 and we do appreciate your support in that. Thank you very

1 much.

2 MR. HOUGHTON: Commissioner, I'm going to give
3 you a test -- don't mean to embarrass you -- but what do
4 the transportation credits mean to the county or to your
5 budget?

6 MR. HILL: What do they mean to us? And let me
7 ask you do you mean in quantity?

8 MR. HOUGHTON: Finances. Just impact,
9 financial impact.

10 MR. HILL: Well, we're going to ask you for
11 those credits again next month, as Director Gleason
12 mentioned, and that will help us with our capital projects
13 that we are undertaking in the county.

14 MR. HOUGHTON: You use that as your match?

15 MR. HILL: We would like to use that as our
16 match for capital projects. We would also like to ask for
17 that for operating projects in the future, as we are
18 beginning kind of our first foray into public
19 transportation in the rural part of Collin County.

20 MR. HOUGHTON: Great. You answered properly.

21 MR. UNDERWOOD: Please pass on to his mother
22 that you have a very handsome family, please.

23 MR. HILL: You're very kind.

24 If I may take one more second here, I'd like to
25 tell you that I really appreciate Director Gleason's time

1 and his investment over the last several weeks and months.
2 He has done a superb job helping us and assisting us in
3 Collin County as we've really tried to improve our program
4 of public transportation, and we appreciate that.

5 MR. HOUGHTON: Thanks a lot, Commissioner.

6 MR. HILL: Thank you.

7 MR. HOUGHTON: Next CEO Brad Underwood. Is
8 this a relative?

9 MR. UNDERWOOD: They don't claim me.

10 (General laughter.)

11 MR. BRAD UNDERWOOD: We are not related in any
12 way, nor am I related to Carrie Underwood, although I get
13 that question quite a bit as well.

14 My name is Brad Underwood. I'm the CEO of TAPS
15 public transit. We run seven rural programs, two small
16 urban programs, and one large UZA, servicing almost
17 875,000 individuals on a daily basis for public
18 transportation. So a very exciting time.

19 I just wanted to come and say thank you very
20 much for considering this minute order for TAPS. We are
21 doing a lot of expanding right now. July 1 will be our
22 first date in Collin County. It will make TAPS One of the
23 larger small urban/rural transit providers in the State of
24 Texas now, and so that's the reason why you probably see
25 our long Texoma Area Paratransit System name on your

1 minute orders. No one ever calls us that, it's just TAPS.

2 But anyway, I just want to say thank you for your
3 continued support. We're going to be doing some great
4 things in Collin County, we really are

5 I also have the pleasure of serving on PTAC,
6 which is the Public Transportation Advisory Committee, and
7 so we work indirectly on kind of a regular basis. And I
8 just want to thank you for your support. And also, Mr.
9 Gleason, and you, sir, as well, Mr. Wilson, for all that
10 you do to help us in the rural areas of the state. So
11 appreciate your time.

12 MR. HOUGHTON: Thanks, Brad.

13 Eric, how are transportation development
14 credits developed, how do we get them?

15 MR. GLEASON: We get them through the
16 construction of toll road facilities in the state

17 MR. HOUGHTON: Right. And how many credits do
18 we have available today?

19 MR. GLEASON: Well, over one billion.

20 MR. HOUGHTON: A billion?

21 MR. GLEASON: More so than that.

22 MR. HOUGHTON: Can barely use them, not even
23 get there. Right?

24 MR. GLEASON: Well, we've never had an issue
25 with using them, sir, just that our needs aren't very big.

1 (General laughter.)

2 MR. HOUGHTON: I'm talking about with a billion
3 dollars worth of credits, we have an inventory is what
4 you're saying.

5 MR. GLEASON: We do.

6 MR. HOUGHTON: So toll roads do benefit us in
7 other ways, Commissioner Vandergriff.

8 MR. VANDERGRIFF: Absolutely.

9 MR. HOUGHTON: Public transportation.

10 MR. GLEASON: We use them so that these
11 communities can spend what money they have on operating.
12 We help support their capital programs so they can put as
13 much of their local monies into operating as they can.

14 MR. HOUGHTON: And you use the credits as to
15 their match for the most part, Eric. Is that right?

16 MR. GLEASON: Yes, that's how it works. Yes,
17 sir.

18 MR. HOUGHTON: Any other questions of Eric?

19 MR. AUSTIN: I will second Commissioner
20 Vandergriff's motion.

21 MR. MOSELEY: Chairman, and under discussion,
22 which this series that Eric has presented has been
23 fascinating, and I appreciate Commissioner Underwood
24 helping kind of put the context on how the rural community
25 is served. And John McBeth's comment, I think I heard him

1 say he takes how many miles of traffic off of I-45?

2 MR. GLEASON: I think it was 5-1/2 every
3 morning and every night.

4 MR. MOSELEY: Five and a half miles. It would
5 be interesting if we could, as we invest in these types of
6 mobility systems, get a sense of how to measure the return
7 on the capacity back to our roadways. I don't know
8 exactly how that's done, but maybe, Eric, your team can
9 help us with that. But as we continue to see the value of
10 a roadway as its capacity, these programs tend to take on
11 more and more importance. Thank you.

12 MR. GLEASON: I appreciate that. Thank you.

13 MR. HOUGHTON: Okay. We have a motion and a
14 second. All in favor?

15 (A chorus of ayes.)

16 MR. VANDERGRIFF: And I realize we move really
17 quick, but I want to point out, too, how aggressive Collin
18 County is in moving forward with transportation, all forms
19 of it in the county, and very appreciative of that.

20 MR. WILSON: Item 7 will be presented by
21 Suzanne Latimer, director of the Office of Compliance and
22 Ethics. She'll make her monthly report on the Compliance
23 and Ethics Report. Suzanne.

24 MS. LATIMER: For the record, I am Suzanne
25 Latimer, director of the Office of Compliance and Ethics
ON THE RECORD REPORTING & TRANSCRIPTION 6/27/2013
(512) 450-0342

1 for TxDOT.

2 The purpose of this report is to provide a
3 summary of information related to complaints and
4 investigations for the month of May 2013, in accordance
5 with Transportation Code 201.452 and 201.454. The Human
6 Resources Division, Office of Civil Rights, and the Audit
7 Office notify the Office of Compliance and Ethics when
8 investigations are initiated and completed, and the Office
9 of Compliance and Ethics monitors those investigations.
10 All data is compiled by the Office of Compliance and
11 Ethics for reporting purposes.

12 There were 26 reports or complaints received
13 during the month of May, 21 were closed during May, and
14 allegations were substantiated in seven of those
15 investigations.

16 No action is needed. Thank you.

17 MR. HOUGHTON: Thank you very much, Suzanne.

18 MR. WILSON: Item 8 authorizes the department
19 to issue a request for qualifications for the development,
20 design, construction and maintenance of the Loop 375
21 Border Highway West Extension in El Paso County. This
22 item will be presented by Strategic Projects Division
23 Director Ed Pensock. Ed.

24 MR. PENSOCK: Good morning, Chairman,
25 commissioners, Director Wilson. For the record, Ed

1 Pensock, Strategic Projects Division of the department.

2 Item 8 authorizes the department to issue a
3 request for qualifications to develop, design, construct
4 and maintain Loop 375, the Border Highway West Extension
5 project, in El Paso County from Racetrack Boulevard near
6 New Mexico 273, basically west of downtown El Paso, to US
7 54 east of downtown El Paso. The project of approximately
8 nine miles in total will add capacity by providing a new
9 four-lane, controlled access facility.

10 By board resolution adopted May 8, 2013, the
11 board of directors of the Camino Real Regional Mobility
12 Authority waived and declined its option to develop,
13 finance, construct and operate the Loop 375 Border Highway
14 Project. In Minute Order 113594, dated May 30, 2013, the
15 Transportation Commission approved the department's
16 determination to exercise its option to develop, finance,
17 construct and operate Loop 375, the Border Highway
18 Project.

19 This project would improve safety and mobility
20 and enhance system connectivity and accommodate projected
21 growth throughout the southwest section of El Paso, and
22 again, money was authorized for it in your previous vote
23 on the UTP amendments.

24 Staff is here to answer any questions and
25 recommends your adoption of this minute order.

1 MR. HOUGHTON: Questions?

2 MR. VANDERGRIFF: I would make a motion to
3 approve.

4 MR. HOUGHTON: Is there a second?

5 MR. AUSTIN: I'll second.

6 MR. HOUGHTON: All in favor?

7 (A chorus of ayes.)

8 MR. VANDERGRIFF: May I make one quick point?
9 The point I'd like to make is that I had a chance to go
10 out to view this project and very much appreciate the
11 district engineer and Stanley Jobe, I guess, making sure
12 that I could fly over it, drive it, feel it, taste it, see
13 it, and I very much appreciate the need for this project.

14 I would encourage the department, going
15 forward, to really give robust presentations leading up to
16 votes on a particular project and to really lay out the
17 case for that. You can certainly see this here, and I
18 know we have a lot of business before us, but when we're
19 handing out several hundred million dollars in support, I
20 think that's important to do that and to also make the
21 case.

22 The case is, I think, well made. If you see
23 the project, to just stand alone on I-10 is a \$3 billion
24 repair job, but with the Border West and the connectivity
25 to the rest of it as a total loop, it might save this

1 state as much as a billion dollars in construction costs
2 going forward, and I think that's important. I appreciate
3 the work that goes into it, I just would encourage more
4 robust presentations going forward.

5 MR. AUSTIN: I was going to follow up, and
6 thank you for those comments as well. Looking ahead, what
7 I appreciate, even though I know we're going to be
8 shutting down parts of Interstate 10 in the future, this
9 is going to allow time for an alternate route, and I
10 really appreciate looking far enough in advance, and this
11 is such a good idea, what we ought to do statewide. Thank
12 you.

13 MR. PENSOCK: Yes, sir.

14 MR. MOSELEY: Chairman, I'm pleased to support
15 this motion, and again, just to add a little bit to what
16 Commissioner Vandergriff has already stated, and
17 Commissioner Austin, there's no doubt in my mind that this
18 is a strategic corridor, a strategic gateway for commerce,
19 getting goods to market through this corridor, and with a
20 \$1.4 trillion state economy, it seems like the timing is
21 right to make this investment, so I'm pleased to support
22 it.

23 MR. PENSOCK: The commissioners are exactly
24 right. This is a very closely related project, while it
25 appears to be a new location, new capacity project, it's

1 directly related to the rehabilitation of Interstate 10
2 which is the gateway to commerce to the ports to the west
3 in California, so a very critical project.

4 MR. VANDERGRIFF: I would also note, at the
5 risk of pricking open any kind of wound in terms of 130 so
6 far to the east of where we are, but it's really very,
7 very close to I-10, and therefore, I think will be a road
8 people use and use effectively.

9 MR. UNDERWOOD: I want to make sure -- I
10 apologize for stepping out of the room for a minute --
11 this will basically complete the loop. Isn't that
12 correct?

13 MR. PENSOCK: Well, there's ongoing
14 construction on the Loop 375 Border Highway East
15 Extension, and there are pieces --

16 MR. UNDERWOOD: But this will help make the
17 last piece is my point.

18 MR. PENSOCK: Right. Yes, sir.

19 MR. UNDERWOOD: And to my colleagues, you
20 wouldn't want to build a bridge halfway across a river,
21 you'd like to go ahead and finish it.

22 MR. PENSOCK: Exactly right, sir.

23 MR. HOUGHTON: We have a motion and a second.
24 All in favor?

25 (A chorus of ayes.)

1 MR. WILSON: Item 9a, consideration of the
2 approval of the department's determination to exercise its
3 option to develop, finance, construct and operate the SH
4 183 Managed Lane Project in Dallas and Tarrant counties.
5 This item will be presented by Strategic Projects Division
6 Director Ed Pensock. Ed.

7 MR. PENSOCK: For the record again, Ed Pensock,
8 Strategic Projects.

9 Item 9a approves the department's determination
10 to exercise its primary option to develop, finance,
11 construct and operate the SH 183 Managed Lanes Project.
12 This item also authorizes the project with CONSTRUCT
13 authority, it designates the project as a controlled-
14 access facility, and it designates the project as a tolled
15 project on the state highway system supported by toll
16 revenues.

17 In Minute Order 113045, dated March 29, 2012,
18 the commission approved the department's determination to
19 exercise its option to develop the SH 183 project from 161
20 to I-35. Minute order 113312, dated October 25, 2012,
21 also designated it as a toll-supported project. Minute
22 order 113427, dated January 31, 2013, authorized the
23 department to issue a request for qualifications for the
24 expanded SH 183 Managed Lane Project, consisting of
25 improvements from State Highway 121 actually further west

1 than originally authorized, back to Interstate 35E in
2 Dallas County. It also authorized us to consider
3 connecting facilities, Loop 12 and State Highway 114, in
4 the ultimate project.

5 This ultimate project will be completed in
6 multiple construction phases. Again, the minimum phase 1
7 scope that's contemplated will improve SH 183 from 121 in
8 Tarrant County to Interstate 35E in Dallas County. Phase
9 1 will include bid alternatives with the 114 and Loop 12
10 managed lane options included with them. Development of
11 the 183 Managed Lanes Project is a crucial element
12 responding to traffic congestion throughout Dallas-Fort
13 Worth Metroplex, and it is an extension of the current
14 North Tarrant Express project.

15 Staff is here to answer any questions and
16 recommends acceptance of this minute order.

17 MR. VANDERGRIFF: So moved.

18 MR. MOSELEY: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. HOUGHTON: Thank you.

22 MR. VANDERGRIFF: And if I could make one more
23 note -- and I apologize -- not a question really, but
24 there are a lot of people in the Metroplex who have worked
25 awful hard for a number of years on this road, most

1 notably, Representative Linda Harper-Brown, and I fear
2 that being on this commission that if I had not voted for
3 this, I might not ever be able to set foot in the Irving-
4 Grand Prairie corridor again.

5 MR. PENSOCK: That is home, isn't it.

6 MR. VANDERGRIFF: And I think Linda Harper-
7 Brown was prepared in the special session to make a
8 resolution to that effect if it didn't work.

9 MR. PENSOCK: For the record, I think you voted
10 yes.

11 (General laughter.)

12 MR. HOUGHTON: Duly noted. Thank you, Ed.

13 MR. WILSON: Now item 9b, establish new toll
14 rate tables on State Highway 99, Segment 1 and 2, this
15 item will be deferred. Item 9c, establish new toll rate
16 tables on State Highway 255, this item will also be
17 deferred.

18 Now item 9d is the approval to exceed contract
19 term restrictions for the procurement of an indefinite
20 deliverable contract for engineering services. Toll
21 Operations Division Director Doug Woodall will present.
22 Doug.

23 MR. WOODALL: Thank you. For the record, Doug
24 Woodall, director of the Toll Operations Division.

25 This item authorizes the department to proceed

1 with a solicitation for one indefinite delivery contract,
2 limited to the provision of toll system planning,
3 development and implementation services, and that initial
4 work authorizations may be issued up to but no later than
5 five years after a contract is executed. The department
6 intends to enter into one indefinite delivery contract for
7 statewide toll system planning, development and
8 implementation. Establishing a longer contract term is
9 beneficial to the department to provide support of and
10 implementation various projects, including support of the
11 CDA Program and other toll operations initiatives. The
12 contract value will be established by the executive
13 director in accordance with the Texas Administrative Code
14 and it is anticipated this contract will be state funded.

15 Staff recommends approval.

16 MR. HOUGHTON: Any questions?

17 MR. MOSELEY: So moved, Chairman.

18 MR. UNDERWOOD: Second.

19 MR. HOUGHTON: All in favor?

20 (A chorus of ayes.)

21 MR. WILSON: Now item 9e considers the approval
22 of the prohibition of bicycles on limited access and
23 controlled access toll projects on the state highway
24 system. Toll Operations Division Director Doug Woodall
25 will continue. Doug.

1 MR. WOODALL: Thank you. Again for the record,
2 Doug Woodall, director of Toll Operations.

3 Transportation Code 545.065 authorizes the
4 commission to prohibit the use of controlled access
5 highways, among other things, by bicycles. As you recall,
6 last month this item was presented to the commission -- a
7 version of this minute order was presented to the
8 commission and it was deferred for further coordination
9 with the Austin area MPO, CAMPO.

10 We have submitted this proposed action to CAMPO
11 and incorporated their comments. Primarily, those
12 comments dealt with clarification that the proposed ban
13 would apply to the mainlanes and adjacent mainlane
14 shoulders of tolled expressways only. That clarification
15 has been made and is incorporated into the proposed minute
16 order.

17 We also checked with other toll entities in
18 Texas. All county toll road authorities, regional tollway
19 authorities and RMAs have similar statutory authority to
20 prohibit access to toll facilities by certain modes or for
21 certain uses. Specifically, HCTRA facilities are all
22 signed that bikes are not allowed on the mainlanes of
23 their facilities. NTTA, by board rule, prohibits 13 modes
24 or uses, including bicycles, on all of their facilities.

25 CTRMA, by board rule, prohibits bikes on mainlanes but, it

1 should be noted, has provided shared-use paths on a
2 significant portion of their existing facilities.

3 We also wanted to verify with the Federal
4 Highway Administration that this action was not a concern
5 of any sort. If I could read what their reply was.

6 "There are no federal laws or regulations that
7 prohibit bicycle use on interstate highways or other
8 freeways, however, federal law recognizes a state's
9 authority to prohibit bicycles on expressway facilities."

10 We've also compiled, through our RTI, Research
11 and Technology office, over a dozen research projects from
12 Wisconsin, New Jersey, Virginia, Maryland and California,
13 as well as FHWA, TRB and international studies citing
14 safety concerns with high-speed vehicular traffic and
15 bicycles, specifically citing the speed differential
16 between high-speed facilities, 70 in our case, plus 70
17 mile per hour facilities, with bicycles traveling at often
18 5 or 10 mile an hour speeds, sometimes more. They also
19 cite as a major concern the wind effects of trucks
20 traveling adjacent to bicycles, and lane restrictions at
21 high-speed ramps.

22 Lastly, TxDOT had prepared a bicycle and
23 pedestrian master plan for State Highway 130 that as
24 prepared in 2006. This minute order, the modifications to
25 this minute order would require the department to update

1 that report and expand it to include the TxDOT-operated
2 facilities that would be impacted by this minute order
3 which would include: State Highway 130, Segments 1
4 through 4, State Highway 45, Loop 1, and State Highway 99,
5 Segment I-2, and to include options to fund, construct and
6 maintain shared-use paths within public right of way.

7 I'm prepared to respond to any questions you
8 may have.

9 MR. HOUGHTON: Okay. We've got all the
10 citings. We have several people that would like to speak.
11 Doug, so if you stay right there, we'll get some folks up
12 here who would like to talk about it.

13 Lenore Shefman. Where is Lenore? Did I get it
14 right?

15 MS. SHEFMAN: You did.

16 MR. HOUGHTON: All right.

17 MS. SHEFMAN: Chairman, commissioners,
18 everybody, thank you for your time this morning, and thank
19 you for taking upon yourselves this very important issue.
20 I understand it has been taken under consideration under a
21 safety standard, and it is a very important safety
22 standard and I understand everybody's concern.

23 As stated, my name is Lenore Shefman, I am an
24 attorney. I practice here out of Austin, Texas and also
25 out of the State of California. I've been doing a

1 specific practice focused on bicycles and motorcycles for
2 the last 13 years. In my practice I obviously have some
3 safety concerns that I see on a day-to-day basis, and what
4 I wanted to address with this commission -- I'm quite new
5 to speaking in this particular forum, but what I wanted to
6 particularly address are the three things that I keep
7 hearing as a participant in an audience that is talking
8 about the general mobility of a state, and the three key
9 terms that I have heard bandied about this morning, in
10 particular, are inclusion, movability, and funding and
11 economy.

12 Now, when I hear those three terms in each of
13 the different settings in which we have talked about them,
14 whether it was a port, whether it was talking about
15 roadways and bridgeways, whether it was talking about toll
16 access, what I hear is that the State of Texas is
17 obviously concerned about its citizens being able to get
18 from Point A to Point B, and we want to include each type
19 of vehicle traffic so that Texas can promote a positive
20 economy, and that has been a very consistent theme here
21 this morning.

22 What comes to mind when we talking about
23 bicycles and banning bicycles on a particular stretch of
24 any particular roadway is a concern that we are not
25 including all -- and I'm going to use this term walks of

1 life, but really what I'm talking about is the movability
2 of all of our citizens. So what I would like this
3 commission to consider is not everybody has the same
4 access or means to transportation as all others.

5 And so going back to address nations and how
6 they get started and how our roadways have come about, the
7 family that can't afford the bus fare for everybody, the
8 family that is actually working very hard to overcome
9 rising gasoline costs, the commuters who are also -- and
10 this is a very interesting thing that came up when a
11 gentleman was speaking earlier, it was very important that
12 we create this bridge because getting to doctors visits
13 was extraordinarily important, in fact, what we were
14 talking about in particular was getting to kidney
15 dialysis.

16 I only bring that up because bicycling is
17 obviously a positive health -- it can increase health for
18 all individuals. So when we talk about getting a bridge
19 built so that people could get to their doctors and to
20 their facilities, I thought, wow, that's really
21 interesting because bicycling can obviously cut down on
22 the need for that sort of care and getting to doctors'
23 visits might actually be lessened as a matter of import.

24 But another interesting issue that has kept
25 coming up throughout this morning's conversation is

1 texting and driving and distracted driving. The first
2 gentleman that started his -- am I on a time schedule
3 here?

4 MR. HOUGHTON: Yes, but we'll let you wrap up.

5 MS. SHEFMAN: Thank you. I think an obvious
6 concern is not so much that a bicycle is going too slow to
7 maintain traffic on a tollway, what we're actually talking
8 about when we talk about health and safety concerns are
9 the over 3,000 deaths that we saw on Texas roadways last
10 year due to distracted driving. I raise that point
11 because I don't think really bicycling is the issue.
12 We've chosen not to regulate texting and driving, we have
13 chosen to say that we are allowing Texans to decide when
14 they can make a decision to safely operate a motor
15 vehicle. And what I want to ask this commission to also
16 allow Texans to make the decision is to operate a bicycle
17 safely upon a tollway that they are also taxpayers too.

18 And I just want to say that as a litigant, as a
19 person who is often litigating case on behalf of
20 litigants, this is not a cost to the State of Texas. If a
21 person is harmed upon a tollway on a bicycle, I have not
22 met an attorney in the State of Texas willing to take on
23 the State of Texas and sue them because of government
24 immunities. These tollways are built to engineering
25 standards that would prevent that sort of liability. So

1 really what we're talking about is a liability amongst
2 drivers who are deciding to do something negligent such as
3 texting and driving and then would put a bicyclist at harm
4 or risk which would not impact the state at all.

5 I would thank you for your time and I
6 appreciate your ear.

7 MR. HOUGHTON: Thank you very much.

8 The next would be legislative director, Preston
9 Tyree, Austin Cycling Association.

10 MR. TYREE: thank you, Mr. Chairman,
11 commissioners. My name is Preston Tyree. I'm the
12 legislative director of the Austin Cycling Association, a
13 resident of Austin.

14 I've been a transportation cyclists for over 60
15 years -- that means I ride my bike to get somewhere. I've
16 never been hit by a car. I've ridden on six continents,
17 31 states, over 100,000 miles on one bicycle. I've ridden
18 on limited access and toll roads in six states, including
19 Texas. I've trained over 8,000 elementary school children
20 and certified over 400 bicycle safety instructors. I've
21 been named as an expert witness in 22 cases. I've served
22 as president, education director and legislative director
23 for the Austin Cycling Association. I've also been
24 education director for Bike Texas and the League of
25 American Bicyclists, a national organization.

1 I served as a consultant when Highway 130 was
2 planned. My job was to identify the impact Highway 130
3 had on bicycling use in the area. One of the critical
4 issues we identified at that time was a river crossing on
5 Highway 130. I've worked on a contract with TxDOT to make
6 commuting across Texas safer for pedestrians and
7 bicyclists. I am a national Safe Routes to School
8 trainer, a Complete Streets trainer, and a Bicycle
9 Friendly Community trainer.

10 You know what that means? I've gotten old,
11 I've done a lot of things.

12 (General laughter.)

13 MR. TYREE: TxDOT has done more for bicycle
14 safety in Texas than all other entities combined. The
15 focus on safety from TxDOT is commendable. But I would
16 suggest to you that bicycles can ride safely on any road
17 given relatively minor accommodations. Instead of banning
18 cyclists from our roads, instead of banning our citizens
19 from our roads, we should be working to make the roads
20 safe for all users.

21 Toll roads make excellent bikeways and provide
22 access for cyclists particularly where they cross rivers,
23 and it's one of the things we need to address. Addition
24 of access roads, bikeways and wide shoulders should be
25 automatic in all highway design, including toll roads.

1 I'll be glad to answer any questions you might
2 have.

3 MR. HOUGHTON: Thank you very much.

4 MR. MOSELEY: Chairman, I just had one quick
5 question. Thank you for being here today to speak.

6 MR. TYREE: Yes, sir.

7 MR. MOSELEY: You mentioned that you had
8 bicycled on toll facilities. Were you bicycling on the
9 mainlanes or were you on frontage lanes to the toll
10 facilities?

11 MR. TYREE: I've never bicycled on the mainlane
12 of anything over about 50 miles an hour. And I should
13 correct that, there's actually a YouTube video online
14 called Riding Big where we took the lanes on Loop 360 to
15 show that it could be done, and we have a great video of a
16 cement truck coming down, slowing down, moving to the
17 other lane going past us. But that was only because we
18 couldn't stay on the shoulder; the way the system is set
19 on 360, it forces you off the shoulder. Anywhere there is
20 a shoulder, anywhere that we have got good wide shoulders,
21 cyclists should be allowed to ride the shoulders, not in
22 the mainlanes but on a shoulder next to a mainlane.

23 MR. MOSELEY: But on a shoulder next to a
24 mainlane. You've ridden on shoulders next to mainlanes on
25 toll roads.

1 MR. TYREE: Oh, absolutely.

2 MR. HOUGHTON: On toll roads?

3 MR. TYREE: I've ridden in the Tyler area on
4 that road there, I've ridden on 183A, and whatever it's
5 called, the north end of Loop 1 that's tolled, I've ridden
6 those areas as well, on the shoulders.

7 MR. MOSELEY: Thank you.

8 MR. HOUGHTON: Thank you.

9 SRTS Program Manager Martinez, Mr. Martinez.
10 You're going to have to tell us what SRTS is.

11 MR. MARTINEZ: Good morning, Chair,
12 commissioners. Thanks for the opportunity. My name is
13 Fernando Martinez. SRTS is Safe Routes to School Program
14 manager. Presently I'm an educator, I work with children,
15 and I'd like to talk about my position and my history.

16 I've been biking for over 25 years. I'm from
17 Mexico City. I've been living in Texas for the past 15
18 years and from Amarillo to Austin and maybe move to
19 Brownsville now. I reach over 20,000 kids a year with
20 bicycle education with the teachers. So I've been biking
21 all my life. I'm from Mexico City. Mexico City has over
22 22 million people where we have 4 million cars a day; it's
23 a hard place to ride a bike.

24 Here it is easy to understand when you have an
25 access road where you have low income communities next to

1 the toll roads and we have to get to work and we don't
2 have the chance or the opportunity to get a car, we have a
3 toll road or a highway and we have to get on it to ride a
4 bike on the shoulders. I've been riding on shoulders and
5 toll roads in the past, here in Texas and in Florida where
6 I used to live. I used to pay my toll, one dollar to go
7 to the other side, it was no other way.

8 Here in Texas I see that there are rural
9 communities that there are a lot of Mexicans or Hispanic
10 or even Asian people that need to bike to work. That
11 means that they have to be from Point A to Point B not
12 really to get to work, it's to get a ride so they can get
13 to work, so they can bring food to the table.

14 Like someone said we don't have the opportunity
15 to get cars sometimes, we don't have the money, we are
16 immigrants, we come here and we try to continue with our
17 lives, and bicycles are our only way to get around. So I
18 will ask just to consider my comments, and some of the
19 other people's comments too, just to think about the
20 people that live in those areas that need to use these
21 access roads.

22 And when people say that bicyclists cannot go
23 fast, I'll tell you, I got a speeding ticket on a bike in
24 D.C. You know, you don't go slow when you need to go some
25 places.

1 I really thank you for your time and hope to
2 see that my comments are taken here. Thank you.

3 MR. HOUGHTON: Okay. Wait a minute, wait a
4 minute. Curiosity has got me. Wait a minute. What was
5 the speed limit?

6 MR. MARTINEZ: It was 25, I was 35.

7 MR. HOUGHTON: Okay, good. Downhill?

8 MR. MARTINEZ: Actually flat. I used to race
9 kind of professional.

10 MR. HOUGHTON: Okay. Thank you.

11 MR. AUSTIN: I have a question on that also.
12 I'm learning a lot through this. Did you have to take
13 defensive driving for the bicycle ticket?

14 MR. MARTINEZ: Yes, you have to take defensive
15 ticket. The ACA, the Austin Cycling Association, they
16 provide a defensive cycling for cyclists so when they get
17 a ticket they can go and take this to be prepared. Which
18 is good, so we know what to do and we encourage kids to
19 use bicycle transportation and want to do the best for
20 health reasons and for economic reasons too.

21 MR. HOUGHTON: Thank you. And excuse me, I
22 can't read the first name, the last name is Mayfield, bike
23 ambassador, Cycle Over Texas. Mr. Mayfield.

24 MR. MAYFIELD: I apologize for my old writing.
25 I'm getting almost as old as Preston.

1 MR. HOUGHTON: Will you state your name?

2 MR. MAYFIELD: Durwood Mayfield.

3 MR. HOUGHTON: Durwood Mayfield. Thank you,
4 Mr. Mayfield.

5 MR. MAYFIELD: I'm previously from Lubbock, I
6 believe Mr. Underwood is from Lubbock also, and I
7 appreciate the time today.

8 I was a business owner/operator in Lubbock for
9 several years, and during that time I worked with the MPO
10 and with the city on bicycle safety. I also was with the
11 Safe Routes to School Program in Lubbock and we trained 67
12 teachers just in Lubbock itself to teach the bicycle
13 safety to the children. Then we went back to the schools
14 and helped them train the kids. After I sold my business
15 there, I started a trucking business and operated it for
16 several years, 18-wheelers, did a lot of the driving
17 across the southeast part of the United States.

18 During the time that I worked with the MPO and
19 the city, I did some long distance cycling in West Texas.
20 It's not the best area to do long distance cycling, the
21 water is far between. But now I've moved to Austin and
22 I'm in kind of an encore career of bike ambassador and we
23 work the entire State of Texas to help nurture safe
24 cycling. We'd like to see safe cycling for everybody.

25 The only problem I see with banning cycling on

1 any limited access road is that it sets a precedent for
2 all areas that's limited access. We have areas in West
3 Texas that if you don't use the limited access roads to
4 cross the rivers, cross parts of the desert, there's not
5 any way to get there. There's several areas in West Texas
6 that Adventure Cycling has on their maps to use the
7 shoulders of Interstate 10, a limited access road, to get
8 from Point A to Point B, and if you don't use it, you
9 don't get there.

10 And that's the only thing that I can ask you to
11 really consider is not doing it because it will set a
12 precedent. If you do a limited access road one place,
13 what keeps it from happening in another place? And that's
14 all I have.

15 MR. HOUGHTON: Thank you for coming today. I
16 appreciate it.

17 MR. MAYFIELD: You bet. Thank you for your
18 time.

19 MR. HOUGHTON: The next speaker is Bruce Moore.

20 MR. MOORE: Brice Moore, Coppell, Texas. Thank
21 you, Mr. Chairman and commissioners. I'm Bruce Moore.

22 In 2010 I cycled the Transamerica Trail from
23 the East Coast to the West Coast, about 4,100 miles. Of
24 that 4,100 miles, about 50 were on bike paths, 15 was on
25 an interstate, and the remainder was on one, two, three

1 and four lane roads. Of that 4,100 miles, excluding the
2 bike paths, the 15 miles on the interstate was actually
3 the safest 15 miles of the whole trip. The interstate was
4 constructed very similar to Interstate 35 that I drove on
5 this morning to come down from Dallas.

6 The closest approach from a car in the right-
7 hand lane from me was eight feet. I had two feet to my
8 right on the shoulder, six feet from me to the right-hand
9 lane, and most of the cars in the right-hand lane were
10 another two feet into the lane. In addition to that, most
11 of the vehicles went into the left-hand lane so that
12 actually the average separation from vehicles was probably
13 closer to about 20 feet. The 15 miles on the interstate
14 was probably actually safer than an eight mile segment on
15 a bike path between Breckenridge, Colorado and
16 Silverthorn, Colorado because of some construction issues
17 with that particular bike path.

18 The safety issues that the proponent raised, I
19 think, are not relevant, and the studies that he cited are
20 all from East Coast high-density states, they are not from
21 Midwestern and western states with lower population
22 densities, as Texas has, and states that actually do allow
23 cycling on limited access freeways.

24 I'd also like to address some of the economic
25 development aspects of this question. Cycle tourism is

1 not a huge industry. There are only about 500 people that
2 do the Transamerica route every year. You probably don't
3 care about 500 people, but in Ordway, Colorado, that 500
4 people are probably the reason that the Ordway Hotel is in
5 existence. I could go on and I could name a number of
6 other businesses in rural areas that are supported by
7 cycle tourism and which would not exist if there were not
8 a route to get there. In rural areas some of the limited
9 access toll roads may, in fact, be the only way to get a
10 route between two places.

11 Thank you for your time and your service.

12 MR. HOUGHTON: Thank you very much.

13 Tom Wald, executive director, Bike Austin.

14 Tom.

15 MR. WALD: Good morning, Chair, commissioners.

16 Thank you for the opportunity to speak with you. My name
17 is Tom Wald. I'm the executive director of Bike Austin.
18 We're a member-supported organization dedicated to
19 improving the mobility, safety, efficiency, health and
20 financial bottom line of the Austin Metro through
21 increased bicycle access and education. We recognize the
22 real concern for safety on our controlled access highways,
23 and though these roads are among the safest in our state
24 system, safety can be improved for our road users,
25 including those going by car, truck or bicycle.

1 I wanted to thank Doug Woodall for reaching out
2 to Bike Austin on this issue that is so important to the
3 people we serve and to the local jurisdictions that depend
4 on a safe and reliable transportation system. I spoke
5 with Mr. Woodall about the need for safe and reliable
6 access for those traveling by bicycle. Just as people
7 traveling by motor vehicle depend on basic freedom to
8 commute to work, mass transit, park-and-rides and other
9 destinations, so too do people who are traveling by bike.
10 Cutting off access when there is no alternative creates
11 an unreliable transportation system.

12 Maureen McCoy, executive director of CAMPO, in
13 her email to Doug Woodall, which she forwarded on to me,
14 recognized the importance of bicycle mobility in our six-
15 county metro, and she requested a change that she thought
16 was ensuring that bicycle access would be preserved in
17 corridors. She was assuming that this was referring to
18 highways where there would be frontage roads and then
19 there would be access maintained on the frontage roads to
20 these corridors. So this is an important issue that she
21 is aware is important to her board and also to the
22 citizens of the Austin Metro, and I'm sure in other
23 jurisdictions across the state, as you've heard from other
24 speakers.

25 So in the Austin Metro we welcome the

1 opportunity to improve the safety and reliability for
2 transportation along our highway corridors, and because of
3 that, we've been working closely with CAMPO, CTRMA, local
4 jurisdictions and Bike Texas to build alternative
5 accommodations in our highway corridors. In recent years
6 we've seen dozens of new miles of shared-use paths along
7 local highways either already built or funded, and we
8 expect that progress to continue, and believe that the
9 safety concerns of this commission can be addressed
10 expediently through infrastructure improvements.

11 We ask you that CAMPO have the opportunity to
12 create a plan for bicycle access along these controlled
13 access highway corridors that both meets local
14 transportation needs and fully responds to the concerns
15 that you've expressed.

16 Thank you for the opportunity to speak on this
17 important safety and mobility issue, and I would be happy
18 to address any questions.

19 MR. HOUGHTON: Tom, thank you for coming today.

20 Eileen Schaubert. Did I get it right, Eileen?

21 MS. SCHAUBERT: Yep, you sure did.

22 MR. HOUGHTON: Great. Thanks.

23 MS. SCHAUBERT: Good morning, commissioners.

24 My name is Eileen Schaubert. I am a transportation
25 consultant and I specialize in cycling safety, so I'm one

1 of the cycling instructors that was trained by Preston
2 Tyree. But my background is engineering, and so one of my
3 concerns --

4 (Timer beeped.)

5 MR. WILSON: Sorry. That was for the last
6 speaker.

7 (General laughter.)

8 MS. SCHAUBERT: Wow, that went fast.

9 I've served on the City of Austin's Urban
10 Transportation Commission, and currently serve on the
11 board of Movability Austin which is the downtown Austin
12 transportation management association.

13 We talked all morning about how do we increase
14 mobility throughout the state for a variety of reasons.
15 Within the City of Austin we are looking at every possible
16 way to increase the capacity of our roadways, whether that
17 is the public transportation, whether it is cycling,
18 whether it's carpooling, multiple solutions to, again,
19 increase the capacity of our roadways.

20 My concern is that this blanket ban doesn't
21 specifically state that an alternative safe facility will
22 be provided, so the CTRMA in Austin provides a mixed-use
23 path along all of its corridors. That's perfect, then
24 there's no objections to having cycling restricted from
25 those toll roads. But when we start looking at rural and

1 longer stretches of the toll roads, it doesn't necessarily
2 make economic sense to build a separate facility in those
3 corridors. So from an economic standpoint, it makes sense
4 to get the double use out of the shoulders by allowing
5 cyclists to use those.

6 From an economic development standpoint, the
7 rural communities are going to need the connectivity,
8 again, because there's no other alternatives and some of
9 the toll roads that are coming up, economic development
10 for tourism. There as a mention of only 500 people doing
11 the Transamerica corridor, but if you start looking at
12 communities all throughout the country that are looking at
13 cycle tourism as a key economic development tool, the
14 State of Wisconsin, State of Minnesota, Oregon are
15 aggressively pursuing cycling tourism. Cycle tourism is
16 actually larger than golf and skiing combined. Again, we
17 just don't recognize that. Small towns can benefit
18 greatly. Again, studies can provide that.

19 But from a safety perspective, I would like to
20 see the local authorities and the local engineers be able
21 to make decisions on what makes the most sense when
22 designing those toll roads. Thank you.

23 MR. HOUGHTON: Thank you, Eileen.

24 The next is Robert Brewer. Robert.

25 MR. BREWER: I'm Bob Brewer from Tyler. I

1 really live on the West Coast in Washington and have an
2 office in Portland.

3 I've got this impatient prescience that I just
4 know things before they happen, and the bicycling part of
5 that started in 1968 in front of the chemistry building
6 when I got 33 parking tickets and had to start riding my
7 bicycle. So anyway, I did that there.

8 MR. HOUGHTON: You still owe those tickets, by
9 the way?

10 (General laughter.)

11 MR. BREWER: You know, I knew the dean's
12 daughter and somehow -- I don't want to say anymore.

13 So anyway, continued at Texas A&M and then at
14 UCLA, it's just the way to get around. And now I use it
15 for bicycle touring. I've even driven into a bar and
16 parked at a piano here on 6th Street coming from Tyler.
17 Oklahoma City, Tulsa, San Antonio, Fort Worth, it's just
18 amazing. So anyway, bicycle tourism is a really good
19 thing. But also, we have this multimodal goal and if we
20 restrict modes of transportation, we're not even
21 addressing our multimodal goals.

22 This is my sixth Toll 49 meeting in Tyler that
23 I've attended with the NET RMA and engineers and stuff,
24 and there is no safer place to ride in Tyler. I've been
25 attacked by, taken down by dogs twice, I got hit on Loop

1 323 at Easy Street, of all places. The lady just pulled
2 right out in front of me, and I had eye contact with the
3 passenger but not with the driver. I've ridden Toll 49
4 and I'm thinking trucks ought to knock me over. You don't
5 even feel it when you're on the right side of the
6 shoulder. The only place that's dangerous there is on the
7 exit ramps, and to go straight we have to cross an exit
8 ramp. If there was some kind of speed bumps, you know,
9 like telling you there's a stoplight coming up on a
10 highway if you're traveling out somewhere, we can hear
11 that and know to be extra cautious that somebody is coming
12 up behind us.

13 So anyway, the tourism side of things, it would
14 be a draw, it would start -- well, okay, one of the
15 reasons I moved to Portland was because of transportation
16 alternatives. I could walk out of my office, hop on a bus
17 and be at the airport, or get on the train and be at the
18 airport, no problem. Every time I go to Portland, the
19 last time I actually rode my bike to the airport to see if
20 it was feasible for me to hop on the plane using my
21 bicycle, and it is, and I'm going to do it next time with
22 your permission.

23 MR. AUSTIN: Bob, I want to say thank you for
24 being here. I just have one quick question. You've
25 ridden a lot of the Rose Rudman Trail that Tyler has put

1 in place, and Tyler I can speak too, I think you can too,
2 I've ridden them some. But what I really appreciate, and
3 I hope other communities are doing the same, is putting
4 together a bike plan within the city, bike paths, and
5 beginning to work on that. How do you like what they've
6 done?

7 MR. BREWER: Well, actually, I was the one that
8 made them aware of the Google bike layer on Google Maps,
9 and now the engineer down there has been putting them in
10 as they come. I actually recorded the Tyler State Park
11 three loops out there with my GPS and I think it's great.

12 You know, the Google Maps just makes it wonderful for
13 bike tourism, and I'd love to see green line on Toll 49.

14 MR. AUSTIN: Thank you for being here.

15 MR. HOUGHTON: Next is Tyler Simpson, Tyler
16 Bicycle club.

17 MR. SIMPSON: Thank you, Chairman,
18 commissioners. I'm Tyler Simpson. I've owned a small
19 business in Tyler for about 32 years.

20 And this past Monday we buried my father-in-law
21 at Fort Sam Houston Cemetery. He's a World War II
22 veteran, POW World War II in Germany, CIA, Pentagon, a
23 great man, a great servant, good friend and one of my
24 mentors. One of the things he told me once was that
25 fairness takes time and effort. And I want to thank the

1 members of this commission for the time and effort you've
2 spent serving the great State of Texas. I especially want
3 to thank Commissioner Austin for his time and effort spent
4 to get Toll 49 in Smith County, a beautiful roadway, just
5 a tremendous job done there.

6 Many of the tollways that this commission has
7 authority over have sections that are cycling-friendly,
8 could be valuable commuter connectors. Like the section
9 of NET RMA's Toll 49 from 110 to 155 which is a crucial
10 cycling connector on the south side of Tyler, other
11 sections may not be cycling-friendly.

12 You may know that the citizens and the
13 employers of Smith County have shown tremendous support
14 for the Toll 49 solution reached with the NET RMA to keep
15 it open to cyclists from 110 to 155 with proper striping
16 for cycling safety paid for by the private sector.
17 Letters of support from the citizens and employers we
18 calculate represent more than half of the tax base of the
19 Tyler area, and raising over \$60,000, partnering private
20 and public for this project.

21 One of the letters of support from Donald
22 Wayley of the Delek Refinery -- we used to know it as La
23 Gloria -- stated: recruiting quality employees is a
24 challenge. He thinks a cycling-friendly community helps
25 lure educated and active people, individuals to the area.

1 I attended a Ray Perryman economic conference a year or so
2 ago, and he was asked what's the number one thing a
3 community can do, an area can do to improve the economy,
4 and he stated: Create an area that attracts active,
5 educated people to fuel the economy.

6 A blanket ban if cyclists from all the TxDOT-
7 managed tollways sends a message that Texas is not a
8 cycling-friendly state. I also fear it's affecting our
9 deal with the RMA up in East Texas. So I ask that you
10 reject the ban on cyclists and make a motion that we'll
11 look at these roadways on a case-by-case basis, using
12 TxDOT protocol and getting input from stakeholders in
13 those specific local areas.

14 MR. HOUGHTON: Tyler, I just want to make a
15 clarification. What we're talking about, I keep hearing
16 Loop 49, the toll road in Tyler. This has to do not with
17 Loop 49, this has to do with the toll roads that we own at
18 TxDOT.

19 MR. SIMPSON: Agreed. It's the precedent that
20 it would set is my concern.

21 MR. HOUGHTON: And it's done by a case-by-case
22 basis, and I can guarantee you the folks on that RMA board
23 are pretty independent. As Commissioner Austin said, we
24 defer to the locals to make their own decisions, so I want
25 to make sure that everyone understands that we're not

1 dictating anything to anyone else other than what we're
2 talking about here today. That's the issue.

3 MR. SIMPSON: Thank you.

4 MR. AUSTIN: Tyler, thank you for coming up
5 here today. And I know we've had the opportunity to work
6 together and work at forming a bike committee in the past,
7 had some great discussions, and hopefully those will
8 continue. But I just want to say, a lot has been said
9 about economic development, Tyler, I want to say is one of
10 the great advocates of bringing bike rides, both mountain
11 bikes and cyclists, and I see them out riding, so thank
12 you for what you do for the cycling community.

13 MR. SIMPSON: Thank you. And by the way, I
14 understand you need a new bike.

15 (General laughter.)

16 MR. AUSTIN: I do. We have a mutual friend who
17 is also trying to set me up with a mountain bike too.

18 MR. HOUGHTON: John Adair, Texas cyclist.
19 John.

20 MR. ADAIR: Good morning, Chairman,
21 commissioners, Director. I want to thank you for this
22 opportunity to be heard. My name is John Adair and I'm
23 from Jacksonville, Texas.

24 In addition to being a Texas cyclist, I'm also
25 a motorist, aviator, motorcyclist, and I feel TxDOT has

1 always been fair, objective and thorough in all these
2 policy matters. I'm especially proud that Texas
3 recognizes the bicycle as a legitimate road use vehicle
4 rather than a nuisance -- some places do.

5 I'm here today to speak for the growing number
6 of cyclists who use bicycles for more than sport or
7 recreation, they use them for transportation and travel as
8 well. Cycling among motorized vehicles is inherently
9 dangerous and I'm not here to suggest otherwise. I would
10 also admit that dedicated bikeways are the safest possible
11 solution. But until we offer connectivity available to
12 motorized vehicles, roadway access for bicycles will
13 remain necessary.

14 I've personally cycled Texas roads for 50 years
15 and I've had more than my fair share of mishaps,
16 collisions, and yes, even injuries, so like each of you,
17 safety is always foremost in my mind. Contrary to what
18 some may believe, cyclists do not have a death wish. As
19 moving targets, we are always, always in pursuit of safer
20 routes.

21 Just as people migrate to states offering more
22 freedom and less regulation, cyclists migrate to routes
23 offering more space and less risk. We do not ride on
24 tollway shoulders out of a sense of entitlement or to
25 thumb our noses at the toll-paying public, we simply use

1 them because they offer safer routes, and the operative
2 word here is safer, not safest. When you have a cycle
3 with a car, there's risk, there always is risk.

4 I personally ride between 3- and 4,000 miles a
5 year. A major portion of these miles are on 70 mile per
6 hour highways on which speed limits are rarely observed.
7 Many of these roads are poorly paved, have blind access,
8 uncontrolled access, intersections and have no usable
9 shoulder. Conversely, riding on a quality service with
10 adequate space, good visibility and predictable access is
11 considerably safer.

12 To the casual observer this may not seem
13 obvious, especially when there are vehicles flying by at
14 70 miles an hour. As moving targets, we cyclists know
15 that lateral space is critical when the primary objective
16 is not to get hit, and banning cyclists from controlled
17 and limited access shoulders TxDOT is, in effect, forcing
18 us onto less safe, congested and poorly maintained
19 alternatives. This can often require a cyclist to occupy
20 a primary lane. Although totally legal to do so, it is
21 clearly dangerous.

22 In those states where cyclists are actually
23 permitted to use interstate shoulders, collisions between
24 bicycles and motorized vehicles did not increase. In
25 fact, using ten years of collision data, a comprehensive

1 Arizona DOT study showed that nearly all recorded bicycle-
2 motorist collisions occurred on alternate roadways where
3 access was unlimited, uncontrolled and had limited
4 visibility, therefore, these alternatives were shown to be
5 significantly more dangerous. This resulted in Arizona
6 opening approximately 2,000 miles of interstate shoulder
7 for cyclists. This same study also concluded that one of
8 the primary safety benefits of allowing bicycles onto
9 controlled access highways was the absence of cross
10 traffic, driveways and intersections.

11 We cyclists recognize that in the eyes of TxDOT
12 the proposed shoulder ban is a common sense solution to
13 perceived safety risk. Unfortunately, should this ban go
14 into effect, it will actually deny Texas cyclists the
15 freedom of choosing the lesser of two dangers, and this
16 will actually increase risk.

17 Again, I want to thank you for this opportunity
18 and I hope TxDOT will make a concerted effort to gain a
19 better understanding of how this ban will impact cyclist
20 safety on all TxDOT highways, regardless of how they're
21 funded.

22 MR. HOUGHTON: Thank you very much.

23 Okay, to sum it all up, Robin, summation. Can
24 you do it in three minutes, Robin? Because anything after
25 that is public relations.

1 MR. STALLINGS: I'm not sure if I say good
2 morning in three minutes, but I'll do my best, Mr.
3 Chairman.

4 MR. HOUGHTON: Thank you.

5 MR. STALLINGS: Thank you so much for all the
6 time. I could not have said it better than the previous
7 speakers, they did such an excellent job and I won't
8 repeat what they said.

9 I would like to just point out what we're
10 talking about. Her is a photo that you all can see of SH
11 130 -- hopefully the audience can see it through the
12 camera -- wide shoulder, lots of room, very little
13 traffic, and if it's not safe on the shoulder at 85 miles
14 an hour, what about those service vehicles and what about
15 those parked cars, because I've seen them on SH 130 in the
16 same places where a moving bicycle would be banned.

17 Also, here's a great solution. At CTRMA, I
18 believe it was said at the last meeting one month ago that
19 CTRMA banned bikes from its facilities, but in fact, it's
20 only from the mainlanes. Not a single speaker here today
21 spoke and advocated for biking in the mainlanes; we have
22 no problem with that portion of the minute order. Our
23 request is that you not make a blanket ban, that this is
24 important case by case, any more than we'd make any other
25 engineering or safety decision across the vast State of

1 Texas or even across the four or five or six toll roads
2 that you are currently managing, that we wouldn't make
3 that decision without some careful consideration. We have
4 a problem with that, we think that veers from TxDOT's
5 usual, methodical, careful practice.

6 The Rural Transportation Plan included 13
7 meetings around the State of Texas where stakeholders
8 could weigh in. It came out that a lot of people
9 advocated for bicycle access and that's an important part
10 of that Rural Transportation Plan. Who would have thought
11 that? But we only knew that because stakeholders were
12 involved, the meetings were out there, there was a chance
13 for this.

14 This particular minute order deviates from that
15 solid practice in the past, and I would like to request
16 that we not lose access, that people need to get somewhere
17 to take care of their families, they need to get to the
18 doctor, they need to get to a job, they might need to get
19 to work at the concession stand or the track or something
20 else that pops up along SH 130 and will not have access.
21 Before we've seen those businesses along there and before
22 we've met those people and understand the needs for their
23 families, we're telling them that they can't do it because
24 they chose a bicycle, and they may not have had much of a
25 choice, but they picked a bicycle.

1 In the future would we ban Hummers, would we
2 ban some other thing because a different group of people
3 are sitting up here? It wouldn't be right then any more
4 than it's right to ban a particular vehicle because of
5 nebulous safety concerns. It's my understanding that
6 there haven't been a rash of fatalities or injuries on
7 these service roads. As most of the very, very
8 experienced cyclists and Texas citizens told you
9 beforehand, it's one of the safest places to ride.

10 So while we're so grateful for your concern for
11 bicycle safety, we all share that, I'd ask that you either
12 vote down this minute order or postpone it until it can be
13 reviewed with a little bit more input. Thank you very
14 much, we appreciate your time.

15 MR. HOUGHTON: Thank you again, Robin, for
16 coming.

17 Doug, come on back up. Anything else?

18 MR. WOODALL: If I may. We had contacted Mr.
19 Wald with Bike Austin, Mr. Tyree with Austin Cycling
20 Association, and I'd like to thank Mr. Stallings. When we
21 contacted him with Bike Texas, he agreed to get the word
22 out, and I think it's evident he did a yeoman's job of
23 getting the word out.

24 MR. HOUGHTON: He did.

25 MR. WOODALL: I also would like to include,

1 I've spoken earlier about coordination with CAMPO, we also
2 coordinated with HGAC and gave them an opportunity to
3 comment and incorporated their comments as well. And I'd
4 also like to thank Eric Gleason of the Public
5 Transportation Division. He coordinated with TxDOT's
6 Bicycle Advisory Committee. We received no negative
7 comment to this proposed minute order from them. And
8 lastly, I really appreciate, I understand Eric is in the
9 process of posting for statewide bicycle coordinator with
10 TxDOT.

11 MR. HOUGHTON: Great, good.

12 With that, anybody on the dais, commissioners,
13 do you have any thoughts?

14 MR. MOSELEY: Chairman, one question. In
15 testimony today we heard about a study from Arizona and I
16 wasn't real clear but it seemed like that Arizona perhaps
17 opened up and allowed bicycles on its toll facilities.
18 Are you familiar with the study?

19 MR. WOODALL: On the interstate. No, I am not.

20 MR. MOSELEY: It was the interstate. I'm
21 sorry. Okay. I misunderstood. It was a study related to
22 the interstate highway system of Arizona. Is that
23 correct?

24 MR. ADAIR: (Speaking from audience.) Those
25 shoulders.

1 MR. MOSELEY: Were there any toll facilities in
2 that study?

3 MR. HOUGHTON: I don't think Arizona has a toll
4 facility. I'm not sure. They have a toll road in
5 Arizona?

6 MR. ADAIR: (Speaking from audience.) When
7 this study was done, it was strictly for the interstate
8 system, all interstate highways in the State of Arizona.

9 MR. HOUGHTON: Interstate system.

10 MR. MOSELEY: And have you had a chance to
11 review that study?

12 MR. HOUGHTON: We're asking Doug.

13 MR. MOSELEY: Yes, Doug, are you familiar with
14 the study or have you had a chance to review it?

15 MR. WOODALL: No, sir, I have not had a chance
16 to review that study yet. I have a list of -- I did not
17 bring the actual research projects because that would be
18 quite substantial, but research projects from Maryland,
19 Virginia, Wisconsin, California, TRB. It should be noted
20 on one research project conducted by San Jose State
21 University on behalf of CalTrans that they state currently
22 948 of the total 4,224 center line miles of freeways in
23 California are open to cyclists. I would think you could
24 conclude from that that, therefore, 3,000 miles are not
25 open to cyclists. So this is not an unusual, unique

1 situation, it is done in other locations across the
2 country, and as noted, on other toll facilities in Texas.

3 MR. MOSELEY: I'm just curious about what's the
4 date on the study from Arizona.

5 MR. ADAIR: (Speaking from audience.) 2002.

6 MR. MOSELEY: 2002, is that what you said?
7 Thank you.

8 MR. AUSTIN: I have a comment. I want to say
9 thank you, everybody, for coming. I was asking for a
10 personal reason about the ticket that you received on the
11 bicycle. Full disclosure, I've had the opportunity to
12 engage in a video education course that one section did
13 focus on bicycle and pedestrian safety, and you don't have
14 to ask any more questions, you can probably figure that
15 out.

16 But I have learned a lot listening to what's
17 going on. I know my time in scouting, there's a bicycle
18 merit badge, I've learned a lot, continue to learn a lot
19 as we do with other things that we have passed and we're
20 looking at safety. We had a great presentation with
21 safety at our last meeting, and I would hope we continue
22 the focus on that.

23 One thing I would like to do, there's a lot of
24 passionate feelings, positive passionate feelings about
25 bicycles. I'm a bicycler, I enjoy it, I'm not near as

1 passionate as Tyler is and I can't pretend to go ride with
2 him because he'll take off and leave me, I'll be the one
3 back there huffing and puffing, but I hope that this
4 energy can be focused on building long-term safe
5 solutions. And one thing, Colorado has been mentioned, I
6 really enjoy going up there looking at what they've done,
7 and while there's discussion of what this potentially bans
8 or whatever, I'd like to talk about what this also does.

9 What it does do is allow us to engage in
10 conversations to look at permanent solutions inside the
11 right of way that we control to look at long-term safe
12 solutions, as several of the speakers spoke today, and I
13 hope we can begin to focus and work on those and partner
14 with the communities to raise funds, find innovative ways
15 for labor, donated materials, whatever it takes. What I
16 like about TxDOT, the cycling community, there's a lot of
17 time, there's a lot of talent, there's a lot resources,
18 and I look forward to partnering and trying to find some
19 permanent safe solutions.

20 MR. HOUGHTON: We've heard all the testimony.
21 Is there a motion or any other comments?

22 MR. VANDERGRIFF: I guess just one from me. I
23 very much appreciate the interests of the cyclists. As
24 Robin and I were discussing before the meeting, I've got
25 seven hours worth of public hearing that I chaired in my

1 home city over this issue in the city itself and
2 championed bicycle lanes in that city. Having said that,
3 it's very hard for me to see my way clear to vote to
4 really allow bicycles on an 80-plus mile an hour toll
5 road. It's just very, very difficult to me to see that as
6 not an accident waiting to happen, and I wanted to make
7 sure that my understanding of my thought process was clear
8 to those people here, because I respect your time and
9 energy for being here.

10 MR. HOUGHTON: With that said, is there a
11 motion?

12 MR. UNDERWOOD: So moved.

13 MR. HOUGHTON: And a second?

14 MR. VANDERGRIFF: Second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. HOUGHTON: Thank you. Thank you, Doug.

18 Folks, thank you very much for coming today, I
19 appreciate it.

20 Moving on, Mr. Wilson.

21 MR. WILSON: Now item 10a, consideration of the
22 final approval of a request for financial assistance from
23 the Camino Real Regional Mobility Authority in the form of
24 a loan for Loop 375 César Chávez Border Highway Project.

25 This item will be presented by Innovative Financing and

1 Debt Management Officer Ben Asher. Ben.

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

5 This item is to consider final approval of a
6 request for a \$9.4 million loan to Camino Real Regional
7 Mobility Authority to cover certain operating and
8 maintenance expenses for the managed lane portion of the
9 Loop 375 César Chávez Border Highway Project from US 54 to
10 the Zaragoza Road in El Paso County.

11 Staff recommends approval and I'd be happy to
12 answer any questions.

13 MR. HOUGHTON: Question. What's the money for?

14 MR. ASHER: For operation and maintenance of
15 the managed lane portion.

16 MR. HOUGHTON: So doing what with it, managing
17 what, operation, maintenance?

18 MR. ASHER: General operation and maintenance
19 just of the managed lanes.

20 MR. HOUGHTON: Not equipment or anything like
21 that?

22 MR. ASHER: No. Just for equipment related to
23 the development.

24 MR. HOUGHTON: So it is equipment.

25 MR. ASHER: It could be.

1 MR. HOUGHTON: Okay. Could be.

2 I have another question. Who is going to be
3 toll operator for this?

4 MR. ASHER: I don't know the answer to that.

5 MR. HOUGHTON: Raymond is in the back, I saw
6 him back there. Come on up, Raymond. I'm sorry, Raymond,
7 state your name for the record.

8 MR. TELLEZ: Raymond Tellez with the Camino
9 Real Regional Mobility Authority.

10 MR. HOUGHTON: \$9 million is for what?

11 MR. TELLEZ: Operations and maintenance. So
12 this is the delta between the revenues that are generated
13 in the early years and the costs for operating.

14 MR. HOUGHTON: Okay. Is there equipment
15 involved?

16 MR. TELLEZ: Yes.

17 MR. HOUGHTON: Who is going to be your toll
18 operator?

19 MR. TELLEZ: Well, the regional mobility
20 authority will be the operator. We have an integrator of
21 Telvent.

22 MR. HOUGHTON: And the toll services
23 administrator, who is going to provide collection? Who
24 did you contract with?

25 MR. TELLEZ: Well, in terms of back office

1 we're using CTRMA and all of their services, and we'll be
2 promoting the NTTA tag

3 MR. HOUGHTON: The NTTA tag?

4 MR. TELLEZ: Yes, sir.

5 MR. HOUGHTON: Isn't that amazing, Victor, NTTA
6 is coming to El Paso.

7 MR. VANDERGRIFF: I'm almost speechless, so
8 I'll just leave that at no comment.

9 MR. AUSTIN: You know, Mr. Chairman, something
10 with that, the NTTA tag has interoperability to get into
11 DFW Airport.

12 MR. HOUGHTON: Well, I think if you want to
13 expand on that, you want to tell us why you're using the
14 NTTA tag?

15 MR. TELLEZ: Well, we're looking for that type
16 of interoperability, we're looking at parking facilities
17 in the future, we're also discussing with the City of El
18 Paso operating the international bridges.

19 MR. HOUGHTON: The tag for an international
20 bridge in their fast lanes. What do they call them,
21 secure lanes? I don't remember.

22 MR. TELLEZ: CT fast lanes, yes, sir.

23 MR. HOUGHTON: Fast lanes.

24 MR. AUSTIN: I appreciate you saying that
25 because as you look at the consistency among the tolling

1 entities, the innovativeness, interoperability, I think
2 that's a key thing. I know, Doug, you are working on
3 that. I appreciate you saying that because that's showing
4 it can work way away, not just right here in a
5 concentrated area.

6 MR. HOUGHTON: Thanks, Raymond.

7 MR. TELLEZ: Yes, sir.

8 MR. HOUGHTON: Is there a motion and a second?

9 MR. AUSTIN: So moved.

10 MR. UNDERWOOD: Second.

11 MR. HOUGHTON: All in favor?

12 (A chorus of ayes.)

13 MR. HOUGHTON: Thank you, Ben.

14 MR. WILSON: Item 10b will cover State Highway
15 Fund short-term borrowing. Benjamin Asher will continue.
16 Ben.

17 MR. ASHER: Yes. This item is to consider
18 approval of a new short-term borrowing program for the
19 State Highway Fund for cash management purposes. The
20 commission is required to renew the authority for the
21 short-term borrowing program very two years. Staff
22 solicited proposals for new short-term borrowing program
23 through a competitive procurement from financial
24 institutions, and this minute order would authorize the
25 department to enter into direct lending agreements to

1 serve as our new short-term borrowing program for cash
2 management purposes.

3 Staff recommends approval, and I'd be happy to
4 answer questions.

5 MR. HOUGHTON: Questions? Is there a motion?

6 MR. AUSTIN: So moved.

7 MR. HOUGHTON: And a second?

8 MR. UNDERWOOD: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. HOUGHTON: Thanks, Ben.

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

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

19 Item 11a is for consideration of the award or
20 rejection of Highway Maintenance and Department Building
21 Construction contracts let on June 4 and 5 of 2013. We
22 present 18 projects today. The average number of bids per
23 project was 3.33; the low bid value was \$20,933,294.59; we
24 had an overall underrun of 13.63 percent.

25 Staff recommends award of all maintenance

1 projects.

2 MR. AUSTIN: One question. Underrun of 13.63
3 percent, that's good.

4 MR. HOUGHTON: Any questions?

5 MR. MOSELEY: So moved, Chairman.

6 MR. AUSTIN: Second.

7 MR. HOUGHTON: All in favor?

8 (A chorus of ayes.)

9 MR. HOUGHTON: Thank you. Move on.

10 MR. WILSON: John, please proceed with 11b,
11 construction contracts.

12 MR. OBR: 11b is for the consideration of the
13 award or rejection of Highway and Transportation
14 Enhancement Building Construction contracts let on June 4
15 and 5 of 2013. We present 56 projects today. The average
16 number of bids per project was 4.29; the low bid value was
17 \$265,766,045.77; the awards are split as eight projects in
18 Mobility totaling \$117,520,389.38, and 48 projects in
19 Preservation totaling \$148,245,656.40; we had an overall
20 overrun of 4.14 percent.

21 Staff recommends award of all construction
22 projects. Any questions?

23 MR. AUSTIN: One question. How long has it
24 been since we've had an overall overrun?

25 MR. OBR: I've been in this position for

1 approaching well over a year and a half, and I have not,
2 to my knowledge, given you a report of an overrun in that
3 time frame.

4 MR. AUSTIN: Where I'm leading, kind of going
5 back to our workshop yesterday, costs are going up, with
6 maintenance and new construction, costs are going up -- if
7 I can say it again, costs are going up. And it's not
8 going to get any lower, we're going to have to keep
9 looking to be mindful of our projects and with our
10 partners, materials are going up, so this is a beginning
11 of a reversal that we're seeing. It probably also is a
12 sign that the economy is beginning to heat as well.

13 MR. OBR: I would like to comment that we do
14 have a Highway Cost Index -- and I know we discuss this on
15 a regular basis, and even more so in recent months -- our
16 Highway Cost Index has exceeded our 2008 which was a peak
17 since 1997, and as such, as your Highway Cost Index is
18 increasing, our engineers that are doing estimates on
19 construction projects are increasing their engineer's
20 estimate. At the same time, you're seeing percentage of
21 bids coming up to match that; they're not longer running 4
22 and 5 percent under, they're coming up. So you're seeing
23 a double whammy as far as a true picture, not just the
24 percentage of how much they're under the engineer's
25 estimate, it's all relative to the Highway Cost Index

1 that's coming up.

2 So this number is very concerning as far as how
3 far our dollars are going, especially on our large
4 projects. We had one project that overran the engineer's
5 estimate by 50 percent this letting, and that was \$15
6 million on the \$265 million that we let. So when you look
7 at the 4 percent, that would have actually been a negative
8 number for this month if that project hadn't contributed,
9 but that project was in an energy sector area of the state
10 which is something that we're really keeping an eye on
11 because of lack of resources in both contracting and
12 materials in those areas. So it's a concern of ours.

13 MR. AUSTIN: So John, going back, you look at
14 the construction index, that's updated pretty regularly?

15 MR. OBR: We track that every month. What we
16 report is a twelve-month, so it's not just the one month,
17 we track a one-month, a three-month and twelve-month
18 average. What we report is the twelve-month average, so
19 it's a very normalized number that we're presenting, but
20 it is continuing to climb every month.

21 MR. AUSTIN: So again, just going back and
22 reflecting on our workshop yesterday, increased
23 population, increased traffic, increased cost, our dollar
24 is not going as far as we need it to go.

25 MR. OBR: Those are all increasing but our

1 producers are remaining steady so the demand on those
2 producers is a concern of ours.

3 MR. UNDERWOOD: I'm going to follow up, John,
4 on that. Our maintenance was under by 3.36, right, \$3
5 million?

6 MR. OBR: Yes, sir.

7 MR. UNDERWOOD: Yet our construction was up by
8 about \$10 million, a little over \$10 million, I think \$10-
9 1/2 million over the estimates. Why is maintenance, with
10 all our costs going up, why was it lower? Is it the way
11 we estimate?

12 MR. OBR: I will say that generally on your
13 maintenance contracts you have fewer bid items, they're a
14 lot less complicated, and there's still competition in
15 folks starting up companies on our maintenance contracts,
16 where a lot of our established construction contractors
17 have gone through the economic issues and are returning.
18 They're also, again, doing a lot of energy sector work
19 because they're major contractors, and they're trying to
20 get those resources and folks and employees that are being
21 used in those energy sector areas.

22 MR. UNDERWOOD: I'd like to see at some point
23 in time, when you have time, the studies of what it cost
24 us so much more in the energy areas to do business than it
25 does through the rest of the state.

1 MR. OBR: Yes, sir. We're working on that.

2 MR. UNDERWOOD: Especially since the
3 legislature, you know, we have certain money that's going
4 to be dedicated to those energy sectors, how far is it
5 going to go.

6 MR. HOUGHTON: One is probably the competition
7 for employees.

8 MR. UNDERWOOD: That and everything.

9 MR. OBR: It is.

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

12 MR. AUSTIN: That was my motion.

13 (General laughter.)

14 MR. HOUGHTON: I take it one commissioner is in
15 a hurry to get back to the great Harris County. Okay.
16 There is a motion and a second. All in favor?

17 (A chorus of ayes.)

18 MR. WILSON: That brings us to item 12, Eminent
19 Domain Proceedings. Resource Management Section Director
20 Gus Cannon will present this minute order. Gus.

21 MR. CANNON: Thank you, Commission. I'm Gus
22 Cannon, for the record, director of Resource Management
23 for the Right of Way Division.

24 I'm presenting for your consideration today
25 item 12 which authorizes the filing of condemnation

1 proceedings necessary to progress the acquisition of 18
2 non-controlled and 10 controlled access parcels by
3 exercise of eminent domain, for a total of 28 parcels.

4 Staff has reviewed and recommends your approval
5 of the minute order.

6 MR. VANDERGRIFF: I would move to approve. I
7 move the Texas Transportation Commission authorize the
8 Texas Department of Transportation to use the power of
9 eminent domain to acquire the properties described in the
10 minute order, set forth in the agenda for the current
11 month, of construction, reconstruction, maintenance,
12 widening, straightening or extending the highway
13 facilities listed in the minute order as part of the
14 state highway system, and that the first record vote
15 applies to all units of the properties to be condemned.

16 MR. MOSELEY: Chairman, I'll second that well-
17 stated motion.

18 MR. HOUGHTON: Don't get in such a hurry there,
19 Commissioner Moseley. We've got executive session too,
20 believe it or not.

21 MR. HOUGHTON: There's a motion and a second.
22 All in favor?

23 (A chorus of ayes.)

24 MR. CANNON: Thank you.

25 MR. WILSON: Item 13 contains the routine

1 minute orders, including donations to the department,
2 right of way dispositions and donations, release of
3 access, reports and speed zones.

4 MR. HOUGHTON: Is there a motion?

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: All right. At this time we will
11 recess to meet in executive session under Government Code
12 Section 551.071 and Section 551.072. Where do we want to
13 go, John Barton, upstairs to my office? This will take
14 five minutes.

15 (Whereupon, at 11:26 a.m., the meeting was
16 recessed, to reconvene this same day, Thursday, June 27,
17 2013, following conclusion of the executive session.)

18 MR. HOUGHTON: We are back in session. We
19 reconvene, and the time is 12:03.

20 We have one person, and I'm sorry, that has
21 signed up, had you hanging around, sorry about that. The
22 City of Brownsville Historic Battlefield Fort Brown
23 Connection, right, application for TxDOT Transportation
24 Enhancement Program. Rachel Flores, City of Brownsville
25 executive director.

1 MS. FLORES: Good morning, commissioners.
2 Thank you for the opportunity to appear before you. My
3 name is Rachel Flores and I'm the executive director of
4 the BCIC, the economic development corporation of
5 Brownsville, Texas. I'm here to ask your support and
6 consideration for the City of Brownsville's application to
7 the Texas Transportation Enhancement Program.

8 Transportation and mobility have always been
9 pivotal to the economic development of our region. From
10 the railroad boom in the early 1900s to the modern
11 interstate system that allows for the international
12 transport of goods and products, the Valley has always
13 flourished and depended on the strong investment in
14 transportation infrastructure. It is with this eye on
15 past success that we are planning our future.

16 Our application, titled the Historic
17 Battlefield Trail Fort Brown Connection -- that's a
18 mouthful -- is the result of a collaborative effort with
19 various local, county and federal organizations, including
20 the National Park Service and the University of Texas at
21 Brownsville. This project furthers our goals to create a
22 regional multimodal transportation system that will
23 benefit residents of all economic levels, including
24 students and working families. It will provide enhanced
25 connectivity throughout our historic downtown, the

1 university and community college. It will provide
2 increased access to our new state of the art bus terminal,
3 as well as provide increased mobility opportunities for
4 the residents of our Buena Vida neighborhood, one of the
5 most impoverished neighborhoods in the country.

6 During the past year, Brownsville has created
7 its city master bike plan and successfully implemented a
8 project similar to the one that you will review. Through
9 a combination of local, state and federal monies, we were
10 able to cobble together an investment of close to a
11 million dollars that address some of the mobility needs of
12 the residents of west Brownsville, with strategic emphasis
13 on sidewalk improvements, Safe Routes to School, ADA
14 access to bus routes and recreational trails.

15 Gentlemen, we invite you to become partners and
16 investors in our future, and we thank you for your support
17 of programs like the Transportation Enhancement Program.
18 Thank you.

19 MR. HOUGHTON: Well, I want to thank you for
20 waiting. I didn't know you were here, but thank you very
21 much. And thank you for your interest and for your
22 program. Thank you for coming.

23 MS. FLORES: Thank you.

24 MR. HOUGHTON: Okay. That concludes all items.

25 Is there anything else to come before the commission?

1 None, Rose? Anybody else? Closing comments?

2 (No response.)

3 MR. HOUGHTON: There being no other business,
4 the most privileged motion at this time.

5 MR. UNDERWOOD: So moved.

6 MR. AUSTIN: Second.

7 MR. HOUGHTON: 12:06, we are adjourned.

8 (Whereupon, at 12:06 p.m., the meeting was
9 concluded.)

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MEETING OF: Texas Transportation Commission

LOCATION: Austin, Texas

DATE: June 27, 2013

I do hereby certify that the foregoing pages, numbers 1 through 123123, 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) 07/07/2013
(Date)

On the Record Reporting
3636 Executive Ctr Dr., G-22
Austin, Texas 78731