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TEXAS DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION ADVISORY COMMITTEE  
TELECONFERENCE MEETING

Conference Room 323  
3712 Jackson Avenue Bldg 6  
Austin, Texas

1:30 p.m.  
Thursday, July 12, 2012

COMMITTEE MEMBERS PRESENT BY TELEPHONE:

Michelle Bloomer, Chair  
Glenn Gadbois  
J.R. Salazar  
Rob Stephens  
Brad Underwood

STAFF:

Eric Gleason  
Bobby Killebrew  
Kelly Kirkland  
Ginnie Mayle

**ORIGINAL**

I N D E X

<u>AGENDA ITEM</u>	<u>PAGE</u>
1. Call to Order	3
2. Approval of Minutes of June 30, 2011 meeting	deferred
3. Legislative Appropriations Request (LAR) discussion and comment on proposed letter to Texas Transportation Commission from PTAC	4
4. Public comment (no commenters)	20
5. Confirm date of next meeting	21
6. Adjourn	24



1 MR. UNDERWOOD: Aye.

2 MS. BLOOMER: J.R.

3 MR. SALAZAR: Aye.

4 MS. BLOOMER: Rob.

5 MR. STEPHENS: Aye.

6 MS. BLOOMER: And Michelle, aye. And so the  
7 item passes, moving on to Item 3, which is the bulk of the  
8 meeting, the Legislative Appropriations Request (LAR)  
9 discussion and comment on proposed letter to the  
10 Commission on behalf of PTAC.

11 Did everybody receive the revised letter that  
12 Ginnie sent out yesterday afternoon and have a chance to  
13 read it?

14 VOICE: Yeah. I -- okay.

15 MS. BLOOMER: All right. I'll assume since  
16 nobody's hollering that they didn't get it that you've all  
17 received it and you've all read it.

18 Are there any -- I'm sorry, Glenn.

19 MR. GADBOIS: Well, Madam Chair, I was going to  
20 ask if I can, let me just lay out a little bit of my  
21 thinking on why I did what I did and point to some  
22 particular discussion items I'd like to make sure people  
23 have, that we at least have a chance to discuss and  
24 decide, and then if there's anything new beyond that,  
25 that's all game for discussion as well.

1 MS. BLOOMER: Okay. And Glenn, can you include  
2 in that sort of the interaction between the other members  
3 of the working in preparing the letter?

4 MR. GADBOIS: Indeed. So the Working Group 1  
5 was assigned this with me in particular taking the  
6 drafting role. So Working Group 1, 1a, and 1b got  
7 together on a phone call and had some discussion about  
8 potential sources that we could point to for the money  
9 that we saw being needed for public transportation. Okay?

10 because I think that the agreement pretty early  
11 on was we still want to take from the last LAR the overall  
12 thrust that public transportation needs more dollars but  
13 we also felt like just asking for that out of what is in  
14 essence GR is a fruitless -- it has no chance for success.

15 So we had that discussion. I think the only  
16 item that I threw in last minute that hadn't been  
17 discussed in that initial conversation was the TEF Fund,  
18 the Enterprise Fund, and then after drafting I went back,  
19 with very little notice -- I apologize to my team, but  
20 they at least got this read through it, to get comment  
21 from them to make sure they were comfortable with the way  
22 that the letter had been redrafted.

23 I then sent it on to you, Michelle, and then it  
24 got distributed from there.

25 Here are the couple of big changes to the

1 letter than we'd done last LAR that I just want to kind of  
2 lay out our thinking on. One is the primary audience for  
3 this is the Commission and the Commission -- it's my sense  
4 that the Commission doesn't really understand or have much  
5 of a framework for the way we often talk about public  
6 transportation but they do understand return on  
7 investment.

8 As a consequence, rather than talking about  
9 this in the usual terms of what really are people are  
10 terms -- you know, people would need access to the  
11 transportation and all the story that we had listed beyond  
12 that, impacts on transportation providers and how many  
13 problems they were having because of the increases in  
14 cost, et cetera.

15 That, in and of itself, doesn't make sense to  
16 these guys but what they do understand is they make a  
17 significant investment in public transportation as part of  
18 the system and what's the return on that. As a  
19 consequence, the vast majority of the focus of this letter  
20 is rewording it to make it look more like an RLI proposal.

21 Having said that, I also then -- there were a  
22 number of strategies that don't specifically fit into the  
23 Legislative Appropriations Request but are sort of related  
24 to it that I wanted to at least toss out for us to think  
25 about putting into this letter to show that we're thinking

1 about a broader strategy than simply going to the  
2 legislature for more money.

3 As a consequence, we do Legislative  
4 Appropriations Request and what we'd like to see happen  
5 there and basically -- and that's one discussion point  
6 that we ought to have, that's basically do-no-harm-  
7 strategy. In a time when the Governor has once again  
8 asked for significant cuts from agencies and at the  
9 drafting of this bill we didn't know how MAP 21 was going  
10 to affect funding so basically the thrust was do no harm.

11 We do kind of put into that overall do-no-harm  
12 request the "and additional money would be nice" but that  
13 comes later than the specific LAR request.

14 In addition to that, we wrap into this LAR  
15 request specific kind of lighter requests that aren't  
16 budget appropriations but are sort of budget appropriation  
17 issues. And so that would be a request for some amount of  
18 money from the Texas Enterprise Fund, a fund that  
19 characteristically they simply approve a dollar amount for  
20 and the Governor gets to decide.

21 But the legislature could assign and make  
22 public transportation eligible for those and even assign  
23 out of that a big dollar amount. That, in my mind at  
24 least, looked like a more likely strategy than going after  
25 GR.

1           And then we kind of framed what those  
2     enterprise funds might go towards in a way that makes them  
3     eligible for Enterprise Funds at all. After that, then we  
4     ask for an additional rider, and this is another  
5     discussion item that we ought to have, and I haven't even  
6     talked to Eric about this; he may hate the idea, but  
7     putting into a rider some requirement that TxDOT be more  
8     involved in the program design and procurement of our MPP  
9     services because I keep hearing, and I'm not even that  
10    involved in public transportation these days, but I still  
11    keep hearing all sorts of rumblings about how MPP is not  
12    working very well in different areas.

13           And so kind of an attempt to give us a way to  
14    package a request for that in terms of a rider, and I  
15    don't know if there'd be a rider on the transportation  
16    bill or an the Health & Human Service bill, but that was a  
17    strategy. Right?

18           In addition to that, we asked for two  
19    additional legislative support items, which is basically  
20    that the Commission work toward exemption of transit fuel.

21    Right now on the state fuel tax public transportation  
22    providers pay that. That cost savings, as I understand  
23    it, would make a significant difference if the  
24    unexpenditure side and that savings translates into real  
25    money for the public transportation side. They actually

1 exempt the federal sales tax, at least if it's done  
2 through the electronic card kind of format, and so there's  
3 no reason it can't be done for the state tax and then that  
4 would make all kind of sense, so they'll get TxDOT  
5 basically helping to pursue that legislative strategy.

6 In addition, the other kind of legislative item  
7 is to get their legislative staff focused on seeking ways  
8 to pull down more federal money given the new Map 21  
9 landscape that nobody's really familiar with.

10 And if I've discovered anything it's when a new  
11 bill comes out and changes things with any level of  
12 significance, there are always opportunities to be the  
13 first one to be more effective in grabbing that federal  
14 money and I can't think of any better help than getting  
15 TxDOT's legislative staff focused on doing that.

16 Then we turn to basically from an RLI argument  
17 to building in durability, which is my new favorite term  
18 for sustainability. You make an investment, make sure  
19 it's going to stay around for the long term. That's when  
20 I take a lot of what had happened in bold letter and  
21 repackage it basically in terms of you've made this  
22 investment. Now make sure that it's as solid, stable and  
23 durable as possible.

24 And the highlighted areas are where I simply  
25 didn't know whether the facts will hold or have changed

1 and so I ask staff for some help with that. And in my  
2 mind, together that bid creates the overall sum of money,  
3 this last section, creates the overall price tag we need,  
4 and there's \$22 million, \$20 million, \$15 million,  
5 whatever it is, and from that, then we would need to  
6 decide the specific amounts we would ask for for the  
7 Enterprise Fund and/or what we'd need made up in both  
8 flexibility and the non-dedicated Fund 6, or whatever our  
9 infill strategy is.

10 Does that all make sense to people and/or  
11 there's lots of items to talk about with that.

12 MS. BLOOMER: This is Michelle. Thanks, Glenn,  
13 for sort of the background on the letter.

14 Initially, do any of the working group members,  
15 either Brad or Rob, have some initial comments before we  
16 open it up for discussion?

17 MR. STEPHENS: No, this is Rob, Michelle. I  
18 don't. I sent some comments to tweak out a little bit a  
19 couple of days ago and those are included. I don't have  
20 any comments. I'm ready for discussion.

21 MS. BLOOMER: Okay. Brad, are you okay with  
22 just moving on to discussion?

23 MR. UNDERWOOD: Yes. I'm sorry. I think I'm  
24 going to have to hang up and redial in. It was earlier  
25 where Ginnie said she couldn't hear me. It's the same

1 thing again, like I can hear parts -- can you guys hear me  
2 at all?

3 MS. BLOOMER: We can hear you better than  
4 initially, yes. But if you're having trouble hearing  
5 us --

6 MR. UNDERWOOD: I'm going to hang up and call  
7 back in.

8 MS. BLOOMER: Okay.

9 MR. UNDERWOOD: But go ahead without me. Keep  
10 going.

11 MS. BLOOMER: Okay. So let's go ahead and move  
12 on to the discussion and, first, Glenn, I want to say  
13 thank you for taking the lead and working with your  
14 working group members to prepare a draft letter.

15 Historically, my understanding of the  
16 Legislative Appropriations Request is more focused on the  
17 funding that the Department puts together as part of their  
18 request to the legislature so I think one thing -- and you  
19 mentioned this a little bit in your discussion is what we  
20 might want to do is focus this letter for the Legislative  
21 Appropriations Request specifically on our ask, which like  
22 you said, Glenn, I think is mainly, at a minimum, hold us  
23 harmless; and second, increase funding, and like you  
24 mentioned, make a case for additional investment.

25 And I think, using some of the language you've

1 provided related to the return on investment, the economic  
2 value, as well as wrapping in some of the cost of  
3 inflation, population growth, and expanded service can get  
4 us to a very tight, maybe one-to-two-page letter  
5 specifically related to the Legislative Appropriations  
6 Request.

7           And we might want to mention, like you had  
8 indicated, that we're also looking at a broader strategy  
9 of legislative priorities, and we could maybe check off  
10 what some of those might be very high level, but save the  
11 detail for a supplemental letter to be sent later after  
12 the committee has had time to discuss the Texas Enterprise  
13 Fund, the Medicaid issue, the fuel exemption.

14           And also, I think it would be good for the  
15 committee to hear from the Texas Transit Association what  
16 some of their legislative priorities are and see if those  
17 are ones we want to support or take up and recommend on  
18 our own to the Commission.

19           So, my thought being we're on sort of a time  
20 constraint related to the funding request, as it relates  
21 to the July 26 Commission meeting is that we tailor the  
22 LAR letter specific to what our funding request is and,  
23 via an alternate means, pending further discussion by the  
24 committee, make recommendations to the Commission related  
25 to our legislative priorities or actions that we would

1 like to see are in support of.

2 MR. GADBOIS: And, Michelle, you probably pay  
3 more attention to the Commission than I do these days.  
4 The last time I paid attention to the Commission and their  
5 development of the LAR they actually were engaging in an  
6 overall strategy discussion on legislation of what's the  
7 entire range or things we're asking the legislature for;  
8 what's the LAR within that context and how does that play  
9 with federal monies coming in?

10 As a consequence that's the way I framed this.

11 If I'm wrong and they don't do that conversation -- they  
12 want to focus on one little piece at a time, then I accept  
13 that -- what's their practice or what they do now.

14 MR. UNDERWOOD: Michelle, it's Brad Underwood.

15 I think I'm back if you guys can hear me okay. I don't  
16 know what was going on.

17 VOICE: Yeah.

18 MR. UNDERWOOD: So I guess what you're trying  
19 to say is we would have another opportunity to kind of  
20 take one of these piece by piece, talk about them as PTAC,  
21 and then write another letter recommending some of the  
22 things we feel would be beneficial to public  
23 transportation. Is that correct?

24 MS. BLOOMER: Yes. The funding issue separate,  
25 to be followed by the legislative issues.

1 MR. UNDERWOOD: Okay.

2 MS. BLOOMER: And, Eric, maybe you can weight  
3 in, but my understanding based on my limited participation  
4 in the LAR process last year was that it was mostly at  
5 that point focused on the funding request that TxDOT was  
6 going to put forth.

7 MR. GLEASON: Yes, although I do want to  
8 recognize that Glenn's subscription has merit has merit as  
9 well. The Commission is scheduled to approve the LAR at  
10 the August meeting and so there already have been a lot of  
11 preliminary conversations, including one or two Commission  
12 presentations, about general direction and so the vast  
13 majority of the conversation now is on the LAR.

14 I think the thought of maybe highlighting at a  
15 higher level the kinds of things that the committee could  
16 choose to write a subsequent letter on is a good idea in  
17 this one.

18 And that might be enough, Glenn, to sort of  
19 begin to get at the broader context that you were setting.

20 Because you're right -- this is a funding request but it  
21 obviously has enormous broader policy implications and so  
22 it does need to be talked about in a broader context but I  
23 think right now the message around funding is the one that  
24 is going to be heard most clearly and I'm not convinced  
25 that the other elements of the current letter would be

1 heard as clearly in this context as opposed to being  
2 communicated subsequently.

3 MR. GADBOIS: I'm happy with that incite on the  
4 process and kind of where we are in it. And I'm fine then  
5 dividing off and doing two -- dealing with the immediate  
6 issue before the Commission and then following up with  
7 some of the higher-level strategies as long as we do as, I  
8 think, both of y'all suggested and at least give them some  
9 indication that we too are thinking about a broader  
10 strategy and really looking in every nook and cranny to be  
11 as creative and entrepreneurial as we can.

12 MS. BLOOMER: This is Michelle. I completely  
13 agreed when I think that's part of why, I think, at a  
14 higher level it would be good to mention, not only are we  
15 asking you to just hold us harmless and/or give us more  
16 money, but we are actively taking a role and trying to  
17 identify innovative ways to stretch our dollars further or  
18 find additional funding as well.

19 So it's not just we're coming every two years  
20 asking you to give us more money; we're doing our part  
21 with TDC and some of the other items you've mentioned as  
22 well.

23 I think one of the questions I would have for  
24 either Eric or Ginnie is when the legislative -- we want  
25 to make sure we get our comments in on the legislative

1 priorities prior to that sort of solidifying, and then how  
2 does that timeline play into our timeline for our next  
3 meeting which I would anticipate sometime in August, late  
4 August, early September in order to address the TDC  
5 rulemaking process.

6 MR. GLEASON: Yeah, TDC rules. Bob, do you  
7 know off the top of your head when they're going final?  
8 Is that August or is it September?

9 MR. KILLEBREW: September.

10 MR. GLEASON: Okay. so it's the September  
11 Commission meeting when the TDC rules will be final. So  
12 the committee will clearly need to meet before then. I  
13 don't have a timetable that I can check off the top off  
14 the top of my head on legislative agenda discussions, but  
15 I think that if the committee were to meet and discuss in  
16 the late August, mid-September time frame, that issue --  
17 to be followed by a letter that that would be pretty good  
18 timing and I will try and confirm that afterwards but  
19 that's my sense.

20 MS. BLOOMER: Okay. Because I think that that  
21 might be a good way to sort of move forward with this,  
22 Glenn, and then that would allow you and the other members  
23 of Working Group 1 to sort of look at what all those  
24 legislative priorities are that we would like to put  
25 forward to the committee as an entire group as well as

1 maybe what some of TTA's --

2 MR. GADBOIS: Sure.

3 MS. BLOOMER: -- legislative priorities are,  
4 any of the other industry groups out there, that we could  
5 then discuss at our next meeting and have that as a -- in  
6 addition to the rulemaking, have that as maybe the  
7 secondary item of main discussion for that meeting.

8 MR. GADBOIS: Sure. Well, and our only  
9 legislative strategy issues here were money-related.  
10 Right? And I'm willing to wager TTA and the operators  
11 have other legislative issues and so we --

12 Brad, you're on that committee. Correct?

13 MR. UNDERWOOD: Yes, I am.

14 MR. GADBOIS: Yeah. So when we include Brad in  
15 our working group and he can bring all those to the table,  
16 yes.

17 MS. BLOOMER: Perfect. I think that would be a  
18 good opportunity. You mentioned most of the legislative  
19 items in the current letter are all funding-related but  
20 there may be non-funding ones that we would also want to  
21 include.

22 MR. GADBOIS: Right.

23 MS. BLOOMER: And we would have some -- and to  
24 develop those as well.

25 MR. GADBOIS: Right. And, now, I do want to go

1 back and be a little bit specific here. On the  
2 Legislative Appropriations Request, I see requests about  
3 riders as appropriate for an LAR.

4 Is that accurate, Eric?

5 MR. GLEASON: I think -- yes, it can be done as  
6 a part of the LAR. Historically, those that are included  
7 in the LAR are more specific to specific initiatives the  
8 Department is trying to pursue, like buying uniforms for  
9 maintenance workers, that kind of thing, and not so much  
10 broader policy-type LARs that aren't necessarily related  
11 directly or easily to an expenditure of money.

12 Does that make sense?

13 MR. GADBOIS: Yeah. Okay. So is that  
14 suggestion that if they are riders they should be of that  
15 type, not of this type, is, I think, what I just heard.

16 MR. GLEASON: One more time, please.

17 MR. GADBOIS: Of the type -- if we are going to  
18 mention riders at all, we should be mentioning very  
19 specific programmatic stuff, not the broader --

20 MR. GLEASON: Yeah. That's a good place to  
21 start, yeah.

22 MS. BLOOMER: Right. This is Michelle. I  
23 think, Glenn, my preference would be to include those  
24 items that you've indicated as riders in the letter as  
25 part of the legislative priorities discussion.

1 MR. GADBOIS: That's what I'm double-checking.

2 MS. BLOOMER: Okay. Does any other committee  
3 members, J.R., Rob, have any thoughts or items for  
4 discussion.

5 MR. SALAZAR: This is J.R. Nothing really more  
6 than that you guys have already hashed out. I don't want  
7 to repeat myself but, Glenn, I do agree with Michelle with  
8 the writing of the letter, and you did a great job. I was  
9 a little concerned about the length of the letter being  
10 four pages was the only concern I has and I think we've  
11 already hashed that out so I'm fine with everything.

12 MR. GADBOIS: Yeah, we've made it much shorter  
13 but, then, again, we made it shorter than the last one we  
14 did too -- just a note.

15 MS. BLOOMER: Okay. This is Michelle now. As  
16 far as action, Eric, are we good to say that the committee  
17 is going to revise the letter to focus on the funding  
18 aspects that we talked about, holding harmless, increasing  
19 funding, and making a case for the additional investment  
20 based on the return on investment, economic value, cost of  
21 inflation, et cetera, and then to follow up with a second  
22 letter which would be discussed in more detail at our next  
23 meeting. Is that sufficient to move forward to then  
24 revise the letter and have me sign it, or do we need more  
25 formal action to allow me to sign a revised letter?

1 MR. GLEASON: I think just clarify who you're  
2 going to have revise the letter and we'll be good.

3 MS. BLOOMER: Okay.

4 MR. GADBOIS: And, Michelle, I think at this  
5 point it should be you. You're signing it; you have  
6 experience with this and we've given you more than you  
7 need, I would think, to do that pretty easily so, I mean,  
8 I'm hoping we're not asking a lot from you in asking you  
9 to do it.

10 MS. BLOOMER: And this is Michelle. That's  
11 similar to what I was thinking. So, okay. I will take I  
12 will take a stab at revising the letter based on the  
13 discussion we've had today and we'll get that out to  
14 everybody, get it signed and to the Commission in advance  
15 of their July 26 meeting.

16 MR. GADBOIS: Thank you.

17 MR. UNDERWOOD: Awesome.

18 MS. BLOOMER: All right. And we don't need  
19 formal action. Correct, Eric -- motion, second, voting?

20 MR. GLEASON: I wouldn't think so, no. We're  
21 good.

22 MS. BLOOMER: Okay. Perfect.

23 Do we have any public to comment?

24 (No response.)

25 MS. BLOOMER: No. And I think we initially

1 talked about our next meeting would be sometime late  
2 August, early September, but I think that's about as far  
3 as we can get into firming a date at this point.

4 So if there are no other items for  
5 discussion --

6 MR. GADBOIS: There's just one item. Given  
7 this decision, and this is for Working Group 1, Brad and  
8 Rob, can we have a conference call before our next meeting  
9 to come back to our meeting with a number of items we  
10 think ought to be on the letter. Can we do that by a  
11 conference call sometime in early-, mid-August?

12 MR. UNDERWOOD: That's fine with me. Yeah, we  
13 can do that. What days -- what'd we do last time? Did we  
14 do a Wednesday because that seemed like it was better for  
15 you and Rob?

16 MR. STEPHENS: Yeah. Sure. Let's look at  
17 August. How about the 8th?

18 MR. UNDERWOOD: That's what I was just pointing  
19 to. As long as it's in the morning, I can do that.  
20 Around 10-ish?

21 MR. GADBOIS: Rob?

22 MR. STEPHENS: August 8 at 10:00 in the  
23 morning?

24 MR. GADBOIS: Uh-huh.

25 MR. STEPHENS: Yeah.

1 MR. GLEASON: This is Eric. Let me just  
2 clarify. The committee has expressed the desire to have  
3 Working Group 1 get together between this meeting and the  
4 next and prepare sort of an initial discussion piece for  
5 items that might be included in a letter on legislative  
6 priorities.

7 MR. UNDERWOOD: That's the way I understand  
8 that.

9 MR. GADBOIS: If that's the way it needs to be  
10 framed, and I'm assuming you're framing it that way for  
11 that reason, sure.

12 MR. GLEASON: No. I'm just trying to structure  
13 it a bit so the record will show that the committee agreed  
14 this is what they want to have done.

15 MR. GADBOIS: And my understanding was the  
16 committee agreed we wanted to have at our next meeting a  
17 substantive discussion about items that would go into a  
18 letter that could then subsequently be drafted and took  
19 that as an assignment from the working group.

20 Let's make that official. Is that an  
21 assignment?

22 MS. BLOOMER: This is Michelle. Yes, that was  
23 my intention.

24 MR. GADBOIS: Okay.

25 MS. BLOOMER: So if Working Group 1 will do

1 some work between now and our next PTAC meeting so that in  
2 advance of that meeting we can have some information to  
3 review so we can have a meaningful discussion at our next  
4 PTAC meeting on what we would like to put forth as our  
5 recommendations, legislative priorities, to the Commission  
6 as.

7 MR. GADBOIS: Okay. And then, just, on the  
8 mechanics, who put together the teleconference last  
9 time -- whoever it was, will you do it again and send us a  
10 call number?

11 MR. UNDERWOOD: I did that and I just sent a  
12 meeting place to hold and as soon as I hang up I'll get us  
13 a number and I'll blast it out to you as well.

14 MR. GADBOIS: You're beautiful. I appreciate  
15 it.

16 MR. UNDERWOOD: Let the record show I've been  
17 notated as beautiful. Notate it in the minutes, Ginnie  
18 Mayle.

19 MR. GLEASON: I don't know what that means for  
20 approval of the minutes at the next meeting but I'll let  
21 that go.

22 MR. UNDERWOOD: Michelle, how about a motion to  
23 adjourn? You need that?

24 MS. BLOOMER: Yes. I was trying to get in  
25 there. If there are no further items for discussion, do

1 we have a motion to adjourn?

2 MR. UNDERWOOD: So moved.

3 MS. BLOOMER: A second?

4 MR. GADBOIS: Second.

5 MS. BLOOMER: In this case, all those in favor,  
6 aye.

7 VOICES: Aye.

8 MS. BLOOMER: Anyone object?

9 (No response.)

10 MS. BLOOMER: No. All right. Thank you.

11 (Whereupon, at 2:04 p.m., the teleconference  
12 meeting was concluded.)

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C E R T I F I C A T E

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MEETING OF:       Public Transportation Advisory Committee  
                          Teleconference Meeting  
LOCATION:            Austin, Texas  
DATE:               July 12, 2012

I do hereby certify that the foregoing pages,  
numbers 1 through 25, inclusive, are the true, accurate,  
and complete transcript prepared from the verbal recording  
made by electronic recording by Leslie Berridge before the  
Texas Department of Transportation.

K. J. Russell       7/13/12  
(Transcriber)       (Date)

On the Record Reporting  
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