

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TEXAS DEPARTMENT OF TRANSPORTATION
COMMISSION MEETING

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

Thursday
March 26, 2015
10:00 a.m.

COMMISSION MEMBERS:

Tryon D. Lewis, Chair
Jeff Moseley
Jeffrey Austin, III
Victor Vandergriff
J. Bruce Bugg, Jr.

STAFF:

Lt. General Joe Weber, Executive Director
Robin Carter, Commission Chief Clerk
Jeff Graham, General Counsel

1	<u>TABLE OF CONTENTS</u>	
2	Convene Meeting	Page 03
3	Safety Briefing	Page 03
4	Approval of Minutes	Page 21
5	Acknowledgement of Service	Page 21
6	Recognize by resolution, Paul D. Frerich, P.E., District Engineer, Yoakum District	
7	Advisory Committee Appointment	Page 30
8	Highway Designation, Harris County	Page 31
9	Promulgation of Administrative Rules	
10	6(a)(1) Chapter 9 - Contract and Grant Management	Page 34
11	6(a)(2) Chapter 25 - Traffic Operations	Page 36
12	6(b)(1) Chapter 7 - Rail Facilities	Page 38
13	Compliance Office	Page 40
14	Compliance Office Report	
15	State Infrastructure Bank, Henderson and Anderson Counties	Page 41
16	Contracts	
17	9(a) Highway Maintenance and Department Building Construction	Page 42
18	9(b) Highway and Transportation Enhancement Building Construction	Page 44
19	Eminent Domain Proceedings	
20	Various Counties	Page 46
21	Routine Minute Orders and Reports	Page 49
22	11(a) Donations to the Department	Page 49
23	11(b) Real Estate Dispositions and Donations	Page 49
24	11(c) Speed Zones	Page 49
25	Open Comment Period	Page 50
	Adjourn	Page 58

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G

MR. LEWIS: Everyone, please take a seat.

All right. Thank you. If I could get everybody to come to order. Good morning to you and thank you all for being here. I'm anxious to be visiting with you. It is 10:00 a.m. I call to order the March 26th, 2015 meeting of the Texas Department of Transportation Commission, here in Austin, Texas.

I do wish to note for the record that the public notice of this meeting containing all items on this agenda -- can everybody hear me okay? The court reporter is the only one I care about, but if everybody could -- if anybody has any trouble hearing me, be sure to get my attention and let me know. But I do want to note for the record that public notice of this meeting containing all items on the agenda was filed with the Secretary of State's Office at 2:55 p.m. on March 18th, 2015, which is seven days prior to the meeting, in accordance with the Government Code Section 551.044.

At this time, I'd like to ask before we begin the meeting that all of you place your cell phones and other communication devices in silent mode, okay? I'm doing it. Let's all do it. It's amazing the songs people put on these, but they never sound good and they sound worse if you're the one that it goes off, so please turn those off.

1 If you wish to address the Commission during
2 today's meeting, you will need to complete a speaker's card;
3 those are available at the registration table to make any
4 comment or register an opinion on an item that's actually on
5 the agenda, and the agenda is all of the items that are
6 posted for us to hear today. If your comment or your
7 opinion is with regard to one of those items, then you
8 complete a yellow card. I don't have a yellow card, do I?

9 MS. CARTER: It's in your folder.

10 MR. LEWIS: It's in my folder? Okay, thank you.

11 You will complete a yellow card if you want to
12 comment on an item that we posted and it has the information
13 that you have to have. And to whom are these cards -- and
14 when you fill out that card, if you need to, please give it
15 to our clerk. Just come forward -- don't be shy -- and give
16 it to our clerk.

17 If you wish to comment during the open comment
18 period, and that is it's not an agenda item we have, but you
19 have some matter that you want to bring up to the
20 Commission, then you have for that purpose, a blue card.
21 Fill out the blue card, and again, bring it to our clerk.

22 Now, when you come forward to speak, and this is a
23 little bit unusual, but be sure to do this, the first thing
24 we want to hear is your name, because we have to have a
25 record of whoever has spoken here, whether it's me, or one

1 of the other commissioners, the General, or one of you, we
2 have to have a record of who's speaking. In addition to
3 that -- and if you're here on your own behalf, you're not
4 here representing somebody else, you're here for you as an
5 individual, that's fine; all you have to tell us is your
6 name. If you're actually here, not only speaking for
7 yourself but for others, for a group of some kind, then be
8 sure to tell us not only your name, but who it is, what your
9 group is that you are here representing so we can put your
10 testimony, or your comments, I should say, in context. And
11 again, that would be the blue card.

12 Now, regardless of the color of the card, we have
13 a lot of business that we have to take care of and we want
14 to be efficient with all of our time, your time as well as
15 ours, so please try to limit your comments to three minutes
16 if you can do so. If you can't do so, I'll try to limit
17 your comments to three minutes, if I can, and we'll move on.

18 (Laughter.)

19 And, obviously, that time can flex depending on
20 the needs, but please bear everyone's attention in mind.

21 My name -- and I'm telling all ya'll to please
22 state your name and I'm not sure that I mentioned my name --
23 but I'm Tryon Lewis. I'm the chairman of the Texas
24 Transportation Commission.

25 At this time -- so I've said who I am and who I

1 represent, ya'll do the same -- at this time, I'm going to
2 turn us all over to Executive Director General Joe Weber.

3 GENERAL WEBER: Thank you, Chairman.

4 And for the record, my name is Joe Weber, and I
5 serve as the executive director of the Texas Department of
6 Transportation. And, Chairman, as the executive director,
7 on behalf of 12,000 -- almost 12,000 men and women spread
8 across this state, I want to welcome you and Commissioner
9 Bugg to the TxDOT family. We look forward to your
10 leadership and we continue to thank you for your selfless
11 service to our state and the capacities in which you have
12 all assumed.

13 (Applause.)

14 At this time, I would like to ask our occupational
15 safety specialist, Sidney Malloy, to come forward and
16 provide our safety briefing.

17 Sidney, thank you.

18 MR. MALLOY: I'm going to say that again just to
19 be safe. My name is Sidney Malloy with the Occupational
20 Safety Division.

21 I'd like to say good morning to our commissioners,
22 to Mr. General Weber, and to Mr. John Barton. And, first, I
23 would like to thank the commissioners, General Weber, and
24 Mr. Barton for your leadership and commitment to safety,
25 here at TxDOT, and to our mission safety zero; zero

1 injuries, zero incidents and zero fatalities.

2 I'd like to take a minute, as we put the slides up
3 for Work Zone. I'd also like to thank our Administration
4 and Communication Division and Traffic Operations for each
5 of our districts and divisions and offices for their support
6 in the Work Zone Awareness activities that are taking place
7 this week, as well.

8 As you see on the slides, 87 percent of the
9 fatalities that are taking place are motorists, not our
10 employees, but the motorists that are driving through our
11 work zones. And I was able to go out to the office and
12 district and spend time with them, as well, and to share
13 that moment with our employees. I just wanted to share that
14 I saw a slide that just touched me. It touched me. And the
15 slide showed that a little boy and a girl with a picture
16 that said "My mom or dad works here" and it's a work zone;
17 it touched me. So just keep in mind our employees are
18 parents, mothers, fathers, sons, and daughters.

19 Now to our safety brief real quick. In the event
20 of an active shooter, shelter in place. Move away from
21 walls and windows. Close the doors, if possible and lock
22 them if possible. Turn off your lights. Silence your cell
23 phones and communication devices and follow the directions
24 of law enforcement.

25 In the event of a tornado, shelter in place. Move

1 away from the windows, outer walls and windows. Move to a
2 designated shelter area, such as stairwells and our
3 basement.

4 In the event of a fire, evacuate the building.
5 Use your nearest exit. Our designated meeting area is
6 across the street at the capitol grounds.

7 And, lastly, in the event of a medical emergency,
8 call 9-1-1. If you use your cell phones, 9-1-1, or any
9 landlines here, use the 9-1-1 number. There is a first-aid
10 kit and an AED available at the security station.

11 Ya'll have a great day, all right? Thank you so
12 much.

13 GENERAL WEBER: Thank you, Sidney.

14 And, Chairman, before I turn it back to you, I
15 would like to introduce John Barton, our deputy executive
16 director. We have a guest with us today who is a great
17 supporter of TxDOT and has been for a long time and I think
18 he's here to make a special presentation.

19 John, thank you.

20 MR. BARTON: Thank you, General Weber, Chairman
21 Lewis, Members of the Commission.

22 As General Weber said, for the record, my name is
23 John Barton and I have the privilege and honor of serving
24 you and the citizens of Texas as the deputy executive
25 director, here at TxDOT.

1 This morning we have Michael Morris, the director
2 from the Metropolitan Planning Organization from the North
3 Central Texas Council of Governments, and he wanted to
4 express to you some thoughts about the work that our men and
5 women did in response to the winter weather events and in
6 preparation for some nationally significant activities in
7 the Metroplex.

8 So, at this time, Michael, if you'd come forward,
9 I think you have some comments that you would like to share.

10 MR. MORRIS: Michael Morris, director of
11 transportation at the North Central Texas Council of
12 Governments. Today I am representing not only the Council
13 of Governments, but the Cotton Bowl in college football
14 playoffs.

15 Mr. Chairman, congratulations to you.
16 Commissioner, congratulations to you. And other
17 Commissioners, you have two new great commissioners. This
18 is a great team. I do want to take just a second to say
19 everyone in this room should commit today to go through
20 construction zones differently than we ever have in the
21 past. And if we really believe what goes on here and the
22 ribbons you're wearing, we all need to make those
23 commitments personally and back in our own institutions.

24 I'm here to celebrate 300 dedicated TxDOT
25 employees who dealt with snow and ice for the Cotton Bowl,

1 and for the first time in the United States, the college
2 football playoff championship game that was held at AT&T
3 Stadium, and I didn't know at the time, also, these same
4 employees have also had a pretty rough winter, not just in
5 our part of the region, but across the state and their
6 unbelievable dedication to the transportation system.

7 It is very nice to wake up in the morning as a
8 resident, see on the sign "TxDOT crews ahead" seek
9 pretreatment on the roadways where you know they've already
10 been there and then have the reliability of that
11 transportation system.

12 So, Kelly Selman is your Dallas District engineer
13 and Brian Barth is your Fort Worth District engineer. The
14 two chairs work for them, Ricardo Gonzalez from the Fort
15 Worth District and Michael Woodruff from the Dallas District
16 chair the Snow and Ice Committee for these special events.
17 You permit them to exercise additional equipment or needs,
18 depending on the weather. Phone calls were occurring every
19 morning, with regard to this, and I know Mr. Barton, you
20 served on those calls, as well.

21 We put together a lanyard that has the national
22 championship game on it. We have some for you as
23 commissioners. We made 300 of them. After today, we will
24 deliver these to the Fort Worth and Dallas Districts for
25 them to have a small token of our appreciation for their

1 dedicated service with regard to safety and reliability for
2 special events. And thank you for the support you give
3 those areas of the state that do have special events. And
4 on the back -- I apologize for the small print -- look at
5 the news media that TxDOT got as we all planned and
6 exercised your capabilities on these national showcase
7 events.

8 So, Mr. Weber, thank you for the time that you
9 gave me here today. But I'm here today -- people have asked
10 me, How much money are you going to try to take and are you
11 leaving any for the rest of us? No financial requests, I'm
12 here to really applaud the dedicated TxDOT employees that
13 help us every single day. Thank you very much.

14 (Applause.)

15 GENERAL WEBER: Thank you, Michael.

16 With that said -- again, thanks Michael --
17 Chairman, I'll turn it back to you.

18 MR. LEWIS: Thank you, General.

19 It is our tradition to begin each meeting with the
20 comments from each of our very hard-working and dedicated
21 commissioners. We begin with the most junior, except for
22 me, most junior member, Mr. Bugg.

23 Commissioner Bugg, would you introduce yourself
24 and give us your comments.

25 MR. BUGG: Thank you, Chairman Lewis.

1 It is a great honor to be here today. I'm looking
2 out at the audience and I have to tell you that I really
3 look forward to getting to know ya'll much better and
4 understanding your views of how to improve the Texas
5 transportation system.

6 My name is Bruce Bugg, as Chairman Lewis just
7 mentioned. I'm from San Antonio. I was trained as a tax
8 lawyer, but I retired from law practice in 1995 and went
9 into the private business sector. And so I've worked in
10 building companies, and then the last couple of years, I've
11 really been working more and more in the philanthropic area,
12 and I'm chairman of seven organizations right now in the San
13 Antonio area.

14 And if there's anyone from San Antonio out there,
15 besides Mario Jorge -- Mario is our district engineer in San
16 Antonio as some of you may know -- we just completed the
17 construction of the Tobin Center for the Performing Arts,
18 which I was co-founder and chairman. And I mention that
19 only because that was a collaboration between Bear County,
20 the City of San Antonio and the private sector. And so I
21 hope to bring some of those real-life experiences to the
22 table as a commissioner of the Texas Transportation
23 Commission.

24 I'm certainly honored and privileged to have been
25 appointed by Governor Abbott, and I'm going to work real

1 hard to earn that trust every day that I serve as a
2 commissioner for the state of Texas. It's an awesome
3 opportunity to represent the 12,000 employees of TxDOT, and
4 listening to the opening remarks, I believe there's a real
5 sense of family between TxDOT and our very loyal
6 hard-working employees of TxDOT.

7 So I'm going to work hard to represent them well,
8 but at the same time, we have to also remember that we're
9 basically representing the taxpayers of the state of Texas.
10 So we're going to work on not only representing the
11 employees so diligently, because they work so diligently for
12 us, but also, represent the interests of the taxpayers of
13 the state of Texas. So we're going to try to get these
14 dollars out in a very efficient way to improve our
15 transportation system, but at the same time, stretch your
16 tax dollars as best we can.

17 So, thank you, Chairman Lewis, and I want to say
18 that I really feel honored to be joining my fellow
19 commissioners and you, Chairman Lewis. Thank you.

20 MR. LEWIS: Thank you very much, Commissioner.
21 Commissioner Vandergriff?

22 MR. VANDERGRIFF: Well, it's kind of my custom,
23 I'll just make sure you understand two things. One, I'm
24 very delighted to work with Chairman Lewis and Commissioner
25 Bugg. I'm looked forward to that, and continuing service

1 with Commissioners Austin and Moseley. And with that, I
2 will just reserve my comments. I'm happy to be here.

3 MR. LEWIS: Thank you, sir. It's a pleasure to be
4 working with you.

5 Commissioner Moseley?

6 MR. MOSELEY: Thank you, Chairman Lewis.

7 I wanted to join my colleagues, Commissioner
8 Vandergriff and Commissioner Austin, in welcoming you,
9 Chairman Lewis and Commissioner Bugg to your first official
10 meeting as members of the Texas Transportation Commission.

11 From the bench to the House chamber and now to the
12 Greer Building, Chairman Lewis, you've proven yourself as a
13 strong leader. You're statesman like in your approach and
14 judicious in your decisions and I look forward to continuing
15 my service on this commission with you as chair.

16 Commissioner Bugg, welcome to the commission.
17 With major funding decisions on the horizon, I know you're
18 going to bring a strong perspective and a passion for
19 economic development, so I look forward very much to working
20 and collaborating with you.

21 MR. BUGG: Thank you.

22 MR. MOSELEY: This is going to be a very wonderful
23 meeting today to have these two new members, and also to
24 look at some of the decisions related to Prop 1. As
25 Commissioner Bugg alluded, we start to put the money to work

1 for the taxpayers of the state.

2 And, Chairman, I just also wanted to just talk
3 very briefly about the re-appointment of Larry Kelley.
4 Larry Kelley has agreed to come back and serve on the Port
5 Authority Advisory Committee, and today we are going to
6 receive his credentials. Larry Kelley serves at the port of
7 Port Arthur and I am very pleased that he is coming back to
8 serve on this very important advisory committee to the
9 commission.

10 There might even be some of the Port Advisory
11 Committee members here, and if they're here, I would like to
12 thank them publicly for their service.

13 Thank you, Chairman.

14 MR. LEWIS: Thank you, very much.

15 Commissioner Austin?

16 MR. AUSTIN: Mr. Chairman, welcome. I look
17 forward to serving with you, and I don't know if ya'll
18 noticed a few minutes ago I think they took a big breath.

19 (Laughter.)

20 He's gotten past the opening and here we are
21 getting everything organized, and I know over the last
22 couple of weeks you and Commissioner Bugg have been getting
23 organized. And we were sitting in a briefing yesterday was
24 like drinking water out of a firehose. Don't worry, there's
25 not a handle to turn it off, so just get ready to roll.

1 (Laughter.)

2 Commissioner Bugg, after a visit with Mario, your
3 district engineer, I think he properly explained to you the
4 protocol for seniority in the San Antonio District.

5 For those of ya'll that don't know what we're
6 talking about, something that Mario put in place down in
7 Yoakum, the senior-most person who rides with him in the
8 vehicle has to pick up debris of all kinds and carcasses off
9 the road. So I know you'll be traveling the district well.

10 (Laughter.)

11 But happy to have a fellow banker --

12 MR. BUGG: We might have to take separate cars.

13 (Laughter.)

14 MR. AUSTIN: But I'm happy to have a fellow banker
15 on the commission. I know we'll be working together on the
16 Audit Committee, as well, and a fellow Mustang.

17 But as we look at this, you know, I'm looking
18 through the audience and when Commissioner Meadows retired
19 from the commission, he kept popping up. I think last month
20 I accused him of having a parking spot out there. So I'm
21 looking for Houghton. I hope he's watching. I don't see
22 him coming around just yet, but I'm sure -- where's Ted?

23 This last month, Commissioner Moseley and I had an
24 opportunity to participate in The Texas Lyceum panel, you
25 know, keeping the Texas miracle alive. And that is true,

1 because as we look at what we're doing, we are a Department
2 of Transportation; we're not just a Highway Department. As
3 we look at bringing goods and services in and out of our
4 ports, we look at being multimodal, keeping our airports
5 moving, working with our freight partners, we have to keep
6 that in mind with what we're doing.

7 Now, doing this, there's one person I would like
8 to recognize who's helped us do a lot of projects. I hope
9 he's here. Is Marshall Crawford here? I know Marshall is
10 retiring from J.P. Morgan. He has been a great asset in
11 working with us. Since 2007, he was involved in financing,
12 direct and indirect; senior manager of five billion in
13 projects, and co-manager of five billion. And I want to say
14 that they have brought together a lot of savings of being
15 good stewards of our dollars. So, Marshall, thank you for
16 your service and everything that you've done working with
17 us.

18 On another note, I had the opportunity a couple of
19 weeks ago to go visit with U.S. Congressman Brian Babin.
20 He's a new member of the T&I Committee, Transportation and
21 Infrastructure Committee in the House from Texas. He lives
22 in the Woodlands, but also represents a part of East
23 Houston, the Port, Pasadena. But he toured with our staff,
24 many of the projects that are going on down there and he
25 talked about the importance of what we do and the importance

1 of funding. That's important because this last week there
2 was a bill a little bit unknown, but recently discovered
3 resolution in one of the House reports that says they're
4 going to look at cutting federal highway funding thirteen
5 billion. Thirteen billion. The impact to Texas is going to
6 be magnificent.

7 Now, what that means for us, as we look across the
8 street, Mr. Chairman, as we look, there's a lot of bills
9 that are trying to help funding. We look forward to those
10 because in Texas, I feel we need to control our own destiny
11 and not rely on Washington.

12 So, with that, this is my final-four bracket and
13 there's a lot of Xs on here. And maybe we should asking
14 SLA, our State Legislative Affairs, to fill out our
15 final-four bracket for funding. We need all of them, but
16 we'll see how that goes.

17 (Laughter.)

18 But, Mr. Chair, if Commissioner Underwood were
19 here, with all due respect, he would probably make some
20 comment, but he did kind of whisper in my ear to share with
21 you that there's two good theories to argue with the
22 Legislature; neither one of them work.

23 (Laughter.)

24 Good luck. And I look forward to working with
25 you.

1 MR. LEWIS: Thank you, Commissioner.

2 And to all of you, wonderful thoughts, and boy
3 does that sound like Fred. He may be gone, but he's still
4 with us.

5 So, to introduce myself, as I have, I'm Tryon
6 Lewis. I was appointed by Governor Abbott to serve on this
7 commission on February the 13th, 2015. The governor
8 appointed me as the chair on March the 18th, 2015. It was a
9 great honor to be appointed.

10 As I met each of the commissioners I would serve
11 with, of course, the thought I took away was, "What in the
12 world am I doing here?" These are world-class, and as far
13 as I'm concerned, talents. And it's going to be an
14 absolutely humbling honor to work with each of you, and I'll
15 try to keep up with the standard that you have set and I
16 know that Bruce will set. But it is a little bit like we
17 have four tuxedos and one pair of brown shoes, but I'll try
18 to do my best to do my part.

19 And that is so important for all of us because
20 when you're here in this building and you work around the
21 people with Texas Department of Transportation, you are
22 absolutely in awe. Anyone would be. If you are in this
23 building and you spend any time and you see how hard
24 everybody works, how much they think about what has been
25 mentioned here, safety, the safety of the public, the safety

1 of the employees of this department, how hard they work
2 about making every dollar stretch, you just feel very good
3 about Texas and the future of Texas.

4 I don't want to pass -- this is going on long, but
5 I don't want to pass this gavel back to the general without
6 also mentioning the private sector, whom many of you here in
7 this room represent. None of this gets done without the
8 private sector, from the construction, the consulting, the
9 planning help, and as well as the financing of it, it is all
10 very important to us. And we also want to thank you and
11 bear that in mind.

12 Since I do want to keep very good relations in the
13 most important part of my wife, I do want to mention that my
14 wife Trudy is in the audience, and, Trudy, if you wave your
15 hand; Trudy is a retired schoolteacher. And, you know, I
16 get the job and Trudy suffers all the inconveniences of it
17 without any of the sort of honors of it, to the extent that
18 there are those, and I want to thank Trudy for all of her
19 selfless help. Thank you.

20 (Applause.)

21 Let's see, let me get back on script here. Our
22 first order of business is the approval of the minutes from
23 the February 26th, 2015 regular meeting of the Texas
24 Transportation Commission. Members, the draft minutes have
25 been provided in your briefing materials. If there are no

1 comments or questions about the materials, I will ask for a
2 motion to approve the minutes.

3 MR. AUSTIN: Move as approved.

4 MR. LEWIS: All right. Commissioner Austin has
5 moved to approve the minutes.

6 MR. MOSELEY: Second.

7 MR. LEWIS: Commissioner Moseley has seconded that
8 motion.

9 All in favor, say "aye."

10 (Chorus of "Ayes")

11 MR. LEWIS: Any opposed say "nay."

12 (No audible response.)

13 MR. LEWIS: The motion carries.

14 With that, General, I'm going to turn the agenda
15 over to you to work through today's business.

16 GENERAL WEBER: Thank you, Chairman.

17 And we'll continue with Item 3, and we have a
18 resolution for retiring Yoakum District Engineer Paul
19 Frerich, and our deputy executive director, John Barton,
20 will present this resolution.

21 Thank you. John?

22 MR. BARTON: Thank you, General Weber, and
23 Chairman Lewis, and Members of the Commission. Again, for
24 the record, my name is John Barton.

25 And I have the privilege and honor of sharing with

1 Paul Frerich, our retiring district engineer from the Yoakum
2 District, a resolutions that been prepared on your behalf,
3 for Paul. Before I do that, I wanted to take this
4 opportunity to recognize some of our most distinguished
5 guests with us this morning. Paul has with him his wife
6 Pam; they've been married for 31 years, and she's been, much
7 as you've said, Chairman Lewis, Paul gets all the
8 recognition and she put up with all the inconveniences.

9 (Laughter.)

10 Paul's family has sacrificed a lot for him to
11 serve the Department and the State of Texas during his time
12 with the Department and it includes his two daughters, Emily
13 and Michelle. And Emily's husband, Brandon, I believe was
14 not able to join us this morning, but the most special guest
15 with us, who has been lifting up our spirits this morning
16 with her vocal acuity is Hannah, their one-year-old
17 granddaughter. So, would you please join me in showing our
18 appreciation to Paul's family?

19 (Applause.)

20 I would like to share with you, before I read the
21 resolutions that Paul has been a valued employees of the
22 Department for now, 31 years, and in my time of knowing
23 Paul, as I was able to become familiar with him over a
24 decade ago, Paul has been one of the most consummate
25 professionals, always focused on doing what was right and

1 important for the safety of our employees and for the
2 traveling public, helping us achieve higher levels of
3 excellence in our traffic operations and transportation
4 planning activities, and most recently, led the activities
5 of our Yoakum District, I think, with much success and
6 honor. So it's with mixed emotions that I share with
7 resolution as Paul comes to the end of his career with the
8 Department, but will forever be near and dear to me as a
9 mentor, a friend, and a treasured colleague and a part of
10 the TxDOT family.

11 So, Paul, the Commission has prepared this
12 resolution for you. I'd like to read it for the audience's
13 benefit so they'll understand more fully, the contributions
14 that you've made to the state of Texas during your time with
15 the Department.

16 The resolution, Commissioners, reads as follows:

17 "Whereas the Texas Transportation Commission takes
18 great pride in recognizing Paul D. Frerich, P.E., for his
19 outstanding service to the Texas Department of
20 Transportation after a distinguished career of 31 years,
21 most recently as Yoakum District engineer;

22 And, whereas, Frerich earned his bachelor's degree
23 in civil engineering from the University of Texas at Austin
24 in 1983, and began his TxDOT career in 1984 as an
25 engineering assistant with the Yoakum District Office in the

1 traffic, maintenance and design sections;

2 And, whereas, in 1988, he was promote to do
3 district traffic engineer, and was named director of
4 transportation operations in 2000, director of
5 transportation planning and development in 2004;

6 And, whereas in 2012, Frerich was named Yoakum
7 District engineer, overseeing the planning, design,
8 building, operation, and maintenance of the state
9 transportation system in the eleven-county district;

10 And, whereas, Frerich was the 2011 recipient of
11 the distinguished Gibb Gilchrist Award in recognition of his
12 outstanding service in highway engineering, and in 2004 was
13 honored with the Richard H. Oliver Award for outstanding
14 service in the field of traffic operations and safety;

15 And, whereas, over his career he earned the
16 admiration of TxDOT employees as a knowledgeable engineer
17 with expertise in many years including traffic engineering
18 and transportation planning;

19 And, whereas, Frerich's engineering and management
20 talents have been recognized by the Department and helped
21 advance our mission to provide safe and reliable
22 transportation solutions for Texas;

23 And now, therefore, be it resolved that the Texas
24 Transportation Commission does hereby extend its sincerest
25 best wishes to Paul D. Frerich, P.E., in recognition of his

1 professional achievements in a career of loyal service on
2 behalf of the State of Texas and its citizens, presented
3 this day, Thursday, the 26th day of March, 2015."

4 Paul, congratulations and thank you for your
5 service.

6 (Applause.)

7 It's also my honor to share with you that Senator
8 Lois Kolchorst has strong feelings and emotions and
9 admiration for Paul and his service and has penned a
10 resolution from the Senate of the State of Texas honoring
11 Paul for his career. It has not been able to make its way
12 through the Office of the Lieutenant Governor for signature,
13 and, therefore, I'm not able to present it today, but, Paul,
14 we'll make sure you get that as soon as it's been made
15 available to you.

16 And I think it says a lot about Paul's service to
17 know is that his home senator felt strongly enough to take
18 time to have that resolution penned in his honor.

19 Paul?

20 (Applause.)

21 MR. FRERICH: Thank you, John.

22 Well, for the record, I am Paul Frerich. I'm the
23 Yoakum District engineer for a couple more days.

24 Chairman Lewis, Commissioners, General Weber, I
25 would just like to say thank you. John has already

1 introduced my family, and I see Hannah back there. She's my
2 biggest fan, I think.

3 In looking back over 31 years, there's several
4 people and several things I'd like to say. The first being,
5 Ben Behoosla (ph), he was the district engineer in Yoakum.
6 He was the one that hired me. He gave me a call one day and
7 asked me if I wanted to come and work for Yoakum. I had to
8 look up Yoakum on the map to see where it was.

9 (Laughter.)

10 That was a little over 31 years ago and I have
11 been in Yoakum ever since. And I cannot say enough for Ben,
12 for what he did for me and for the Yoakum District. He
13 allowed us to work in the Yoakum District and I cannot say
14 thank you enough to him

15 The district engineers I have worked for in the
16 Yoakum District have just been outstanding, and there's a
17 couple words I'm going to say, probably several times, one
18 is "best" and the other one is "blessed," but I have been
19 blessed to work for TxDOT. I have been blessed to work for
20 the Yoakum District. Looking back over the district
21 engineers, looking at, you know, starting with Mike Behrens,
22 he always gave us -- he was always standing there with us
23 when we were young engineers, but he gave us the authority
24 to stand up and speak for TxDOT. I think he always tested
25 us before we went out and spoke, but he gave us the

1 opportunity to speak and was there with us and really let us
2 grow as engineers. And throughout the years, all of the
3 district engineers have been like that.

4 Most of the district engineers, when I hear them
5 speak at their retirements, they all say that they worked
6 for the best district or worked in the best district. I am
7 here to say that Yoakum is the best district, and I was
8 trying to think of how could I really convince the other
9 district engineers that Yoakum really is the best? And the
10 only thing that I could really think of that might convince
11 them is that I have worked in the Yoakum District for 31
12 years -- that's the only district I've ever worked in -- and
13 for John, about three years ago, to give me the opportunity
14 to be the district engineer, it's not me. I do not look
15 good on my own at all; the other district engineers will
16 probably agree to that.

17 But the people I worked with over those 31 years
18 made me look good. Made me look good enough, I guess, for
19 John to give me this job. And so that is why I say that the
20 people of the Yoakum District are the best. And I see it in
21 their eyes whenever they are -- whenever there's a
22 challenge, and we have had a few challenges throughout the
23 last two or three years, whenever there's a challenge, they
24 want to do the right thing. They don't want to complain --
25 yes, they might give their opinion on something that's not

1 working, but when you look into their eyes and see that they
2 want to get the job done, it's not because they're
3 complaining; they're not upset because they have to do
4 something. They want to get the job done, and that's why I
5 say the Yoakum District is the best, and I have been blessed
6 to work with them for 31 years

7 I've been blessed, you know -- uh oh, it looks
8 like Hannah left -- but TxDOT has given me the opportunity
9 to raise that family, and I have so thankful that I have
10 been able to work at TxDOT and raise that family and be able
11 to be at all the school events, the sporting events, and we
12 are truly blessed to work with an agency that allows us to
13 do that.

14 I didn't always think that I wanted to work for
15 TxDOT. I remember when I graduated from school my father
16 said, "Paul, I sure wish you get on with the Highway
17 Department." I didn't think too much of that, and after a
18 few interviews and after a few rejection letters, TxDOT
19 looked better and better. And I will have to say that my
20 father is the wisest man that I have ever known. He knew,
21 not only in this respect, but he had his priorities
22 straight. Always had his priorities straight. And he saw
23 that working for the Highway Department would allow me time
24 to be with those people.

25 And I thank ya'll for giving me the opportunity to

1 work here. John, thank you for giving me the opportunity to
2 be the district engineer, and I have truly been blessed for
3 that. Thank you.

4 (Applause)

5 MR. LEWIS: Commissioners, are there any comments
6 before we take our photograph here?

7 MR. AUSTIN: Paul, working down in Yoakum, you
8 have been in one of the areas dealing with anything from
9 ocelots to hurricanes to droughts, but also with the
10 fastest-growing regions in the state and in the country.
11 And with all your help on Interstate 69, your legacies will
12 be there.

13 Now, I know you said a lot of great things about
14 John Barton, but I appreciate you being a little
15 independent. And maybe there's some things that John could
16 learn from you.

17 (Laughter.)

18 John, take note of that burnt orange shirt.

19 (Laughter.)

20 MR. LEWIS: Thank you for those wonderful
21 comments.

22 We're going to take a picture right now, so bear
23 with us while we get our pictures taken, so, Commissioners,
24 let's go down and have our picture taken.

25 (Whereupon, photographs were taken.)

1 MR. LEWIS: General?

2 GENERAL WEBER: Okay. Let us continue.

3 Next up is Item 4, appointment to our Port
4 Authority Advisory Committee. Our Maritime Division
5 director, Dan Harmon will present.

6 MR. HARMON: Good morning. General Weber, thank
7 you. Chairman Lewis, Commissioners, good morning.

8 For the record, my name is Dan Harmon; I am the
9 director of TxDOT's Maritime Division.

10 This minute order is to reappoint Mr. Larry Kelley
11 from the port of Port Arthur to a three-year term to the
12 Port authority Advisory Committee. He meets the statutory
13 requirements and staff recognizes approval.

14 MR. LEWIS: I was going to ask you if there were
15 any comments, but there are not.

16 MR. MOSELEY: So moved.

17 MR. LEWIS: We have a motion by Commissioner
18 Moseley to approve the motion and the appointment of Larry
19 Kelley.

20 MR. AUSTIN: Second.

21 MR. LEWIS: Commissioner Austin seconds the
22 motion.

23 Gentlemen, all in favor say "aye."

24 (Chorus of "Ayes")

25 MR. LEWIS: Any opposed say "nay."

1 (No audible response.)

2 MR. LEWIS: The motion carries.

3 MR. AUSTIN: Is he here today, by chance?

4 MR. HARMON: He is not. He had business in
5 Louisiana today, sir.

6 MR. AUSTIN: All right.

7 MR. LEWIS: Thank you, sir.

8 GENERAL WEBER: Next is Item 5, the designation of
9 I-69. Transportation Planning and Programming Division
10 Director James Koch will present.

11 James, thank you.

12 MR. KOCH: Good morning, Mr. Chairman,
13 Commissioner Members, and General Weber.

14 For the record, my name is James Koch,
15 Transportation Planning and Programming Division director
16 for TxDOT.

17 Item 5 is a minute order designating an 11.9 mile
18 segment of US 59 at Harris County from the existing I-69
19 terminus at I-610 North and I-610 West in the city of
20 Houston. In accordance with Appendix B to 23 CFR, Part 470,
21 Subpart A, in the policies of the Federal Highway
22 Administration and the American Association of State Highway
23 and Transportation Officials, the Department has made the
24 request to designate a segment of US 59 from I-610 North and
25 I-610 West in Houston as part of the United States

1 Interstate Highway System.

2 Before this segment can be added to the interstate
3 system, AASHTO must approve the Department application to
4 recognize and number the highway segment as part of the
5 interstate system. This application was approved at the
6 2014 AASHTO spring meeting.

7 Furthermore, FHWA must confirm that the highway
8 segment meets the applicable FHWA interstate designation
9 regulations and criteria and approve any associated design
10 exception requests. Upon confirmation, the FHWA
11 administrator must take action to approve the addition of
12 the highway segment to the interstate system.

13 The FHWA administrator approved this segment on
14 March 9th, 2015. Designation of this segment would complete
15 the I-69 System in Harris County and bring the total mileage
16 of I-69 to 153 miles.

17 Staff recommends approval of this highway segment,
18 as shown in Exhibit A, to be designated on the state highway
19 system, concurrent with the existing route number.

20 MR. LEWIS: Commissioners, are there any questions
21 of Director Koch at this time?

22 MR. AUSTIN: I want to say thank you very much to
23 those that have worked for this and to AASHTO, and John, to
24 your team, Carlos, Russell, Marc.

25 This 153 miles, if you think about this, going

1 back three years, we had zero miles. The first lane of
2 seven we put in place in Robstown and here we go. I am
3 excited. There's a lot of different pieces that are being
4 worked on.

5 Next month, Commissioner Moseley and I are going
6 to be in D.C. with the I-69 Coalition. This is going to
7 represent all the states along the I-69 corridor, and
8 everybody keeps looking at what Texas is doing. Well, here
9 we go, we are continuing to move I-69 forward. This is our
10 port-to-port connector.

11 And with that, Mr. Chairman, I make a motion we
12 approve.

13 MR. LEWIS: And do we have a second?

14 MR. MOSELEY: Second, Chairman.

15 MR. LEWIS: Commissioner Moseley has a second.

16 Any other discussion, Commissioners?

17 (No audible response.)

18 MR. LEWIS: If not, all in favor of the motion
19 please say "aye."

20 (Chorus of "Ayes")

21 MR. LEWIS: Any opposed?

22 (No audible response.)

23 MR. LEWIS: Being unanimous, then the motion
24 carries.

25 Thank you very much, Director, for coming forward.

1 GENERAL WEBER: Next is Item 6(a)(1), final
2 adoption of amendments to Chapter 9. Contracts and Grant
3 Management Chief of Procurement & Field Support Operations
4 Lauren Garduño will present.

5 Lauren, thank you.

6 MR. GARDUÑO: Thank you, General.

7 Good morning, Chairman, Commissioners.

8 For the record, my name is Lauren Garduño, and I'm
9 the chief of procurement & field support operations for the
10 Texas Department of Transportation.

11 This minute order proposes the adoption of revised
12 Sections 9.31 and 9.34 of the rules for contracting for
13 architectural engineering and surveying services. A little
14 over a year ago, the Department created the Professional
15 Engineering Procurement Services Division by consolidating
16 functions that were once performed under various districts,
17 divisions and regions. One of the functions transferred to
18 the PEPS Division was the review and approval of indirect
19 cost rate, which was previously performed by our Audit
20 Office.

21 The proposed amendment, if adopted by this
22 commission will remove the term "Audit Office" within these
23 rules and replace it with "the Department," so that
24 organizational changes that occur within the department will
25 not necessitate a rule change. This change is consistent

1 with the approach used in other department rules. This
2 amendment was proposed before this commission at the
3 December 18th, 2014 meeting. It was posted in The Texas
4 Register on January 2nd, 2015. The Department received no
5 comments regarding this rule to the division and the staff
6 recommends approval.

7 MR. LEWIS: Thank you, sir.

8 Are there any questions for Mr. Garduño on this
9 matter?

10 (No audible response.)

11 MR. LEWIS: If we don't have any questions, then,
12 Commissioner Vandergriff, is there a motion for final
13 adoption of the amendments to Chapter 9 rules in accordance
14 with the staff recommendation?

15 MR. VANDERGRIFF: So moved.

16 MR. LEWIS: And, Commissioner Bugg, did you second
17 that motion?

18 MR. BUGG: Second it.

19 MR. LEWIS: All right. We have a motion and a
20 second with regard to that.

21 All in favor, please say "aye."

22 (Chorus of "Ayes")

23 MR. LEWIS: Any opposed?

24 (No audible response.)

25 MR. LEWIS: All right. Thank you.

1 Unanimously, it's adopted. Thank you, sir.

2 MR. GARDUNO: Thank you, sir.

3 MR. LEWIS: General, back to you.

4 GENERAL WEBER: Next is Item 6(a)(2), final
5 adoption of new Section 25.28 in Chapter 25 of our Traffic
6 Operations. Our Traffic Operations director, Carol Rawson
7 will present.

8 Carol?

9 MS. RAWSON: Good morning. I'm Carol Rawson, the
10 director of the Traffic Operations Division.

11 The minute order before you adopts a new section
12 of the Texas Transportation Code regarding reducing speeds
13 on roadways with a greater than average crash rate. These
14 new rules give the Department the flexibility to quickly
15 review existing speed limits on certain roadways and have
16 the Commission alter the speed limit on these roadways when
17 change is necessary for safety reasons.

18 These new rules will streamline the alteration of
19 speed limits on roadways that have a crash rate higher than
20 the statewide crash rate for similar road types. Current
21 rules require a speed zone study and stripmap development
22 which often take months to complete. The streamlined
23 process eliminates the need for a full-speed study and a
24 stripmap development in order to move more quickly to
25 address increases in traffic crashes due to various factors

1 including higher volumes of traffic and reduced maintenance
2 funds.

3 No public comments were received on these new
4 rules and the staff recommends approval of the minute order.

5 MR. LEWIS: All right. Thank you.

6 Members, are there any questions of Director
7 Rawson, with regard to this matter?

8 (No audible response.)

9 MR. LEWIS: Then if there are no questions,
10 Commissioner Bugg, do you have a motion, with regard to
11 final adoption of the new Section 25.28 in accordance with
12 the staff's recommendations?

13 MR. BUGG: Yes, Mr. Chairman. I so move.

14 MR. LEWIS: And Commissioner Vandergriff, do you
15 second?

16 MR. VANDERGRIFF: Second.

17 MR. LEWIS: All right. We have a motion by
18 Commissioner Bugg for adoption of these and Commissioner
19 Vandergriff has seconded the motion. I'll call for a vote.

20 All in favor, please say "aye."

21 (Chorus of "Ayes")

22 MR. LEWIS: Any nays?

23 (No audible response.)

24 MR. LEWIS: There are no nays; therefore, the
25 motion is adopted.

1 Thank you, Director, for presenting that to us.

2 GENERAL WEBER: Carol, please continue with
3 6(b)(1), proposed adoption of amendments to Chapter 7, rail
4 facilities. Thanks.

5 MS. RAWSON: Once again, good morning.

6 I'm Carol Rawson, director of TxDOT's Traffic
7 Operations Division.

8 The minute order before you proposes amendments
9 concerning rail safety. During a reorganization of the
10 Department's responsibilities, all rail investigation
11 functions for the State Rail Safety Participation Program
12 were moved from TxDOT's Rail Division to the Traffic
13 Operations Division.

14 The proposed amendments are necessary to correct
15 the references to the appropriate division and correct
16 non-substantive typographical errors. With your approval,
17 we will post these proposed amendments to The Texas Register
18 for public comment.

19 Staff recommends approval of the minute order.

20 MR. LEWIS: Commissioners, do we have any
21 questions of Director Rawson, with regard to this matter?
22 Commissioner Austin?

23 MR. AUSTIN: I have one comment and it's an
24 unfortunate comment dealing with safety, and I appreciate
25 the efforts and what ya'll are doing to better bring more

1 attention.

2 Last week, the week before last, I was in my
3 office in Jacksonville and I heard ambulances and sirens
4 take off and go. And what happened -- this was during the
5 day -- unfortunately, a young man was walking along the
6 railroad tracks and he had headphones on and he perished.

7 I was going to say that we talk a lot about
8 traffic safety, but it's also pedestrian safety and looking
9 out, and sometimes we need to use common sense, but also be
10 aware of what's going on around the railroad tracks. And I
11 thank ya'll for your continued -- we bring so much attention
12 to roadways, but we need to pay attention at the railroad
13 crossings, as well.

14 MS. RAWSON: Exactly.

15 MR. LEWIS: Thank you, Commissioner.

16 Commissioner Bugg, I think you have a comment?

17 MR. BUGG: No, I would like to make a motion to
18 approve, Mr. Chairman.

19 MR. LEWIS: All right. Thank you.

20 Commissioner Bugg moves to approve.

21 MR. AUSTIN: Second.

22 MR. LEWIS: Commissioner Austin has seconded, and
23 this is the motion to approve the proposal of amendments to
24 Chapter 7, in accordance with the staff's recommendation.

25 That's your motion, Commissioner Bugg?

1 MR. BUGG: Correct.

2 MR. LEWIS: All right. If we're ready for a vote,
3 then all in favor please say "aye."

4 (Chorus of "Ayes")

5 MR. LEWIS: Are there any nays?

6 (No audible response.)

7 MR. LEWIS: There are no nays; therefore, the
8 motion carries.

9 Thank you so much, Director. I appreciate it.

10 General?

11 GENERAL WEBER: Item 7 is our Compliance Office
12 Report and our chief audit and compliance officer, Benny
13 Ybarra, will present.

14 Benny?

15 MR. YBARRA: Thank you, sir. Good morning.

16 For the record, I am Benito Ybarra, chief audit
17 and compliance officer for the Texas Department of
18 Transportation. The purpose of this report is to provide a
19 summary of investigations, activities for the month of
20 February, 2015, in accordance with Transportation Code
21 201.452 and 201.454.

22 Thirteen allegations were assigned for
23 investigations in February. Four were closed. None of
24 these were substantiated. No further action is recommended.

25 GENERAL WEBER: Thanks, Benny.

1 MR. YBARRA: Thank you.

2 GENERAL WEBER: Next is Item 8, our State
3 Infrastructure Bank. Innovative Financing Debt Managing
4 Officer Ben Asher will present.

5 Ben, thank you.

6 MR. ASHER: Good morning, Chairman, Commissioners,
7 General Weber.

8 For the record, I'm Ben Asher; I'm the innovative
9 financing/debt management officer, here at TxDOT.

10 This item is to consider final approval of an
11 application submitted by the Poynor Community Water Supply
12 Corporation to borrow up to \$650,000 from the State
13 Infrastructure Bank to pay for water utility relocations
14 required for four and a half miles of US 175, as a result of
15 planned improvements to widen it.

16 Staff recommends approval and I would be happy to
17 answer any questions.

18 MR. LEWIS: Commissioners, are there any questions
19 of Mr. Asher, with regard to this matter?

20 MR. AUSTIN: Mr. Chairman, I'm going to recuse
21 myself from this vote; I have relations with those folks
22 down in East Texas.

23 MR. LEWIS: All right. Thank you very much, sir.

24 Any other questions on this matter?

25 (No audible response.)

1 MR. LEWIS: Do we have a motion to approve the
2 request by Poynor Community Water Supply Corporation to
3 borrow funds from the State Infrastructure Bank?

4 MR. MOSELEY: Motion.

5 MR. VANDERGRIFF: Second.

6 MR. LEWIS: I believe Commissioner Moseley has
7 moved and we approved the request. Commissioner Vandergriff
8 has seconded that, and Commissioner Austin has recused
9 himself from this particular vote; therefore, the others
10 will be voting.

11 All in favor, please say "aye."

12 (Chorus of "Ayes")

13 MR. LEWIS: Any opposed, "nay"?

14 (No audible response.)

15 MR. LEWIS: Therefore, the motion carries.

16 Thank you, sir.

17 MR. ASHER: Thank you.

18 GENERAL WEBER: Thanks, Ben.

19 Item 9(a) consists of the awarding of contracts
20 for maintenance and department building construction
21 contracts. Our director of construction, John Obr, will
22 present.

23 John?

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

1 Item 9(a) is for consideration of the award or
2 rejection of highway maintenance and department building
3 construction contracts let on March 5th and 6th of 2015.

4 We present 40 projects today. The average number
5 of bids per project was 3.05. The low-bid value was
6 \$54,159,065.04. We had an overall underrun of 8.69 percent.

7 Staff recommends award of all maintenance
8 projects.

9 MR. LEWIS: Commissioners, are there any questions
10 of Director Obr at this time?

11 (No audible response.)

12 MR. LEWIS: There being no questions or other
13 comments at this time -- and I don't believe there are any
14 cards that have been presented -- therefore, do we have a
15 motion?

16 MR. AUSTIN: So moved.

17 MR. LEWIS: Commissioner Austin moves that we
18 award the maintenance and department building construction
19 contracts listed in Exhibit A to the minute order.

20 MR. MOSELEY: Second.

21 MR. LEWIS: That has been seconded by Commissioner
22 Moseley.

23 If we're ready for the vote, all in favor, please
24 say "aye."

25 (Chorus of "Ayes")

1 MR. LEWIS: Any opposed?

2 (No audible response.)

3 MR. LEWIS: The vote being unanimous, then it
4 carries. Thank you, sir.

5 GENERAL WEBER: John, please proceed with
6 Item 9(b), our construction contracts.

7 MR. OBR: Thank you. Before I go into Item 9(b),
8 I wanted to report to the Commission that included in
9 Item 9(b) are nine Proposition 1 construction projects that
10 were let on March 5th and 6th. The average number of bids
11 per project was 3.4. The low-bid value was 52.2 million,
12 and we had an overall underrun of 2.56 percent or roughly
13 1.37 million. The engineer's estimate on those Prop 1
14 projects was 5.58 million.

15 In Item 9(b), it is for consideration of the award
16 or rejection of highway and transportation enhancement
17 building construction contracts let on March 5th and 6th.

18 We present 67 projects today. The average number
19 of bids per project was 4.04. The low-bid value was
20 \$223,648,496.61.

21 The awards are split as four projects in mobility,
22 totaling 26.3 million, and 63 projects in preservation,
23 totaling 197.34 million. We had an overall underrun of 2.11
24 percent.

25 Staff recommends award of all construction

1 projects.

2 MR. LEWIS: Commissioners, are there any questions
3 of the director or comments at this time?

4 Yes, Commissioner Austin?

5 MR. AUSTIN: John, some of these projects that are
6 listed here are part of the Prop 1 projects. I want to say
7 thank you to you, the design team, and also the MPOs of the
8 local districts of getting these projects ready to go
9 because that's important; the voters said, hey, we want to
10 pass this, now we need to get the funds out.

11 One comment, I noticed we are under -- we came in
12 at 2 percent under, which is great because the last few
13 months we have been a little over. But one concern I have
14 is that we are beginning to hear rumblings of some of the
15 aggregates, the increase and availability of the aggregates
16 in certain parts of the state; that could potentially
17 increase future costs.

18 MR. OBR: Yes, sir.

19 MR. AUSTIN: And I say that the construction cost
20 index for the last few years has been averaging 4 to 7
21 percent increasing, so the sooner we can deliver these
22 projects, the lower our costs will be, to be better
23 stewards.

24 MR. OBR: Yes, sir.

25 MR. AUSTIN: And I just wanted to thank ya'll for

1 what you're doing, and with that, I'll make a motion.

2 MR. LEWIS: Commissioner Bugg, did you have
3 anything on this particular matter?

4 MR. BUGG: No, I just want to reiterate. I think
5 it's historic that we're funding out of Prop 1, and I'd be
6 honored to make the motion to approve.

7 MR. LEWIS: All right. Thank you very much.

8 Commissioners, are there any other questions; if
9 not, we'll proceed to a vote.

10 The motion is to award the highway and
11 transportation enhancement building construction contracts
12 listed in Exhibit A to the minute order; is that correct,
13 Commissioner Bugg?

14 MR. BUGG: Yes, sir.

15 MR. LEWIS: And we have a second by Commissioner
16 Austin.

17 If there's no other comment, then, I'll call for
18 the vote. All in favor, please say "aye."

19 (Chorus of "Ayes")

20 MR. LEWIS: Any opposed?

21 (No audible response.)

22 MR. LEWIS: Therefore, it's unanimous.

23 Thank you. Appreciate it, Director.

24 MR. OBR: Thank you.

25 GENERAL WEBER: That brings us to Item 10, the

1 eminent domain proceedings, and our director of right of
2 way, John Campbell will present.

3 John?

4 MR. CAMPBELL: Good morning, and welcome to the
5 TxDOT family, Commissioner Bugg and Chairman Lewis.

6 My name, for the record, is John Campbell; I'm the
7 director of the Right of Way Division, and I'd like to
8 present for your consideration, Item 10, which authorizes
9 the filing of condemnation proceedings necessary to progress
10 the acquisition of 35 parcels by exercise of eminent domain.

11 Fifteen of the parcels are non-controlled and 20
12 of the parcels are on controlled access facilities. The
13 staff recommends your approval of the minute order.

14 MR. LEWIS: First of all, Commissioners, are there
15 any questions of Director Campbell or are there comments?

16 (No audible response.)

17 MR. LEWIS: If there are no questions or comments,
18 then I believe that Commissioner Bugg has a motion to
19 present to us at this time.

20 MR. BUGG: Yes, Mr. Chairman.

21 I move that the Texas Transportation Commission
22 authorize the Texas Department of Transportation to use the
23 power of eminent domain to acquire the properties described
24 in the minute order set forth in the agenda for the current
25 month for construction, reconstruction, maintenance,

1 widening, straightening, or extending the highway facilities
2 listed in the minute order as a part of the state highway
3 system, and that the first record vote applies to all units
4 of property to be condemned.

5 MR. LEWIS: Thank you.

6 And, Commissioner Vandergriff, would you like the
7 opportunity to second that motion, rather than make it?

8 MR. VANDERGRIFF: Since this is the first
9 opportunity in two years for me to second this motion, I
10 will take full advantage of it.

11 MR. BUGG: You know, I kind of hate to take it
12 away from you, so I was going to hand it to you and let you
13 keep doing it.

14 (Laughter.)

15 MR. LEWIS: Okay. Commissioner Bugg has very
16 eloquently and extemporaneously I'm sure, made a motion and
17 presented it to us. Commissioner Vandergriff has seconded
18 the motion for adoption of the eminent domain proceedings,
19 in accordance with staff recommendations.

20 If there are no further comments, I'll call for
21 the vote. All in favor, say "aye."

22 (Chorus of "Ayes")

23 MR. LEWIS: Any opposed say "nay."

24 (No audible response.)

25 MR. LEWIS: There being no nays, then the motion

1 carries unanimously.

2 Thank you, sir.

3 MR. BUGG: Thank you.

4 GENERAL WEBER: Thank you, Chairman.

5 Item 11 contains the routine minute orders,
6 including donations to the Department, real estate
7 dispositions and donations, and speed zones.

8 MR. LEWIS: Commissioners, are there any questions
9 concerning the routine minute orders?

10 MR. AUSTIN: Mr. Chairman, I would like to
11 compliment staff. I know the last couple two or three
12 months, we've made some changes to the speed limits to help
13 traffic flow a little smoother without the stop and start.
14 I've heard many comments from the public appreciating
15 support. And thank ya'll for continuing to review these on
16 an ongoing basis.

17 MR. LEWIS: Any other comments?

18 (No audible response.)

19 MR. LEWIS: Is there a motion, Commissioner
20 Moseley, to approve the routine minute orders?

21 MR. MOSELEY: So moved, Chairman.

22 MR. LEWIS: And, Commissioner Bugg, do you second
23 that motion?

24 MR. BUGG: I do.

25 MR. LEWIS: We have a motion to approve the

1 routine minute orders; it's been seconded. I'll call for
2 the vote.

3 All in favor say "aye."

4 (Chorus of "Ayes")

5 MR. LEWIS: Any opposed say "nay."

6 (No audible response.)

7 MR. LEWIS: There are no opposed, therefore, the
8 motion is approved.

9 Folks, that does complete -- we do not have any
10 items for the executive session, so that concludes the
11 regular agenda. All the action items on the agenda are
12 completed.

13 We do have an item for the open comment period
14 today. It's the blue card, as we've mentioned before, and I
15 would request that Mr. Timothy Ingalls to please come
16 forward.

17 Mr. Ingalls, if you'll come up to the microphone.
18 After stating your name and if you're representing anyone,
19 who you represent, and then give us --

20 Oh, I'm sorry, do you need to start over? You got
21 it? Okay. I didn't turn on my microphone.

22 Sorry, Timothy. And if you will, after stating
23 your name and who you're here representing, give us the
24 benefits of your thoughts. Thank you.

25 MR. INGALLS: Thank you. My name is Timothy

1 Ingalls. I'm representing Share the Road Amarillo. I came
2 down -- and I would like to thank the chairman and the
3 commissioners for your time this morning.

4 I came down from Amarillo where my family has been
5 ranching for four generations and I apologize if I brought a
6 little bit of wind with me today. I am here to show my
7 support for the wise use of TAP funds. TxDOT has a budget
8 over \$12 billion this year which really makes our highways
9 and other transportation some of the best in the world, but
10 I would also like to say that people are finding small,
11 simple transportation solutions like walking and biking to
12 be a very cost-effective way of moving people around cities
13 and promoting a healthy lifestyle.

14 So \$35 million could really transform the
15 transportation in a community like Amarillo. We could
16 connect our Rails-to-Trails link out to the Santa Fe
17 railroad station; connect that to our medical center; to
18 Amarillo Creek. We could connect the four major high
19 schools in Amarillo with a safe, healthy transportation
20 network for young people, give them a great activity, and we
21 could give adults a safe way to exercise in between work and
22 promote health in neighborhoods. And we could give our
23 tourist base visiting Palo Duro Canyon a great way to --
24 another activity to do within town. So those are all the
25 things that are possible with \$35 million or we could

1 upgrade a few miles of highway or build a rest stop.

2 I studied economics in high school and college and
3 I always really enjoyed learning about marginal costs and
4 marginal benefit, so for our investment infrastructure, the
5 marginal benefit of \$35 million into a \$12 billion budget is
6 less than .01 percent; it's a very small amount. But the
7 same budget, \$35 million for a town -- you know, in
8 Amarillo, I think we spent maybe \$5 million in total for
9 these types of projects, so it would be a 700 percent
10 increase in the budget. It would be an absolute
11 game-changer for any of these transportation networks.

12 So I would very politely like to ask, you know,
13 where should we invest our marginal dollars? Should it be
14 into a drop-in-the-bucket or should it be into a
15 transportation transformation?

16 Thank you so much for your time.

17 MR. LEWIS: Thank you, Mr. Ingalls.

18 Commissioners, do you have any questions for
19 Mr. Ingalls at this time?

20 (No audible response.)

21 MR. LEWIS: I do want to thank you for coming down
22 here from Amarillo today. You're probably the only person
23 in Austin that thinks that this is a balmy, nice warm day.
24 But thank you for coming from Amarillo. We appreciate it,
25 and we do have some more cards.

1 Thank you, sir.

2 MR. INGALLS: Thank you.

3 MR. LEWIS: Let's see. We have, is it
4 Mr. Mayfield? Mr. Mayfield, if you would please come
5 forward to the microphone, and after stating your name and
6 who you represent, if you're here representing someone,
7 gives us the benefit of your comments, sir.

8 MR. MAYFIELD: I'm Durwood Mayfield from Lubbock.
9 Good to the Board; to you, General Weber; and to
10 Commissioner Austin [sic], we congratulate you on your
11 appointment as the chairman of the Texas Transportation
12 Commission.

13 As I said, I'm Durwood Mayfield from Lubbock. I
14 raised my children there. I owned my first shops --

15 MR. AUSTIN: For the record, it's Chairman Lewis.

16 MR. MAYFIELD: Chairman Lewis?

17 MR. AUSTIN: Yes. He's the chair.

18 MR. MAYFIELD: What'd I say?

19 MR. AUSTIN: You said Austin.

20 MR. MAYFIELD: Oh, did I?

21 MR. AUSTIN: Yeah.

22 MR. MAYFIELD: Sorry about that.

23 Our home is still in Lubbock and we still own
24 rental property there. We're members of the Turning Point
25 Church and West Texas Cycling Association. I'm semi-retired

1 and I am now the active transportation ambassador for
2 BikeTexas.

3 My request today is that the Commission directs
4 TxDOT to stop transferring Transportation Alternatives
5 Program money to other uses. Thirty-five million dollars a
6 year from the TAP fund, if used for pilot programs, could
7 transform a community like Lubbock. Combined with local
8 matching funds, the \$35 million could build out 200 miles of
9 protected bike lanes and 20 miles of a paved trail system
10 and two major pedestrian bridges to cross of the barriers
11 that we have created with some of our highways, such as Loop
12 289 in Lubbock.

13 I'm at the leading edge of the baby boomer
14 generation as we reluctantly begin to give up our driving
15 privileges and moving ourselves around, we need to have a
16 mobility option that we can age in our own homes. A
17 bicycle/pedestrian network would allow people like me and my
18 friends to still get around for shopping, visit the parks
19 and some of the senior centers. A benefit of this network
20 is that it would allow children to bike to school, instead
21 of being treated like cargo and hauled around.

22 This has had the unintended consequence of adding
23 to our obesity problem. The network could convince Tech
24 students who graduate to stay in Lubbock, instead of leaving
25 after they graduate. I heard a retired Army general say

1 that recently, 35 percent of our children are too fat for
2 military service. I'm proud to say that my son is a veteran
3 and when he enlisted, he was fit enough to serve because of
4 his activity.

5 Again, thank you very much for your time and
6 please stop allowing the flexing of \$35 million a year away
7 from the TAP and commit to using all of the TAP money for
8 bicycling and pedestrian uses. Again, thank you.

9 MR. LEWIS: Thank you, Mr. Mayfield.

10 MR. MAYFIELD: And thank you, General Weber, for
11 your service to your country that allows us the privilege to
12 come here and speak.

13 MR. LEWIS: Thank you, Mr. Mayfield.

14 Coming forward, we have an additional card from
15 Mr. Forbes. William Forbes, if you will, please come
16 forward. After stating your name and who you represent, if
17 you're here representing anyone, and then give us the
18 benefits of your comments.

19 MR. FORBES: Thank you, Mr. Chairman,
20 Commissioners, and General Weber. My name is William
21 Forbes. I'm from Steven F. Austin, the State University.
22 I'm not representing the University, but simply the
23 preliminary results that we're doing on livability. And I'm
24 an associate professor of geography at Steven F. Austin and
25 I teach and conduct research through the Sustainable

1 Community Development Program. Sustainable community
2 development involves balancing economic prosperity,
3 environmental stewardship and social well-being, also
4 referred to as the "triple bottom line."

5 Nacogdoches is a town of about 33,000 people with
6 roughly 13,000 students at the university, and you may know
7 we're located in the beautiful rolling hills of East Texas'
8 Piney Woods. The city has a number of small and
9 medium-sized industries, especially related to poultry and
10 feed processing. The city has a significant number of
11 low-income workers and it's racially and ethnically diverse.

12 This academic year I'm facilitating the
13 Nacogdoches Livability Study created through a contract with
14 the City of Nacogdoches and the University to develop
15 short-term projects and a long-term plan to improve
16 livability in Nacogdoches. The final report is due on
17 December 15th of this year.

18 Through a series of public outreach events and
19 case studies, we have learned that construction of
20 infrastructure for pedestrians and bicyclists is a high
21 priority among our constituents and can benefit them in many
22 ways. This desire has strategically been underscored by two
23 local pedestrian deaths in the last six months.

24 In fact, the City is currently preparing a grand
25 application for a modest, but key prioritized sidewalk and

1 bikeway construction projects through the current TxDOT Call
2 for Projects under the Transportation Alternatives Program,
3 or TAP. We understand additional TAP funding, up to about
4 \$35 million annually is available for pedestrian and bicycle
5 projects if TxDOT makes the decision to leave such funds in
6 the program.

7 If Nacogdoches could compete for and win a TAP
8 grant of up to \$35 million, these funds could be used to
9 build a complete walking and bicycling network in our
10 community. We could complete and connect two north/south
11 trail systems along Banita and Lanana Creeks, and construct
12 sidewalks and on-street bicycle tracks connecting key
13 residential university, school, retail, and employment
14 centers. Such amenities that enhance the quality of life
15 can help us attract businesses, entrepreneurs, students, and
16 a more educated workforce to Nacogdoches. Just like
17 roadways, these other transportation networks are most
18 effective when they are complete. We believe a complete
19 pedestrian-bicycle network will be fully used by all
20 segments of the Nacogdoches community.

21 I ask that the Commission consider committing the
22 full TAP funding for bicycle and pedestrian infrastructure
23 to those uses, rather than moving those funds to other uses.
24 Thank you for your time today.

25 MR. LEWIS: Thank you, Mr. Forbes.

1 That's all of the requests to appear before the
2 commission in open session that we have received.

3 Did anyone fill out a special request and for any
4 reason, we just didn't get it?

5 (No audible response.)

6 MR. LEWIS: Seeing none, then I do believe that
7 completes our business.

8 Commissioner Bugg, do you have a motion, with
9 regard to adjourning your first motion -- your first
10 meeting?

11 MR. BUGG: Yes, Mr. Chairman.

12 I make a motion that we adjourn today's
13 commissioners' meeting.

14 MR. LEWIS: Commissioner Vandergriff, do you
15 second that motion?

16 MR. VANDERGRIFF: I do, sir.

17 MR. LEWIS: All right. Then we'll all vote.

18 All in favor of adjourning say "aye."

19 (Chorus of "Ayes")

20 MR. LEWIS: Any opposed, nay?

21 (No audible response.)

22 MR. LEWIS: Then the motion carries.

23 I'll note for the record that it is 11:11. It is
24 11 minutes after 11:00 and 11 seconds, and therefore, I
25 declare the meeting to be adjourned.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

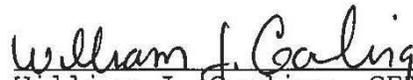
(Proceedings concluded at 11:11 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, WILLIAM J. GARLING, CET, certified electronic transcriber, do hereby certify that the foregoing pages 1 through 58 constitute a full, true, and accurate transcript from electronic recording of the proceedings had in the foregoing matter.

DATED this 1st day of April, 2015.


William J. Garling, CET
Certified Electronic Transcriber
CET**D-543