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TEXAS DEPARTMENT OF TRANSPORTATION
COMMISSION MEETING

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

Thursday
August 27, 2015
9:00 a.m.

COMMISSION MEMBERS:

Tryon D. Lewis, Chair
Jeff Moseley, Vice Chair
Victor Vandergriff
J. Bruce Bugg, Jr.

STAFF:

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

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P R O C E E D I N G

MR. LEWIS: All right everyone, thank you very much for your attention. It is -- it is now 9:01 a.m. I'll be going to call to order the August 27, 2015 meeting of the Texas Transportation Commission in Austin, Texas.

I will note for the record that the public notice of this meeting containing all items on the agenda was filed with the Secretary of State at 4:47 p.m. on August 19th, 2015, which is seven days prior to the meeting and meets the requirements of Government Code Section 551.044.

At this time, I'd like to ask that before we begin today's meeting, we all place our cell phones, other communication devices, in silent or off mode. I'm checking mine. Mine is off. Please check yours to make sure that we won't have any -- any disturbances.

If you wish to address the Commission and -- and -- and several of you, I think, will be addressing the commission at various times through today's meeting, I'll need you to -- to complete a speaker's card at the registration table that you passed when you -- when you came in here. And then -- then if you'll give those -- those cards to our -- our clerk, the lady sitting at the very end here of the dais.

There are two colors of cards. There's a yellow card. And so if we you wish to speak on an agenda item --

1 one of the posted items, you have a comment to make on that,
2 you'll take the yellow card. And you fill it out. It's got
3 a place -- you can either make a statement or you can just
4 register your position and we'll look at the cards and see
5 what your position was. But if you want to make a
6 statement, that means you'll be coming up here to this dais
7 here. There's a microphone there, just adjust it for you.

8 You'll be stating your name and if you're
9 representing an organization, what that organization is and
10 your title at that organization. And then you can visit
11 with us about what your comments are. So on this card it'll
12 have you wish to make a statement or not, what the agenda
13 item is, what your position is on it, and then your name,
14 your title, and who you're representing if you're
15 representing an organization.

16 You may -- you may visit with us about an item
17 that's not an agen -- about a matter that's not on the
18 agenda. That comes -- comes at the point of -- of the
19 meeting that's at the very end. We've completed all the
20 agenda items. And then we'll have what's called open
21 comment period.

22 And if you have a comment at open comment period,
23 instead of the yellow card, you'll be a blue card. You'll
24 just fill this out. Again, it's got your title, name, if
25 you're representing an organization -- of the organization

1 is and -- and again, you give it to Ms. Carter.

2 Regardless of which card you fill out -- and I -
3 one other thing I want to mention about open comment period.
4 Whatever your comment is -- like I said, it does not have to
5 be on an agenda item. But the Commission does have to stick
6 to agenda items. So if you give an open comment statement,
7 we're not being rude, but we can't comment on your comment
8 or go further with it because we are bound by the agenda
9 items only.

10 So if you make an open comment period, it's just
11 you give your comment period, we listen, and then that's it
12 on that. Regardless of which type of comment you have, we
13 do ask that you limit your remarks to three minutes. So
14 please bear that in mind.

15 With those preliminary remarks out of the way, I'm
16 going to turn the microphone over to our Executive Director
17 General Joe Weber.

18 GENERAL WEBER: Thanks, Chairman. At this time
19 I'd like to ask our Occupational Safety Specialist Sydney
20 Maloy to come forward and provide our safety briefing.
21 Sydney.

22 MR. MALOY: Good morning to each of our
23 Commissioners, to General Weber, to Mr. John Barton, to our
24 executive leadership team, and to each of our guests that
25 are with us on this morning. I'd like to discuss with you

1 our emergency evacuation plan in the event of an emergency
2 situation.

3 In case of a tornado, inclement weather, we'll
4 shelter in place. We'll stay inside and move away from the
5 windows, walls -- the exterior walls. Our primary shelter
6 areas for --for Greer -- for the Greer -- the Greer Building
7 is our stairwells and basements. Our secondary shelter
8 place area is included the lower levels and the -- and the
9 stairwells, and the basement, and the hallways, and the
10 centrally located restrooms.

11 In case of a fire -- in case of a fire evacuation,
12 you'll find the pull station in the lobby areas. Maps are
13 outlining -- maps outlining our emergency evacuation plans
14 posted on every floor.

15 Our -- our primary exit is on the first floor --
16 is the main exit on 11th Street -- facing 11th Street. Our
17 secondary exit is -- are located east towards the Brazos and
18 west towards Congress. Our gathering area is across the
19 street in the -- on the Capitol grounds. We also have
20 available -- fire extinguishers are available and they are
21 marked on every floor, in case we have to use those.

22 In case of a -- in the event of an active shooter
23 or a bomb threat, follow instructions on the public system --
24 address system, security, and our personnel on-site to -- to
25 support you and to guide you as well.

1 In the event of a mer -- medical emergency, we'll
2 have volunteers to perform the following steps in the event
3 of an emergency: Contact 911 from your cell phone, from the
4 landline we'll dial 9911 -- from the landline, let them know
5 our physical address. Our address here is 125 East 11th
6 Street across from the Capitol. If necessary, we do have
7 available AEDs behind the guard station and we do have
8 first-aid kits on every floor.

9 Thank you. If you -- if you have any questions,
10 I'll -- I'll take them at this time. If not, let's have a
11 successful and safe meeting on this morning. Thank you so
12 much.

13 GENERAL WEBER: Thanks, Sydney. And Chairman,
14 with the safety briefing completed, I'd turn the meeting
15 back over to you.

16 MR. LEWIS: All right. Thank you very much,
17 General. It is our custom to begin the meeting with any
18 comments that any Commissioners wish to make. Of course,
19 we'll be doing comments later with regards to resolutions
20 that we have. But prior to beginning any of the agenda
21 items, I'd call for comments that we might have. And
22 Commissioner Bugg, I'd like to begin with you.

23 MR. BUGG: Thank you, Mr. Chairman. Mr. Chairman
24 and Commissioners, you'll remember at the July Commission
25 meeting one of the things that -- that I spoke about at the

1 opening was the importance of TxDOT having a culture of
2 customer service. And we don't have to look any further
3 than the front page of yesterday's Austin American Statesmen
4 to see that this what our customers are asking for. The
5 headline was "Austin's Traffic Ranking Better But Traffic
6 Isn't." This article was generated by a study conducted by
7 Texas A & M Transportation Institute.

8 And what it basically reflects is the reason why
9 you appointed me in the July meeting to head up a
10 discussion with the executive leadership team in a focus
11 group on how we can address this congestion relief problem
12 that we so desperately seek throughout the state of Texas,
13 but predominantly in our metropolitan areas.

14 So Mr. Chairman, Commissioners, I want to report
15 that since I was appointed at last month's Commission
16 meeting, the executive leadership team here at TxDOT has met
17 with me on three separate occasions. We are actively
18 working on a plan that we can turn thoughts into actions.
19 And I'll continue to report back. Thank you very much.

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

22 MR. VANDERGRIFF: Thank you, Chairman. I want to
23 report out that the team here at TxDOT and coupled with the
24 planning organization's Stakeholder Committee has been
25 working diligently through the last two months actually, in

1 preparation for releasing the HB20 Initial Report which will
2 consist of revenue projections, also consist of performance
3 -- project performance -- excuse me. Project selection --
4 project prioritization selection. Don't know why I'm
5 tripping over the tongue with that and also the funding
6 formulas that -- those are the first three items that the
7 Legislature wanted to hear back on.

8 And the group has worked very diligently in that
9 to work together in collaboraty (sic) with the MPOs to
10 address that. And in addition, we have our core strategy
11 team internally, which the Commissioners have had a briefing
12 on. That is looking at the goals, the vision, the
13 objectives for the Department while leading into performance
14 measures and metrics. And I'm very pleased with the work
15 that the Department is spearheading on that. I think that
16 the Commissioners next month will get a full briefing on the
17 HB20 Report. And that it -- it's an excellent product and
18 look forward to the reaction from the Legislature as we move
19 forward.

20 MR. LEWIS: Thank you very much, Commissioner
21 Vandergriff. And Vice Chair Moseley, any thoughts and --

22 MR. MOSELEY: Thank you, Chairman, members. Today
23 being August 27th if you'll indulge me a little bit, I'd
24 like to remind all of us that today is Lyndon Baines
25 Johnson's birthday. He would be 107 years old. As

1 President in 1965, LBJ commissioned the Boyd Task Force
2 under Secretary of Commerce Alan Boyd to explore the
3 prospects of establishing a US Department of Transportation.
4 And this was primarily to lessen confusion and needless
5 complexities in developing transportation infrastructure and
6 policy.

7 Under this report, the Department of
8 Transportation would include Federal Aviation, the Bureau of
9 Public Roads, Coast Guard, Saint Lawrence Seaway Development
10 Corporation, the Great Lakes Pilotage Association, the Car
11 Service Division of the Interstate Commerce Commission,
12 Civil Aeronautics Board, and functions of the Panama Canal.

13 In March of 1966, President Johnson did send a
14 bill to Congress and established the Department of
15 Transportation recognizing quote "America today lacks a
16 coordinated transportation system that permits travelers and
17 goods to move conveniently and efficiently from one means of
18 transportation to another using the best characteristics of
19 each."

20 On October 15 of 1966, President Johnson was able
21 to sign into law the enabling Act and creating this cab --
22 cabinet level department. So clearly, it's interesting to
23 stop and see the vision of this great Texan on -- as it
24 relates to the modern transportation system that we all have
25 enjoyed today and to be a part of the part of the Texas

1 Department of Transportation to look at the next generation
2 of this mobility system.

3 Clearly being a part of this agency with
4 approximately 12,000 employees, I'll just tell you when I
5 joined the team, I was a little bit overwhelmed coming onto
6 the Commission. But I was so pleased to meet our highly
7 trained professionals. And they were there to help guide
8 and give me the information that I needed to be a member --
9 a full-serving member of the Commission.

10 Today, I think we're going to stop and salute the
11 service of Mr. Obr and Mr. Barton. We'll have more comments
12 about that. But I'm always amazed at the extreme amount of
13 talent that we enjoy here at TxDOT. And by some measure,
14 we're recognized as the largest engineering firm in the
15 world. So it's really, really amazing to -- to see the
16 vision that was laid out in 1966 by a Texan, Lyndon Johnson,
17 whose birthday is today and then to be a part of this agency
18 today looking forward into the next generation of mobility.

19 And Chairman, I'd close with this. As much as
20 we'll -- we'll pause to celebrate Mr. Obr's accomplishments
21 and Mr. Barton's contributions -- I -- I call him the
22 cheerful road -- road-warrior. It's also good to see that
23 we have a deep bench of talent.

24 And I compliment General Weber on his selection of
25 Marc Williams as our interim Deputy Executive Director.

1 Marc's had a very distinguished career even before coming to
2 TxDOT serving as Commissioner of Highways in Kentucky and
3 serving in as our Director of -- of Planning. So I'm
4 pleased, General Weber, that you've asked Marc to serve in
5 this capacity. But it just demonstrates, again, the wealth
6 and talent that we have here. Thank you, Chairman.

7 MR. LEWIS: Thank you. And I would just want to
8 mention that since coming on the Commission, I've found out
9 just how heavy a burden it really is to -- to be -- I mean,
10 it's such a -- such a strong commitment of your time and
11 efforts to be a Commissioner.

12 And in addition to that, each of these
13 Commissioners and Commissioner Austin, who could not be here
14 today, have undertaken specific roles in very vital parts of
15 the effort that we have going forward and really giving us
16 great leadership with regard to that.

17 So in addition to what normally is expected of
18 Commissioners, we have this additional very heavy, very
19 important task being undertaken in various areas. And Vice
20 Chair Moseley, that would be safety issues. And he's been
21 having several meetings on that, working on ways to make our
22 highways safer for Texans, for our employees as well. The
23 efforts being undertaken by Commissioner Vandergriff,
24 Commissioner Bugg have been described by them to you.

25 But if you're here, you see how much work they're

1 doing. And it's an incredible amount of work. And I want
2 to express my admiration for that effort and my appreciation
3 for that effort as well as for the efforts of our staff that
4 are working with them to do this important work.

5 And with that opening comment -- let's see we got
6 -- Yeah. All right. We'll go to our agenda items. First
7 order of business is approval of the minutes for the July
8 29th and 30th meetings of the Texas Transportation
9 Commission. Draft minutes have been provided in the
10 briefing materials.

11 Vice Chair Moseley, do you move to approve the
12 minutes of the July 29th and 30th regular meetings?

13 MR. MOSELEY: So moved.

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

16 MR. VANDERGRIFF: Second.

17 MR. LEWIS: We have a motion to second. No
18 comments are being made so I'll call for a vote. All in
19 favor of the motion, say "aye."

20 (Chorus of "Ayes")

21 MR. LEWIS: Any opposed, "no."

22 (No audible response.)

23 MR. LEWIS: It's unanimous and carries. Thank
24 you. With that General, I'll turn the agenda over to you to
25 work through today's business.

1 GENERAL WEBER: Thank you, Chairman. I'd like to
2 start with Item 3(a), a resolution honoring our retiring
3 Director of Construction John Obr. Deputy Executive
4 Director John Barton will present. John.

5 MR. BARTON: Good morning General Weber, Chairman
6 Lewis, Commissioners. What a privilege and honor it is for
7 me to present to you this morning on behalf of the
8 Commission resolutions to one of our best and brightest, who
9 has reached the end of a tremendously successful career.

10 John Obr, as General Weber and Chairman Lewis just
11 mentioned, currently serves as our Department's Director of
12 Construction, has long served the Department, and is a
13 valued friend and confidant. He has travelled across this
14 state, sacrificed much in doing so, as well as his family,
15 to serve the citizens of Texas as a front-line employee in a
16 variety of capacities and then as a leader, not only in the
17 Waco District, but in Beaumont, San Angelo, and now here in
18 Austin as part of our construction division.

19 He's a man of strong faith, a devoted family man,
20 and a trusted friend and colleague. So John, if you would
21 please come forward, I would be honored to share with you
22 the resolution from the Commission, as well as a resolution
23 from State Representative Drew Darby. John, thank you. It
24 is my honor and privilege to share these with you.

25 I will start with the resolution from the

1 Commission. And it reads as follows Commissioners, "Whereas
2 the Texas Transportation Commission takes great pride in
3 recognizing John F. Obr, P.E. for his outstanding service to
4 the Texas Department of Transportation, where after a
5 distinguished career of 27 years, most recently as the Convi
6 -- Construction Division Director;

7 And, whereas, Obr earned his bachelor's degree in
8 civil engineering from Texas A & M University in 1987 and
9 began his TxDOT career in as an engineering assistant in the
10 Waco District. He spent five years in design and
11 construction in the Waco area office;

12 And, whereas, earning his professional engineering
13 license in 1993, Obr worked in the Waco District's advanced
14 planning section before being named the Belton assistant
15 area engineer in 1994 and the Gatesville area engineer in
16 1997;

17 And, whereas, in 1999, John Obr oversaw the
18 startup of the Waco I-35 Project Office and in 2009 was
19 named the Beaumont District Director of Construction where
20 he developed strategies for reconstruction and material
21 selections with maintenance economy as the goal;

22 And, whereas, in 2010, Obr became the San Angelo
23 District engineer, where the payment scores were the second
24 highest in the state, a tribute to the District's dedication
25 to maintaining quality pavements;

1 And, whereas, in 2000 -- November of 2011, he was
2 named the Construction Division Director, where he has
3 overseen some of the largest lettings in the Department's
4 history and has successfully facilitated partnerships
5 between the industry and TxDOT to enhance project
6 construction, testing, inspection, and safety;

7 And, whereas, TxDOT is a better agency today
8 thanks to his outstanding leadership now, therefore, be it
9 resolved that the Texas Transportation Commission does
10 hereby extend its sincerest best wishes to John F. Obr, P.E.
11 in recognition of his professional achievements in a career
12 of loyal service on behalf of the state of Texas and its
13 citizens presented this day, Thursday, the 27th day of
14 August, 2015."

15 John, congratulations.

16 (Applause.)

17 As I mentioned earlier, John in his service to the
18 state was recognized by many of our state's elected
19 officials. And one of our best and most tenured
20 Representatives, Representative Drew Darby, a Chairman who
21 we all respect and admire and have appreciated working with,
22 had the privilege of having John serve as his home's
23 district engineer for a time. And because of that he wanted
24 to share a resolution from the state of Texas and the House
25 of Representatives and I would like to read that for you

1 today.

2 "Whereas John F. Obr is retiring from the Texas
3 Department of Transportation on August 31st, 2015 after
4 nearly three decades of dedicated service to the state of
5 Texas;

6 And, whereas, a native of the Waco area, Mr. Obr
7 earned his bachelor's degree in civil engineering from Texas
8 A & M University before beginning his professional career in
9 1988 as an engineering assistant in the Waco District Bridge
10 Office. During his first 5 years on the job, he gained
11 experience in design and construction and he received his
12 professional engineering license in April of 1993;

13 And, whereas, Mr. Obr went on to accept positions
14 of increasing responsibility as a Belton assistant area
15 engineer in 1994, and as a Gatesville area engineer in 1997.
16 Two years later, he was charged with overseeing the start-up
17 the Waco I-35 Project Office until he returned to Belton as
18 area engineer in 2003. He briefly worked as the Director of
19 Construction for the Beaumont District from 2009 to 2010.
20 And as the San Angelo District engineer from 2010 to 2011,
21 during which time he was responsible for managing and making
22 recommendations on major construction and transportation
23 projects;

24 And, whereas, since November 2011 this
25 accomplished professional has served as the Director of

1 TxDOT's Construction Division. Under his guidance, the
2 agency has updated its standard specifications for
3 Construction and Maintenance of Highways, Streets, and
4 Bridges manual, developed key partnerships with industry
5 leaders, and increased its focus on safety in both the
6 construction division and the highway construction industry
7 at large;

8 Moreover, TxDOT has earned national recognition by
9 the Federal Highway Administration for its E-Construction
10 program;

11 And, whereas, highly regarded in this field, Mr.
12 Obr is the former president of the Central Texas Branch of
13 the American Society of Civil Engineers and an active member
14 of the Temple Business League. He enjoys the love and
15 support of his wife, Bridgette, in all of his endeavors.
16 And he is the proud father of five children: Courtney,
17 Cameron, Brittany, Zachary, and Connor;

18 And, whereas, through the vision, professionalism,
19 and depth of knowledge that he has brought to his post over
20 the years, John Obr has greatly benefitted his fellow
21 Texans. And he may indeed reflect with satisfaction on his
22 achievements as he embarks on the next exciting chapter of
23 his life;

24 Now, therefore, be it resolved that John F. Obr be
25 congratulated on this occasion of his retirement from the

1 Texas Department of Transportation and that he be extended
2 sincere best wishes for continued success and happiness."
3 Signed Drew Darby, State Representative of District 72.

4 John, congratulations.

5 (Applause.)

6 MR. OBR: All right. Well, good morning. For the
7 record, I am John Obr, Construction Division Director of
8 Transp -- Texas Department of Transportation. I had to say
9 that one more time. I'm -- I'm -- I'm -- I'm disappointed
10 that Commissioner Austin isn't here. I wanted to report to
11 him that the IT systems did work well in this month's
12 letting.

13 (Laughter.)

14 Take that -- take that question off of my Deputy,
15 Darren Hazlett. So that in Item 14, when he handles that,
16 we don't have to go through that discussion. But I do want
17 to say thank you. And I got a lot of folks that I want to
18 thank. And I will try to keep my comments to a minimum.

19 I do want to introduce my -- my wife, Bridgette,
20 our kids, Zachary and Brittany and Connor. They made it
21 into town this morning. They're not happy that they had to
22 get up early, but that's the way it goes when -- on a day
23 like today. I want to thank Bridgette for all the love and
24 support she's given me through the years. And thank her in
25 advance because I know she's going to lose her patience in

1 the upcoming months as I'm hanging around the house a little
2 bit more. So I wanted to get that out on the -- on the
3 record as well.

4 I am truly a blessed man. When you spend time
5 over the last few weeks looking back at your career, you
6 realize how truly blessed you are. From my mom and dad
7 raising me and convincing me to -- and convincing me to
8 attend Texas A & M University to get an engineering degree.
9 That was -- that was the first step.

10 Kirby Pickett offered me a job when I got out in
11 De -- graduated in December of '87. I had worked that
12 summer and he -- he said, "When you come back -- when you
13 graduate, I'd like to offer you a job to come back with the
14 Department." That's called recruiting, when you got that
15 letter in your hand.

16 Going -- you know, I spent 21 years in the -- in
17 the Waco District. Richard Skopik had hired me in several
18 positions in advancement through the Waco District. I can't
19 thank him enough. I thank Randy Redmond, who gave me the
20 opportunity to go to Beaumont for almost two years as
21 Director of Construction. That was a great career move for
22 me. It was a little rough on the family, but we got through
23 it just fine.

24 Then Amadeo Saenz gave me an opportunity to go out
25 to San Angelo as the district engineer. And there's a

1 family out there that I really love. Those -- those folks
2 in San Angelo District have been great friends to this day.

3 Then a good friend of mine Russel Lenz retired and
4 I had an opportunity to come to Austin, thanks to John and
5 David Casteel. They -- they -- they brought me into Austin
6 and it's been a great four years here.

7 I've made so many friends over these 28 years. I
8 have a lot of lifetime friendships that are only because of
9 this agency. The -- the 11,500 plus family members of the
10 Department that make it what it is today. I am proud to
11 have been a part of that family.

12 There are no words that really can describe how
13 thankful I am to everybody that's given me the opportunity
14 to do what I do. Finally, again, I thank you for the
15 opportunity that's been given to me to serve the citizens of
16 this great state and be a part of the design, construction,
17 and maintenance of the best damn transportation system in
18 the whole world.

19 God bless TxDOT and God bless the state of Texas.
20 Thank you.

21 (Applause.)

22 MR. OBR: Thank you very much.

23 MR. LEWIS: Director Obr, if you'd remain up
24 there, I think that some the -- the General, some of the
25 Commissioners may have some comments to make. And General,

1 do you wish to make any comments at this time?

2 GENERAL WEBER: John, thanks for your commitment
3 and all you've done. Construction is tough business and
4 it's -- you've done a lot of it, particularly in the last
5 two, three, four, five years. And for your staff and always
6 being there for us, the lettings every month on time, on
7 target and -- and we appreciate that and Texas and our
8 transportation system. You just look around, what you've
9 accomplished and what you've done.

10 I was in Irving the other day and taking that
11 panoramic view from the 27th floor of the La Cima Club and
12 to look out there and see at -- \$6-8 billion of construction
13 right before your eyes that you were heavily involved in and
14 we thank you for that.

15 And best of luck to you and your family in the
16 future. Thank you.

17 MR. LEWIS: Thank -- thank you and -- General.
18 And any other comments from the Commissioners? Vice Chair
19 Moseley .

20 MR. MOSELEY: John, I was just curious, have you
21 got a back of the envelope total of the dollar value of
22 projects that you've been involved in over your --

23 MR. OBR: I -- I -- I know just I-35 alone was 2.4
24 billion. As area engineer in Belton, I had 300 million
25 under contract under construction at one time. I would say

1 it's over -- you know, you look at it in today's value, it's
2 definitely over the \$10,000,000,000 mark that I -- I had
3 direct impact on that construction. So it's -- it's been a
4 good time.

5 MR. MOSELEY: And then coming into this assignment
6 here --

7 MR. OBR: Yes.

8 MR. MOSELEY: -- you had your hands --

9 MR. OBR: Yes.

10 MR. MOSELEY: -- on a lot of billions of dollars.
11 I -- I suspect there aren't very many people in the world
12 that have guided the dollar value of projects that you've
13 been a part of. And so we want to say thank you for your
14 very, very amazing contributions to the state of Texas.

15 And of course say thanks to Bridgette and the
16 family for sharing John with us. We know that there are
17 some times that you kind of wished that he could be there
18 but he was taking care of the State and so thank you for
19 sharing John with us.

20 But God bless you in your next chapter. Thank you
21 again for your contributions. Texas is a -- indeed a very
22 much better place to live and call home because of your
23 contributions. Thank you, John.

24 MR. OBR: Thank you, sir.

25 MR. LEWIS: Commissioners, any other comments?

1 Commissioner Vandergriff.

2 MR. VANDERGRIFF: Sure, I -- John, I've had the
3 pleasure of enjoying your handiwork in so many projects,
4 particularly in the metroplex but across the state that
5 you've put together and -- and got the lettings out in the
6 last four, five years. It's -- it's pretty amazing. And a
7 lot of those have been very complex and very challenging.

8 And despite one little IT problem that really your
9 -- your batting average is pretty high. Not too many people
10 have a about a 990 batting average so that's pretty
11 significant. And it's a credit to you and your department,
12 the great work you've done.

13 MR. OBR: I have a very good team.

14 MR. LEWIS: We have Commissioner Bugg.

15 MR. BUGG: John, you and I have just gotten to
16 know each other since I'm kind of the new kid on the block
17 here. But in front of your family, I want to just thank you
18 for your 27 years of service to -- not only TxDOT but to the
19 state of Texas. And you really have left your fingerprint
20 on our Texas highway system in -- in a great credit to your
21 service to TxDOT and to your family. Thank you.

22 MR. OBR: Thank you, sir.

23 MR. LEWIS: And if I might, John, I just want to
24 really echo the comments that were made. You have been
25 given ever greater responsibilities because you did such a

1 good job with the responsibilities you were given. And that
2 -- the good thing about that is that the citizens of Texas
3 really benefitted from it -- from your service.

4 The hard thing about that is that your -- your
5 family, there were times that you could not be there, that
6 you had to be away from them, and -- and the service that
7 you were doing the citizens of Texas, also basically by that
8 your family was doing. They were doing it too and they were
9 also sacrificing.

10 And all we can say on behalf of all the citizens
11 is thank you very much for your service.

12 MR. OBR: Thank you. Thank you.

13 (Applause.)

14 MR. LEWIS: Okay. That's fine.

15 GENERAL WEBER: Okay. Moving along. Mr. Barton,
16 would you report to the roustrom please.

17 (Laughter.)

18 MR. BARTON: For the record, John
19 Barton. I have the privilege, honor, and the blessing of
20 serving you and the state of Texas as a Deputy Executive
21 Director of TxDOT.

22 GENERAL WEBER: Chairman and Commissioners, I want
23 to thank you for giving me a few minutes to honor my Deputy
24 Director and friend, John Barton, and to say a few comments.

25 Since I got here in April, 2014 and started my

1 career at TxDOT, John Barton has been invaluable to me
2 personally. His institutional knowledge, his support to me,
3 the ins and outs of the transportation business in Texas,
4 and the ins and outs of the transportation business in this
5 Department. And I'm forever grateful for your institutional
6 knowledge, but I'm -- I'm more grateful for your willingness
7 to share that with me. And -- and -- and I'll remain
8 forever grateful for that.

9 As -- as we all we know in here, John's service
10 began way before 2014 when I showed up. I mean, it was in
11 1986, even before graduating from Texas A & M University,
12 where he worked as a summer employee at our Wichita Falls
13 District. In those early days John learned, I think, from
14 other dedicated TxDOT employees, not only the trade, but the
15 importance of the TxDOT family and what this organization
16 and this Department, this agency had accomplished over the
17 past many, many, many years.

18 And you can look and see what the road networks
19 and the infrastructure of this state looks like. And it was
20 a special organization and John knew that from the very get-
21 go. He also realized that during those years that he needed
22 to learn to be a follower before he could be a leader. And
23 -- and I think that that's a tribute to him because as he
24 rose into the leadership ranks of this organization, he
25 never forgot where he came from.

1 I think over the years, I don't know of anybody in
2 this agency who has embraced the family feel of TxDOT more
3 than John Barton. Impeccable memory. I -- I -- I claim he
4 has photographic memory and that's why everybody says,
5 "Well, everywhere John Barton goes around the state, he
6 knows every TxDOT employee by their first name." And I
7 don't credit his photographic memory for that. I credit the
8 fact that he cares so much about the individual people that
9 work for this organization, he makes a point to learn about
10 them and their families and their contribution that they've
11 made.

12 The immense institutional knowledge, I mentioned
13 it before, is incredible, but he just didn't get that. That
14 was based on years of hard work, hard, hard work. He's been
15 an area engineer, a transportation planning and development
16 director, a district engineer, senior leader in our
17 administration in this building for the past eight years,
18 and a great leader.

19 Through John's leadership and dedication to his
20 colleagues and this organization, he's helped create a
21 culture of safety at TxDOT. And safety in a way that the --
22 the whole capstone of this was last year when the safety
23 record of this Department was the best that it's been in the
24 entire history of the Department and that was John Barton.

25 And -- and -- and it was John Barton pounding it

1 into us every day. It wasn't some fancy slogan or some --
2 something like that that -- that -- that got us a check in
3 the box that we did our safety thing. It was John Barton
4 making sure this organization, and everybody knew it, that
5 safety was inherent in everything we do every day of our
6 lives. John, thank you, for making us safer.

7 The recognitions John Barton has received over his
8 career, if you had never been in his office, go in there and
9 take a look at them. But I just want to highlight two of
10 those -- the pinnacles of success at TxDOT.

11 In 2014, John was recognized as a distinguished
12 graduate of the civil engineering department, Texas A & M
13 University. And in January of this year, he was honored as
14 the inaugural recipient of the Governor Rick Perry
15 Leadership in Transportation Award.

16 Now Sheryl and family, this is about you too today
17 and your commitment to John, and to this state, and to this
18 Department. And -- and that commitment's been very
19 important and John has let us know that and everybody know
20 that, that he treasures that commitment, your commitment
21 allowing him to be committed to us and do the great things
22 he did.

23 And I -- I don't know, 20 or 30 years ago, there
24 was a lady named Lynn Anderson and she sang a song "Rose
25 Garden." And I think it stated out, "I beg your pardon. I

1 never promised you a rose garden." Sheryl, I don't think
2 TxDOT ever promised you a rose garden. And I'll bet you,
3 you never got one.

4 What you -- what you probably got was weekends
5 that you had planned for family things or holidays that John
6 came home and said, "I can't go. Something's happened.
7 I've got to get out there on the road. I've got to take
8 care of something." Nights when he was supposed to be home
9 for the Little League games and the soccer games and the
10 school events where the call came and said, "Sheryl, I just
11 can't make it." The weekends where he was supposed to take
12 care of things at the house and the yard and all those other
13 things and, "I'm not going to be there." And I probably
14 know who was out there pushing the lawn mower.

15 But the bottom line is this is your day. We thank
16 you for your commitment to this state and TxDOT and
17 particularly to John. And finally, the question that I've
18 had asked me the last three weeks more than anything is "How
19 will TxDOT survive without John Barton?" And I'm going to
20 tell you the answer that -- I'm going to stick to the answer
21 I've been giving everybody else.

22 If -- if we that work for TxDOT in this room,
23 after this Commission meeting, go back to our offices and
24 our field projects and our heavy equipment and start pouting
25 and -- and carrying on and wondering how we're going to make

1 it, I got to tell you that I think that very shortly John
2 Barton will be back there madder than a hornet's -- stirred
3 up than a hornet's nest and grab each of us by the stack and
4 swivel and said, "What in the heck are you all doing? Get
5 on with your work. I've spent 30 years of my life
6 mentoring, coaching, training, teaching, preparing you to
7 move this Department forward."

8 And John, the best way that we can honor you today
9 is to move forward and continue to do the great things that
10 -- that you have set us up to do. So I would ask Chairman
11 and the Commissioners and all here today to please join me
12 and the entire TxDOT family in honoring, congratulating, and
13 wishing John and his family fair winds and following seas
14 for your retirement and as you embrace the next chapter in a
15 good life.

16 John, God bless you and your family and thank you
17 for all you've done for this Department and our great state
18 of Texas.

19 MR. BARTON: Thank you.

20 (Applause.)

21 MR. WEBER: Thank you. John, please stay there
22 because I'd like to ask Mr. Bass, the other half of the JB
23 twins, to come forward and -- and make some presentations.

24 MR. BASS: Thank you, General, Commissioners.

25 Good morning. And it is my honor, my privilege, my blessing

1 to serve along John Barton. As you heard General Weber say,
2 John has had a long distinguished career at TxDOT. One of
3 the things that's always struck me, if we look at the values
4 of TxDOT today, they are trust, integrity, responsibility,
5 excellence, and service. And to me, that seems to be no
6 coincidence that those are the many of the first qualities
7 we probably all think of when John Barton comes to mind. As
8 the General stated, John actually began working for TxDOT
9 prior to graduating with honors from Texas A & M University.

10 (Laughter.)

11 MR. BASS: Now that means something. That means
12 something. I'm a Longhorn. The -- and so he began working
13 in the summers as the -- in the maintenance office in Archer
14 City. In 1986, he began working for -- in the Wichita Falls
15 District as an engineering assistant. And in 1993, he was
16 promoted to area engineer in the Bowie Office. That was
17 then quickly followed by area engineer in the Gainesville
18 Office and in the Wichita Falls Office all within the
19 Wichita Falls District.

20 In 1999, he was then promoted to the
21 Transportation Planning and Development Director in the
22 Wichita Falls District. And then I think perhaps the first
23 non-rose garden call maybe or one of many -- if anybody's
24 from Beaumont, no offense. I don't mean it that way. He
25 was selected and became our district engineer in Beaumont.

1 And then that was followed in 2008 when John was
2 brought to Austin and has since served in the administration
3 and has been a true blessing, I think, to everybody who's
4 come in contact with him, I know certainly for myself.

5 There are a number of resolutions that I'd like to
6 read parts of. Many of them cover some of the history in
7 John's tenure at TxDOT that the General has covered and I
8 covered there a little bit. The first one is from the House
9 of Representatives and Chairman Pickett.

10 And I'll say, "Whereas Mr. Barton's lifetime of
11 effort has earned him four awards from TxDOT, including the
12 Design Excellence Award and three awards from ASHTO, as well
13 as the Texas Association of Regional Leadership in
14 Transportation Award. And in 2014, he was named
15 distinguished graduate of the Zachary Department of Civil
16 Engineering at Texas A & M;

17 And, whereas, John Barton's dedication,
18 professionalism, and commitment to excellence have greatly
19 benefitted his fellow Texans and earn -- earned him the
20 respect and admiration of his peers. And he may indeed
21 reflect with pride on a career well spent as he takes on the
22 challenges and opportunities of his new position at Texas
23 A & M;

24 Now, therefore, be it resolved that John Barton be
25 congratulated on his retirement as Deputy Executive Director

1 of the Texas Department of Transportation and that he be
2 extended sincere best wishes for continued success and
3 happiness."

4 In addition, the Texas Senate, not to be outdone
5 by their friends in the House, also have a proclamation; it
6 is signed by Chairman Robert Nichols.

7 It says, "Whereas, an exemplary public servant.
8 He is respected and admired by his colleagues and his
9 presence at the Texas Department of Transportation will be
10 greatly missed;

11 Now, therefore, be it proclaimed that the Senate
12 of the State of Texas hereby commend John Barton on his
13 exceptional service to the people of Texas as Deputy
14 Executive Director of the Texas Department of Transportation
15 and extend to him best wishes for continued success in all
16 his endeavors;

17 And be it further proclaimed that a copy of this
18 proclamation be prepared for him as an expression of esteem
19 from the Texas Senate."

20 And there are -- there's more. The next we have
21 is from the Governor of the State of Texas. It says, "To
22 all whom these presence shall come, greetings. Know ye that
23 this official recognition is presented to John A. Barton,
24 P.E. Congratulations on your well-deserved retirement after
25 30 years of service to the people of Texas. Public service

1 is an honor, for its foundation is in the public trust.
2 Throughout your time with the Texas Department of
3 Transportation, you earned that trust demonstrating
4 dependability, initiative, and wise stewardship of public
5 resources. Your dedication highlights that this State's
6 greatest asset is the people who call it home. First Lady,
7 Cecilia Abbott, joins me in sending best wishes for an
8 enjoyable and fulfilling retirement."

9 And last and certainly not least, obviously given
10 my current audience, is a resolution from the Commission.

11 (Laughter.)

12 Again, after covering the various roles that John
13 has played during his 30 plus years with TxDOT, it reads,
14 "Whereas, Barton played a key role in building a culture of
15 safety inside the Department and helping keep drivers safe
16 on our massive system;

17 And, whereas, Barton developed a strong leadership
18 style characterized by his in-depth understanding of all
19 aspects of operations involved in transportation
20 infrastructure, his ability to communicate the needs and
21 challenges of the Department to public leaders and always
22 his halt -- heart-felt concern for the well-being of every
23 employee in the agency;

24 And, whereas, in 2014, he was recognized as a
25 distinguished graduate of the cit -- civil engineering

1 department at Texas A & M University. And in January of
2 this year, he was honored as the inaugural recipient of the
3 Governor Rick Perry Leadership in Transportation Award;

4 And, whereas, TxDOT is a better agency today
5 thanks to his outstanding leadership. Now, therefore, be it
6 resolved that the Texas Transportation Commission does
7 hereby extend its sincere best wishes to John A. Barton, P.E
8 in recognition of his professional achievements in a career
9 of loyal service on behalf of the State of Texas and its
10 citizens."

11 So if you would please join me in granting best
12 wishes and congratulating my colleague, mentor, friend, and
13 my TxDOT big brother, John Barton.

14 (Applause.)

15 MR. BARTON: Thank you. It means a lot.

16 (Applause.)

17 MR. BARTON: Thank you, Chairman. I'll take the
18 opportunity for a personal privilege, if I might, to
19 interrupt all of this unnecessary fanfare for some serious
20 business. I would like to ask all of you to pause with me
21 for a moment of silence in recognition of two fallen
22 colleagues. I learned earlier this week that Jason Rolls, a
23 member of the Montana Department of Transportation family
24 was untimely killed in a work zone. And it's the type of
25 tragedy that we've worked so hard to prevent.

1 Also earlier this month, one of our brothers,
2 working for a Texas contractor on behalf of the citizens of
3 Texas on the great Texas Department of Transportation's
4 project also lost his life untimely in an unfortunate work
5 accident.

6 So if you would do me the honor of pausing for a
7 moment of silence in memory of these two individuals who
8 gave their lives in the line of duty to make the citizens of
9 this Nation's transportation system better, I would
10 appreciate it.

11 (Moment of silence.)

12 Thank you for allowing us that privilege.

13 I also wanted to take the opportunity while I had
14 this microphone for, I suppose the last time as an employee
15 of this agency, unless you call me back up latter in the
16 meeting today, to recognize Mr. Lawrence Olsen. Lawrence
17 Olsen recently retired as the director of the Texas Good
18 Road and Transportation Association. And we have not yet
19 been able to duly recognize him at one of these esteemed
20 Commission Meetings.

21 Lawrence's career has outlasted mine and so that's
22 quite an accomplishment. His support for transportation,
23 his leadership in helping educate the public and members of
24 the Legislature on the need of improved transportation have
25 been invaluable. His efforts have yielded many positive

1 results for our industry and without his support,
2 encouragement, and partnership, many of the great things
3 that we enjoy in the state of Texas would not have been
4 possible. So Lawrence Olsen, on behalf of the Texas
5 Department of Transportation family, I would like to thank
6 you and congratulate you for a very successful career.

7 MR. OLSEN: Thank you very much.

8 (Applause.)

9 MR. BARTON: It has been an incredible honor and
10 privilege for me to serve the citizens of Texas for 30 years
11 as an employee of this beloved Texas Department of
12 Transportation. There are far too many people for me to
13 thank, in order to name them all. And if I limit my remarks
14 to three minutes, I won't get through the first one or two,
15 but I would like to mention just a few.

16 I will begin with my brother David. He led the
17 way by working in the Archer City maintenance section while
18 he was in high school, while I was still too young to be
19 employed by this Agency. And while he was working for all
20 of you with that road crew, I was hauling hay and painting
21 houses and a lot of other sundry tasks to make a living as a
22 14-year-old young man. And each day I would watch my
23 brother come home with a fatter wallet and a better
24 disposition than I had.

25 And so when he graduated high school and I reached

1 the age of accountability, I followed in his footsteps and
2 went down to the Archer City maintenance office and asked
3 Jim Meese and Kenneth Caldwell, the two men that ran that
4 department, if I could come to work for them that summer.
5 They asked me who I was. I told them. And they said,
6 "Well, if your David's brother, you're welcomed here."

7 And so to Jim and to Kenneth and to David, thank
8 you for allowing me the privilege of becoming part of the
9 TxDOT family.

10 Shortly after graduating college, I went to work
11 in the Bowie Area Office as was mentioned and was able to
12 work with a great man and a tremendous engineer, perhaps the
13 best engineer I've ever had the privilege or hon -- honor of
14 knowing. His name is Leland Jet. And Leland mentored me,
15 coached me, counselled me, and kicked me out the door,
16 saying, "Move on to bigger and better things as soon as you
17 can." And I will be forever indebted to Leland for
18 inspiring me, motivating me, and encouraging me.

19 I've had the honor of working for several district
20 engineers and several executive directors, each of them
21 unique and special in their own ways. And I will be forever
22 indebted to them for the opportunities that they gave me,
23 the skills that they allowed me to hone, and the
24 counselling, wisdom, and mentorship that they so graciously
25 offered me.

1 I would like to note a special appreciation to
2 Mike Behrens, our former Executive Director, for giving me
3 the privilege, honor, and opportunity to serve as a district
4 engineer in the Beaumont District. What a wonderful
5 blessing that was and it allowed me to learn and grow and
6 expand. To Amadeo Saenz, our former Executive Director, for
7 asking me to be a part of his administration. And for Phil
8 Wilson and General Weber for continuing to allow me that
9 opportunity as they moved into those positions of
10 leadership.

11 To the Commissions present and past thank you for
12 the privilege of working under your leadership. I know how
13 tirelessly you work and how little you are compensated for
14 that, except for the knowledge that you are doing great
15 things for the citizens of this great state. Your
16 leadership, your guidance, your support, your encouragement
17 has always been greatly appreciated.

18 To our partners within the industry; the
19 associated general contractors and all the contractors that
20 work with us; the consulting engineering firms who proudly
21 serve with us and support us; and our metropolitan planning
22 organization partners throughout this state; as well as
23 those communities; state representatives; senators; and
24 local elected officials, who give so much of themselves to
25 help guide the transportation system of this state, it has

1 been my privilege to work with you.

2 And lastly but certainly not least, to my family;
3 Sheryl, Lauren, and Rachel. They have sacrificed much, as
4 General Weber mentioned, to allow me to travel across this
5 state and nation on behalf of this Department and the
6 citizens of this state. You will never fully understand the
7 sacrifices that they made. And throughout it all, their
8 love, encouragement, and support has been unwavering; and
9 for that, I thank them.

10 Really though, it's -- it's all about the TxDOT
11 family and what they do for the people of Texas. From our
12 newest employees, like our Commission staff who has come to
13 work for us and only been on the job for a few days, to our
14 most seasoned employees, like Leonard Ocelot, who works for
15 you in the Construction Division, has been there for over 50
16 years serving the citizens of Texas. Their work is
17 impeccable. Their courage is tremendous. And their
18 contributions to this state are immeasurable.

19 I want this celebration to be about them because
20 all that they have accomplished have given me the
21 opportunity to stand before you. I do appreciate the
22 support and encouragement of the staff that I've had the
23 privilege of working directly with. Without them, none of
24 what I've been able to accomplish, I could've done.

25 And I think the most important thing I can say to

1 you today to put into a package just how tremendous this
2 TxDOT family is and what a privilege it is for people to
3 work for it is, if I could go back to the summer of 1980,
4 knowing everything I know and have the choice to do this all
5 again, I would every day. I would do it every day.

6 So to close, on behalf of a very grateful family,
7 my beautiful wife Sheryl and our two beautiful daughters,
8 Lauren and Rachel, we thank you because all that we've
9 enjoyed in life over these last 30 plus years are better
10 because of the opportunities we've had to be a part of the
11 TxDOT family.

12 I don't know what I will be doing. Contrary to
13 popular belief, I have not signed a contract with Texas A &
14 M University. Although, if they're willing to talk to me --
15 (Laughter.)

16 MR. BARTON: -- I'll be happy to do so. But I do
17 know that on September 1st, when I rise early in the morning
18 and am no longer a gainfully employed member of the TxDOT
19 family, I will do this, and I will do it every day as long
20 as I am allowed to live on this side of eternity, I will
21 pray for the well-being and safety of our employees,
22 contractors, colleagues, and partners here in Texas and
23 across this nation. I will pray for the wisdom, courage,
24 and thoughtful consideration of the policy issues that this
25 agency faces for this Commission. And I will pray for the

1 strong and courageous leadership, clarity of thought, and
2 devotion of our Executive Director General Weber and his
3 administration.

4 May God bless all of you very richly, as richly as
5 you have blessed me over these last several years. And may
6 the words in Numbers Chapter 6 that are written down for us
7 to learn from bring comfort to you as I close. And they
8 read as follows: May the Lord bless you and keep you. May
9 the Lord make his shace -- face to shine upon you and be
10 gracious unto you. May the Lord lift up his countenance
11 upon you and may he give you his peace.

12 May God bless you all and may God bless our
13 beloved state of Texas. Thank you.

14 (Applause.)

15 MR. BARTON: Thank you. That's enough of that.
16 That's enough of that. You -- you should really be clapping
17 for Leonard Ocelot. I don't know how anybody works for 50-
18 some odd years at the same place, but he's a great man.

19 MR. LEWIS: Thank you very much for your remarks,
20 John. I -- I know the Commissioners would want to have some
21 remarks as well. I believe that Commissioner Austin who
22 couldn't be here today was sending his re -- remarks by
23 video. Is that correct? Do we have that ready to -- we'll
24 start with that if that's ready. And then -- then we'll go
25 to the other Commissioners.

1 MR. AUSTIN (via video): Good morning, everyone.
2 I'm sorry I'm not able to be there with you, but I know
3 we're here to celebrate and make some comments for the one
4 most Reverend John Barton.

5 John, congratulations on a tremendous career. I
6 know we'll have the opportunity to visit by phone again.
7 But you have had a remarkable career, I know starting up in
8 different districts.

9 But as I was driving back last week from Colorado,
10 I passed by a sign that I know is near and dear to you. And
11 it wasn't a rest stop and it wasn't a U-turn. It was a sign
12 to Archer City. Wherever you end up, whether you're at home
13 or someplace else, you're going to make hell of an employee
14 for somebody. And I know you'll do your best and they'll be
15 happy to have you. And especially your family, to have you
16 back home.

17 During your career, you've had a lot of names.
18 You -- whether it's policeman, referee, politician, and also
19 a great parent. You've been a mentor to a many people that
20 you've helped their careers and they've gone onto higher and
21 successful things. But most of all, the projects, the
22 processes of the things that you have contributed to this
23 Department and this state. You've been the face behind a
24 lot of things, a lot of projects that people will never
25 know. I will be forever grateful to you for what you've

1 done in helping me as a Commissioner and also as a citizen.

2 That -- we had a good relationship before I joined
3 the RMA when you were in Tyler and before I joined the
4 Commission. And I remember after the hurricane, you'd just
5 had vacated the -- the Beaumont District to come to Austin.
6 Randy Redmond had to clean up your mess though, but I did
7 see you the day FEMA let the -- the residents back in on
8 Bolivar Peninsula. And I'll never forget, while we were in
9 the midst of tears, a shiny face with a big smile came over,
10 "Jeff, how are you doing?" And I really appreciate that,
11 that'll -- I'll -- that will be in my memory for -- for many
12 days.

13 And John, I know it's just a couple days before
14 you leave, but my prayer today is that -- I still have hope
15 that before you retire we will have one day without a death
16 in Texas on our highways. Good luck and congratulations and
17 thank you for everything you've done.

18 John, I did forget one other thing.

19 (Laughter.)

20 MR. LEWIS: I never seen --

21 MR. AUSTIN (via video): You know, when I
22 mentioned you've had a lot names that have been given to
23 you, but there's a former Legislator, she is now a Senator.
24 And I believe she had a name for you -- something -- the
25 rumor has it, fancy pants. Now I'm not going to ask where

1 that came from or what that stood for, but you -- I think
2 you know and some of your team knows.

3 Thank you, John, for everything that you've done.
4 And I hope before your career ends, you -- we can have one
5 more day or one day without a death on a Texas highway.
6 You've been a parent, a politician, a policeman, a referee,
7 and many other things, and a mentor to so many individuals,
8 not just in the Department but across the state. And when
9 you drive the miles and miles of Texas, your name has been
10 associated behind the scenes and in front, of helping put
11 this together and make Texas one of the greatest places to
12 live. Thank you, John and best wishes.

13 MR. LEWIS: All right. Thank you. I think -- I
14 know that the other Commissioners also have remarks to make.
15 And what we might do is we'll start with Commissioner Bugg,
16 Vice Chair Moseley, I'll make my remarks and then
17 Commissioner Vandergriff, if you'd close for us all. Okay,
18 Commissioner Bugg.

19 MR. BUGG: Well, John, this is kind of a tough
20 day. We've just served five months together. I've served
21 five months with you. You've served over 30 years. You
22 didn't tell everybody about when you were in Archer City,
23 you were picking up carcasses as your first job. You told
24 me that you asked for the job that nobody else would do.

25 And you have really mentored me. You have helped

1 me ramp up very quickly in the five months I've been here to
2 try to be prepared to do the job that Governor Abbot has
3 appointed me to do. And I will be eternally grateful to you
4 for your mentorship and -- and your constant support of
5 trying to help me ramp up and -- and get to my potential.
6 And it makes me think how many other people throughout your
7 30 year career you've mentored. And what a -- what a
8 meaningful life you have had here.

9 And few people have the ability to put a stamp on
10 the great transportation system we have in Texas that you
11 have had. And the people of the state of Texas, this
12 Commission and many people in this room, owe you a huge debt
13 of gratitude for you and all your 30 years of service at
14 TxDOT and to the state of Texas. And I wish Sheryl, you and
15 your family -- John, I want the very best for you and I
16 appreciate our friendship.

17 MR. BARTON: Thank you.

18 MR. BUGG: So I wish you all the very best.

19 MR. BARTON: Thank you, appreciate that.

20 MR. BUGG: Sincerely.

21 MR. LEWIS: Thank you, Commissioner Bugg. Vice
22 Chair Moseley.

23 MR. MOSELEY: John, I thank you for your statement
24 today. What a -- what a wonderful statement you made and
25 appreciate it so much. The close that you made on your

1 statement and I think the feelings were mutual that we wish
2 you and Sheryl the very best. And we -- our prayers go with
3 you and we know that God's got something wonderfully planned
4 your next chapter. But again, thank you for your tremendous
5 contributions to the State of Texas and to this Agency.

6 You're one of these individuals that can take a
7 complex task, perform it, and make it look it easy and so
8 people looking in go, "Boy, that -- that seemed kind of
9 effortless almost." But I don't know how you're able to do
10 so many complex tasks at the same time and you're always
11 there to help.

12 Whenever I had an inquiry or a question, you're
13 always very much available, responsive. And just again, I
14 knew you had maybe a hundred different things going, but at
15 the time, I just felt like you were giving me the undivided
16 at -- attention and the best advice you could possibly give.
17 And so I always appreciated the fact that you were always
18 there to assist and to help. And I know that you did that
19 with everybody throughout the Agency so it wasn't just me.

20 But that -- that record of service, that real
21 personal touch that General Weber talked about. I
22 appreciated the fact that you were here to serve at all
23 capacities of -- of TxDOT.

24 Commissioner Vandergriff in this kind of visioning
25 we were talking yesterday, you know the word clouds that are

1 so useful to get a sense of priorities, there's a word cloud
2 that -- that surrounds you as you kind of walk in and out
3 and maneuver. And I just started jotting down -- course I
4 think of you as "the happy road warrior". I mean, you're
5 there to go into the fight. As Commissioner Austin said,
6 you've got a smile on your face, but you're ready to go in.
7 Everybody knows you're there full-heart, full-armor. You're
8 ready to take on the task and get the job accomplished.

9 But other words; hard work. My goodness, as
10 Commissioner Bugg described, there's nobody that really
11 comes more ready to go in and -- and work hard to make a job
12 successful. Stewardship, excellence, trust, service,
13 honesty, kindness, integrity, ethical. And then we talked
14 about that you really are the heart and the passion behind
15 this topic of safety.

16 And I know that you personalize and carry this --
17 this challenge that we face, where we've enjoyed as an
18 Agency becoming one of the safest DOTs in America, if not
19 the safest. And yet our highway system, we still see so
20 many deaths and crashes, probably as many as 10 747'S of
21 Texans may die this year. And you've been really leading
22 that whole question about what can we do and how can we
23 better serve Texans. And so I thank you for raising our
24 awareness and never, ever letting us forget that this really
25 is a core value of our agency. As much as we deliver

1 mobility, yes, we also provide safer highways.

2 So God bless you and keep you. Thank you again,
3 for your tremendous service. Sheryl, thank you for your
4 contributions and, no, we'll never know everything that you
5 and your family have also contributed to allow John to serve
6 us, but we thank you for that. And I know John has already
7 told me, he's going to enjoy drinking coffee with his mother
8 in Archer City. And so we -- we know you've got a lot fun
9 things in front of you as you go forward. God bless you and
10 thank you again so much from the bottom of our heart.

11 MR. LEWIS: Thank you, Vice Chair Moseley. John,
12 it's now my time to say what I can to commemorate your
13 service and your help to me personally. I listened to the
14 safety lecture very closely because I wanted to see if it
15 covered John Barton's retiring and these walls are going to
16 start crumbling. And where will we go when these -- when
17 this thing start cracking and this building starts
18 imploding, which -- which exit do we run to first?

19 I was talking to Commissioner Bugg yesterday and I
20 said, "You know, I haven't cried since I was a boy and I had
21 watched Tommy Coates have to shoot Ole Yeller," you know in
22 the movies --

23 (Laughter.)

24 MR. LEWIS: -- but -- but this might be it. Out
25 of absolute appreciation for what you have -- have done to

1 me and meant to me. You mentioned how much -- the great
2 duties there are of being on the Commission and with very
3 little compensation. It -- it -- it is -- there are
4 enormous sacrificings in being on this Commission and I
5 appreciate all -- all the Commissioners are doing.

6 But quite frankly, if the only reward I got was
7 being able to meet you to see what public service really
8 ought to look like and service to an organization, taking
9 care of people really ought to look like because -- because
10 you have a -- a gift and a calling to do it, then it was
11 worth every -- every minute of it. So I want to thank you
12 for that and with those remarks, I'd like Commissioner
13 Vandergriff.

14 MR. VANDERGRIFF: Thank you, Chairman. I -- I get
15 the honor I guess of being the last voice off of the
16 Commission. And I can't tell you how pleased and privileged
17 I am to be able to do that.

18 I first met John -- many -- many of you know in my
19 background with the North Texas Tollway Authority and with
20 the Texas Department of Motor Vehicles. All of that started
21 really in 2007 and then proceeding nicely into 2008. And we
22 were ordered to what I would call at NTTA binding
23 arbitration with TxDOT by powers higher than us to work out
24 our differences.

25 And it was quite a challenge to say the least.

1 Endless meetings between staff and board leaderships,
2 Commission leaderships that were fairly tumultuous to say
3 the least. And then at the same time, was working on this -
4 - this concept of -- of basically succession from TxDOT in
5 the Motor Vehicle Divisions. And I'll be honest with you,
6 was feeling really good about the way things were working in
7 one sense on the DMV side and in the other sense stalemated
8 at NTTA but thinking that our side was smarter, better, and
9 more capable than TxDOT's because they had a hard time
10 communicating. They had a hard time delivering.

11 And in walks John Barton in to that morass of --
12 of insanity. And my first thought was actually, "Oh, crap.
13 They finally brought somebody in that is an A-team player."
14 And I've had the privilege in my life of being in -- I -- I
15 -- I can't even tell you how many hundreds of building
16 things, selling things, buying things, negotiations c --
17 complex and small. And I'd seen A-team players and they're
18 few and far between.

19 And now I was faced with one sitting across the
20 desk, but I also came to understand a different definition
21 of what an A-team player was as I listened to him be
22 engaged. And it was not to defeat the other side or prevent
23 good things from happening or partnerships. It was to take
24 care of the task he'd been assigned, which was to find
25 consensus and make things happen, turn lemonade -- or turn

1 lemons into lemonades if you will. And I watched him do
2 that time and time again when I was on the other side of an
3 issue or an opportunity.

4 And then I got the privilege of being named to
5 this Commission a couple of years ago and had the chance to
6 work with him. And there have been many accolades, all true
7 acclaims all today that have been said, but I guess there's
8 -- there's probably five quick thoughts that -- that I got a
9 chance to see.

10 He took care of all of you, all of us, past and
11 present, and laid the groundwork for men and women of TxDOT
12 in the future, Commissioners of the future. He made things
13 exc -- go exceptionally well for all of us. There was
14 always a phrase, "Go ask John Barton" when in doubt. And
15 that -- that is a -- a testimony to your -- not only your
16 memory but your ability. It was also all about TxDOT's
17 family. TxDOT's family included us as Commissioners. You
18 could tell every day he bled TxDOT blood.

19 He will be missed, big shoes to fill. Shoes that,
20 quite frankly, in the way he wore them probably not
21 fillable. But he touched all of your lives in here to such
22 a degree that I know that you will close ranks and make good
23 things continue to happen for TxDOT and for Texas. He will
24 be appreciated. Certainly for me and for all of us in this
25 room, he made a lot of hopes and dreams become a reality.

1 As I said, a lot of lemons been made into lemonade.

2 And for me personally, simply put, and I've had
3 the privilege of seeing and being with a lot of people, he
4 was the -- is the finest, best, most capable public servant
5 in every sense of the word that I've had the pleasure and
6 privilege of serving with. My hat's off to you. It's been
7 an honor. It's been a privilege. And more importantly, I
8 can call you my friend.

9 MR. BARTON: Thank you.

10 MR. VANDERGRIFF: So with that, I do want to tell
11 you that I failed you.

12 (Laughter.)

13 MR. VANDERGRIFF: We have a -- we have a -- we
14 have a gift for you. And I trusted my good friends at
15 Justin Industries to get it to me on time. They did not,
16 but we have some boots from the Commission that I want to
17 have the privilege of giving you a picture of anyway.

18 (Laughter.)

19 MR. VANDERGRIFF: But I promise you, we will get
20 them within a few weeks. And these butts -- boots are Don't
21 Mess with Texas, nice ostrich boots that I think will fit
22 the bill for a man whose shoes are too big to fill. But we
23 will carry on, move forward, and you'll -- got a big set of
24 boots.

25 MR. BARTON: Thank you, thank you.

1 (Applause.)

2 MR. LEWIS: If we might, I'd like Director Obr and
3 John, if you all would both please stand together. And
4 let's all give you one last standing applause.

5 (Applause.)

6 MR. LEWIS: We'll have a -- a brief pause in the
7 proceedings while we have our pictures taken with our
8 honorees today and then we'll get back on the agenda.

9 (Whereupon, photographs were taken.)

10 All right. Everyone please take your seat. We're
11 ready to start back with the agenda again. All right.
12 Thank you. We're ready to go to the next agenda item.
13 General, over to you.

14 GENERAL WEBER: Thank you, Chairman. Next up is
15 Item 4, appointment to the Grand Parkway Association.
16 Director of Transportation Planning and Program --
17 Programming James Koch will present.

18 MR. KOCH: Thank you, Chairman Lewis and General
19 Weber, for giving me the dubious honor of following John
20 Barton's retirement speech, but as you've indicated, we will
21 per -- persev -- persevere and we will move on.

22 So with that, Good morning, Mr. Chairman,
23 Commission members, and General Weber. For the record, my
24 name is James Koch Director of the Transportation Planning
25 and Programming Division for TxDOT. Item number 4 will

1 provide an overview of the proposed August updates to the
2 Grand Parkway Association.

3 This minute order appoints a member to the Grand
4 Parkway Association's board of directors. Section 15.85 of
5 Texas Administrative Code states in part that the Commission
6 will review an individual's application, financial
7 statement, and letters of reference and may appoint members
8 of the corporation's board of directors.

9 Victor R. Pierson of Galveston is being nominated
10 for a six-year term to the board. He has submitted the
11 required information to the Department. Based upon the
12 review and consideration of all information filed with the
13 Commission and based upon the board's recommendation, it
14 appears that the nominee is fully eligible and qualified to
15 serve as a member of the board. Staff recommends your
16 approval of Mr. Victor R. Pierson to the Grand Parkway
17 Association -- Association's board of directors with his term
18 expiring on August 27th, 2021.

19 MR. LEWIS: Commissioners, are there any questions
20 for Mr. Koch regarding this matter?

21 (No audible response.)

22 MR. LEWIS: If not, then we'll take -- take this
23 matter up. Commissioner Vandergriff, do you move to appoint
24 Vincent Pierson -- pardon me, Victor Pierson as the -- to
25 the Grand Parkway Association board of directors in

1 accordance with the recommendation?

2 MR. VANDERGRIFF: So moved.

3 MR. LEWIS: I should get that name, Victor, right
4 at least, shouldn't I? Yeah. Okay. And Commissioner Bugg,
5 do you second that motion?

6 MR. BUGG: I second that motion.

7 MR. LEWIS: We have a motion and a second. If
8 there's no discussion, we'll proceed to the vote. All in
9 favor, say "aye."

10 (Chorus of "Ayes")

11 MR. LEWIS: Any opposed, "no."

12 (No audible response.)

13 MR. LEWIS: And I -- I don't not believe that --
14 that Mr. Pierson's here today. Is that --

15 MR. KOCH: That is correct, sir.

16 MR. LEWIS: Okay. Thank you. All right. Thank
17 you very much.

18 GENERAL WEBER: Director Koch, would please
19 continue with Item 5, our Unified Transportation Plan?

20 MR. KOCH: Okay. For the record again, my name is
21 James Koch, Transportation Planning and Programming Division
22 Director for TxDOT. Item 5 will provide an overview of the
23 proposed August updates to the UTP Program.

24 This minute order provides the 2016 Unified
25 Transportation Program, including the project selection

1 process and authorizes funding for each of the 12 categories
2 for Fiscal Years 2016 through 2025. The UTP maintains
3 fiscal constraint based on the September, 2014 financial
4 forecast, plus the addition of Proposition 1 funding for
5 Fiscal Year 2016 and 2017.

6 Also included for informational purposes are the
7 aviation capital improvement program, public transportation
8 programs, rail projects, and the maritime program. This
9 minute order also serves as the Commission's identification
10 and justification of certain variances from established
11 federal aid formulas. The UTP is the 10-year transportation
12 planning document that guides and is intended to control
13 project development efforts for the Department.

14 The UTP contains all of the Department's
15 construction funding categories to enhance the
16 transportation system in accordance with the Department's
17 goals and outlines the various project selection methods
18 that apply to each category. The Commission has adopted
19 rules located in Title 43 Texas Administrative Code Chapter
20 16 governing the planning and development of transportation
21 projects, which include guidance regarding public
22 involvement related to the project selection process and the
23 development of the UTP. These rules require the Commission
24 to adopt the UTP not later than August 31st of each year.

25 In accordance with the rules, the Department

1 conducted a public meeting across the state via WebEx on
2 July 16th, 2015 and a public hearing on August 6th, 2015 to
3 receive comments and testimony concerning the development of
4 the 2016 UTP and the project selection process. Over 160
5 participants attended the public meeting. TxDOT received a
6 total of nine public comments within the 30 day comment
7 period. Five were general comments pertaining to TAP and
8 TAP flex funding for transportation alternatives. Three
9 were specific to local projects which were addressed from
10 the responsible TxDOT district. And the final comment
11 requested specific information on the UTP development and
12 scoring procedures.

13 Approval of the 2016 UTP is necessary in order to
14 continue project planning and development for Fiscal Year
15 2016 and beyond. In addition, approval of the 2016 UTP will
16 allow MPOs, districts, and divisions to move forward with
17 STIP and TIP planning, review, and approval. The 2016 UTP
18 supersedes the 2015 UTP for Fiscal Years 2016 through 2024.
19 Projects previously approved in the 2015 UTP are still
20 authorized and can be let during the timeline of the 2016
21 UTP, but fiscal constraint of the 2016 UTP and current
22 financial forecast must be maintained. If a project from
23 the 2015 UTP carries forward and is let in the 2016 UTP
24 period, a like project may be delayed from the 2016 UTP in
25 order to maintain fiscal constraint.

1 Projects that have been authorized by previous
2 Legislative action or prior actions of the Commission are
3 still approved and their inclusion in the UTP in no way
4 modifies that prior approval. The remaining funding levels
5 and projects listed for aviation, public transportation,
6 rail, and state waterways and coastal waters are authorized
7 by separate minute orders and this UTP does not supersede
8 those prior actions. Staff recommends approval. And I will
9 take any questions at this time.

10 MR. LEWIS: Thank you, Director Koch.
11 Commissioners, are there any -- Commissioner Bugg, do you
12 have --

13 MR. BUGG: I was going to make a motion to
14 approve.

15 MR. LEWIS: Let me ask this. Before I take
16 seconds, is there -- are there any questions of Director
17 Koch or any comments? We don't have any comment cards, do
18 we?

19 (No audible response.)

20 MR. LEWIS: Okay, then we have a motion by
21 Commissioner Bugg. We have a second?

22 MR. MOSELEY: Second, Chairman.

23 MR. LEWIS: All right. We have a motion and a
24 second by Vice Chair Moseley. Motion by Commissioner Bugg.
25 If there are no other comments or -- we'll get -- proceed to

1 the vote. All in favor, say "aye."

2 (Chorus of "Ayes")

3 MR. LEWIS: Any opposed, "no."

4 (No audible response.)

5 MR. LEWIS: Carries unanimously. Thank you,
6 Director.

7 MR. KOCH: Thank you, sir.

8 MR. LEWIS: General.

9 GENERAL WEBER: Next is Item 6, our Aviation
10 Advisory Committee appointment. Our Aviation Division
11 Director Dave Fulton will present.

12 MR. FULTON: Thank you, General Weber, Chairman
13 Lewis, Commissioners. For the record, my name's Dave Fulton
14 Director of TxDOT's Aviation Division.

15 This minute order is to appoint Mr. Jim Schwertner
16 of Austin and to reappoint Mr. John White of San Antonio to
17 three-year terms on the Texas Aviation Advisory Committee.
18 Both meet the statutory requirements for service on the
19 committee. We would recommend the approval of this minute
20 order.

21 MR. VANDERGRIFF: So moved.

22 MR. LEWIS: Than -- thank you, Director Fulton.
23 We have a motion. But let me -- let me first take up -- we
24 actually have -- I believe one of our proposed members is
25 here. And Mr. Schwertner, would you please come up. We

1 have a -- a comment card from you, but if you'll go ahead
2 and state your name. And any comments you'd like to make on
3 this item.

4 MR. SCHWERTNER: Thank you, Mr. Chairman,
5 Commissioners, General Weber, Ms. Carter, and Dave Fulton,
6 distinguished guests. It's a real honor to be here today
7 before you and thank you for your consideration to be on the
8 Texas Aviation Advisory Board.

9 You know, I've been flying in Texas for 50 years.
10 And I can tell you without the support of the Commissions
11 and Dave Fulton, aviation in Texas wouldn't be as great as
12 it is today. When I started flying as a young aviator in
13 the '60s, the airports were in shambles in Texas and because
14 of the leadership of the Commission and Dave Fulton for the
15 past 23 years, we have the best airport system on the planet
16 thanks to you.

17 I look forward to working with you and help
18 advising you on the future of the needs and demands of this
19 great state of Texas. And all the aviators of Texas who I
20 will represent is also advising you on the direction we need
21 to go.

22 Also, I would like to thank the Commissioners for
23 your bold initiative over a year and a half ago for
24 supporting privatized and paying for the privatization of
25 all the control towers in Texas when the Obama

1 Administration decided to sequester the funds for all
2 private control towers in the United States of America.
3 Because of your bold initiative, places like College
4 Station, Texas; Georgetown, Texas; New Braunfels; et cetera
5 were able to stay open.

6 Within two weeks of your initiative to fund over
7 \$20,000,000 for one full year to -- to support the
8 privatization of control towers, the Obama Administration
9 blinked. I commend you. And I thank you very much for your
10 consideration.

11 MR. LEWIS: Thank you. Le -- le -- let me -- any
12 questions of Mr. Schwertner or comments? I -- I would like
13 to say, Jim, thank you very much for serving. I'm always
14 very impressed with the quality of the citizenry who will
15 come forward and serve on these advisory boards and -- and
16 especially the Aviation Advisory board. Thank you for your
17 leadership in that area.

18 MR. FULTON: Chairman Lewis, could I make another
19 comment please?

20 MR. LEWIS: Yes, sir, please do.

21 MR. FULTON: Mr. White planned to be here today as
22 well. Mr. White's the Valero Energy Vice President of
23 Corporate Aviation. He called me Tuesday and said a
24 scheduling conflict had arisen with his boss the CEO and he
25 could not be here. He wanted to express as -- as well, his

1 appreciation of you considering him for an additional term.
2 Thank you.

3 MR. LEWIS: Well, we -- we've reviewed -- we've
4 reviewed I think the -- the information that you've provided
5 to us with regard to these -- these fine members. And Vice
6 Chair Moseley, do you have a motion to approve the
7 recommendation --

8 MR. MOSELEY: So moved, Chairman.

9 MR. LEWIS: -- and Mr. Vandergriff, do you second?

10 MR. VANDERGRIFF: Second.

11 MR. LEWIS: We have a motion and a second. If
12 there's no further discussion, then all in favor of the
13 motion, please say "aye."

14 (Chorus of "Ayes")

15 MR. LEWIS: Any opposed, "no."

16 (No audible response.)

17 MR. LEWIS: The motion carries unanimously. Thank
18 you, Director.

19 GENERAL WEBER: Dave, would you please consider
20 with -- continue with Item 7(a), our Aviation Capital
21 Improvement Program.

22 MR. FULTON: Certainly. 7(a) is a minute order to
23 request approval of the aviation capital improvement -- plan
24 for 2016 through '18. TxDOT is required by Section 21.109
25 of the Transportation Code to prepare and update annually a

1 multi-year aviation facilities capital improvement program,
2 a plan for general aviation airport development in Texas.
3 The FY 2016-18 plan includes approximately \$238,000,000 of
4 general aviation airport improvement projects. Over the
5 three year period, this represents projected funding of
6 approximately \$148,000,000 in federal funding; 54,000,000 in
7 state; and 36,000,000 in local contributions.

8 I'd like to point out that approval of the CIP
9 does not commit any funding as all projects recommended for
10 grants must be presented individually to the Commission for
11 approval at the appropriate time. A copy of the draft CIP
12 was posted on TxDOT aviation's website for review and
13 comment. No substantive comments were received.

14 The Texas Aviation Advisory Committee approved the
15 plan during their meeting on August 14th of this year. We
16 would recommend approval of the FY 16-18 aviation capital
17 improvement plan.

18 MR. LEWIS: Commissioners, any questions or
19 comments with regard to Director Fulton?

20 (No audible response.)

21 MR. LEWIS: If not, Commissioner Bugg, do you move
22 approval of the staff's recommendation to approve the
23 Aviation Capital Improvement Program?

24 MR. BUGG: I so move.

25 MR. LEWIS: And Commissioner Vandergriff, do you

1 second?

2 MR. VANDERGRIFF: I second.

3 MR. LEWIS: We have a motion and second. If
4 there's no further comment, we'll proceed to the vote. All
5 in favor, say "aye."

6 (Chorus of "Ayes")

7 MR. LEWIS: Any opposed, "no."

8 (No audible response.)

9 MR. LEWIS: It is unanimous and passes.

10 MR. FULTON: Item 7(b) is a minute order for the
11 purpose of continuation of the Routine Airport Maintenance
12 Program for Fiscal Year 2016. The program allows the
13 Department to match local funds for airport maintenance and
14 small capital improvement work items on a 50/50 basis up to
15 an approved amount in state funds. No changes in the
16 program are recommended for the coming year. A public
17 hearing was held on July 31st; no comments were received.
18 We would recommend approval of this minute order.

19 MR. LEWIS: Are there any questions or comments
20 with regard to Director Fulton on this -- on th -- on this
21 matter?

22 MR. MOSELEY: So moved, Chairman.

23 MR. LEWIS: If not, we have a motion by Vice Chair
24 Moseley to approve the staff recommendation for approval of
25 the Routine Airport Maintenance Program. Commissioner Bugg,

1 do you second?

2 MR. BUGG: Yes, sir.

3 MR. LEWIS: We have motion and a second. If
4 there's no further comments, we'll proceed to a vote. All
5 in favor, say "aye."

6 (Chorus of "Ayes")

7 MR. LEWIS: Any opposed, "no."

8 (No audible response.)

9 MR. LEWIS: It is -- carries unanimously and
10 therefore is approved.

11 MR. FULTON: Item(c) is a minute order containing
12 a request for grant funding approval for ten airport
13 improvement projects. The total estimated cost of all
14 requests as shown in the Exhibit A, is approximately \$4.6
15 million dollars: 700,000 in federal funding; 3.3 million in
16 state funding; and 600,000 in local funding. A public he --
17 hearing was held on July 31st; no comments were received.
18 We would recommend approval of this minute order as well.

19 MR. LEWIS: Commissioners, any questions on -- on
20 this matter? If not, Commissioner Bugg, do you move
21 approval of the staff recommendation to award federal and
22 state grant funding for airport improvement projects at the
23 locations mentioned in accordance with their recommendation?

24 MR. BUGG: So moved, Mr. Chairman.

25 MR. LEWIS: All right. Thank you Mr. -- And then

1 Commissioner Vandergriff, do you second?

2 MR. VANDERGRIFF: I second.

3 MR. LEWIS: We have a motion and a second. If no
4 further comments are made, then we'll proceed to a vote.

5 All in favor, say "aye."

6 (Chorus of "Ayes")

7 MR. LEWIS: Any opposed, "no."

8 (No audible response.)

9 MR. LEWIS: The motion carries unanimously.

10 MR. FULTON: Thank you.

11 MR. LEWIS: Thank you, Director.

12 GENERAL WEBER: Thanks, Dave. Next is Item 8(a),
13 award of our transportation development credits. Our Public
14 Transportation Division Director Eric Gleason will present.

15 MR. GLEASON: Good morning. Thank you, General
16 Weber, Chairman Lewis, members of the Commission. For the
17 record, I'm Eric Gleason TxDOT Director of Public
18 Transportation. Agenda Item 8(a), awards transportation
19 development credits to the El Paso Metropolitan Planning
20 Organization, the City of Lubbock, and VIA Metropolitan
21 Transit in San Antonio for use as local match for eligible
22 federally funded capital projects as described in Exhibit A.
23 The El Paso MPO and VIA are requesting just over 204,000
24 transportation development credits to assist in their
25 administration of Federal Transit Administration's Section

1 5310 Program funds for projects enhancing the mobility of
2 seniors and individuals with disabilities. TDCs will be
3 used as match for fleet, fleet maintenance, and procurement
4 of IT equipment. The City of Lubbock will use approximately
5 204,000 TDCs as match for fleet procurement purposes,
6 helping to replace aging vehicles used in the provision of
7 Americans with Disability Act complementary paratransit
8 services. Staff recommends your approval of this minute
9 order.

10 MR. LEWIS: Are there any questions of Director
11 Gleason with regard to this matter?

12 (No audible response.)

13 MR. LEWIS: If there are not or other comments,
14 then I would ask of Vice Chair Moseley, do you --

15 MR. MOSELEY: So moved, Chairman.

16 MR. LEWIS: -- move to -- in accordance with staff
17 recommendation to award the transportation development
18 credit as described? And Commissioner Vandergriff, do you
19 second?

20 MR. VANDERGRIFF: I second.

21 MR. LEWIS: And we have a motion and a second. If
22 there are no -- nothing further, then we'll proceed to a
23 vote. All in favor, say "aye."

24 (Chorus of "Ayes")

25 MR. LEWIS: Any opposed, "no."

1 (No audible response.)

2 MR. LEWIS: It carries unanimously. Thank you.

3 GENERAL WEBER: Next is Item 8(b), award of our
4 federal 5311 funds. Eric, please continue.

5 MR GLEASON: Item 8(b) awards \$500,000 in the
6 Federal Transit Administration's Section 5311 Rural Program
7 funds to the City of Galveston for fleet maintenance
8 purposes. This award implements a decision by the Houston/
9 Galveston Area Council in 2013 to approve federal highway
10 Surface Transportation Metropolitan Mobility funding to the
11 city and is included in the approved statewide
12 transportation improvement program. The transfer of
13 eligible federal highway funds to FTA programs is permitted
14 by federal statute. TxDOT's administers FTA's Rural Area
15 Grant Program, and the City of Galveston is the sub-
16 recipient of that program. Staff recommends your approval
17 of this minute order.

18 MR. LEWIS: Are there any questions of Director
19 Gleason with regard to this matter?

20 (No audible response.)

21 MR. LEWIS: If not, Commissioner Vandergriff, do
22 you move that we award the Surface Transportation Program
23 Metropolitan Mobility funds as -- in this Item -- as
24 described in this Item in accordance with the staff's
25 recommendation?

1 MR. VANDERGRIFF: Yes, sir.

2 MR. LEWIS: And Commissioner Bugg, do you second?

3 MR. BUGG: I so move.

4 MR. LEWIS: We have a motion and a second. If
5 there are no further comments, then I'll call for a vote.
6 All in favor of the motion, please say "aye."

7 (Chorus of "Ayes")

8 MR. LEWIS: Any opposed, "no."

9 (No audible response.)

10 MR. LEWIS: It is unanimously carried. Thank you.

11 GENERAL WEBER: Please continue with Item 8(c),
12 award of our transportation development credits to the Alamo
13 Area Council of Governments.

14 MR. GLEASON: Thank you. Agenda Item 8(c) awards
15 up to 427,000 transportation development credits to the
16 Alamo Area Council of Governments for use as match for their
17 federally funded Commute Solutions Program. Development
18 credits will be used as match supporting program activities
19 through 2022 and continue an ongoing effort by the
20 Department to support this program. The Commute Solutions
21 Program supports the goals of both the Alamo Area MPO and
22 TxDOT by relieving congestion through the promotion of
23 carpooling and other alternatives to single occupancy
24 vehicular travel.

25 Started in 1993, the program is also an important

1 element of the region's efforts to improve air quality. The
2 region routinely uses Surface Transportation Program
3 Metropolitan Mobility's funding for the Commute Solutions
4 Program. Staff recommends your approval of this minute
5 order.

6 MR. LEWIS: Are there any questions of Director
7 Gleason with regard to this matter? If not, then
8 Commissioner Bugg, do you move that we award the
9 transportation development credits for the Alamo Area
10 Commute Solutions Program as described in Item 8(c) in
11 accordance with the staff recommendation?

12 MR. BUGG: So moved, Mr. Chairman.

13 MR. LEWIS: Vice Chair Moseley, do you second?

14 MR. MOSELEY: I sure do, Chairman.

15 MR. LEWIS: All right. We have a motion and a
16 second. All in favor, say "aye."

17 (Chorus of "Ayes")

18 MR. LEWIS: Any opposed, "no."

19 (No audible response.)

20 MR. LEWIS: The motion carries unanimously. Thank
21 you, Director.

22 MR. GLEASON: Thank you.

23 GENERAL WEBER: Next is Item 9(a), proposed
24 adoption of amendments to Chapter 1, Management. Chief of
25 Staff Rich McMonagle will present. Chief.

1 MR. MCMONAGLE: Thank you, General Weber. Good
2 morning, Chairman Lewis and Commissioners. My name is Rich
3 McMonagle and I'm the Chief of Staff. The minute order
4 before you proposes the adoption of amendments on duration
5 of statutory and department advisory committees. At a
6 minimum of every two years the Commission reviews the need
7 for the continuance of advisory committees. The rules
8 currently provide that each of these committees is abolished
9 on December 31st of 2015. Staff recommends that the sunset
10 dates of these statutory and department advisory committees
11 be extended to December 31st of 2017, subject to your
12 questions that is.

13 MR. LEWIS: Do you have any questions of Chief of
14 Staff.

15 (No audible response.)

16 MR. LEWIS: If not, Vice Chair Moseley, do you
17 move approval?

18 MR. MOSELEY: I so move, Chairman.

19 MR. LEWIS: And Commi -- and Commissioner
20 Vandergriff, do you second that motion?

21 MR. VANDERGRIFF: I second.

22 MR. LEWIS: All right. We have a motion to
23 approve the proposal of amendments to the sections concerned
24 in this item number in accordance with the staff
25 recommendation. We have a second to that motion. If

1 there's no further discussion, we'll proceed to a vote. All
2 in favor, please say, "aye."

3 (Chorus of "Ayes")

4 MR. LEWIS: Any opposed, "no."

5 (No audible response.)

6 MR. LEWIS: The motion carries unanimously. Thank
7 you, sir.

8 GENERAL WEBER: Thanks, Chief. Next is Item 9(b),
9 proposed amendments to Chapter 25, Traffic Operations. Our
10 Director of Traffic Operations Carol Rawson will present.

11 MS. RAWSON: Good morning, Commissioners and
12 General Weber. I'm Carol Rawson, Director of the Traffic
13 Operations Division. The minute order before you proposes
14 amendments to our existing rules concerning the memorial
15 designation of roadways on the state highway system. These
16 proposed amendments to 25.9 update the statutory citation
17 and reflect Department practice for local entities to
18 designate memorial highways under Transportation Code
19 Chapter 225.

20 The changes outline the procedure for the
21 application and approval process for assigning memorial
22 designations or other identifying designations to any part
23 or parts of the highway system. The amendments al -- also
24 clarify requirements for statutorily authorized memorial
25 designations in terms applying to the designation of

1 historical routes.

2 Recent requests have indicated that local
3 governments would benefit from more detail on the
4 requirements for approval of memorial designated highways
5 which provide the guidance necessary to improve memorial
6 designation requests. With your approval we will post these
7 proposed amendments to the Texas Register for public
8 comment. Staff recommends approval of this minute order.

9 MR. LEWIS: Are there any questions at this time?

10 (No audible response.)

11 MR. LEWIS: If not -- let's see -- Commissioner
12 Vandergriff, do you move to approve the proposal of
13 amendments to Section 25.9 in accordance with the staff's
14 recommendation?

15 MR. VANDERGRIFF: I do.

16 MR. LEWIS: And Commissioner Bugg, do you second?

17 MR. BUGG: Second.

18 MR. LEWIS: Well, we have a motion and a second.
19 If there's no further discussion, we'll proceed to a vote.
20 All in favor, say "aye."

21 (Chorus of "Ayes")

22 MR. LEWIS: Any opposed, "no."

23 (No audible response.)

24 MR. LEWIS: Thank you very much. It carries.

25 GENERAL WEBER: Carol, please continue with Item

1 9(c).

2 MS. RAWSON: Once --

3 GENERAL WEBER: Item 9(c) are proposed amendments
4 to Chapter 25, Traffic Operations.

5 MS. RAWSON: Once again, for the record, I'm Carol
6 Rawson, Director of the Traffic Operations Divi -- Division.
7 The minute order before you proposes changes to our existing
8 rules concerning restrictions on use of state highways.
9 These proposed amendments add new Section 25.605 and amend
10 existing 25.601 and 25.602 to implement newly enacted House
11 Bill 3 -- 3225 regarding lane restrictions for commercial
12 motor vehicles in construction or maintenance work zones.
13 Construction or maintenance work zones can be challenging
14 for drivers to maneuver with many distractions due to signs,
15 equipment, workers, and other factors. Commercial motor
16 vehicles travelling through work zones increase these
17 challenges, especially when these larger vehicles frequently
18 change lanes.

19 In 2014, commercial motor vehicles were involved
20 in 9.4 percent of all crashes on the state highway system.
21 Commercial motor vehicles were involved in 16.2 percent of
22 crashes in work zones on the state highway system during the
23 same time period. Many commercial motor vehicle crashes
24 could be avoided if commercial motor vehicle were only --
25 were using only certain lanes in construction or maintenance

1 work zones when there are at least two lanes available.
2 These changes implement House Bill 3225 regarding lane
3 restrictions for commercial motor vehicles in construction
4 or maintenance work zones. With your approval, we will post
5 these proposed amendments to the Texas Register for public
6 comment. Staff recommends approval of this minute order.

7 MR. LEWIS: Commissioner -- pardon me. Are there
8 any questions of Director Rawson at this time? If not,
9 Commissioner Bugg, do you move that we approve the proposal
10 of amendments to Section 25.601 and 602 and adopt the new
11 25.605 in accordance with the staff's recommendations?

12 MR. BUGG: So moved.

13 MR. LEWIS: And Vice Chair Moseley, do you second?

14 MR. MOSELEY: Yes, sir.

15 MR. LEWIS: Well, we have a motion to second. If
16 there are no other comments or questions, we'll proceed to a
17 vote. All in favor, please say, "aye."

18 (Chorus of "Ayes")

19 MR. LEWIS: Any opposed, say "no."

20 (No audible response.)

21 MR. LEWIS: It's unanimously carried. Thank you.

22 MR. MOSELEY: Chairman, I would just add related
23 to the topic of safety, General Weber's asked Bill Hale and
24 Carol Rawson of course provides support. And -- and Carol's
25 done an exceptional, outstanding job of being that strong

1 support to that -- to that effort. So she's got outstanding
2 data and information she brings into our proceedings. I
3 just wanted to say thank you, Carol.

4 MS. RAWSON: Thank you kindly.

5 MR. LEWIS: And thank you from all of us for that
6 effort. Thank you. General.

7 GENERAL WEBER: Next is Item 10, Compliance Office
8 Report. And Director of Compliance Office Kristin Alexander
9 will present.

10 MS. ALEXANDER: Good morning, General Weber,
11 Chairman, Commissioners. For the record, I am Kristin
12 Alexander Director of the Compliance Office for the Texas
13 Department of Transportation. The purpose of this report is
14 to provide a summary of information related to
15 investigations for the month of July, 2015 in accordance
16 with Texas Transportation Code Sections 201.452 and 201.454.
17 During July, nine allegations were assigned for
18 investigation. Five investigations were closed during the
19 month and three of those were substantiated. No further
20 actions are recommended at this time.

21 MR. LEWIS: General.

22 GENERAL WEBER: Next is Item 11. Our Chief
23 Financial Officer James Bass will present the Department's
24 2016 Budget. James.

25 MR. BASS: Good morning. Again, I'm James Bass

1 Chief Financial Officer at the Texas Department of
2 Transportation. This minute order would adopt the
3 Department's Fiscal Year 2016 Cash Budget of just over
4 \$12,000,000,000 in accordance and in agreement with the
5 Appropriations Act passed by the Legislature. In addition
6 to that, it would authorize the Executive Director to
7 administer this Cash Budget in the most feasible and
8 economical manner within the guidelines prescribed by the
9 84th Legislature. Happy to answer any questions and staff
10 would recommend your approval.

11 MR. LEWIS: Are there any que -- questions, Mr.
12 Bass at this time or any other comments with regard to the
13 budget?

14 (No audible response.)

15 MR. LEWIS: Then if not, Vice Chair Moseley, do
16 you move that we approve the Fiscal Year 2016 Op -- Budget
17 for the Operations Department in accordance with the staff
18 recommendations?

19 MR. MOSELEY: So moved.

20 MR. LEWIS: And Commissioner Vandergriff, do you
21 second that motion?

22 MR. VANDERGRIFF: I second.

23 MR. LEWIS: All right. We have a motion and a
24 second. If there are no further comments, we'll proceed to
25 a vote. All in favor, please say, "aye."

1 (Chorus of "Ayes")

2 MR. LEWIS: Any opposed, "no."

3 (No audible response.)

4 MR. LEWIS: All right. It's unanimously adopted.
5 And thank you and your staff for the very hard work to get
6 this good information to us.

7 MR. BASS: You're welcome. Thank you.

8 MR. LEWIS: Thank you. General.

9 GENERAL WEBER: Next is Item 12, delegation of
10 signature authority. Director of Contract Services Ken
11 Stewart will present.

12 MR. STEWART: Good morning, General Weber,
13 Commissioner Lewis, Commission. Staff brings before you
14 today a proposed delegation of authority for \$1,000,000
15 contracts to the Executive Director. This is implementing a
16 Section of SB20 that reserves to the Commission the
17 authority to sign purchase of good -- purchase of goods and
18 services agreements to the Commission but expressly allows
19 delegation to the Executive Director. Staff does recommend
20 adoption. Be glad to answer any questions.

21 MR. LEWIS: Are there any questions of Director
22 Stewart with regard to this matter? If there are none and
23 no other comments, then let's -- I'll accept a motion.
24 Commissioner Vandergriff, do you move that we approve the
25 delegation of contract approval and signature authority in

1 accordance to the recommendations?

2 MR. VANDERGRIFF: So moved.

3 MR. LEWIS: We have that motion. Commissioner
4 Bugg, do you second?

5 MR. BUGG: I second.

6 MR. LEWIS: All right. We have a motion and a
7 second. Being no other discussion, I'll call for the vote.
8 All in favor of the motion, please say "aye."

9 (Chorus of "Ayes")

10 MR. LEWIS: Any opposed, "no."

11 (No audible response.)

12 MR. LEWIS: The motion carries unanimously. Thank
13 you, Director Stewart.

14 MR. STEWART: Thank you.

15 GENERAL WEBER: Next is Item 13, a request for
16 proposals for State Highway 249. Our Central South Texas
17 Strategic Projects Officer Director Frank Holzmann will
18 present. Frank.

19 MR. HOLZMANN: Good morning, Chairman,
20 Commissioners, and General Weber. My name is Frank
21 Holzmann. I'm director for the Central -- South Texas --
22 Sou -- South Central Texas Strategic Projects Office
23 presenting on behalf of Katie Niece Director of the
24 Strategic Projects Division. Item 13 authorizes the
25 issuance of request for proposals, RFP, to develop, design,

1 construct, and maintain the State Highway 249 extension from
2 FM 1774 in Pinehurst, Texas to State Highway 105 here in
3 Navasota, Texas in Grimes and Montgomery Counties.

4 This item also authorizes the Department to pay
5 each proposer who submits a responsive but unsuccessful
6 proposal an amount based on the value of the work product up
7 to a maximum amount per proposer of 0.25 percent for all
8 work under the design-build agreement as stipulated by the
9 law for design-build contracts procured under Transportation
10 Code Chapter 223 Subchapter F. And this has an es -- is
11 estimated to be approximately \$1,025,000.

12 Finally, in the event the procurement is cancelled
13 prior to the contract execution, this item also authorizes
14 the Department to pay each short-listed proposer a partial
15 stipend based upon the value of the work product up to
16 maximum amount per proposer of \$359,000. This is
17 approximately 35 percent of the recommended value of the
18 work product.

19 Additionally on April 30th, 2015, minute order
20 114242, the Department was authorized to issue a request for
21 qualification or an RFQ for that State Highway 249
22 extension. And the RFQ was issued on May 15th, 2015. Five
23 of the seven teams submitted qualification statements were
24 determined to be the best qualified to be on the short-list
25 of teams and will be requested to submit detailed proposals.

1 Those teams are summarizes in attachment A to the cover for
2 -- were provided to you.

3 With the approval of this minute order, the next
4 steps including a final RFP in fall of 2015 and conditional
5 award anticipated for spring of 2016. Staff is here to
6 answer any questions and recommend acceptance of this minute
7 order.

8 MR. LEWIS: Thank you. Commissioners, are there
9 any questions of Director Holzmann at this time?

10 (No audible response.)

11 MR. LEWIS: We do have some comment cards for --
12 to come forward before the Commission. But if there are no
13 further questions of Director Holzmann, then if you'll just
14 have a seat and wait on us. We may have questions later.
15 We do have a couple of comment cards. The first we have is
16 Amy Nobles. Ms. Nobles, if you'd please come forward, come
17 up to the dais there, and after stating your name and who
18 you're here representing, whether yourself or -- or some
19 group, state that, and then give us the benefit of your
20 remarks.

21 MS. NOBLES: Wonderful.

22 MR. LEWIS: Thank you, ma'am.

23 MS NOBLES: All right. Commissioners and General
24 Weber, thank you for giving us the opportunity to speak
25 today. My name is Amy Nobles. And as part of the continued

1 discussion on the Tollway Project, my husband Chad and I are
2 here to speak on behalf of our family and property owners
3 directly affected by this section of the 249 tollway through
4 Grimes County and the County Road 307 area.

5 There is so much that I'd like to share with you
6 today, but in only three minutes, I will do my best to
7 summarize the frustration and disappointment we have
8 experienced in this process. We are asking for you to get
9 involved in the decision-making process that will determine
10 the route taken in this area.

11 Over the past five months, we have worked with the
12 Bryan TxDOT Office, specifically Lance Simmons and Chad
13 Bohne, trying to come to a reasonable route solution that
14 would mitigate the impact to permanent residents along this
15 route. While we appreciate the difficulty of the decision
16 and that no one is excited to have their property taken
17 away, there must be a matrix used to determine the amount of
18 damage done to a family in the process of taking away their
19 land.

20 TxDOT has shared with us on many occasions that
21 specific criteria is considered when selecting a route. At
22 the top of this list are avoiding homes, avoiding the best
23 section of large tracts of land, and avoiding cemeteries.
24 This however, does not seem to be the line to -- seem to
25 line up with the latest routes that have been presented to

1 us. A compromise of a route was proposed to us in June that
2 would take a large section of our property, but it would
3 stay on the southern-most property line, avoiding all
4 permanent homes, and not dividing large tracts of land.

5 However, in August, we were presented a new route
6 and told that were -- had been much push back to the
7 property owners along that June suggested route. The push
8 back to the southern route proposed in June can only be
9 coming from land owners who don't -- not make their
10 permanent home on County Road 307. They own small tracts
11 without structures and newly pur -- purchased properties
12 with unaffected second homes. While they are stakeholders
13 to be considered in the process, the value of their stake
14 should be weighed much lower than land owners with permanent
15 homes.

16 The families in this area with permanent homes
17 have the most to lose and TxDOT continues to propose routes
18 that take the most away from these families. Somehow, we
19 are not being heard and there seems to be an overwhelming
20 lack of common sense being applied in this process. It has
21 also been stated to us that it is not personal. But it is.
22 There are lifetime residents of Grimes County that will be
23 heartbroken that TxDOT is taking away their property; home;
24 retirement; dream; and in the case of our family, Robert and
25 Sandra Nobles, their life savings and legacy for their

1 grandchildren.

2 At the beginning of this meeting today, you
3 honored two men for their sacrifice and hard work and you
4 recognized the importance of their family and the
5 significance of the TxDOT family. Hard work, sacrifice, and
6 family are the very things our family has at stake. Our
7 family is losing property on all routes, but we are asking
8 that you not divide our property. And you not choose a
9 route that goes by six permanent homes belonging to
10 residents of Grimes County.

11 MR. LEWIS: Thank you. Just -- just if --if you'd
12 -- just a moment Ms. Nobles. Any questions of Ms. Nobles?
13 If --if you would just succinctly tell me how -- how the
14 route that is -- that is being proposed that you object to,
15 how it affects the land that you've got and how it affects
16 your home.

17 MS. NOBLES: Well, I can tell you a little bit.
18 Chad, my husband, also will speak --

19 MR. LEWIS: Okay.

20 MS. NOBLES: -- and has a map. It might be easier
21 --

22 MR. LEWIS: Do you want him to cover --

23 MS. NOBLES: That -- that will probably be easier
24 for you to understand and see.

25 MR. LEWIS: Okay. Then we'll -- then we'll ask

1 him -- very clever to dump it on Chad. But good work.

2 MS. NOBLES: We have a plan.

3 MR. LEWIS: Okay. Thank you very much. We do
4 have a -- a request to appear card from Chad Nobles. Mr.
5 Nobles, if you'd come forward please, sir. And -- and
6 discuss the items as you have it, plus answer that question.
7 And state your name first before you start.

8 MR. NOBLES: I wanted to hand you -- I actually
9 have a map for all of you.

10 MR. LEWIS: Okay. Thank you.

11 MR. NOBLES: In the map is also some signatures of
12 the stakeholders in the area that we're referring to so --

13 MR. LEWIS: Thank you.

14 MR. NOBLES: Again, my name is Chad Nobles. I do
15 appreciate the time that I have been given here today. I --
16 if you recall, I was here probably back in April. I brought
17 my kids along. They were very happy that they didn't have
18 to show up today so --

19 MR. LEWIS: Yes.

20 MR. NOBLES: But I want to kind of talk to you
21 today specifically about the area in Grimes County. You
22 just heard from my wife that we've spent a lot of time and
23 effort on this actual -- how it personally affects us.
24 There are many permanent homes in the area that we want to
25 talk about today. And we really want to talk about how it

1 feels like for some reason we're not being heard. And
2 asking for you today to get personally involved in this
3 because our lives are personally affected. And we want to
4 talk through that.

5 I have a map which I've actually given to you
6 today. But as you can see from here, we mentioned several
7 things. One, the area here in green is a property owned by
8 National Oilwell Varco, who has basically stated that they
9 have no problem with TxDOT coming through their property.
10 The area with the yellow dots are all permanent homes with
11 people living in them every single day. Here's County Road
12 307, which actually comes off of 306 and dead ends right
13 here.

14 The one thing I do want to mention, this home
15 here, unfortunately was a permanent home up until last month
16 -- or excuse me -- the end of June, Mr. Joe Kanoff passed
17 away in the month -- the end of the month of June. But he
18 lived there permanently on his residence.

19 The blue dots that you see here are weekend homes.
20 This one way out here on the right -- or the left-hand -- or
21 the right side of the map here, is actually a tract of land
22 that is formed by this area right here. That gentleman just
23 purchased that property less than nine months ago. It is a
24 weekend place. Associated with that, he is one of the
25 individuals that we have not been able to get in contact

1 with. The red dots represent large barns or structures
2 associated with these properties. My family's property is
3 associated here, along with my father's property that is
4 associated with this large tract directly in the center.

5 The most important thing I want to present to you
6 is the area outlined here in white are all the stakeholders
7 who you have letters stating they would prefer this southern
8 route. This southern route is the route that they would
9 prefer. So it's hard for us to kind of understand why we
10 continue -- we were originally shown this route. We then
11 had the orange route come through after we showed the south
12 route. And now, just this week, we're shown a green route.
13 So we have three routes that concentrate right through the
14 heart of everything associated with this.

15 So as you can see, over 90 percent of the
16 stakeholders in this area -- these are small tracts of land
17 all owned by a single individual. One landowner who we
18 would assume would probably oppose this, but the idea here
19 is everybody else is saying we want this southern route. So
20 if you look at the map and as my wife says, we use common
21 sense, we take into account what the stakeholders are
22 saying, we take into account what TxDOT has told us, which
23 is avoiding homesteads, then you would have to make sense to
24 choose this route.

25 What we're asking of you is to put yourselves in

1 the lives of these people on their home. And by the way, if
2 you recall, that's the end of a dirt road. These people
3 have a quiet neighborhood or actually land. There are no
4 cars now. There are no lights, no traffic signals. It's
5 very peaceful and they chose to live down the end of the
6 dirt road. You are drastically going to impact us all and
7 affect our lives.

8 So again, all we're asking -- and my light is
9 blinking here -- that you get personally involved, do what
10 the stakeholders -- the majority of the stakeholders want
11 and choose -- or direct your Bryan TxDOT Office to choose
12 this southern most route. And with that, I appreciate it
13 and thank you for my three minutes.

14 MR. LEWIS: Thank you, Mr. Nobles. Any questions
15 to Mr. Nobles at this time?

16 (No audible response.)

17 MR. LEWIS: Then thank you very much for coming
18 forward and addressing the Commission. Do you -- I'm sorry.
19 I'm sorry, Commissioner Bugg. I didn't see you.

20 MR. BUGG: I -- I do have a question but not
21 necessarily of Mr. Nobles. But I --

22 MR. LEWIS: Director Holzmann?

23 MR. BUGG: Yes. I'd like to --

24 MR. LEWIS: Okay. Let's get Director Holzmann.

25 If you'll come back -- come back up. If you'll come back up

1 to the dais. And I think we have some questions for you
2 about -- sort of what part -- where we are on the project.

3 MR. BUGG: Well, very simply, my question is what
4 is the -- the rationale not to take this southern leg that
5 the Nobles are asking you to consider? There must be a
6 thoughtful response to that.

7 MR. HOLZMANN: Defer to Mr. Zapalac.

8 MR. LEWIS: Thank you. Please state your name and
9 what your title is.

10 MR. ZAPALAC: Thank you, Chairman. Russell
11 Zapalac, Chief Planning and Projects Officer.

12 MR. LEWIS: All right. And did you hear the
13 question and ready to respond to it?

14 MR. ZAPALAC: Yes, sir. Commissioner Bugg, we've
15 -- we've been looking at a number of routes as the Nobles
16 indicated. We've been working for the last three to four
17 months trying to -- to pick a way through that area to
18 disrupt as few parcels and as few people as possible. Part
19 of the process has been going through and -- and if we move
20 the alignment, we're -- from an environmental perspective,
21 we can't move it so that it impacts another landowner; that
22 that landowner is not willing to accept those impacts. So
23 we've been meeting with all the landowners. And we're --
24 again, we're continuing to work through that process. We're
25 continuing to try to find the least disruptive path for the

1 -- for the corridor. So we're not done yet. We're still
2 working on it.

3 MR. BUGG: I guess my question, Russell, is the --
4 the southern-most route, you're saying that you cannot do
5 that because of --

6 MR. ZAPALAC: Well, we -- we do have a landowner
7 on that route. And I think Mr. Nobles indicated that they
8 had not been in contact with that landowner. We have
9 numerous times and that landowner is adamantly opposed to
10 that route so -- so -- we're --

11 MR. BUGG: So that's the reasoning why we can't
12 look at that southern --

13 MR. ZAPALAC: So we're -- we're -- again, we're
14 still working, trying to -- to get through there and trying
15 to find a solution that's amenable to all parties.

16 MR. BUGG: Okay. Okay. Thank you.

17 MR. LEWIS: Any other -- Commissioner Vandergriff?

18 MR. VANDERGRIFF: So are -- when we have a request
19 for proposals out, are they going to be looking at different
20 routes or are we asking them to make a proposal on a
21 specific route?

22 MR. ZAPALAC: Typically, the way we do this
23 because the request for proposals, there's -- there's a --
24 an extended time period as they prepare their proposals for
25 the design-build contract, we'll work with them. And we'll

1 match up at the end of the environmental process the final
2 alignment and such. And give them time to adjust their
3 proposals accordingly.

4 MR. VANDERGRIFF: So translated, does that mean
5 they will be looking at -- that they won't have a final
6 alignment? They'll be looking at various options so you're
7 continuing to work with the homeowners?

8 MR. ZAPALAC: Yes, sir. Until the environmental
9 documents are approved, there's not a final alignment.

10 MR. VANDERGRIFF: 'Cause it --it does seem like
11 that southern route affects less people. I don't know if
12 that means from engineering perspective, it's more difficult
13 or it is more challenging in terms of the twists and turns
14 of a road but -- so you're still looking at that?

15 MR. ZAPALAC: We're -- we're still working --
16 looking at it, still working with the -- the -- the property
17 owners down there and trying to, like I said, find a
18 solution that impacts as few of people as possible.

19 MR. VANDERGRIFF: So if we -- if we re -- approve
20 a request for proposals, what you're going at, we still
21 would have an opportunity coming back to understand --

22 MR. ZAPALAC: Yes, sir. And -- and --

23 MR. VANDERGRIFF: Okay.

24 MR. ZAPALAC: -- the --

25 MR. VANDERGRIFF: Or potentially vote against it,

1 for instance we didn't like that alignment?

2 MR. ZAPALAC: Yes, sir. The -- the proposals is
3 running a separate tract from the environmental document.

4 MR. VANDERGRIFF: Okay.

5 MR. LEWIS: Any other -- any other questions? Or
6 comments? Either questions for Russell or Mr. Holzmann?
7 Thank you for coming forward.

8 MR. MOSELEY: Chairman, I would just add that I
9 appreciate the Nobles coming today to give us input. And I
10 appreciate what our team's doing to try to go through this.
11 I've -- I think -- my sense is the letters might be new
12 information that we received. I'm -- I -- so maybe that's
13 some other information for us to work off of.

14 MR. LEWIS: All right. Thank you. Any other --
15 any other comments? Do we have a motion to authorize the
16 Department to issue the request for proposals? Commissioner
17 Vandergriff.

18 MR. VANDERGRIFF: I would so move with -- certainly
19 with the understanding that it will come back to us on the
20 final alignment.

21 MR. LEWIS: Okay.

22 MR. VANDERGRIFF: So --

23 MR. LEWIS: And Commissioner Bugg, you second --

24 MR. BUGG: I second that with the same stipulation
25 that was made in the motion by Commissioner Vandergriff.

1 MR. LEWIS: All right. We have a motion to
2 authorize the Department to issue the request for proposals
3 for the development, design, and construction, and
4 maintenance of the SH-249 extension, understanding that the
5 -- the final routing and other matters will be brought back
6 to the Commission at a later time. We have a motion and a
7 second for that. If there's no other discussion, then we'll
8 proceed to vote. All in favor, say "aye."

9 (Chorus of "Ayes")

10 MR. LEWIS: Any opposed, "no."

11 (No audible response.)

12 MR. LEWIS: Motion carries unanimously. Thank
13 you.

14 GENERAL WEBER: Item 14(a) consists of the
15 awarding of contracts for maintenance and department
16 building construction contracts. Deputy Director of
17 Construction Darren Hazlett will present.

18 MR. LEWIS: Darren.

19 MR. HAZLETT: Good morning. For the record, I'm
20 Darren Hazlett Deputy Director of the Construction Division.
21 Item 4(a) -- 14(a) is for the consideration of the award or
22 rejection of highway maintenance and department building
23 contrac -- construction contracts let on August the 4th and
24 5th of 2015. We present 21 projects today. The average
25 number of bids per project was 2.38. The low-bid value is

1 \$29,968,889.99. We had an overall under run of 3.53
2 percent.

3 Staff recommends award of all maintenance
4 projects, except the following two projects which are being
5 recommended for rejection. We present Tarrant County
6 project RMC 628908001 for guard rail installation and
7 repair. And Kimball County project RMC 628921001 for metal
8 beam guard fence repair and upgrade. On both projects, the
9 low bidder was the same contractor and we have recently
10 suspended and debarred due to default on an El Paso project
11 092400086 for substandard work. We request that both
12 projects be rejected and relet at a later date.

13 MR. LEWIS: All right. Thank you. Are there any
14 questions of the Deputy Director Hazlett at this time?

15 (No audible response.)

16 MR. LEWIS: Do we have any comment cards with
17 regard to that?

18 (No audible response.)

19 MR. LEWIS: All right. And if there are no
20 further questions or discussion, then I'd ask Commissioner
21 Bugg, do you move to approve to award the highway
22 maintenance and department building and construction
23 contracts in accordance with the staff's recommendation,
24 award those that they recommend that awarding and reject
25 those that they recommend rejecting?

1 MR. BUGG: So moved.

2 (Laughter.)

3 MR. LEWIS: I don't know how I ever got through
4 that. Vice Chair Moseley, do you second?

5 MR. MOSELEY: Second that motion.

6 (Laughter.)

7 MR. LEWIS: Okay.

8 MR. BUGG: Not going to tangle with that one.

9 MR. LEWIS: We -- we -- we have -- I think we have
10 a motion and a -- and a second and therefore, we'll proceed
11 to vote if there's no other discussion. All in favor, say
12 "aye."

13 (Chorus of "Ayes")

14 MR. LEWIS: Any opposed, "no."

15 (No audible response.)

16 MR. LEWIS: All right. Thank you. The motion
17 carries unanimously.

18 GENERAL WEBER: Darren, please proceed with Item
19 14(b), construction contracts.

20 MR. HAZLETT: Thank you. Item 14(b) is for the
21 consideration of the award or rejection of highway and
22 transportation enhancements building construction contracts
23 let on August 4th and 5th of 2015. We present 95 projects
24 today. The average number of bids per project was 3.04.
25 The low-bid value was \$554,730,682.30. The awards are split

1 as ten projects in mobility totaling \$130,735,409.68 and 85
2 projects in preservation totaling \$423,995,272.62. We had
3 an overall under run of 0.43 percent. Staff recommends
4 award of all construction projects, except for the following
5 four projects which are being recommended for rejection.

6 First, we present Harris County project NH
7 1502604. We received one bid for this project, which came
8 in at 46.80 percent or \$801,417.85 over the engineers'
9 estimate, which was 1 -- \$1,712,571.76. This project is for
10 landscape development at various locations on SH-146 in
11 Harris County. Due to the lack of competition and extreme
12 pricing on various major items, the District requests that
13 the single bid be rejected in order for their project to be
14 re-evaluated and relet at a later date. We concur with this
15 plan of action.

16 Second, we present Johnson County project STP
17 1502547 HES. We received two bids for this project. The
18 low bidder came in at 63.74 percent or \$3,664,843.36 over
19 the engineers' estimate, which was \$5,751,085.54. This
20 project is for widening in FM 1902. We received extreme
21 high prices on various major items. And the District
22 requests that all bids be rejected in order for the project
23 to be re-evaluated and relet at a later date. We concur
24 with this plan of action.

25 Third, we present Johnson County project STP

1 1502548 HES. We received three bids for this project. The
2 low bidder came in at 53.09 percent or \$1,370,515.76 over
3 the engineers' estimate, which was \$2,581,291.34. This
4 project is for widening FM 917. Due to the extremely high
5 prices on various major items, the District requests that
6 all bids be rejected and the project be re-evaluated and
7 relet at a later date. We concur with this plan of action.

8 And finally we present Hays County project STP
9 2013285 MM. We received one bid for this project which came
10 in at 90.81 percent or \$655,688 over the engineers'
11 estimate, which was \$722,076.25. This project is for
12 constru -- constructing sidewalks and bike lanes on RM 150
13 and on FM 2770. The funding for the design and construction
14 for this project is provided by a local entity with
15 dedicated funding from CAMPO. The low bid amount received
16 exceeds the allotted funding by the 90.81 percent. The
17 local entity does not have the means to fund the overage and
18 have requested that the project not be awarded. In addition
19 to the lack of funding for the overage, the District takes
20 into consideration the lack of adequate competition and
21 requests that the project be relet -- re -- rejected and
22 relet at a later date. We concur with this plan. Thank
23 you.

24 MR. LEWIS: If are any questions of -- are there
25 any questions of Deputy Director Hazlett at this time

1 regarding these matters?

2 (No audible response.)

3 MR. LEWIS: Then we have a staff recommendation to
4 award all contracts except the four of which have been
5 specified here. And let's see -- Vice Chair Moseley, do you
6 move that we act in accordance with the staff's
7 recommendation?

8 MR. MOSELEY: So moved.

9 MR. LEWIS: And Commissioner Vandergriff, do you
10 second?

11 MR. VANDERGRIFF: Second.

12 MR. LEWIS: We have a motion and a second. Any
13 discussion? If not, we'll proceed to a vote. All in favor,
14 say "aye."

15 (Chorus of "Ayes")

16 MR. LEWIS: Any opposed, "no."

17 (No audible response.)

18 MR. LEWIS: The motion carried. Thank you --

19 MR. HAZLETT: Thank you.

20 MR. LEWIS: -- Deputy Director.

21 GENERAL WEBER: This brings us to Item 15, the
22 eminent domain proceedings. Director of Right of Way John
23 Campbell will present.

24 MR. CAMPBELL: Good morning. For the record, my
25 name John Campbell Director of the Right of Way Division.

1 I'd like to present for your consideration this morning Item
2 15 which authorizes the filing of condemnation proceedings
3 necessary to progress the acquisition of 40 parcels by
4 exercise of eminent domain on 14 right of way projects.
5 Thirty-three of the parcels are on non-controlled facilities
6 and seven of the parcels are on controlled facilities.
7 Staff recommends your approval.

8 MR. LEWIS: Commissioner Bugg, do you have --
9 well, let me first say, any -- are there any questions of
10 Director Campbell and if not, we'll proceed to a motion from
11 Commissioner Bugg.

12 MR. BUGG: Mr. Chairman, it would be my honor to
13 make a motion to move that the Texas Transportation
14 Commission authorizes the Texas Department of Transportation
15 to use the power of eminent domain to acquire the properties
16 described in the minute order set forth in the agenda of the
17 current month for construction, reconstruction, maintenance,
18 widening, straightening, or extending the highway facilities
19 listed in the minute order as a part of the state highway
20 system and that the first record vote applies to all units
21 of property to be condemned.

22 MR. LEWIS: All right. We have that well-stated
23 motion from Commissioner Bugg. If there's no discussion --
24 further discussion, then Commissioner Vandergriff, do you
25 second that motion?

1 MR. VANDERGRIFF: I do.

2 MR. LEWIS: All right. We have a motion and a
3 second, no further discussion. We'll proceed to a vote.
4 All in favor, say "aye."

5 (Chorus of "Ayes")

6 MR. LEWIS: Any opposed, "no."

7 (No audible response.)

8 MR. LEWIS: All right. Motion carries
9 unanimously.

10 MR. CAMPBELL: Thank you.

11 GENERAL WEBER: Item 16 contains the routine
12 minute orders including donations to the Department, real
13 estate donations and dispositions, finance, debt management,
14 and speed zones.

15 MR. LEWIS: Commissioners, are there any questions
16 considering the routine minute orders which are before us?

17 (No audible response.)

18 MR. LEWIS: If not, then Commissioner Vandergriff,
19 do you move that -- to approve the routine minute orders
20 including donations to the Department, real estate
21 donations, dispositions, finance, debt management, and speed
22 zones?

23 MR. VANDERGRIFF: So moved.

24 MR. LEWIS: Vice Chair Moseley, do you second?

25 MR. MOSELEY: Second, Chairman.

1 MR. LEWIS: All right. We have a motion and a
2 second. If there's no further discussion, all in favor, say
3 "aye."

4 (Chorus of "Ayes")

5 MR. LEWIS: Any opposed, "no."

6 (No audible response.)

7 MR. LEWIS: There are -- the motion carries
8 unanimously. There are no -- no requests to go into
9 executive session today. I believe that's all of the -- all
10 of the agenda items have been completed. Do we have any
11 requests for open comment?

12 (No audible response.)

13 MR. LEWIS: We have no requests for open comment.
14 Commissioners, is there any other business to come before
15 the Commission?

16 (No audible response.)

17 MR. LEWIS: If not, Vice Chair Moseley, do you
18 move that we adjourn?

19 MR. MOSELEY: So moved, Chairman.

20 MR. LEWIS: And Commissioner Vandergriff, do you
21 second?

22 MR. VANDERGRIFF: Second.

23 MR. LEWIS: All right. Okay. Then all in favor
24 of adjournment, please say "aye."

25 (Chorus of "Ayes")

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MR. LEWIS: Any opposed, "no."

(No audible response.)

MR. LEWIS: The motion carries. It's -- and we
are in adjournment at 11:19 a.m.

(Meeting adjourned at 11:19 a.m.)

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C E R T I F I C A T E

I, Kimberly C. McCright, CET, certified electronic transcriber, do hereby certify that the foregoing pages 1 through 105 constitute a full, true, and accurate transcript from electronic recording of the proceedings had in the foregoing matter.

DATED this 1st day of September, 2015.



Kimberly C. McCright, CET
Certified Electronic Transcriber